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WHO: The Office of the Federal Register.

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

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

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

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 1540

Emergency Relief From Duty-Free Imports of Perishable Products From Certain Andean Countries

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The interim rule establishes the procedure by which an entity representative of a U.S. industry producing perishable products can submit a request to the United States Department of Agriculture (USDA) for emergency relief from increased, injurious imports of like perishable products entering the United States duty-free from beneficiary countries under the Andean Trade Preference Act.

DATES: Interim rule effective March 25, 1993. Comments must be received on or before April 26, 1993.

ADDRESSES: Mail comments to Director, Import Policies and Trade Analysis Division, Foreign Agricultural Service, U.S. Department of Agriculture, room 5531, South Building, 14th and Independence Avenue SW., Washington, DC 20205. All comments received will be available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Diana Wanamaker, Group Leader for Import Policies, Import Policies and Trade Analysis Division, U.S. Department of Agriculture, Washington, DC 20250. Tel: (202) 720–1330.

SUPPLEMENTARY INFORMATION:

Background

The Andean Trade Preference Act, title II of Public Law 102–182, 105 Stat. 1236 (19 U.S.C. 3201 *et seq.*) (the "Act") provides for duty-free treatment for imports of eligible articles from beneficiary countries designated by Presidential Proclamation. The countries eligible for designation are Bolivia, Ecuador, Colombia, and Peru.

Section 204(e) of the Act provides, in part, that if a petition is filed with the United States International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974, as amended, regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted by the President.

Under the interim rule, a U.S. entity seeking emergency relief would submit a request to the Administrator, Foreign Agricultural Service, USDA, providing such information as is necessary to permit the Secretary of Agriculture to make a determination whether to recommend to the President to take emergency action. The request should identify the perishable product concerned and its country of origin; show that increased imports of such perishable product are the substantial cause of serious injury, or the threat of serious injury, to the domestic industry producing a perishable product like or directly competitive with the imported product; and provide a statement indicating why emergency action would be warranted.

The public is invited to submit comments and suggestions regarding the interim rule to the above address. Each person submitting comments and suggestions regarding the interim rule should include his/her name and address and should give reasons for suggested changes.

Regulatory Requirements

This interim rule has been reviewed under USDA procedures required by Executive Order 12291 and Department Regulation 1512–1 and has been classified as "not major" since the interim rule, if made final, would not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individuals, industries, Federal, State or local governments or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete in domestic or export markets.

The Administrator, Foreign Agricultural Service, USDA, certifies that this interim rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Its effect is to provide to a U.S. industry producing perishable products the opportunity to seek interim relief from imports during such time as its request under section 201 of the Trade Act of 1974, as amended, is under consideration by the United States International Trade Commission. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The public is invited to comment on the impact of this proposed rule on small entities.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

The paperwork requirements imposed by this rule will not become effective until they have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980. Such approval has been requested and is under consideration.

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with state and local officials.

List of Subjects in 7 CFR Part 1540

Agricultural commodities, Imports, International agricultural trade.

In accordance with the above, 7 CFR chapter XV is amended by adding the following new subpart C-Emergency Relief From Duty-Free Imports of Perishable Products From Certain Andean Countries to part 1540—International Agricultural Trade which reads as follows:

PART 1540—INTERNATIONAL AGRICULTURAL TRADE

Subpart C—Emergency Relief From Duty-Free Imports of Perishable Products From Certain Andean Countries

Sec.
1540.40 Applicability of subpart.
1540.41 Definitions.
1540.42 Who may file request.
1540.43 Contents of request.
1540.44 Submission of recommendations by the Secretary of Agriculture.
1540.45 Information.

Authority: Title II, sec. 204(e), Pub. L. 102–182, 105 Stat. 1239 (19 U.S.C. 3203(e)); 5 U.S.C. 301.

Cross Reference: For United States International Trade Commission regulations on investigations of import injury and the rules pertaining to the filing of a section 201 petition, see 19 CFR part 206.

Subpart C—Emergency Relief From Duty-Free Imports of Perishable Products From Certain Andean Countries

§ 1540.40 Applicability of subpart.

This subpart applies to requests for emergency relief from duty-free imports of perishable products filed with the Department of Agriculture under section 204(e) of the Andean Trade Preference Act, title II of Public Law 102–182, 105 Stat. 1236 (19 U.S.C. 3201 *et seq.*) (the "Act").

§ 1540.41 Definitions.

(a) *Perishable product* means:

(1) Live plants and fresh cut flowers provided for in chapter 6 of the Harmonized Tariff Schedule (HTS);

(2) Fresh or chilled vegetables provided in heading 0701 through 0709 (except subheading 0709.52.00) and heading 0714 of the HTS;

(3) Fresh fruit provided for in subheadings 0804.20 through 0810.90 (except citrons of subheadings 0805.90.00, tamarinds and kiwi fruit of subheading 0810.90.20, and cashew apples, mameyes colorados, sapodillas, soursops and sweetsops of subheading 0810.90.40) of the HTS; or

(4) Concentrated citrus fruit juice provided for in subheadings 2009.11.00, 2009.19.40, 2009.20.40, 2009.30.20, and 2009.30.60 of the HTS.

(b) *Beneficiary country* means any country listed in subsection 203(b)(1) of the Act with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of the Act.

§ 1540.42 Who may file request.

A request under this subpart may be filed by an entity, including a firm, or group of workers, trade association, or certified or recognized union which is representative of a domestic industry producing a perishable product like or directly competitive with a perishable product that such entity claims is being imported into the United States duty-free under the provisions of the Act from a beneficiary country(ies) in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to such domestic industry.

§ 1540.43 Contents of request.

(a) A request for emergency action under section 204(e) of the Act shall be submitted in duplicate to the Administrator, Foreign Agricultural Service, United States Department of Agriculture, Washington, DC 20250. Such request shall be supported by appropriate information and data and shall include to the extent possible:

(1) A description of the imported perishable product(s) allegedly causing, or threatening to cause, serious injury;

(2) The beneficiary country(ies) of origin of the allegedly injurious imports;

(3) Data showing that the perishable product allegedly causing, or threatening to cause, serious injury is being imported from the designated beneficiary country(ies) in increased quantities as compared with imports of the same product from the designated beneficiary country(ies) during a previous representative period of time (including a statement of why the period used should be considered to be representative);

(4) Evidence of serious injury or threat thereof to the domestic industry substantially caused by the increased quantities of imports of the product from the beneficiary country(ies); and

(5) A statement indicating why emergency action would be warranted under section 204(e) of the Act (including all available evidence that the injury caused by the increased quantities of imports from the beneficiary country(ies) would be relieved by the suspension of duty-free treatment accorded under the Act).

(b) A copy of the petition and the supporting evidence filed with the United States International Trade Commission under Section 201 of the Trade Act of 1974, as amended, must be provided with the request for emergency action.

§ 1505.44 Submission of recommendations by the Secretary of Agriculture.

If the Secretary has reason to believe that the perishable product(s) which is the subject of a petition under § 1504.43 of this subpart is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported perishable product and that emergency action is warranted, the Secretary, within 14 days after the filing of the petition under § 1540.43 of this subpart, shall recommend to the President that the President take emergency action. If the Secretary determines not to recommend the imposition of emergency action, the Secretary within 14 days after the filing of the petition shall publish a notice of such determination and so advise the petitioner.

§ 1540.45 Information.

Persons desiring information from the Department of Agriculture regarding the Department's implementation of section 204(e) of the Act should address such inquiries to the Administrator, Foreign Agricultural Service, United States Department of Agriculture, Washington, DC 20250. Issued at Washington, DC this 19th day of March, 1993.

Charles J. O'Mara,

Acting Under Secretary, International Affairs and Commodity Programs.

[FR Doc. 93–6862 Filed 3–24–93; 8:45 am]

BILLING CODE 3410–10–M

FARM CREDIT ADMINISTRATION

12 CFR Parts 607 and 618

RIN 3052–AB19

Assessment and Apportionment of Administrative Expenses; General Provisions; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final regulation under parts 607 and 618 on February 23, 1993 (58 FR 10939). The final regulation amends 12 CFR parts 607 and 618 to prescribe the method by which the assessments that are required to pay the FCA's annual administrative expenses are apportioned among and paid by Farm Credit System institutions and other entities that are required to pay such expenses. In accordance with 12 U.S.C. 2252, the effective date of the

final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is March 25, 1993.

EFFECTIVE DATE: The regulation amending 12 CFR parts 607 and 618, published on February 23, 1993 (58 FR 10939) is effective March 25, 1993.

FOR FURTHER INFORMATION CONTACT:
Robert S. Child, Policy Analyst, Regulation Development Division, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498,

or

William L. Larsen, Senior Attorney, Regulatory Operations Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

(12 U.S.C. 2252(a)(9) and (10))

Dated: March 22, 1993.

Nan P. Mitchem,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 93–6852 Filed 3–24–93; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–162–AD; Amendment 39–8512; AD 93–05–07]

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, that requires a one-time visual inspection to determine if proper clearance exists between the overwing emergency exit door liners and adjacent sidewall linings, and adjustment or modification, if necessary. This amendment is prompted by an investigation conducted by the manufacturer, which revealed that insufficient clearances could exist to create a potential riding condition between the overwing emergency exit door liner and the adjacent sidewall lining. The actions specified by this AD are intended to prevent such a riding condition, which could hinder the opening of the overwing emergency exit door in an emergency situation.

DATES: Effective April 29, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 29, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Eierman, Aerospace Engineer, Los Angeles ACO, ANM–131L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5336; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes was published in the **Federal Register** on October 16, 1992 (57 FR 47414). That action proposed to require a one-time visual inspection to determine if proper clearance exists between the overwing emergency exit door liners and adjacent sidewall linings, and adjustment or modification, if necessary.

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

Several commenters support the rule as proposed.

Two commenters request that the FAA withdraw the proposed AD. These commenters note that there is an established procedure in the McDonnell Douglas Model MD–80 Maintenance Manual, Chapters 52–21–00 and 52–21–01, which describes procedures for functional testing and adjustment to the overwing exit doors. The commenters further note that any obstruction or interference will be corrected during routine maintenance. During regularly scheduled "heavy C" checks, the entire set of sidewall panels, including the exit door lining, are removed and reinstalled. One commenter notes that it has already inspected its Model DC–9–80 series airplanes and has determined that the lining panels have been correctly installed. In addition, the commenter notes that inspection and adjustment or modification of the sidewall lining panels is a very elementary and logical procedure. The FAA does not concur with the request to withdraw this AD. The FAA notes that the functional testing and adjustment of the overwing emergency exit doors, conducted during regularly scheduled "heavy C" checks, and as recommended by the McDonnell Douglas MD–80 Maintenance Manual, are similar to the inspections required by this final rule; however, all operators may not have yet accomplished these maintenance procedures nor will they within the compliance time of this AD. The FAA notes that the McDonnell Douglas Model MD–80 Maintenance Manual describes procedures for checking:

(1) The exit door seal for wear and installation, (2) the jamb for nicks and burrs, (3) lock pins for alignment, and (4) the exterior door skin and fuselage outer skin for gaps. This portion of the maintenance manual does not, however, describe procedures for checking interference between the overwing emergency exit door and the interior sidewall panels. The FAA asserts that the purpose of this final rule is to correct a potential riding condition between the overwing emergency exit door liner and the adjacent interior sidewall lining. The FAA notes that McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992, which is the service document specified in the proposal, describes procedures for conducting a one-time visual inspection to determine if proper clearance exists between the overwing emergency exit door liners and adjacent sidewall linings. The FAA has determined that this procedure is the appropriate action that must be taken on all affected airplanes in order to ensure continued safety. The appropriate vehicle for mandating such action to correct the identified unsafe condition is the airworthiness directive.

Two commenters request that the compliance time for inspection of the overwing emergency exit doors be extended from the proposed 180 days. One commenter notes that the proposed compliance time is not realistic because of the possibility of necessary alteration and parts requirements if the measured

clearance is found to be below the prescribed limits. Another commenter states that since the necessary part is available only from McDonnell Douglas, it is unlikely that sufficient quantities can be made available to operators to meet the proposed compliance schedule. The commenter suggests that it would be more reasonable to require only the clearance check within the 180 day compliance time, and allow a longer compliance time to make required corrections. The FAA does not concur that there is a problem with the availability of replacement parts. The manufacturer has advised the FAA that there is an adequate supply of replacement parts for modification of the U.S. fleet within the proposed compliance time.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 1,004 McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 556 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $30,580, or $55 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

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

93–05–07 McDonnell Douglas: Amendment 39–8512. Docket 92–NM–162–AD.

Applicability: Model DC–9–80 series airplanes and Model MD–88 airplanes, as listed in McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a riding condition between the overwing emergency exit door liner and the adjacent sidewall lining, which could hinder the opening of the overwing emergency exit door in an emergency situation, accomplish the following:

(a) Within 180 days after the effective date of this AD, conduct a one-time visual inspection of the overwing emergency exit door to determine whether the door can be opened without restriction, in accordance with McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992. If the door can be opened without restrictions, no further action is required by this AD action.

(b) If the door cannot be opened without restrictions, prior to further flight, inspect for sufficient clearance between the door liner and the adjacent passenger sidewall lining panels, in accordance with McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992. If clearance is within the limits specified in the service bulletin, no further action is required.

(c) If clearance is not within the limits specified in the service bulletin, prior to further flight, adjust the passenger sidewall lining panels and verify the clearance, in accordance with McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992. If clearance is obtained by adjusting the passenger compartment sidewall lining, no further action is required.

(d) If clearance cannot be obtained by adjusting the passenger compartment sidewall lining, prior to further flight, adjust the door liner as shown in Figure 2 of McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992, to obtain proper clearance. If clearance is obtained by adjusting the door liner, no further action is required.

(e) If clearance cannot be obtained by adjusting the door liner, prior to further flight, modify the door installation in accordance with Figure 3 of McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992.

(f) Within 60 days after accomplishing the requirements of this AD, submit a report of all inspection results that indicate restricted opening of the overwing emergency exit door to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425; fax (310) 988–5210. The report must include a description of the discrepancy and the airplane's serial number. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

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

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

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

(i) The inspections, adjustments, and modification shall be done in accordance with McDonnell Douglas Alert Service Bulletin A52–178, dated July 10, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846–1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1–L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles ACO, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on April 29, 1993.

Issued in Renton, Washington, on March 8, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–6894 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 92–NM–146–AD; Amendment 39–8513; AD 93–05–08]

Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 and 767 series airplanes, that requires examination of the smoke detectors in the cargo compartment and equipment cooling systems to determine if the correct caution decal is installed, and replacement of the caution decal, if necessary. This amendment also requires inspection of smoke detectors with incorrect decals for the installation of proper smoke detector lamps. This amendment is prompted by reports of incorrectly installed caution decals on the equipment cooling and cargo compartment smoke detectors. The actions specified by this AD are intended to prevent a reduction in sensitivity of the smoke detector to a level that would make it incapable of detecting smoke.

DATES: Effective April 29, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 29, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124; or from Autronics Corporation, 314 East Live Oak Avenue, Arcadia, California 91006–5617. 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: Mr. Clayton R. Morris, Aerospace Engineer, ANM–130S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2794; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 757 and 767 series airplanes was published in the **Federal Register** on August 27, 1992 (57 FR 38788). That action proposed to require an examination of the smoke detectors in the cargo compartment and equipment cooling systems to determine if the correct caution decal is installed, and replacement of the caution decal, if necessary. That action also proposed to require inspection for the installation of proper smoke detector lamps.

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

One commenter supports the rule as proposed.

One commenter requests that the compliance time for inspection of the smoke detectors be reduced from the proposed 24 months because the inspection is not difficult and affects an emergency system. The FAA does not concur with the need for a shorter compliance time. The proposed compliance time of 24 months was determined to be appropriate in consideration of the average utilization rate of the affected fleet, the practical aspects of an orderly inspection of the fleet during regular maintenance periods, and the availability of replacement caution decals.

One commenter notes that a clarification is needed in the Summary section of the preamble to the notice regarding an inspection requirement. The commenter requests that the phrase, "inspection for the installation of proper smoke detector lamps," be revised to clarify that only smoke detectors with incorrect decals are required to be inspected for the installation of proper smoke detector lamps. The FAA concurs and the final rule has been changed accordingly.

Several commenters request that proposed paragraph (a) be revised so that inspection of the cargo smoke detectors can be accomplished in accordance with Autronics Service Bulletin 2156204–26–01, dated April 14, 1986, as well as Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992. One commenter notes that the only difference between these two Autronics service bulletins is that the later service bulletin specifies that the smoke detectors are to be marked after inspection. One commenter states that because accomplishment of Autronics Service Bulletin 2156204–26–01, dated April 14, 1986, was required by AD 86–07–09, Amendment 39–5280 (51 FR 11708, April 7, 1986), as amended by AD 86–07–09 R1, Amendment 39–5309 (51 FR 17323, May 12, 1986), operators should not be required to recheck previously inspected units. One commenter also notes that its fleet of Model 767 series airplanes was inspected as required by AD 86–07–09, and that it found no smoke detector with an incorrectly installed caution placard. The FAA does not concur with the commenters' request to allow inspection of the cargo smoke detectors in accordance with Autronics Service Bulletin 2156204–26–01, dated April 14, 1986. It is true that the requirements of AD 86–07–09 R1 (replacement of lamps installed in smoke detectors located in the cargo compartment, and installation of caution decals) are required to be accomplished in accordance with Autronics Service Bulletin 2156204–26–01, dated April 14, 1986. However, since issuance of AD 86–07–09 R1, incorrect caution decals have been found on smoke detectors of airplanes affected by that AD; therefore, the subject unsafe condition still exists on certain Model 757 and 767 series airplanes. In order to best ensure that all of the incorrectly installed caution decals are detected, this final rule expands the inspection area to include the equipment cooling system; procedures for accomplishing this inspection are specified in Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992. (In addition, this final rule requires a functional test, which is neither specified in Autronics Service Bulletin 2156204–26–01, nor required by AD 86–07–09 R1.)

Several commenters request that the proposed rule require that the part number be changed to ensure that an airworthy part can be readily accounted for in the production records. One commenter notes that installing a placard as specified in Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992, will assist in physically distinguishing one part from another, but it does little to assist the operators in distinguishing parts within their production records. Further, the commenter asserts that the only distinguishing feature between an inspected part and an uninspected part is that the inspected part is marked in accordance with Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992. The commenters'

request a more positive method of identification than "marking" parts. The FAA does not concur that the part number should be changed following inspection of the smoke detectors. The FAA considers that a part number change is required only when there is a design change; the requirements of this AD do not incorporate a design change. In order to assist operators in distinguishing between a unit on which the inspection has been accomplished from those on which the inspection has not been accomplished, Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992, which is referenced in the proposal, specifies that the smoke detector cover is to be marked to indicate that inspection has been accomplished. Under the provisions of paragraph (d) of the final rule, the FAA may approve requests for an alternative method of compliance if sufficient justification is presented regarding a different positive means of identification of an approved part.

One commenter requests that proposed paragraph (a) be revised to include an option to replace a suspect smoke detector with one that has been previously inspected and that is in compliance with the specifications listed in Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992. The commenter states that a smoke detector inspected in the shop is equivalent to one inspected on the airplane. The commenter further asserts that replacement of the smoke detectors with a smoke detector that has been inspected previously in accordance with Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992, should constitute terminating action for replacing incorrect caution decals with correct caution decals. The commenter feels that this would reduce the cost impact of this AD. The FAA concurs in part. The rule has been changed by adding a new paragraph (c) to allow replacement of the smoke detector with a smoke detector that has been inspected previously in accordance with Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992. Such replacement would terminate the inspection as required by paragraph (a) of the final rule; however, such replacement does not terminate the requirement to perform the functional test of the smoke detector as required by paragraph (b) of the final rule.

Paragraph (a) of the final rule has been reformatted for clarification purposes.

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

There are approximately 401 Model 757 and 408 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 251 Model 757 and 142 Model 767 series airplanes of U.S. registry will be affected by this proposed AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $64,845 ($41,415 for Model 757 series airplanes and $23,430 for Model 767 series airplanes), or $165 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

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

93–05–08 Boeing: Amendment 39–8513. Docket 92–NM–146–AD.

Applicability: Model 757 series airplanes, as listed in Boeing Alert Service Bulletin 757–26A0028, Revision 1, dated April 23, 1992; and Model 767 series airplanes, as listed in Boeing Alert Service Bulletin 767–26A0081, dated February 13, 1992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced sensitivity of the smoke detector, accomplish the following:

(a) Within 24 months after the effective date of this AD, examine the smoke detectors in the cargo compartment and equipment cooling systems to determine if the correct caution decal is installed, in accordance with Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992.

(1) If the caution decal is incorrect, prior to further flight, apply a correct caution decal over the existing decal and inspect the lamp inside the smoke detector to determine its part number, in accordance with the Autronics Service Bulletin.

(2) If an incorrect lamp is installed, prior to further flight, replace it with one having the correct part number, in accordance with the Autronics Service Bulletin.

Note: Boeing Alert Service Bulletin 757–26A0028, Revision 1, dated April 23, 1992; and Boeing Alert Service Bulletin 767–26A0081, dated February 13, 1992; describe procedures for gaining access to the smoke detectors in the cargo compartment and equipment cooling systems.

(b) If it is necessary to remove any smoke detector during the inspection required by paragraph (a) of this AD, immediately after reinstalling the smoke detector, perform a functional test in accordance with Boeing Alert Service Bulletin 757–26A0028, Revision 1, dated April 23, 1992; or Boeing Alert Service Bulletin 767–26A0081, dated February 13, 1992; as applicable.

(c) Replacement of a smoke detector with a smoke detector that has been inspected previously in accordance with Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992, constitutes terminating action for the requirements of paragraph (a) of this AD, for that smoke detector. However, the functional test required by paragraph (b) of this AD must be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO). Operators shall submit their requests through an

appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

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

(f) The inspection and replacement requirements shall be done in accordance with Autronics Service Bulletin 2156204A–26–02, dated January 17, 1992. The functional test shall be done in accordance with Boeing Alert Service Bulletin 757–26A0028, Revision 1, dated April 23, 1992; or Boeing Alert Service Bulletin 767–26A0081, dated February 13, 1992; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124; or from Autronics Corporation, 314 East Live Oak Avenue, Arcadia, California 91006–5617. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on April 29, 1993.

Issued in Renton, Washington, on March 8, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–6896 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–NM–165–AD; Amendment 39–8511; AD 93–05–06]

Airworthiness Directives; ACS and Gerdes Ignition Switches, as Installed in, but not Limited to, Cessna, Piper, and Schweizer Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain ACS and Gerdes ignition switches, that requires repetitive inspections and lubrication of certain ignition switches, replacement of worn or corroded switches, and modification of the starter solenoid, if necessary. This amendment is prompted by numerous reports of ignition switch failures on various airplanes. The actions specified by this AD are intended to prevent the inability to control electrical power supply to the engine.

DATES: Effective April 29, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 29, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from ACS Products Company, P.O. Box 152, 1585 Copper Drive, Lake Havasu City, Arizona 86403–0008; or Cessna Aircraft Company, Customer Services, P.O. Box 7704, Wichita, Kansas 67277. 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 Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roy McKinnon, Aerospace Engineer, Propulsion Branch, ANM–140L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5247; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain ACS and Gerdes ignition switches was published in the **Federal Register** on October 30, 1992 (57 FR 49154). That action proposed to require repetitive inspections and lubrication of certain ignition switches, replacement of worn or corroded switches, and modification of the starter solenoid.

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

One commenter requests that owners/operators of Piper Model PA–38 series airplanes on which ACS or Gerdes switches have been installed or retrofitted be permitted to refer to Piper Service Letter 909, dated June 9, 1981, as an alternative method of compliance with the requirements of this AD. The FAA does not concur. After review of the Piper service letter and the comments received, the FAA has determined that the procedures described in the service letter do not provide an equivalent level of safety since there is no provision for surge suppression.

One commenter notes that the applicability of the proposal incorrectly included Schweizer helicopters. The commenter states that the subject switches are not installed on Schweizer helicopters, but are installed on various models of Schweizer airplanes. The FAA concurs. The final rule has been revised accordingly.

This same commenter states that since some operators may have already installed a starter solenoid diode, paragraph (b) of the proposal should be revised to preclude these operators from having to re-install another diode as required by proposed paragraph (b). The FAA concurs. Paragraph (b) of the final rule has been revised to clarify that the FAA's intent was to require operators to initially verify whether a starter solenoid diode had been installed and to require the installation of a diode only if one had not been installed previously. Additionally, the economic analysis paragraph, below, has been revised to reflect this change.

Since issuance of the proposal, the FAA has verified the installation of these ignition switches on a specific model of Piper airplanes; therefore, the applicability in the final rule has been revised to specify switches installed in Piper Model PA–38–112 series airplanes. Further, the applicability of final rule has been revised to list the serial numbers of various models of Cessna airplanes affected by this AD.

A note has been added to paragraph (b) of the final rule to clarify procedures for installation of the diode in the starter solenoid.

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

There are approximately 100,000 Cessna, Piper, and Schweizer airplanes of the affected design in the worldwide fleet. The FAA estimates that 67,000 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1.5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $5,527,500, or $82.50 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–05–06 ACS Products Company and Grades Products Company: Amendment 39–8511. Docket 92–NM–165–AD.

Applicability: ACS and Gerdes ignition switches; as installed in, but not limited to, Piper Model PA–38–112 series airplanes, Schweizer Model G–164 series (including Model G–164A, G–164B, and G–164C) airplanes, Schweizer Model 2–37 and 2–37A series airplanes, and the following Cessna airplanes; certificated in any category:

Cessna model	Serial Nos.
150	15074428 through 15079405.
A150	A1500389 through A1500734.
F150	F15001024 through F15001428.
FRA150	FRA1500212 through FRA1500336.
152	15279406 through 15286033.
A152	A1520735 through A1521049.
F152	F15201429 through F15201980.
FA152	FA1520337 through FA1520425.
172	17261486 through 17276673.
R172	R1722000 through R1723454.
172RG	172RG0001 through 172RG1191.
F172	F17201045 through F17202254.
FR172	FR17200441 through FR17200675.
177	17701890 through 17702752.
177RG	177RG0342 through 177RG1366.
F177RG	F177RG0093 through F177RG0177.
180	18052317 through 18053203.
182	18261786 through 18268615.
R182	R18200001 through R18202041.
A182	A182–0137 through A182–0148.
F182	F18200001 through F18200169.
FR182	FR18200001 through FR18200070.
185	18502154 through 18504448.
U206	U20601980 through U20607020.
207	20700222 through 20700788.
210	21059893 through 21065009.
P210	P21000001 through P21000874.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of ignition switches, accomplish the following:

(a) Within 100 flight hours after the effective date of this AD, or at the next annual inspection, whichever occurs first, perform an inspection of the ignition switch to detect wear and corrosion, and lubricate the switch, in accordance with ACS Service Bulletin SB92–01, dated August 15, 1992; or Cessna Service Bulletin SEB91–5, Revision 1, June 14, 1991. If wear or corrosion is detected, prior to further flight, replace the switch in accordance with the service bulletin. Repeat this inspection and lubricate the ignition switch in accordance with the service bulletin, thereafter, at intervals not to exceed 2,000 flight hours.

Note: ACS ignition switches that do not have a "start" position (models A–510–1 and A–510–5) or were manufactured on or after February 20, 1989, and have not accumulated 2,000 flight hours, need not be lubricated. The manufacture date is stamped on the switch body. These switches are identifiable by red paint in the screw heads on the back of the switch. However, manufacturer lubricated switches that have a "start" position, but do not have a starter solenoid diode, must be inspected and modified.

(b) Within 100 flight hours after the effective date of this AD, or at the next annual inspection, whichever occurs first, inspect the ignition switch installation to determine if a diode or other surge suppressor is installed on the starter solenoid. If one is not installed, prior to further flight, install a starter solenoid diode in accordance with ACS Service Bulletin SB92–01, dated August 15, 1992; or Cessna Service Bulletin SEB91–5, Revision 1, dated June 14, 1991.

Note: For operators using the Cessna service bulletin to install the diode in the starter solenoid: The procedures for installation are contained in Attachment to Service Bulletin SEB91–5R1, Revision 1, dated June 14, 1991.

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

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

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

(e) The inspection, lubrication, replacement, and modification shall be done in accordance with ACS Service Bulletin SB92–01, dated August 15, 1992; or Cessna Service Bulletin SEB91–5, Revision 1, dated June 14, 1991, which includes Attachment to Service Bulletin SEB91–5R1, Revision 1, dated June 14, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from ACS Products Company, P.O. Box 152, 1585 Copper Drive, Lake Havasu City, Arizona 86403–0008; or Cessna Aircraft Company, Customer Services, P.O. Box 7704, Wichita, Kansas 67277. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on April 29, 1993.

Issued in Renton, Washington, on March 8, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–6900 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–NM–112–AD; Amendment 39–8509; AD 93–05–04]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes Equipped With General Electric (GE) Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie

Model A300 series airplanes, that requires repetitive visual and eddy current inspections to detect wear or cracks of the inner doublers on the pylon side panel around the fire extinguisher access doors, and replacement of worn or cracked parts, if necessary. This amendment is prompted by reports that wear marks have been detected on the inner doubler of the pylon side panel around the fire extinguisher bottle access doors. The actions specified by this AD are intended to prevent cracks from developing in the pylon side panel, which would result in reduced structural integrity of the engine pylon.

DATES: Effective April 29, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 29, 1993.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A300 series airplanes was published in the **Federal Register** on December 18, 1992 (57 FR 60143). That action proposed to require repetitive visual and eddy current inspections to detect wear or cracks of the inner doublers on the pylon side panel around the fire extinguisher access doors, and replacement of worn or cracked parts, if necessary.

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

Both commenters support the proposed rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 77 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8.5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $35,998, or $468 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–05–04 Airbus Industrie: Amendment 39–8509. Docket 92–NM–112–AD.

Applicability: Model A300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, and B4–203 series airplanes; equipped with General Electric (GE) engines on which engine Pylon Modification No. 2434, as described in Airbus Industrie Service Bulletin A300–54–070, Revision 1, dated March 17, 1992, has not been installed; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the engine pylon, accomplish the following:

(a) Prior to the accumulation of 22,400 total hours time-in-service, or within 1,000 hours time-in-service after the effective date of this AD, whichever occurs later, perform an initial visual and eddy current inspection to detect wear or cracks of the inner doubler on the pylon side panel around the fire extinguisher access doors, in accordance with Airbus Industrie Service Bulletin A300–54–070, Revision 1, dated March 17, 1992. If cracks are detected, prior to further flight, accomplish the requirements of either paragraph (a)(1) or (a)(2) of this AD, as applicable:

(1) If cracks less than 5 mm (0.197 inch) are detected, prior to further flight, repair in an accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) If cracks greater than or equal to 5 mm (0.019 inch) are detected, accomplish either paragraph (a)(2)(i) or (a)(2)(ii), as applicable:

(i) For airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished: Prior to further flight, replace the doubler. Replacement of the doubler constitutes terminating action for the inspections required by this AD.

(ii) For airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished: Prior to further flight, replace the doubler. Prior to the accumulation of 22,400 hours time-in-service after replacement of the doubler, perform the visual and eddy current inspections in accordance with paragraph (a) of this AD; and repeat those inspections thereafter in accordance with paragraphs (b), (c), (d), or (e) of this AD, as applicable.

(b) For airplanes having Configuration No. 1.A.: Repeat the visual and eddy current inspections to detect doubler wear and cracks, as required by paragraph (a) of this AD, in accordance with Airbus Industrie Service Bulletin A300–54–070, Revision 1, dated March 17, 1992, as follows:

(1) No further action is necessary for the following airplanes:

(i) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.5 mm (0.019 inch).

(ii) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.1 mm (0.004 inch).

(2) For airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, if the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than to 0.1 mm (0.004 inch) and less than 0.5 mm (0.019 inch): Repeat the visual and eddy current inspections at intervals not to exceed 4,400 hours time-in-service.

Note: Subsequent action to be taken (repetitive inspections or inner doubler replacement) will depend upon the "worst finding," defined as the area with the largest amount of measured doubler wear.

(3) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 0.5 mm (0.019 inch) and less than 2 mm (0.078 inch): Repeat the visual and eddy current inspections at intervals not to exceed 4,400 hours time-in-service.

(4) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 2 mm (0.078 inch) and less than 4 mm (0.157 inch): Repeat the visual and eddy current inspections at intervals not to exceed 1,800 hours time-in-service.

(5) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 4 mm (0.157 inch) and less than 6 mm (0.236 inch): Accomplish either paragraph (b)(5)(i), (b)(5)(ii), or (b)(5)(iii) of this AD.

(i) Repeat the visual and eddy current inspection at intervals not to exceed 350 hours time-in-service. Or

(ii) If the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished: Prior to further flight, replace the doubler. Replacement of the doubler constitutes terminating action for the inspections required by this AD. Or

(iii) If the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished: Prior to further flight, replace the doubler. Prior to the accumulation of 22,400 hours time-in-service after replacement of the doubler, perform the visual and eddy current inspections in accordance with paragraph (a) of this AD, and repeat those inspections thereafter in accordance with paragraph (b) of this AD.

(6) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 6 mm (0.236 inch): Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(c) For airplanes having Configuration No. 1.B: Repeat the visual and eddy current inspections for doubler wear and cracks, as required by paragraph (a) of this AD, in accordance with Airbus Industrie Service Bulletin A300–54–070, Revision 1, dated March 17, 1992, as follows:

(1) No further action is necessary for the following airplanes:

(i) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.5 mm (0.019 inch).

(ii) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.1 mm (0.004 inch).

(2) For airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, if the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 0.1 mm (0.004 inch) and less than 0.5 mm (0.019 inch): Repeat the visual and eddy current inspections at intervals not to exceed 3,400 hours time-in-service.

Note: Subsequent action to be taken (repetitive inspections or inner doubler replacement) will depend upon the "worst finding," defined as the area with the largest amount of measured doubler wear.

(3) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 0.5 mm (0.019 inch) and less than 2 mm (0.078 inch): Repeat the visual and eddy current inspections at intervals not to exceed 3,400 hours time-in-service.

(4) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 2 mm (0.078 inch) and less than 4 mm (0.157 inch): Accomplish either paragraph (c)(4)(i), (c)(4)(ii), or (c)(4)(iii) of this AD.

(i) Repeat the visual and eddy current inspection at intervals not to exceed 300 hours time-in-service. Or

(ii) If the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished: Prior to further flight, replace the doubler. Replacement of the doubler constitutes terminating action for the inspections required by this AD. Or

(iii) If the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished: Prior to further flight, replace the doubler. Prior to the accumulation of 22,400 hours time-in-service after the replacement date of the doubler, perform the visual and eddy current inspections in accordance with paragraph (a) of this AD, and repeat those inspections thereafter in accordance with paragraph (c) of this AD.

(5) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than or equal to 4 mm (0.157 inch): Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(d) For airplanes having Configuration No. 1.A. on which the modification described in Airbus Industrie Service Bulletin No. A300–54–008 (door with 4 latches) has been accomplished; and for airplanes having Configuration No. 2.A.: Repeat the visual and eddy current inspections for doubler wear and cracks at zones D1, D2, D3, and D4, as required by paragraph (a) of this AD, in accordance with Airbus Industrie Service Bulletin A300–54–070, Revision 1, dated March 17, 1992, as follows:

(1) No further action is necessary for the following airplanes:

(i) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.5 mm (0.019 inch).

(ii) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.1 mm (0.004 inch).

(2) For airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, if the measured doubler wear, as detected by any visual inspection required by this AD, is equal to or greater than 0.1 mm (0.004 inch) and less than or equal to 0.5 mm (0.019 inch): Repeat the visual and eddy current inspections at intervals not to exceed 5,800 hours time-in-service.

Note: Subsequent action to be taken (repetitive inspections or inner doubler replacement) will depend upon the "worst finding," defined as the area with the largest amount of measured doubler wear.

(3) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 0.5 mm (0.019 inch) and less than 2 mm (0.078 inch): Repeat the visual and eddy current inspections at intervals not to exceed 5,800 hours time-in-service.

(4) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 2 mm (0.078 inch) and less than 4 mm (0.157 inch): Repeat the visual and eddy current inspections at intervals not to exceed 4,300 hours time-in-service.

(5) For airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished, if the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 4 mm (0.157 inch) and less than 6 mm (0.236 inch): Repeat the visual and eddy current inspection at intervals not to exceed 2,300 hours time-in-service.

(6) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 6 mm (0.236 inch) and less than 8 mm (0.315 inch): Accomplish either paragraph (d)(6)(i), (d)(6)(ii), or (d)(6)(iii) of this AD.

(i) Repeat the visual and eddy current inspections at intervals not to exceed 450 hours time-in-service. Or

(ii) If the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished: Prior to further flight, replace the doubler. Replacement of the doubler constitutes terminating action for the inspections required by this AD. Or

(iii) If the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished: Prior to further flight, replace the doubler. Prior to the accumulation of 22,400 hours time-in-service after replacement of the doubler, perform the visual and eddy current inspections in accordance with paragraph (a) of this AD, and repeat those inspections thereafter in accordance with paragraph (d) of this AD.

(7) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than or equal to 8 mm (0.315 inch): Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(e) For airplanes having Configuration No. 1.B. on which the modification described in Airbus Industrie Service Bulletin No. A300–54–008 (door with 4 latches) has been accomplished; and for airplanes having Configuration No. 2.B.: Repeat the visual and eddy current inspections for doubler wear and cracks at zones D1, D2, D3, and D4, as required by paragraph (a) of this AD, in accordance with Airbus Industrie Service Bulletin A300–54–070, Revision 1, dated March 17, 1992, as follows:

(1) No further action is necessary for the following airplanes:

(i) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.5 mm (0.019 inch).

(ii) Airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, and the measured doubler wear, as detected by any visual inspection required by this AD, is less than 0.1 mm (0.004 inch).

(2) For airplanes on which the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished, if the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 0.1 mm (0.004 inch) and less than 0.5 mm (0.019 inch): Repeat the visual and eddy current inspections at intervals not to exceed 4,500 hours time-in-service.

Note: Subsequent action to be taken (repetitive inspections or inner doubler replacement) will depend upon the "worst finding," defined as the area with the largest amount of measured doubler wear.

(3) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 0.5 mm (0.019 inch) and less than 2 mm (0.078 inch): Repeat the visual and eddy current inspections at intervals not to exceed 4,500 hours time-in-service.

(4) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 2 mm (0.078 inch) and less than 4 mm (0.157 inch): Repeat the visual and eddy current inspections at intervals not to exceed 3,300 hours time-in-service.

(5) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 4 mm (0.157 inch) and less than 6 mm (0.236 inch): Repeat the visual and eddy current inspections at intervals not to exceed 1,800 hours time-in-service.

(6) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than 6 mm (0.236 inch) and less than 8 mm (0.315 inch): Accomplish either paragraph (e)(6)(i), (e)(6)(ii), or (e)(6)(iii) of this AD.

(i) Repeat the visual and eddy current inspections at intervals not to exceed 400 hours time-in-service. Or

(ii) If the modification described in Airbus Industrie Service Bulletin A300–54–046 (screwed doors) has been accomplished: Prior to further flight, replace the doubler. Replacement of the doubler constitutes terminating action for the inspections required by this AD. Or

(iii) If the modification described in Airbus Industrie Service Bulletin No. A300–54–046 (screwed doors) has not been accomplished: Prior to further flight, replace the doubler. Prior to the accumulation of 22,400 hours time-in-service after replacement of the doubler, perform the visual and eddy current inspections in accordance with paragraph (a) of this AD, and repeat those inspections thereafter in accordance with paragraph (e) of this AD.

(7) For airplanes on which the measured doubler wear, as detected by any visual inspection required by this AD, is greater than or equal to 8 mm (0.315 inch): Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(f) Accomplishment of the replacement of the inner doubler on the pylon side panel around the fire extinguisher access doors; and installation of the modification (screwed doors) in accordance with Airbus Industrie Service Bulletin No. A300–54–046, dated June 24, 1982, and Change Notice, dated July 8, 1985; constitutes terminating action for the visual and eddy current inspections required by this AD.

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

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

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

(i) The modification shall be done in accordance with Airbus Industrie Service Bulletin No. A300–54–046, dated June 24, 1982; and Change Notice, dated July 8, 1985, for Airbus Industrie Service Bulletin No. A300–54–046, dated June 24, 1982. The inspections shall be done in accordance with Airbus Industrie Service Bulletin No. A300–54–070, Revision 1, dated March 17, 1992, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–10, 31–32	1	Mar. 17, 1992.
11–30, 33–34.	Original	Feb. 6, 1992

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

(j) This amendment becomes effective on April 29, 1993.

Issued in Renton, Washington, on March 5, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–6897 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 92–ANE–60; Amendment 39–8503; AD 92–26–09]

Airworthiness Directives; Allied-Signal Aerospace Company, Garrett Engine Division, TFE731 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting Airworthiness Directive (AD) priority letter 92–26–09 that was sent previously to all known U.S. owners and operators of Allied-Signal Aerospace Company, Garrett Engine Division, TFE731 series turbofan

engines by individual letters. This AD requires an improved, more definitive eddy current inspection, and replacement, if necessary, of certain fan disks for cracks. This amendment is prompted by reports of an uncontained failure of a fan disk. The actions specified by this AD are intended to prevent an uncontained fan disk failure.

DATES: Effective April 9, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 92–26–09, issued on December 22, 1992, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 9, 1993.

Comments for inclusion in the Rules Docket must be received on or before May 24, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–ANE–60, 12 New England Executive Park, Burlington, Massachusetts 01803–5299.

The applicable service information may be obtained from Garrett General Aviation Services Division, Distribution Center, 1944 East Sky Harbor Circle, Phoenix, Arizona 85034; telephone (602) 365–2548. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Propulsion Branch, ANM–140L, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, Aircraft Certification Service, FAA, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5246; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION: On December 22, 1992, the Federal Aviation Administration (FAA) issued priority letter AD 92–26–09, applicable to Allied-Signal Aerospace Company, Garrett Engine Division, Model TFE731 series turbofan engines, which requires an improved, more definitive eddy current inspection of certain fan disks for cracks, and replacement, if necessary, of these fan disks. That action was prompted by reports of an uncontained failure of a fan disk on an Allied-Signal Aerospace Company, Garrett Engine Division, Model TFE731–3 turbofan engine. The FAA investigation determined that a fatigue crack originated in the aft acute corner of the dovetail slot. The fan disk had accumulated a total of 5291 cycles in service (CIS) at the time of the failure, and had been eddy current inspected in 1990 when the disk had accumulated 4055 CIS. The fan disk displayed evidence of broaching grooves produced during the manufacture of the blade dovetail slots. These machining grooves may have contributed to the disk failure. From a metallurgical analysis, the FAA has determined that the failed fan disk had dovetail cracks which were not detected at the time of the eddy current inspection. A review of the eddy current inspection process used to inspect this disk and all disks inspected prior to May 1991 determined that the process is no longer acceptable to detect this type of crack on these disks. This condition, if not corrected, could result in an uncontained fan disk failure.

The FAA has reviewed and approved the technical contents of Allied-Signal Aerospace Company, Garrett Engine Division, Alert Service Bulletin (ASB) No. TFE731–A72–3504, dated November 25, 1992, that describes procedures for an improved, more definitive eddy current inspection of these fan disks for cracks.

Since the unsafe condition described is likely to exist or develop on other engines of the same type design, the FAA issued priority letter AD 92–26–09 to prevent an uncontained fan disk failure. The AD requires an improved, more definitive eddy current inspection of these fan disks for cracks, and replacement, if necessary. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual letters issued on December 22, 1992, to all known U.S. owners and operators of Allied-Signal Aerospace Company, Garrett Engine Division, Model TFE731–2, –3, and –3R series turbofan engines. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–ANE–60." The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be

significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

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

92–26–09 Allied-Signal Aerospace Company, Garrett Engine Division: Amendment 39–8503. Docket No. 92–ANE–60.

Applicability: Allied-Signal Aerospace Company, Garrett Engine Division, TFE731–2, –3, and –3R series turbofan engines installed on but not limited to Sabreliner NA–265–65 (Sabreliner 65); Israel Aircraft Industries 1124 series (Westwind); Avions Marcel Dassault Falcon 10, 50, 100 series; Learjet 35, 55, 31 (M31); British Aerospace BAe HS125 series; and Lockheed 1329–23, –25 series (731 Jetstar, Jetstar II) aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained fan disk failure, accomplish the following:

(a) Remove prior to further flight fan disk Part Number (P/N) 3073539–2 or 3072162–2 with Serial Number (S/N) 8–18040–6300, in accordance with Allied-Signal Aerospace Company, Garrett Engine Division, Alert Service Bulletin (ASB) No. TFE731–A72–3504, dated November 25, 1992, and replace with a serviceable disk.

(b) Eddy current inspect fan disks, P/N 3072162–1 through –4, 3073436–1 through –4, 3073539–2, and 3074529–2, in accordance with Allied-Signal Aerospace Company, Garrett Engine Division, ASB No. TFE731–A72–3504, dated November 25, 1992, and if necessary, replace with a serviceable disk, as follows:

(1) For fan disks listed by S/N in Table 2 of Allied-Signal Aerospace Company, Garrett Engine Division, ASB No. TFE731–A72–3504, dated November 25, 1992, inspect, and if necessary, replace with a serviceable disk within 50 cycles in service (CIS) after the effective date of this AD.

(2) For fan disks listed by S/N in Table 3 of Allied-Signal Aerospace Company, Garrett Engine Division, ASB No. TFE731–A72–3504, dated November 25, 1992, with 5000 or more CIS since new, inspect, and if necessary, replace with a serviceable disk within the next 50 CIS after the effective date of this AD.

(3) For fan disks listed by S/N in Table 3 of Allied-Signal Aerospace Company, Garrett Engine Division, ASB No. TFE731–A72–3504, dated November 25, 1992, with less than 5000 CIS since new, inspect and if necessary, replace with a serviceable disk within the next 100 CIS after the effective date of this AD, or prior to accumulating 5050 CIS, whichever occurs first.

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

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

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

(e) The inspection and removal shall be done in accordance with the following service bulletin:

Document No.	Pages	Date
Allied-Signal Aerospace Company, Garrett Engine Division, ASB No. TFE731–A72–3504.	1–24	Nov. 25, 1992.

Total Pages: 24.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Garrett General Aviation Services Division, Distribution Center, 1944 East Sky Harbor Circle, Phoenix, Arizona 85034; telephone (602) 365–2548. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC 20001.

(f) This amendment becomes effective on April 9, 1993, to all persons except those persons to whom it was made immediately effective by priority letter AD 92–26–09, issued December 22, 1992, which contained the requirements of this amendment.

Issued in Burlington, Massachusetts, on February 19, 1993.

Jay J. Pardee,

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

[FR Doc. 93–6901 Filed 3-24–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–NM–27–AD; Amendment 39–8510; AD 93–05–05]

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes Equipped With CFM International CFM56–3 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737–300 series airplanes, that currently requires the addition of an operational limitation in the Airplane Flight Manual (AFM) and installation of a placard on the flight compartment instrument panel, both of which are intended to reduce the risk of engine flameout in inclement weather conditions. This amendment requires modifications of the engine, and expands the applicability to include Boeing Model 737–400 and –500 series airplanes that were certificated with the same limitations as imposed by the existing AD. This amendment is prompted by the development of engine modifications that eliminate the need for the operational limitations relative to operation in inclement weather. The actions specified by this AD are intended to prevent engine flameout during airplane descent in moderate to severe inclement weather conditions.

DATES: Effective April 29, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 29, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. 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: Mr. Stephen S. Bray, Aerospace Engineer,

Propulsion Branch, ANM–140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2681; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 88–13–51 R1, Amendment 39–6088 (53 FR 49978, December 13, 1988), which is applicable to Boeing Model 737–300 series airplanes equipped with CFM International CFM56–3 series engines, was published in the Federal Register on July 2, 1992 (57 FR 29451). The action proposed to require modifications of the engine, and to expand the applicability to include Boeing Model 737–400 and –500 series airplanes that were certificated with the same limitations as imposed by the existing AD.

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

One commenter supports the rule as proposed.

Several commenters note that the cost estimate presented in the notice was too low and did not take into account the cost of the modification. One commenter notes that the economic analysis only accounts for the cost of revising the Airplane Flight Manual (AFM) and fails to account for the cost of the engine retrofit. This commenter estimates that it will take 80 work hours to modify each engine. After considering the data presented by commenters, the FAA concurs that the number of work hours required did not include the cost to modify the engines; therefore, the economic impact information, below, has been revised to include the costs associated with the required engine modification.

Several commenters request an extension of the compliance time from the proposed 24 months to 36 or 48 months to accomplish modification of the engines. The commenters feel that the proposed compliance time would impose an unnecessary financial and operational burden. The commenters note that an extension of the compliance time to 48 months would allow operators to perform an engine modification at a base during regularly scheduled maintenance where special equipment and trained maintenance personnel will be available if necessary. One commenter notes that the proposed compliance time may cause them to remove engines prematurely, overload engine repair vendors to the point of being unable to provide modified engines in a timely manner, and subsequently ground airplanes due to a lack of engines. The FAA concurs that the compliance times can be extended somewhat. The FAA's intent was that the modification be conducted during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Based on the information supplied by the commenters, the FAA now recognizes that 48 months corresponds more closely to the interval representative of most of the affected operators' normal maintenance schedules. Paragraphs (b) and (c) of the final rule have been revised to reflect a compliance time of 48 months. The FAA does not consider that this extension will adversely affect safety.

One commenter requests that the proposed requirement for both engine ignitors to be functional at dispatch for operation in known or forecast rain, hail or sleet [(paragraph (a)(2)(ii) of the notice] be deleted from the final rule. The commenter notes that this requirement would result in additional dispatch delays because it contradicts the Minimum Equipment List (MEL) provision which allows dispatch with the left ignitor inoperative. The FAA concurs with the commenter's request to eliminate the requirement for both ignitors to be operational. The manufacturer has provided test data which substantiates that ignition configuration does not affect the engine's ability to tolerate precipitation. The FAA has evaluated this data and has determined that control of the ignition system configuration requirements for dispatch would revert to the MEL. Paragraph (a)(2)(ii) has been deleted from the final rule.

One commenter notes a discrepancy in the Discussion section of the notice regarding modification to the engine idle circuitry that would inhibit low idle while in flight. The commenter requests a clarification of this. The FAA concurs that clarification is necessary. The FAA has determined that incorporation of the modification required by AD 89–25–02, Amendment 39–6402 (54 FR 48856, November 28, 1989), does not restore the engine idle control circuit to allow engine operation at low idle in flight. The low flight idle modification by itself does not negate the 45% N_1 operational restriction required by this AD.

One commenter notes that the last sentence in paragraphs (b) and (c) of the notice state that the AFM revision and the N_1 placard, required by paragraph (a) of the notice, are not required after accomplishing the engine modifications required by proposed paragraphs (b) and (c). The commenter further notes that proposed paragraph (a) includes more restrictions than just the AFM revision and the N_1 placard. Therefore, the commenter requests a clarification. The FAA concurs that a clarification is necessary. Paragraph (b) of the final rule has been changed to indicate that accomplishment of the engine modification terminates the requirements of paragraph (a). Paragraph (c) of the final rule has been changed to indicate that accomplishment of the engine modification terminates the operational restrictions and configuration requirements pertaining to operation in inclement weather.

One commenter requests that the phrase "adverse weather conditions," as used throughout the entire notice in describing the addressed unsafe condition, be replaced in the final rule with the phrase "inclement weather conditions." The commenter notes that the Aerospace Industries Association committee investigating aircraft operation in this environment refers to these weather conditions as inclement weather conditions. The FAA concurs with this requested editorial change. The FAA considers that the phrase "inclement weather conditions" best describes the weather environment in which the unsafe condition may occur. The final rule has been changed accordingly.

One commenter requests that the phrase "during airplane descent" be changed to "airplane operation" because it does not accurately describe the situation in which the addressed unsafe condition could occur. The unsafe condition could occur at any time during airplane operation. The FAA does not concur with the commenter's request to change the description of the subject unsafe condition. The FAA has determined that the engine is only vulnerable to flame out as a result of ingesting precipitation at low rotor speeds; therefore, airplane descent is the critical phase of flight in which the unsafe condition could likely occur.

Paragraph (d) of the notice referred to the incorrect Aircraft Certification Office (ACO) to be contacted regarding requests for alternative methods of compliance. The notice lists the Los Angeles ACO; however, the correct office is the Seattle ACO. Paragraph (d) of the final rule has been changed to specify this.

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

There are approximately 961 Boeing Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that a total of 474 airplanes of U.S. registry will be affected by this AD. (Of this total, 299 airplanes will be affected by the expanded applicability of this AD action.)

Of the total 474 U.S.-registered airplanes, 407 are referred to (in the applicable Boeing service bulletin) as "Group 1" airplanes. For these airplanes, the FAA estimates that it will take approximately 117 work hours to accomplish the actions, at an average labor rate of $55 per work hour. The FAA has been advised by the manufacturer that a majority of the required parts will be supplied at no cost. Based on these figures, the total cost impact of this AD on U.S. operators of Group 1 airplanes is estimated to be $2,619,045, or $6,435 per airplane.

Of the total 474 U.S.-registered airplanes, 67 are referred to (in the applicable Boeing service bulletin) as "Group 2" airplanes. For these airplanes, the FAA estimates that it will take approximately 121 work hours to accomplish the actions, at an average labor rate of $55 per work hour. The FAA has been advised by the manufacturer that a majority of the required parts will be supplied at no cost. Based on these figures, the total cost impact of this AD on U.S. operators of Group 2 airplanes is estimated to be $445,885, or $6,655 per airplane.

Based on the figures discussed above, the total cost impact of the AD on U.S. operators is estimated to be $3,064,930. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6088 (53 FR 49978, December 13, 1988), and by adding a new airworthiness directive (AD), amendment 39–8510, to read as follows:

93–05–05 Boeing: Amendment 39–8510. Docket 92–NM–27–AD. Supersedes AD 88–13–51 R1, Amendment 39–6088.

Applicability: Model 737–300, 737–400, and 737–500 series airplanes; equipped with CFM International CFM56–3 series engines; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent engine flameout during airplane descent in moderate to severe inclement weather conditions, accomplish the following:

(a) For Model 737–300 series airplanes: Within 10 days after December 30, 1988 (the effective date of AD 88–13–51, R1, Amendment 39–6088), accomplish the procedures specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD:

(1) Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) by adding the following instructions. This may be accomplished by inserting a copy of this AD into the AFM. (Where appropriate, remove the previous inserted copy of AD 88–13–51 from the AFM.)

"Operation in Moderate to Heavy Rain, Hail, or Sleet:

When operating in or in the vicinity of (near) moderate to heavy rain, hail, or sleet, accomplish the following:

(i) Engine start switches—FLIGHT.

(ii) Minimum Engine N_1—45%.

(iii) Auto-throttle—OFF.

Note: Operation in or in the vicinity of (near) moderate to heavy rain, hail, or sleet is to be assumed if indicated by any of the following sources: weather radar, reports, or observations.

Operating in Thunderstorm Activity

Cautionary Note

Flight operation should be conducted so that operation within 5 miles of thunderstorm activity is avoided."

(2) For operations in known or forecast rain, hail, or sleet, notwithstanding the Minimum Equipment List (MEL), the weather radar must be operable for dispatch.

(3) Install a placard (red base, white lettering) on the instrument panel in clear view of the flight crew and in close proximity of the engines' N_1 indication gauges, that reads as follows:

"Maintain At Least 45% N_1 When Operating In Or Near Moderate To Heavy Rain, Hail, Or Sleet."

(b) For Model 737–300 series airplanes: Within the next 48 months after the effective date of this AD, accomplish the engine modification described in Boeing Service Bulletin 737–77–1031, Revision 1, dated May 14, 1992. Accomplishment of this modification constitutes terminating action for the requirements of paragraph (a) of this AD; the AFM revision, the MEL configuration requirements, and the N_1 placard may be removed at that time.

(c) For Model 737–400 and 737–500 series airplanes: Within the next 48 months after the effective date of this AD, accomplish the engine modification described in Boeing Service Bulletin 737–77–1031, Revision 1, dated May 14, 1992. Upon accomplishment of this modification, the AFM limitations pertaining to "Operation In Moderate To Heavy Rain, Hail, Or Sleet" may be removed, as well as the related flight compartment instrument panel placard, related MEL configuration requirements, and any related 45% N_1 idle indication/control limitations.

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

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Note 2: Alternative methods of compliance previously granted for Amendment 39–6088, AD 88–13–51 R1, continue to be considered as acceptable alternative methods of compliance for paragraph (a) of this amendment.

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

(f) The modification shall be done in accordance with Boeing Service Bulletin 737–77–1031, Revision 1, dated May 14, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on April 29, 1993.

Issued in Renton, Washington, on March 5, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–6899 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–CE–48–AD; Amendment 39–8527; AD 93–06–02]

Airworthiness Directives; Piper Aircraft Corporation PA–23 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Piper Aircraft Corporation (Piper) PA–23 series airplanes that have Met-Co-Aire 48-gallon tip tanks installed. This action requires replacing any existing rubber fuel hose with a hose of improved design that is not susceptible to fuel leakage. The Federal Aviation Administration (FAA) has received a report of fuel leakage from the end fitting of a flexible fuel line that connects one of the 48-gallon tip tanks to the main fuel system on a Piper Model PA–23–250 airplane. This incident resulted in the left wing tip exploding, catching fire, and separating from the airplane. The actions specified by this AD are intended to prevent such fuel leakage and possible fire, which could result in passenger injury.

DATES: Effective May 12, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 12, 1993.

ADDRESSES: Service information that applies to this AD may be obtained from Met-Co-Aire, P.O. Box 2216, Fullerton, California 92633; Telephone (714) 870–4610. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roy McKinnon, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, 3229 E. Spring Street, Long Beach, California 90806–2425; Telephone (310) 988–5247.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that would apply to certain Piper PA–23 series airplanes that have Met-Co-Aire 48-gallon tip tanks installed in accordance with Supplemental Type Certificate (STC) SA1480WE was published in the **Federal Register** on October 28, 1992 (57 FR 48754). The action proposed to require replacing any existing Parker "Push-Lok" flexible fuel hose, part number (P/N) 11059–4, with a Stratoflex hose, P/N 11059–10. The proposed action would be accomplished in accordance with Met-Co-Aire Service Bulletin No. 23–001, dated July 1992.

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

The commenter requests that the proposed AD reference the part numbers of the Parker-Hannifin fuel hoses as well as the part numbers of the Met-Co-Aire hoses. The FAA concurs that referencing these part numbers should be included in the proposed AD since the hoses are of identical design. The proposed AD has been revised accordingly.

No comments were received on the FAA's determination of the cost to the public.

After careful review of all available information including the comment referenced above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the part number addition referenced above and minor editorial corrections. The FAA has determined that these minor corrections and addition will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 3,600 Piper PA–23 series airplanes in the U.S. registry could have two Met-Co-Aire 48-gallon tip tanks installed and therefore could be affected by this AD, that it will take approximately 2 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $80 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $684,000. This figure takes into account that all Piper PA–23 series airplanes could have Met-Co-Aire 48-gallon tip tanks installed; however, only some of the PA–23 series airplanes have these tanks installed, but the FAA has no available means of determining how many. In addition, the manufacturer has sold approximately 1,000 tip tank modification kits. With this in mind, the FAA estimates that the cost impact of the required AD upon U.S. operators would be much smaller than that presented.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-06-02 Piper Aircraft Corporation: Amendment 39-8527; Docket No. 92-CE-48-AD.

Applicability: Models PA-23-150, PA-23-160, PA-23-235, and PA-23-250 airplanes (all serial numbers) that have Met-Co-Aire 48-gallon fuel tip tanks installed in accordance with Supplemental Type Certificate SA1480WE, certificated in any category.

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

Note 1: The compliance time referenced in this AD takes precedence over that referenced in Met-Co-Aire (MCA) Service Bulletin No. 23-001, dated July 1992.

To prevent fuel leakage and possible fire, which could result in passenger injury, accomplish the following:

(a) Replace any existing Parker "Push-Lok" flexible fuel hose, MCA part number (P/N) 11059-4 or Parker-Hannifin P/N 801-6/250PSI, with a Stratoflex hose, MCA P/N 11059-10 or Parker-Hannifin P/N 130001-6S-0154, in accordance with the instructions in Met-Co-Aire Service Bulletin No. 23-001, dated July 1992.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office, FAA, 3229 E. Spring Street, Long Beach, California 90806-2425. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(d) The replacement required by this AD shall be done in accordance with Met-Co-Aire Service Bulletin No. 23-001, dated July 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Met-Co-Aire, P.O. Box 2216, Fullerton, California 92633. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-8527) becomes effective on May 12, 1993.

Issued in Kansas City, Missouri, on March 17, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-6898 Filed 3-24-93; 8:45 am]

BILLING CODE 4910-13-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1116

Reports Under Section 37 of the Consumer Product Safety Act; Revision to Interpretative Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Revision to interpretative rule.

SUMMARY: The Consumer Product Safety Commission (the "Commission") publishes a final revision to its interpretative rule advising manufacturers subject to section 37 of the Consumer Product Safety Act (CPSA) how to comply with the requirement that they report to the Commission certain information relating to settle civil actions and judgments in favor of plaintiffs who have alleged the involvement of a consumer product in death or grievous bodily injury. The revision provides examples of the types of injuries that constitute "grievous bodily injury" under section 37(e)(1) of the Act.

EFFECTIVE DATE: The revision becomes effective April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Michael Gidding, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207, (301) 504-0626.

SUPPLEMENTARY INFORMATION:

Background

Section 37 of the CPSA (15 U.S.C. 2084) requires manufacturers of consumer products that are the subject of lawsuits for death or grievous bodily injury to file reports with the Commission if the same particular model of a product is involved in three lawsuits that settle or are adjudicated in favor of the plaintiff in any one of the 24-month periods enumerated in section 37(b) of the Act. The reporting requirements of section 37 went into effect on January 1, 1991, the day on which the initial two year window for filing reports began. On August 4, 1992, the Commission published in the **Federal Register** an interpretative rule notifying the public of how the Commission intends to interpret and implement section 37. That rule was issued after giving the public notice and an opportunity to comment.

In the preamble to the final rule, the Commission pointed out that the reporting requirements of sections 37 and the defect reporting obligations imposed by section 15(b) of the CPSA, 15 U.S.C. 2064(b), are two of the most important tools the Commission employs to identify and remedy serious product hazards. It also noted that one principal objective of the enactment of section 37 is to create an "automatic" system for manufacturers to report information concerning settled or adjudicated cases to the Commission without the necessity to perform the types of analyses of potential defects and risks of injury envisioned by section 15(b) of the CPSA. The Commission recognized, however, that analyzing and cataloging lawsuit information under the provisions of section 37 often requires interpretation. For example, in analyzing whether an injury is "grievous bodily injury" under section 37(e)(1), the terms used in the statute, e.g. severe electric shock, severe burns, disfigurement, debilitating internal disorder, loss of important bodily function, and injuries likely to require extended hospitalization, are susceptible to varying interpretations.

To provide clearer guidance as to which settled or litigated lawsuits are reportable under section 37, on August 4, 1992, the Commission published in the **Federal Register** a proposed revision to § 1116.2(b) of the final interpretative rule. The revision sets forth examples of the types of injury that constitute "grievous bodily injury", and, following the express language of section 37(e)(1), also makes clear that the term "grievous bodily injury" includes, but is not limited to, the categories listed in the final rule. To assure that they are consistent with standard commercial practice, the examples are based on information from members of the reinsurance industry on the criteria taken into account in loss compensation and insurance in evaluating the severity of certain types of injuries. By tying the examples to commercial understanding, the Commission also believes that manufacturers will be encouraged to consult with their insurers in determining whether the injuries alleged in a specific lawsuit, but not enumerated in the examples, meet the definition of "grievous bodily injury."

For reinsurance purposes, certain types of injuries must be reported to reinsurers, regardless of defenses, liability limits, or insurance reserves. These include paraplegia, quadriplegia, amputation, brain or brain stem injury

including coma and spinal cord injuries, blindness or serious impairment of vision, third degree burns over ten percent of the body or more, second degree burns over 60 percent of the body or more, and massive internal injuries. In addition, insurers generally consider the following types of traumatic injuries to be serious, recognizing that, unlike sections 15(b) and 37, the industry itself does not distinguish between "serious" and "grievous" injuries: Permanent paralysis or paresis, permanent brain injury to any degree or with any residual disorder, permanent loss, to any degree, of vision, hearing, sense of smell, touch, or taste, permanent facial disfigurement, non-facial scarring that results in permanent restriction of motion, permanent injury to a vital organ, to any degree, total loss or loss of use of any internal organ, injury, temporary or permanent, to more than one internal organ, multiple fractures, compound fracture of any long bone, allegations of traumatically induced disease, any back or neck injury requiring surgery, any injury requiring joint replacement or any form of prosthesis, any injury requiring 30 or more consecutive days of in-patient care in an acute care facility, and any injury requiring 60 or more consecutive days of in-patient care in a rehabilitation facility. In addition, based on its own expertise, the Commission has identified ventricular fibrillation, neurological damage, or thermal damage to internal tissue as constituting examples of injuries associated with severe electric shock.

The Commission believes that all of the types of injuries listed above fall within the definition of grievous bodily injury in section 37(e)(1) of the CPSA. The Commission elected to publish these examples for public comment prior to their incorporation in the final rule. In response to the proposed revision, the Commission received two comments covering three issues. These comments and the Commission's responses are discussed below.

1. Section 37(e)(1) expressly states that "a grievous bodily injury *includes* any of the following [nine] categories of injury * * *" (emphasis added). Accordingly, in the enumeration of the categories of injury and the accompanying examples, the definition of "grievous bodily injury" in § 1116.2(b) contains a provision that recognizes that categories of injury other than those specified in section 37(e)(1) may also constitute grievous bodily injury. As an example of such injury, the revision points to allegations of traumatically induced disease.

One commenter objected to inclusion of such a "catch-all" provision, contending that it undermines any effort at specificity in the rest of the rule. The commenter therefore suggested that the provision be deleted.

The Commission declines to adopt this recommendation. At the outset, the commenter provided no information which indicates that Congress intended to limit the definition of grievous bodily injury to the nine categories of injury enumerated in section 37(e)(1). To the contrary, Congress expressly enacted section 37 to increase reports of potentially hazardous products to the Commission. In view of this purpose, the Commission believes that Congress used the word "includes" as a term of enlargement, rather than one of limitation as the commenter implicitly suggests. Accordingly, the Commission views the definition of grievous bodily injury as encompassing the nine enumerated categories of injury, and other categories of injury of similar magnitude and severity.

2. The proposed revision includes, as an example of the loss of an important bodily function, a compound fracture of any long bone or multiple fractures. One commenter pointed out that not all multiple fractures are sufficiently severe to constitute "grievous bodily injury", citing as an example, two simple or hairline fractures to an arm or finger. The commenter requested that, if the Commission includes multiple fractures as an example of grievous bodily injury, the rule should make clear that such fractures are deemed to be "grievous" only when they in fact involve loss of an important bodily function.

The Commission agrees that not all multiple fractures constitute grievous injury. In determining whether multiple fractures rise to this level, manufacturers should consider the parts of the body whose function is lost, and the degree and length of time of that loss. The number and types of fractures, the types of bones fractured, and the degree of separation in the fractures (if appropriate) are relevant to this inquiry. The Commission has revised the rule accordingly.

3. The proposed revision identified any third degree burn over ten percent of the body or more, or any second degree burn over thirty percent of the body or more as examples of severe burns. One commenter recommended that these examples be expanded to include any second or third degree burn to a toddler-age child (e.g. four years or under) from a product designed for children of this age group. In support of this recommendation, the commenter cited a number of incidents in which children suffered burns from hot surfaces of metal play ground equipment located at fast food restaurants. The Commission declines to adopt this suggestion.

The categories listed in section 37(e)(1) are identical to the categories of injury identified in 16 CFR 1115.12(c) of the Commission's interpretative rule covering substantial product hazard reports as constituting "grievous bodily injury." That section of the rule advises a firm to report information indicating that a noncompliance or defect in a consumer product has caused, may cause, or could cause or contribute to the causing of a death or grievous bodily injury, unless the firm has investigated and determined that the information is not reportable.

The use of identical examples in section 37(e)(1) and in 16 CFR 1115.12(c) suggests that Congress intended section 37 to apply to injuries that are so severe that a firm would report them *per se* to the Commission unless an investigation revealed the absence of a reportable defect. The injuries the commenter describes do not, in the opinion of the Commission, necessarily rise to this level. Furthermore, nothing in the law suggests that the reportability of an injury under section 37 can be tied to whether the product was intended for the use of the victim. Even if the Commission were empowered to adopt the commenter's recommendation, there would be no logical way in which to limit it to injuries involving products intended for use by children. A general extension of the doctrine to require reports only when the victims are the intended users of the products that allegedly caused their injuries would result in the receipt of fewer reports under section 37. The Commission would note, however, that, although the injuries described by the commenter may not necessarily fall within the category of "severe burns", such injuries may be still reportable under section 37 if they fall within the categories of disfigurement or injuries likely to require extended hospitalization. Moreover, additional information submitted by the commenter also supports the conclusion that the injuries the commenter describes could be reportable under section 15(b) (2) or (3) of the CPSA in any event.

4. Although the Commission did not receive comments on the scope of the examples, the Commission emphasizes that the examples are not an exclusive listing of those injuries that fall within the nine categories of grievous bodily injury identified in section 37(e)(1). Manufacturers should carefully analyze

allegations of injury in lawsuits not expressly encompassed by the examples to determine whether they nevertheless fall within one of the enumerated categories of grievous injury or are similar in magnitude and severity to the enumerated categories. If the allegations meet either of these tests, the lawsuits are potentially subject to reporting under section 37.

Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this revision will not have a significant economic impact upon a substantial number of small entities. Section 37 implements Congress's concern and intention to enhance the Commission's ability to detect and remedy serious product hazards. This revision simply clarifies the obligations imposed by the law on manufacturers of consumer products that are the subject of civil lawsuits. The revision, however, will have no economic impact on small business, either beneficial or negative, beyond that which results from the statutory provisions.

Environmental Considerations

The revision to final rule below does not fall within any of the categories of Commission activities described in 16 CFR 1021.5(b) which have the potential for producing environmental effects, and which, therefore, require environmental assessments, and, in some cases, environmental impact statements. The Commission does not believe that the revision contains any unusual aspects which may produce effects on the human environment, nor can the Commission foresee any circumstances in which the revisions to the rule promulgated below may produce such effects. For this reason, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 16 CFR Part 1116

Administrative practice and procedure, Business and industry, Confidential business information, Consumer protection, Reporting and recordkeeping requirements.

Therefore, in accordance with the provisions of 5 U.S.C. 553 and under the authority of the Consumer Product Safety Act, 15 U.S.C. 2052 *et seq.*, the Commission amends part 1116 of title 16, chapter II, of the Code of Federal Regulations as follows:

PART 1116—REPORTS SUBMITTED PURSUANT TO SECTION 37 OF THE CONSUMER PRODUCT SAFETY ACT

1. The authority citation for part 1116 continues to read as follows:

Authority: 15 U.S.C. 2055(e), 2084.

2. Section 1116.2(b) is revised to read as follows:

§1116.2 Definitions.

* * * * *

(b) *Grievous bodily injury* includes, but is not limited to, any of the following categories of injury:

(1) Mutilation or disfigurement. Disfigurement includes permanent facial disfigurement or non-facial scarring that results in permanent restriction of motion;

(2) Dismemberment or amputation, including the removal of a limb or other appendage of the body;

(3) The loss of important bodily functions or debilitating internal disorder. These terms include:

(i) Permanent injury to a vital organ, in any degree;

(ii) The total loss or loss of use of any internal organ,

(iii) Injury, temporary or permanent, to more than one internal organ;

(iv) Permanent brain injury to any degree or with any residual disorder (e.g. epilepsy), and brain or brain stem injury including coma and spinal cord injuries;

(v) Paraplegia, quadriplegia, or permanent paralysis or paresis, to any degree;

(vi) Blindness or permanent loss, to any degree, of vision, hearing, or sense of smell, touch, or taste;

(vii) Any back or neck injury requiring surgery, or any injury requiring joint replacement or any form of prosthesis, or;

(viii) Compound fracture of any long bone, or multiple fractures that result in permanent or significant temporary loss of the function of an important part of the body;

(4) Injuries likely to require extended hospitalization, including any injury requiring 30 or more consecutive days of in-patient care in an acute care facility, or 60 or more consecutive days of in-patient care in a rehabilitation facility;

(5) Severe burns, including any third degree burn over ten percent of the body or more, or any second degree burn over thirty percent of the body or more;

(6) Severe electric shock, including ventricular fibrillation, neurological damage, or thermal damage to internal tissue caused by electric shock.

(7) Other grievous injuries, including any allegation of traumatically induced disease.

Manufacturers may wish to consult with the Commission staff to determine whether injuries not included in the examples above are regarded as grievous bodily injury.

* * * * *

Dated: March 10, 1993.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 93–6038 Filed 3–24–93; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD7 93–07]

Special Local Regulations: Intercoastal Waterway, St. Augustine, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the "Blessing of the Fleet" ceremony. The event will be held from 11 a.m. e.s.t. (Eastern Standard Time) to 3 p.m. e.s.t. on April 4, 1993. The regulated area includes those waters between the Bridge of Lions and the Fish Island Marina Daybeacon #2, LLNR 33635, position 29–52.15N, 081–18.12W, in the Matanzas River, St. Augustine, Florida. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective from 9 a.m. e.s.t. on Sunday, April 4, 1993, and terminate at 3 p.m. e.s.t. on Sunday, April 4, 1993.

FOR FURTHER INFORMATION CONTACT: QM1 Douglas P. Kuykendall, Coast Guard Group Mayport, at (904) 247–7308.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations, and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The updated information to hold the event was not received until January 20, 1993, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are QM1 Kuykendall, Marine Event Petty Officer, Coast Guard Group Mayport and LT Jacqueline M. Losego, Project Attorney, Seventh Coast Guard District Legal Office.

Discussion of Proposed Regulations

The event requiring this regulation is a "Blessing of the Fleet" ceremony. There will be 250 participating vessels in single file, parade style, transiting the Intracoastal Waterway from the Bridge of Lions south to Daybeacon #2, and returning north to the Bridge of Lions. Approximately 40–50 spectator craft are expected. The total number of vessels in the regatta area create an extra hazard to the safety of life on the navigable waters. The event requires that vessel traffic control be implemented within the area of the Intracoastal Waterway between the Bridge of Lions and Daybeacon #2.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

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

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

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

2. A temporary section 100.35–0707 is added to read as follows:

§ 100.35–0707 Blessing of the fleet ceremony.

(a) *Regulated area:* The regulated area is located in the waters of the Matanzas River, Intracoastal Waterway, St. Augustine, Florida. Its northern boundary consists of the Bridge of Lions. The southern boundary is formed by a line, perpendicular to the centerline of the Matanzas River, drawn from Fish Island Marina Daybeacon # 2, LLNR 33635, position 29–52.15N, 081–18.12W, near the entrance of the San Sebastian River, to the east bank of the Matanzas River. The eastern boundary is formed by the eastern bank of the Matanzas River. The western boundary begins where the Bridge of Lions meets the west bank of the Matanzas River and runs along the west bank of the river to 29–52.34N, 081–18.13W, and then to 29–52.20N, 081–18.09W at the southeast end of the regulated area.

(b) *Special local regulations:* (1) Entry into the regulated area, by other than parade participants or spectator craft, is prohibited, unless authorized by the Patrol Commander. After termination of the "Blessing of the Fleet" ceremony, all vessels may resume normal operations.

(2) Spectator craft will be allowed to enter the regulated area; however, vessel mooring, anchoring, and movement restrictions will be directed by Coast Guard and local law enforcement officials.

(3) The Bridge of Lions will remain in the closed position during the event.

(c) *Effective dates:* These regulations become effective from 9 a.m. e.s.t. to 3 p.m. e.s.t. on April 4, 1993.

Dated: March 10, 1993.

William P. Leahy,

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

[FR Doc. 93–6905 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD5–90–043]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the drawbridge across the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 2.8, in Chesapeake, Virginia, by allowing commercial cargo vessels and tugs and tows passage through the bridge during morning and evening rush hours provided a 2-hour advance notice is given to the Jordan Bridge Office. This final rule also includes a provision that allows public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial or public vessels assisting in an emergency situation passage through the bridge at any time. This is intended to provide for the safety of the public while providing regularly scheduled drawbridge openings.

EFFECTIVE DATES: This rule is effective on April 26, 1993.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Linda L. Gilliam, Project Manager, Bridge Section, and CAPT M.K. Cain, Project Counsel, Legal Office.

Regulatory History

On July 27, 1990, the Coast Guard published a notice of proposed rulemaking entitled Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, Virginia, in the **Federal Register** (55 FR 30723). It would have closed the Jordan Bridge to all vessels during morning and evening rush hours, Monday through Friday, except Federal holidays, from 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 5 p.m. Interested persons were given until September 10, 1990, to submit comments. The Commander, Fifth Coast Guard District, also published the proposed rule as a public notice on August 2, 1990. The comment period for the public notice also ended September 10, 1990. Based on requests received, a public notice was issued on August 23, 1990, extending the comment period to October 10, 1990. The Coast Guard received 175 letters commenting on the proposal. Based on comments received from the maritime community and the motoring public, on July 25, 1991, the Coast Guard published a supplemental proposed rule entitled Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, Virginia, in the **Federal Register** (56 FR 34046). The Commander, Fifth Coast Guard District, also published the supplemental proposed rule as a public notice on July 31, 1991, with the comment period ending on September 9, 1991. The public notice was reissued on September 5, 1991, extending the comment period to October 9, 1991. The Coast Guard received 15 letters commenting on the supplemental proposal. As a result of the comments received from the maritime industry and meetings held with them, on June 12, 1992, the Coast Guard published a second supplement to the proposal entitled Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, Virginia, in the **Federal Register** (57 FR 25000). The Commander, Fifth Coast Guard District, published the second supplemental proposed rule as a public notice on June 18, 1992, with the comment period ending on July 27, 1992. The Coast Guard received 58 letters commenting on the second supplemental proposed rule. As a result of the comments received once again from the maritime

industry, the Coast Guard published on December 2, 1992, a third supplement entitled Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, Virginia, in the Federal Register (57 FR 57039). The Commander, Fifth Coast Guard District, published the third supplemental proposed rule as a public notice on January 5, 1993, with the comment period ending February 3, 1993. The Coast Guard received 2 letters commenting on the third supplemental proposed rule. A public hearing was not requested and one was not held.

Background and Purpose

The International Federation of Professional and Technical Engineers, Local No. 10, requested that the regulations for this drawbridge be amended to eliminate all bridge openings during morning and evening peak highway traffic hours to help reduce highway traffic congestion, but remain open on signal during the rest of the time.

Currently, only pleasure boats are restricted from requesting bridge openings during morning and evening rush hours. The original notice of proposed rulemaking would have closed the Jordan Bridge to all vessels Monday through Friday, except Federal holidays, from 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 5 p.m.

As a result of the third supplemental proposed rule and comments received from the maritime industry and the City of Chesapeake, the Coast Guard is restricting drawbridge openings to recreational traffic from 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays. Commercial vessels carrying liquefied flammable gas or other harmful substances will be allowed passage through the bridge at any time. From 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays, commercial cargo vessels, and tugs and tows will be allowed passage through the bridge provided they give a 2-hour advance notice to the Jordan Bridge Office. Commercial vessels that do not qualify for exemption will be restricted from passage through the bridge during the morning and evening rush hour. Public vessels of the United States and vessels in distress will be allowed passage through the bridge at any time. Also, commercial and/or public vessels assisting in an emergency situation will be allowed passage through the bridge at any time. The rest of the time the draw will open on signal.

Discussion of Comments and Changes

As a result of the proposed rule and the public notice, comments were received from the maritime community and the motoring public. The motorists were in favor of the proposed restrictions during peak traffic hours since elimination of draw openings during these hours would help reduce traffic disruption, delays, congestion and minor accidents. The commercial maritime industry was opposed to restricting openings of the drawbridge to them based on economic impact concerns, safety and deep-draft vessel navigation requirements. The Coast Guard Marine Safety Office, Hampton Roads, commented in their memorandum dated October 9, 1990, that liquefied flammable gas carriers should be allowed passage through the Jordan Bridge any time with no restrictions due to the need for establishing safety zones and the risk and hazard involved in transporting a loaded liquefied flammable gas vessel.

The Coast Guard issued a supplemental proposed rule including the original proposal with additional provisions which allowed commercial vessels with a draft of 22 feet or greater access through the bridge during morning and evening rush hours, provided they gave a 6-hour advance notice of their arrival, and liquefied flammable gas carriers access through the bridge any time with no restrictions. The decision to allow deep draft vessels access through the Jordan Bridge during peak traffic hours was based on these vessels requiring high tide to transit upstream from the bridge to commercial marine terminals where the channel depths are reduced to as little as 27 feet. Due to the hazards involved in shipping liquefied flammable gas, it was decided to allow liquefied flammable gas vessels unrestricted access through the bridge any time of the day.

Additional comments were received as a result of the supplemental proposed rule. The comments from the motoring public remained the same; however, the maritime industry expressed further concern over the safety factor of transporting any harmful substance through this bridge and requested that the type of ships and harmful substances be expanded to include all flammable products. Also, they requested that the 6-hour advance notice requirement for other commercial vessels be relaxed to 2 hours and include heavily laden cargo vessels, including tugs and tows.

As a result of comments received on the supplemental proposed rule, a second supplemental proposal was issued. The comments received were from the maritime industry expressing further concern over the safety factor involved while transiting the narrow shipping channel in the vicinity of the Jordan Bridge. The Coast Guard Marine Safety Office, Hampton Roads, expressed in their letter dated September 11, 1992, the need to include public and/or commercial vessels access through the bridge at any time when assisting in emergency situations. The Hampton Roads Chamber of Commerce responded to the proposal by presenting the Coast Guard with a resolution requesting that their modifications to the proposed regulations be adopted. Their resolution is similar to the previous proposal except it changed heavily laden cargo vessels to commercial cargo vessels and included tugs and tows in the 2-hour advance notice requirement.

A third supplement to the proposed rule was published as a result of the comments received on the second supplement. Comments were received from the Hampton Roads Maritime Association favoring the proposal. The International Federation of Professional and Technical Engineers, Local No. 10, objected to the 2-hour advance notice requirement stating that the tugs and tows will continue to disrupt rush hour traffic. Since the river banks offer no place for tugs and tows to safely tie up in the proximity of the bridge to wait for a bridge opening, the Coast Guard determined it necessary to include these vessels in the 2-hour advance notice requirement provision.

In developing this final rule, the Coast Guard considered all views. The decision to exempt commercial vessels carrying liquefied flammable gas or other harmful substances during rush hour restrictions is based on the need to maintain safety along the Southern Branch of the Elizabeth River. Commercial cargo vessels and tugs and tows will be allowed passage through the bridge during rush hours provided they give a 2-hour advance notice to the Jordan Bridge Office. This is not considered restrictive to the commercial waterway industry and is a compromise to the highway traffic crossing the Jordan Bridge.

Regulatory Evaluation

This action is considered to be non-major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This opinion is based on the fact that

the regulations will not unduly cause a hardship on recreational vessels and commercial vessels that do not qualify for exemption since the bridge will only be closed one hour in the morning and one and a half hours in the afternoon.

Small Entities

No comments were received concerning small entities or on the economic impact this rule would have on small entities. Since the impact on these regulations is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 602 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g)

2. In section 117.997, paragraph (a) is revised to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

(a) The draw of the Jordan (S337) bridge, mile 2.8, in Chesapeake:

(1) Shall open on signal at any time for public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial and/or public vessels assisting in any emergency situation.

(2) From 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays:

(i) Need not open for the passage of pleasure craft or commercial vessels that do not qualify under paragraph (a)(2)(ii) of this section.

(ii) Need not open for commercial cargo vessels, including tugs and tows, unless 2 hours advance notice has been given to the Jordan Bridge Office at (804) 545–4695.

(3) Shall open on signal at all other times.

Dated: March 11, 1993.

W.T. Leland,

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

[FR Doc. 93–6906 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–14–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1004

[Ex Parte No. 55 (Sub-No. 87)]

Interpretations and Routing Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; correction.

SUMMARY: By notice published on February 26, 1993 at 58 FR 11549, the Commission eliminated the requirement that private carriers engaged in incidental for-hire transportation must conduct such operations independently of their private operations and maintain separate records for each operation. However, the prior notice erroneously listed the docket number of the proceeding to be "Ex Parte No. MC–55 (Sub-No. 87)" (with "MC" in the number), rather than "Ex Parte 55 (Sub-No. 87)". By this notice we are merely correcting the docket number of the proceeding. Since the same mistake was made in the docket number of the decision served February 25, 1993, a corrected decision will be served with the proper docket number.

DATES: This action is effective on March 29, 1993.

FOR FURTHER INFORMATION CONTACT: Maynard Dixon, (202) 927–5293; Joseph Dettmar, (202) 927–5660, [TDD for hearing impaired: 202–927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's corrected decision in Ex Parte No. 55 (Sub-No. 87), which is the same as the prior decision served February 25, 1993 except for the docket number. To purchase a copy of this corrected decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services, (202) 927–5721.]

List of Subjects in 49 CFR Part 1004

Administrative practice and procedure, Motor carriers.

Decided: February 12, 1993.

By the Commission, Chairman Philbin, Vice Chairman Simmons, Commissioners Phillips, McDonald, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–6878 Filed 3–24–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 920778–2263]

Pacific Coast Groundfish Fishery; Correction

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

ACTION: Final rule; correction.

SUMMARY: NMFS makes corrections in the final rule to implement conservation and management measures prescribed in Amendment 6 to the Fishery Management Plan for the Pacific Coast Groundfish Fishery. The action is necessary because the implementing regulations do not accurately reflect the initial issuance criteria for "A" and "Provisional A" gear endorsement regarding replacement vessels and upgrading requirements.

EFFECTIVE DATE: January 1, 1993.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140.

SUPPLEMENTARY INFORMATION: Section 663.35(a)(4) is corrected to clarify that its provisions govern only issuance of "provisional A" endorsements for replacement vessels; similar provisions for issuance of "A" endorsements already appear in § 663.34(a)(4). Section 663.35(c)(3)(i) is corrected so that the language governing the upgrading

requirements for trawl landings of whiting is parallel to the language used to govern the other upgrading requirements. In final rule Document 92–27718, beginning on page 54001, in the issue of Monday, November 16, 1992, make the following corrections:

§ 663.33 [Corrected]

1. On page 54007, in the third column, in the second line of § 663.33(f)(1)(i), "§ 663.35(4)(i)(B)" should read "§ 663.35(4)(i)".

§ 663.35 [Corrected]

2. On page 54009, in the first column, in the first and second lines of § 663.35(a)(4) introductory text, replace the words "Persons owning replacement vessels qualify by the following:" with the heading *"Owners of replacement vessels."*

3. On page 54009, in the first column, in § 663.35(a)(4)(i), in the first line, replace the word "The" with "An", and the third and fourth lines replace the words "must choose between: with the words "may qualify for a 'provisional A' endorsement on a limited entry permit with a size endorsements for the replacement vessels, if the vessel meets the criteria in § 663.35(a)(4)(ii)."

4. On page 54009, in the first column, in § 663.35, remove paragraphs (a)(4)(i)(A) and (B).

5. On page 54009, in the third column, in the sixth and seventh lines of § 663.35(c)(3)(i), the phrase"; or 5 days or 938 mt of landings of Pacific whiting." is corrected to read"; or 5 separate days with landings over 500 pounds (227 kg) of Pacific whiting; or 938 mt of landings of Pacific whiting."

§ 663.36 [Corrected]

6. On Page 54010, in the second column, in the tenth and eleventh lines of § 663.36(a)(4), the words "(replacement of smaller vessels)" are corrected to read "(Owners of replacement vessels)".

Dated: March 19, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Services.

[FR Doc. 93–6888 Filed 3–24–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 56
Thursday, March 25, 1993

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1435

RIN 0560–AC14

Sugar and Crystalline Fructose Marketing Allotment Regulations for Fiscal Years 1992 Through 1996

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (CCC) is proposing regulations to implement the provisions of part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (the 1938 Act), as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act), and further amended by section 111 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (the Technical Corrections Act), with respect to marketing allotments for sugar processed from domestically produced sugarcane and sugar beets and crystalline fructose manufactured from corn for the fiscal years 1992 through 1996.

DATES: Comments must be received on or before April 15, 1993 in order to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments should be mailed or delivered to the Deputy Administrator for Program Analysis (DAPA), Agricultural Stabilization and Conservation Service (ASCS), room 3090, South Agriculture Building, U.S. Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013–2415. Comments received may be inspected between 9 a.m. and 4:30 p.m., Monday through Friday except holidays, in room 3727, South Agriculture Building, USDA, 14th Street and Independence Avenue, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert D. Barry, Director, Sweeteners Analysis Division, ASCS; telephone: 202–720–3391. A Preliminary Regulatory Impact Analysis is available from the above-named person.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as a "major" rule. It has been determined that the provisions of this proposed rule will result in:

(1) An annual effect on the economy of $100 million or more;

(2) Major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States (U.S.)-based enterprises to compete in domestic or export markets.

It has been determined the Regulatory Flexibility Act is applicable to this proposed rule. A Preliminary Regulatory Impact Analysis was prepared, which determined that this regulation will have no significant impact on a substantial number of small entities because the particular marketing allotment options considered will not affect the paperwork, reporting, or compliance burdens of the small entities in the program. The CCC thus certifies that the rule will have no significant economic impact on a substantial number of small entities. The Preliminary Regulatory Impact Analysis describing the options considered in developing this proposed rule and the impact of the implementation of each option is available on request from the above-named individual.

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is necessary for this proposed rule.

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this proposed rule applies are: Commodity Loans and Purchases; 10.051.

The amendments to 7 CFR part 1435 set forth in this proposed rule imposes information collection and recordkeeping requirements on the public. The information collection requirements will be submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35). The public reporting burden for these collections of information is estimated to average 90 minutes per response for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and computing and reviewing the collection of information.

The programs covered by this proposed rule are not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

This proposed rule has been reviewed in accordance with Executive Order 12778. The provisions of this proposed rule preempt State law to the extent such laws are inconsistent with the provisions of this proposed rule. This proposed rule is not retroactive. Before any action may be brought regarding the provisions of this proposed rule, the administrative appeal rights set forth at 7 CFR part 780 must be exhausted.

Statutory Background

Title IX of the 1990 Act (Pub. L. 101–624), which was enacted on November 28, 1990, amended subtitle B of title III of the 1938 Act to provide, in a new part VII, under certain circumstances, for the establishment of marketing allotments for sugar and crystalline fructose for fiscal years 1992 through 1996. Title I, section 111, of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Pub. L. 102–237) which was enacted on December 13, 1991, amended portions of part VII, of subtitle B of title III of the 1938 Act, pertaining to the establishment of marketing allotments for sugar and crystalline fructose for fiscal years 1992 through 1996. Part VII also provides for the monthly reporting of certain information with respect to the production, imports, distribution, and stock levels of sugar and composite data on distributions of crystalline fructose

for fiscal years 1992 and subsequent years.

Consultations With the Industry

Section 359h(a)(2) of the 1938 Act, as amended, provides that prior to proposing any regulations to implement part VII of subtitle B of title III, the Secretary of Agriculture (the Secretary) shall consult with representatives of domestic sugar processors and producers with regard to ensuring that the regulations achieve the objectives of part VII. Such consultations were held on behalf of the Secretary on April 19, 1991. At that meeting 18 individuals, companies, or organizations presented testimony and written papers regarding the implementation of the sugar program. Comments received have been considered in developing these proposed regulations.

The principal concern of the private sector participants was the weights that would be assigned to the three elements (past marketings, processing and refining capacity, and the ability to market) used to determine the percentage factors for the overall cane sugar and beet sugar allotment. Suggestions for the weight factor to be used for "past marketings" ranged from 100 percent to less than 5 percent, and weight factors for "processing over refining capacity," and "ability to market" ranged from over 47 percent to 0 percent each.

It was suggested that in determining "past marketings" a 5-year average, disregarding the high and low years be used. It was also suggested that the highest production year be used. Other principal suggestions of the participants were as follows:

(1) CCC should count sugar pledged as collateral for CCC price-support loans against a processor's market allocation, but if the sugar is forfeited or put under loan a second time, it should not be counted against the allocation a second time;

(2) CCC should provide for a reasonable amount of carryover stocks when applying the trigger formula for the marketing allotment;

(3) CCC should adjust or suspend marketing allotments once the minimum import level has been reached and allow domestic supplies and reserves to meet further needs, and

(4) USDA should develop a fair and workable sugar equivalency standard for crystalling fructose.

Discussion of Proposed Rule

This proposed rule would implement the provisions of the 1938 Act, with respect to sugar and crystalline fructose marketing allotments and allocations. The 1938 Act contains several provisions that are ambiguous. The proposals set forth in this proposed rule attempt to clarify these issues and to implement the statute in a manner that will result in a viable and effective sugar program. With respect to marketing allotments, the proposed regulations address:

(1) The establishment of marketing allotments for any portion of the fiscal year based on quarterly re-estimates;

(2) Consideration of reasonable carryover stocks when making estimates to determine whether marketing allotments are to be triggered;

(3) Adjustments due to changes in the estimates of consumption, stocks, production, and imports;

(4) Consideration of reasonable carryover stocks when establishing the overall allotment quantity;

(5) Allocation of marketing allotments;

(6) A hearing on the allocation of marketing allotments only if requested by interested parties;

(7) Adjustment of allotments and allocations;

(8) Exclusion of Puerto Rico from proportionate shares;

(9) Assignment of deficits;

(10) Establishment of proportionate shares on a farm basis;

(11) Processor assurances;

(12) Reimbursement for expenses for an appeal hearing by CCC;

(13) Establishment of proportionate shares for producers;

(14) Transfer and preservation of production history;

(15) Assessment of penalties; waiver of penalties, and collection of penalties; and

(16) Appeals.

In developing the proposed regulations, the following assumptions were used:

1. No restriction or allotments shall be established on marketings of any liquid fructose produced from either corn or other source.

2. If a sugar beet processor subject to an allotment is unable to market that allotment, such deficit shall be reassigned proportionately to all other sugar beet processors, not just to processors within the vicinity of the processor.

3. Farm proportionate shares would be established in a sugarcane State whenever an allotment is in effect and there are in excess of 250 sugarcane producers in such State.

4. In determining farm sugarcane acreage bases, sugarcane acreage on a farm that fails and sugarcane acreage that is not harvested due to conditions beyond the control of producers would be considered as planted. Prevented planted acreage would not be considered as planted.

5. The quantity of sugar pledged as collateral by the processor shall be counted against the processor's allotment quantity; however, such sugar shall not be counted a second time when the collateral is subsequently redeemed and marketed.

In addition, section 359c(b) of the 1938 Act requires the Secretary, in establishing the overall allotment quantity for the fiscal year, to deduct 1,250,000 short tons, raw value, and carry-in stocks of sugar including sugar in CCC inventory, from the estimated sugar consumption and reasonable carryover stocks.

Timing of Marketing Allotment Announcement

Section 359b(a)(1) of the 1938 Act, as amended, provides that before the beginning of each of the fiscal years 1992 through 1996, the Secretary shall estimate (1) the quantity of sugar that will be consumed in the U.S. during the fiscal year and the quantity of sugar that would provide for reasonable carryover stocks, (2) the quantity of sugar that will be available for consumption from carry-in stocks or from domestically produced sugarcane and sugar beets, and (3) the quantity of sugar that will be imported for consumption during the year, based on the difference between (i) the sum of the quantity of estimated consumption and reasonable carryover stocks and (ii) the quantity of sugar estimated to be available from domestic production and carry-in stocks. Also, section 359b(a)(2) of the 1938 Act provides that the Secretary shall make quarterly re-estimates of sugar consumption, stocks, production, and imports for a fiscal year no later than the beginning of each of the second through fourth quarters of the fiscal year. Sections 1435.507 and 1435.508 provide for these annual estimates and quarterly reestimates of sugar consumption, production, stocks, and imports.

Sections 359b(b)(1) and 359c(a) of the 1938 Act provide that for any fiscal year for which the Secretary estimates that imports of sugar for consumption in the U.S. (other than sugar imported for the production of polyhydric alcohol or to be refined and reexported in refined form or in sugar-containing products) will be less than 1,250,000 short tons, raw value, the Secretary shall establish allotments for the marketing by processors of sugar processed from domestically produced sugarcane and sugar beets. In addition, section 359c(g) of the 1938 Act requires the Secretary to establish, adjust, or suspend marketing

allotments for a fiscal year or any portion of a fiscal year based on the quarterly re-estimates. Section 1435.509 of the proposed regulations provides for the establishment, calculation, and announcement of the overall marketing allotment in accordance with the statutory requirements. Section 1435.510 of the proposed regulations provides for the adjustment or suspension of the overall marketing allotment based on the quarterly reestimates.

The Agency would like suggestions on alternatives that might help to prevent the necessity of allotments.

Crystalline Fructose Allotments

Section 359b(c) of the 1938 Act provides, for any fiscal year that allotments are established for the marketing of sugar, that the Secretary shall establish for that year appropriate allotments for the marketing by manufacturers of crystalline fructose manufactured from corn, at a total level not to exceed the equivalent of 200,000 tons of sugar, raw value, during the fiscal year, in a manner that is fair, efficient, and equitable to manufacturers. Section 1435.502 of the proposed regulations would provide that 159,757 tons of crystalline fructose is equivalent to 200,000 tons of sugar, raw value. This level was selected because it represents the superior sweetness of crystalline fructose relative to refined sugar (117–to–100 ratio); this ratio can be determined by means of well-established tests, and precludes the controversy about changes in sweetener equivalence when crystalline fructose is used in a diversity of products, each with its own sweetness equivalence to crystalline fructose.

Section 1435.511 provides that, in any year that allotments are established for the marketing of domestically produced sugar, the sum of the individual manufacturer marketing allotments shall not exceed the equivalent of 200,000 tons of sugar, raw value. Allocation to manufacturers of the crystalline fructose allotment will be used on the manufacturer's (1) average of marketings of crystalline fructose manufactured from corn during the years 1985 through 1989, excluding the highest and lowest manufacturing years, (2) manufacturing capacity, and (3) ability to market crystalline fructose covered by that portion of the allotment allocated. Basing the allocation of the crystalline fructose allotment on the preceding three criteria should result in a fair, efficient, and equitable distribution among manufacturers. Also, using the three criteria as a method for allocating the allotment parallels the method proposed to be used to allocate the sugar allotment among cane and beet sugar processors.

Percentage Factors for Allocation of Allotment

Section 359c(d)(1) of the 1938 Act provides that the Secretary shall establish percentage factors for the overall beet sugar and cane sugar allotments applicable for a fiscal year. It further provides that the Secretary shall establish the percentage factors in a fair, equitable, and efficient manner on the basis of past marketings of sugar (considering for such purposes the marketings of sugar processed from sugarcane and sugar beets of any or all of the 1985 through 1989 crops), processing and refining capacity, and the ability of processors to market the sugar covered under the allotments (hereinafter referred to as the "three-factor criteria"). In addition, section 359c(f) of the 1938 Act provides that the allotment for sugar derived from sugarcane shall be further allotted among the five States in which sugarcane is produced in the United States, in a fair and equitable manner on the basis of the "three-factor criteria" with a slight modification. With regard to past marketings of sugar, the Secretary is required to consider a two-year average of processed sugar marketings, using the two highest years of production in each State from the 1985 through 1989 crops.

Section 1435.512(c) and other applicable sections of this proposed rule provide that each year allotments are in effect, the weights for each of the "three-factor criteria" would be established annually. This provides maximum program flexibility and enables the Secretary to establish allotments based on current conditions within the industry. During the aforementioned consultations, representatives of the industry recognized the need for flexibility in setting weights; however, there was a wide disparity in recommended appropriate weights.

Each of the three criteria has limitations that are inherent in a system wherein Government regulation rather than the free market operates to allocate resources and determine prices. The use of "past marketings" provides a degree of fairness and equity by reflecting an established sharing of the market. Over time, however, this criterion becomes a less accurate measure of fairness and equity, and other criteria are needed. Given some weight to both "processing capacity" and "ability to market" may not only be fair and equitable; it would also reward efficiency in the sense that it is the lower-cost or more competitive elements of the industry that tend to expand their processing capacity and ability to market. The downside of encouraging production capacity, however, is that it increases the likelihood of marketing allotments and surplus sugar stocks for disposal.

It was proposed at the sugar consultations that "processing capacity" be defined as the maximum crop-year production achieved since the 1985 crop. This would seem to be reasonable, provided that it be selected from a moving range of years (e.g., for fiscal year 1992, from crop years 1986–1990; for fiscal year 1993, from 1987–1991).

At the consultations, weights recommended for "past marketings" ranged from less than 5 percent to 100 percent, and for "processing capacity" and "ability to market" the recommendations ranged from 0 percent to over 47 percent each. The wide disparity in recommended weights suggests that equal weights (33⅓ percent each) may best meet the need for balance between fairness and equity, on the one hand, and efficiency on the other. However, the targets of fairness, equity, and efficiency are loose concepts whose relative weights are not specified by statute.

Three-Factor Criteria Considerations

The need for some flexibility in establishing weights for the three-factor criteria is underscored by several considerations. While "past marketings" from the 1985–1989 crops is a fixed quantity, "processing capacity" is expected to vary over time, and "ability to market" will not only vary but can be grossly unpredictable because of weather, crop conditions, and processing factors. In the interest of fairness, equity, and efficiency, some consideration may have to be given to circumstances such as, but not limited to:

1. When a substantial increase in "production capacity" and "ability to market" may result in some processors incurring a substantial reduction in their allocation.

2. When the "ability to market" of either the beet sugar or cane sugar sectors of the sugar industry is below their respective preliminary allotment and a second iteration with revised weights is determined to be an efficient way to lower a potential surplus in the other sugar-producing sector. This is to be distinguished from cases of inability to market an allotment quantity, after weights and allotments have been established for the fiscal year. In the latter situation, the Act clearly indicates that imports and not any surplus sugar

in the other sugar-producing sector are to make up the difference.

3. When foreign suppliers of U.S. tariff-rate quota imports are likely to be substantially short of their quota and it may be necessary to assure domestic sugar supplies in sufficient quantity to avoid disruption of the market.

Section 1434.512(b)(1) of the proposed regulations provides that when establishing the percentage factors for allocating the overall beet sugar and cane sugar allotments, the past marketings component of the "three-factor criteria" would be determined using the average marketings for the 1985 through 1989 crops, dropping the highest and lowest years. Use of this formula is consistent with other programs that utilize a 5-year historical period, and will mitigate the impact of anomalous crops. This formula was recommended by the cane industry during the sugar consultations. Percentage weights recommended by sugar representatives at the consultations ranged from 51 to 54 percent for beet sugar and 46 to 49 percent for cane sugar. These values are for illustration purposes only and do not imply that percentage factors, when applicable, would necessarily fall within these ranges.

Public Hearing

Section 359d(a)(2) of the 1938 Act provides that, whenever marketing allotments are established, the Secretary shall make allocations for cane and beet sugar after a hearing, if such a hearing is requested by interested parties. Section 1435.515(e) of the proposed regulations provides for hearing with respect to allocations of the allotments upon the request of interested parties. If allotments are triggered and a hearing is requested by interested parties within 5 working days after the announcement, a hearing will be held to afford processors the opportunity to comment on the proposed allocations. The hearing will commence within 5 working days after the request.

Sections 1435.509–.510, 1435.512–.513, and 1435.515 of the proposed regulations provide for the announcement of the overall marketing allotment and allocation of such allotment to the cane and beet sugar sectors, the cane sugar States, and to cane and beet sugar processors before the beginning of the fiscal year, with quarterly re-estimate announcements. Generally these provisions indicate the calculations required to determine if marketing allotment will be implemented, the size of the overall marketing allotment, and the use of the "three-factor criteria" to allocate the overall allotment.

Reassignment of Deficits Relating to Marketing Allocations

Section 1435.516 of the proposed regulations provides for reassignment of deficits if a sugarcane processor or sugar beet processor is unable to market the full amount of the processor's allocation for the fiscal year in which an allotment is in effect. However, before the Secretary administratively determines the reassignment, the market is given the opportunity to clear the deficit. Section 1435.515(k) would permit a processor to sell sugar in excess of its allocation to another processor so that the purchasing processor can fulfill its allocation. Within each cane sector or beet sector, the market can be expected to correct most, if not all, imbalances between processors with sugar surplus to allocations and processors with deficits relative to allocations. Any residual deficits would be reassigned by the Secretary to surplus processors or to imports.

Section 359e(b) of the 1938 Act explicitly requires the Secretary to reassign residual deficits. A more efficient method of handling the deficits would be to auction off the allocations. Comments are invited on the auction method.

Comments are invited also on the feasibility of permitting sugarcane and sugar beet processors to sell or lease their allocation rights. Sale or lease would be a way of minimizing the extent of administrative reassignment of deficits, while affording processors more flexibility in their production and marketing decisions. The sale or lease of allocations is not explicitly permitted or prohibited in the sugar title of the 1938 Act.

Inclusion of Products in Allotments

Section 359b(b)(2) of the 1938 Act provides that the Secretary may include sugar products, whose majority content is sucrose or crystalline fructose for human consumption and derived from sugar beets, sugarcane, or sugar covered by an allotment, if deemed appropriate.

Sections 1435.508 and 1435.509 of the proposed regulations provide that processed cane and beet sugar used by the processor for intermediate and sugar-containing products will be considered within the allotment allocated to the processor. This discretionary provision is proposed to be implemented because it: (1) Accounts for products having a high sucrose content; (2) includes sugar equivalents that could otherwise be used to circumvent the objectives of the marketing allotment program; and (3) improves program management of domestic supplies and prices. This proposal also conforms with comments by representatives of the industry during the sugar consultations.

Determining U.S. Market Value and Civil Penalty

Sections 359b(d)(3) and 359f(b)(5)(B) of the 1938 Act provide for a civil penalty when: (1) A cane or beet processor markets sugar in excess of the assigned allocation; or (2) a crystalline fructose manufacturer markets crystalline fructose in excess of the allotment. The processor and manufacturer shall be liable to CCC for a civil penalty in an amount equal to 3 times the U.S. market value, at the time of the commission of the violation, of that quantity of sugar or crystalline fructose involved in the violation. If a sugarcane producer who has received a proportionate share knowingly harvests excess sugarcane acreage, that producer shall be liable to CCC for a civil penalty in an amount equal to 1.5 times the U.S. market value of the quantity of sugar that is marketed by the processor of such sugarcane in excess of the allocation of that processor.

Section 1435.502 of the proposed regulation provides that the U.S. market value for cane producer and cane processor violators would be the daily New York No. 14 contract price; for refined beet sugar violators, it would be the weekly-published Midwest price; for crystalline fructose violators, the price would be the Midwest price, times a factor of 1.5.

Processor Assurances

The first sentence of section 359f(a) of the 1938 Act provides that whenever allotments for a fiscal year are allocated to processors, the Secretary shall obtain from the processors such assurances as are considered adequate that the allocation will be shared among producers served by the processor in a fair and equitable manner that adequately reflects the producers' respective production histories.

Section 1435.521 of the proposed regulations provides that processors would be required to submit a report to the Secretary in sufficient detail to support that their allocation will be shared among producers served by such processors in a fair and equitable manner.

Arbitration by the Secretary

The last sentence of section 359f(a) of the 1938 Act provides that any dispute between a processor and a producer, or group of producers, with respect to the

sharing of the processor's allocation shall be resolved through arbitration by the Secretary on the request of either party.

Section 1435.521(d) of the proposed regulations provides that an ASCS employee at the State level will be designated to initially arbitrate between producers and processors. Review of the State specialist's arbitration decision by the Executive Vice President, CCC, or a designee can be requested by either party. The final administrative appeal is to an Administrative Law Judge as required by the 1938 Act. This process allows State ASCS personnel who have familiarity with the parties and the issues to attempt to resolve the dispute. A review by the Executive Vice President will provide for consistent application of policy.

Per-Acre Yield Goal

Section 359f(b)(3)(A) of the 1938 Act provides that the Secretary shall establish the State's per-acre yield goal for a crop at a level (not less than the average per acre yield in the State for the preceding 5 years, as determined by the Secretary) that will ensure an adequate net return per pound to producers in the State, taking into consideration any available production research data that the Secretary deems relevant. These provisions only apply to sugarcane and only in States where proportionate shares are established.

Section 359f(b)(1)(A) of the 1938 Act provides that proportionate shares apply in a State for which a cane sugar allotment is established and in which there are in excess of 250 sugarcane producers in the State (other than Puerto Rico).

Section 1435.502 of the proposed regulations provides that the State's per-acre yield goal would be set at a minimum of the preceding 5-year average yield per acre for the State, but CCC may increase such yield to achieve program objectives. This process was selected since it provides greater program management flexibility and permits variation in per-acre yield goals to adjust to changing situations.

Appeals

Section 359i(a) of the 1938 Act provides that an appeal may be taken with respect to any decision made under section 359d (Allocation of Marketing Allotments) or under section 359f (Provisions Applicable to Producers) by any person adversely affected by reason of any such decision. Section 359i(b)(2) of the 1938 Act further provides that the Secretary shall provide each appellant an opportunity for a hearing before an Administrative Law Judge and the expenses for conducting such a hearing will be reimbursed by the CCC.

Section 1435.531(b) of the proposed regulations provides that only those issues specifically required by statute to be heard by an Administrative Law Judge would be subject to such review. This procedure is proposed in order to permit ASCS to handle all other sugar issues in the same manner as for other programs. Because of the heavy case load of Administrative law Judges, resolution of cases not specifically required to be heard by an Administrative Law Judge would be handled more promptly by the existing ASCS appeals process.

Producer Requirements

The 1938 Act refers to a producer in sections 359f and 359g. This proposed rule would use the definition for "producer" found at 7 CFR 719.2 ("Person who, as owner, landlord, tenant, or sharecropper, shares in the risk of producing the crop, and is entitled to share in the crops available for marketing from the farm or would have shared had the crops been produced."). Section 359f of the 1938 Act refers to establishment of an acreage base for a farm. The proposed rule will use the same definition of "farm" as is used for other ASCS programs as provided in 7 CFR 719.3. A State that is subject to proportionate shares will not be allowed to reconstitute sugarcane farms across State lines. This proposed rule will not require submission of yield data for individual sugarcane farms.

Section 359g(a) of the 1938 Act allows the permanent transfer of acreage base history under certain conditions. Such transfer will decrease the acreage base for the base period, the current year, and future years on the transferring farm and increase the acreage base for the base period, the current year, and future years on the receiving farm. The 1938 Act provides that "* * * For the purpose of establishing proportionate shares for sugarcane farms under section 359f, the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant." The proposed rule allows producers to transfer the acreage base history to any farm in the State on which that producer also has an interest. However, the owner would be required to sign an application filed by an operator or tenant. This allows the owner to have the ultimate control of the transfer, while permitting other producers on the farm to utilize unused shares. The transfers may be requested any time during the year and may be for the total acreage or any part of the base.

Section 359g(b) of the 1938 Act allows the preservation of production history for up to 3 consecutive years on a farm where for reasons beyond the control of owner, the owner is unable to use all or a portion of the farm's proportionate share. Production history will be preserved to the extent of the proportionate share involved. The proportionate share may be redistributed to other farm owners or operators. The transfer would be arranged privately between owners and producers. Farm operators would be required to record any transfer at the county ASCS office by a date specified by CCC. However, owners would be required to approve the transfer. This transfer would be effective for one crop year and no production history shall accrue to the recipient of the redistributed proportionate shares by virtue of such redistribution.

The acreage base for any crop shall be the number of acres that is equal to the average of the acreage planted and considered planted for harvest for sugar or seed on the farm in each of the five crop years preceding the crop year. The Act provides that "* * * Acreage planted to sugarcane that producers on a farm were unable to harvest to sugarcane for sugar or seed because of drought, flood, other natural disaster, or other condition beyond the control of the producers shall be considered as harvested for the production of sugar or seed for purposes of this paragraph. * * *" Under this proposed rule an acreage that is prevented from planting will not be included in the planted and considered planted.

Section 359f(b)(7) of the 1938 Act allows, as necessary to enable processors to meet the State allotment and provide a normal carryover, for uniform adjustments or suspension of proportionate shares in any State where the crop of sugarcane is affected by natural disaster or other adverse condition.

Section 359f(b)(5) of the 1938 Act provides that "Whenever proportionate shares are in effect in a State for a crop of sugarcane, no producer in the State may knowingly harvest, or allow to be harvested, for sugar or seed an acreage of sugarcane in excess of the farm's proportionate share for the crop, or otherwise violate proportionate share regulations issued by the Secretary under section 359h(a)." However, no producer shall be considered to be in violation of this provision unless the processor of the sugarcane produced by such producer markets an amount of sugar that exceeds the allocation of such

processor. Civil penalties will be calculated as 1.5 times the U.S. market value of the quantity of sugar marketed by the processor of such sugarcane in excess of the allocation assigned to the processor. However, producers shall not be liable to a penalty if the excess production is diverted to a use other than sugar or seed, as defined in § 1435.530, or if the sugarcane was harvested before the Secretary announced that proportionate shares were in effect.

Section 1435.527 of this proposed rule requires producers of sugarcane to file an acreage report (using the standard form ASCS–578, Report of Acreage), with ASCS concerning the acreage of sugarcane planted on a farm. Such report would include the number of acres, failed acres, and acres harvested for sugar or seed. The reports would be filed at the county ASCS office by the operator of the farm, the farm owner, or duly authorized representative. The applicable final reporting date would be established by Deputy Administrator, State and County Operations (DASCO). The required acreage report would be used to determine program eligibility and benefits and would be filed on forms prescribed and in accordance with instructions issued by DASCO. A late-filed acreage report for a sugarcane crop would be accepted according to § 1435.527 only if evidence is still available for inspection which may be used to make a determination with respect to the existence and use of the sugarcane crop, or the lack of the crop or a disaster condition affecting the crop. The operator filing a late-filed acreage report would be required to pay the cost of a farm visit by an authorized ASCS employee, unless the county Agricultural Stabilization and Conservation (ASC) committee has determined that failure to report in a timely manner was beyond the producer's control. Section 1435.527 permits revision of reports. The revised report would be required to be filed in accordance with instructions issued by DASCO and would be accepted at any time if evidence exists for inspection and determination of the existence and use of the crop, the lack of the crop, or a disaster condition affecting the crop, and until the time that harvesting has begun.

This proposed rule would use the same administrative tolerances for filing acreage as are currently set forth in 7 CFR 718.40. Such tolerance for sugarcane would be the larger of 1.0 acre or 5 percent of the reported acreage, not to exceed 10.0 acres. The sugarcane crop acreage would be considered to meet the requirements of an accurate report if the determined acreage for the crop does not differ from the reported acreage by more than the tolerance.

Filing of a false or inaccurate acreage report would result in an assessment when the difference between the reported acreage and determined acreage for sugarcane exceeds the tolerance. The assessment will be based on the difference between the reported and determined acreage multiplied by the State yield-goal times 25 percent of the national average loan rate for sugar not to exceed $5,000 for each violation.

If the county ASC committee determines that the sugarcane producer did not make a good faith effort to accurately report the sugarcane acreage, the producer will not be eligible for price-support benefits with respect to sugar production from the farm.

List of Subjects in 7 CFR Part 1435

Loan programs/agriculture, Marketing Allotments, Price support programs, Reporting and recordkeeping requirements, Sugar.

Accordingly, 7 CFR part 1435 is proposed to be amended by adding a new subpart (§§ 1435.500 through 1435.531) as follows:

PART 1435—SUGAR

Subpart—Marketing Allotments for Sugar and Crystalline Fructose

Sec.

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1435.506 Basis for allotments, estimates, and re-estimates.
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1435.511 Crystalline fructose allotment.
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1435.514 Cane and beet sugar allotment adjustments.
1435.515 Allocation of marketing allotments to processors and manufacturers.
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1435.517–1435.520 [Reserved]
1435.521 Assignment of processor's allocation to producers.
1435.522 Proportionate shares for producers of sugarcane.
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1435.525 Temporary transfer of proportionate shares.
1435.526 Adjustments to proportionate shares.
1435.527 Acreage reports.
1435.528 Farm inspections.
1435.529 Tolerance rules.
1435.530 Penalties and assessments.
1435.531 Appeals.

Authority: 7 U.S.C. 1359aa–1359jj; 15 U.S.C. 714b and 714c.

Subpart—Marketing Allotments for Sugar and Crystalline Fructose

§ 1435.500 Applicability.

(a) The regulations of this subpart are applicable to the establishment and allocation of marketing allotments for:

(1) The marketing by processors during fiscal years 1992 through 1996 of sugar processed from domestically produced sugarcane and sugar beets;

(2) The marketing by manufacturers, during fiscal years 1992 through 1996, of crystalline fructose manufactured from corn;

(3) The distribution of the processor's allotment allocation to producers; and

(4) The harvesting of sugarcane by producers subject to proportionate shares.

(b) The regulations of this subpart do not apply to:

(1) The marketing of imported raw or refined sugar or imported crystalline fructose;

(2) The marketing of sugar processed from imported sugarcane or sugar beets;

(3) The marketing of liquid fructose from corn; or

(4) The sale of transfer of sugar or crystalline fructose for exportation from the customs territory of the U.S.

(c) The provisions of this subpart are applicable throughout the U.S., including Puerto Rico and the District of Columbia.

§ 1435.501 Administration.

The provisions of this subpart shall be administered under the general supervision of the Executive Vice President, Commodity Credit Corporation (Administrator, Agricultural Stabilization and Conservation Service), and shall be carried out in the field by State and county ASC committees (State and county committees), respectively.

(a) State and county committees, and their representatives and employees, do not have authority to modify or waive any provisions of this subpart.

(b) The State committee shall take any action required by these regulations which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, an action which is not in accordance with the regulations of this subpart; or

(2) Require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

(c) No provision or delegation herein to a State or county committee shall preclude the Executive Vice President, CCC (Administrator, ASCS), or a designee, from determining any questions arising under this subpart or from reversing or modifying any determination made by a State or county committee.

(d) The Executive Vice President, CCC (Administrator, ASCS), or a designee, may authorize State or county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not affect adversely the operation of this subpart.

§ 1435.502 Definitions.

The definitions set forth in this section are applicable throughout this subpart. The definitions contained in parts 718 and 719 of this title and part 1413 of this chapter are also applicable and are incorporated by reference.

Ability to market means, for purposes of determining allotments or allocations, the estimated crop-year production for the fiscal year in which marketing allotments have been announced.

Acreage base period means the five crop years preceding the current crop year for which the acreage base is established.

Allocation means the division of the sugar beet allotment among processors of sugar beets in the U.S. and the allocation to a State in which sugarcane is produced among the sugarcane processors of that State.

ASCS means Agricultural Stabilization and Conservation Service.

Available for consumption means sugar capable of being sold for consumption.

Beet sugar means sugar, whether or not principally of crystalline structure, which is processed directly or indirectly from domestically produced sugar beets (including sugar produced from sugar beet molasses.)

Beet sugar allotment means that portion of the marketing allotment allocated to sugar beet processors.

Cane sugar means sugar derived directly or indirectly from sugarcane produced in the U.S. (including sugar produced from sugarcane molasses).

Cane sugar refiner means any person who processes raw cane sugar into direct-consumption sugar. The same person may be both a "cane sugar refiner" and either a "sugarcane processor" or "sugar beet processor" or both.

Cane syrup means concentrated cane juice from which no sucrose has been extracted.

Carry-in stocks means inventory on hand at the beginning of the fiscal year.

CCC means the Commodity Credit Corporation.

Crop year means the period beginning July 1 and ending June 30 of the following calendar year, with the customary allowance for a continuous harvest that goes beyond June. The "1991 crop" within the context of this subpart means sugar processed from domestically produced sugar beets or sugarcane harvested during the 1991 crop year. The "1991 crop" includes sugar processed from molasses or thick juice produced from domestically produced sugar beets or sugarcane harvested during the 1991 crop year.

Crystalline fructose means a monosaccharide and reducing sugar, manufactured from field corn, appearing as free-flowing white crystals with the chemical formula $C_6H_{12}O_6$ and molecular weight of 180.16 and meeting the specifications of the *Food Chemicals Codex* (Third Edition, as amended in Third Supplement, 1991) of the National Research Council.

Crystalline fructose allotment means the total quantity of crystalline fructose that each domestic manufacturer of crystalline fructose may market in any fiscal year in which a marketing allotment is in effect. An allotment for crystalline fructose will be imposed whenever allotments are established for cane and beet sugar at a maximum level equivalent to 200,000 tons of sugar, raw value, or 159,757 tons of crystalline fructose, during the fiscal year or other period in which marketing allotments are in effect.

DAPA means the Deputy Administrator for Policy Analysis.

DASCO means the Deputy Administrator, State and County Operations.

Deficit means the estimated quantity of sugar covered by an allocation of an allotment that a processor of sugarcane or sugar beets will be unable to market.

Direct-consumption sugar means any sugar which is not to be further refined or improved in quality, whether such sugar is principally of crystalline structure or is liquid sugar, edible molasses, sugar syrup, or cane syrup.

Distribution means the sale or other disposition of sugar or crystalline fructose, including (but not limited to) the forfeiture of sugar to the CCC and the disposition of sugar or crystalline fructose for retail sale, further processing or refining, production of alcohol or feed, or exportation.

Edible molasses means molasses which is not to be further refined or improved in quality and which is to be distributed for human consumption, either directly or in molasses-containing products.

Farm means that entity as defined in § 719.3 of this title, except that when a State is subject to the implementation of proportionate shares, producers will not be allowed to have farms reconstituted across State lines even if the farm land is adjoining. For example: If a producer farms in Mississippi and has a farm in an adjoining parish in Louisiana, that farm operation may not be reconstituted as a single farming unit.

Fiscal year means the year beginning October 1 and ending the following September 30.

Imports means sugar or crystalline fructose entered into the customs territory of the United States, whether or not the sugarcane processor, sugar beet processor, sugar refiner, or manufacturer of crystalline fructose was the importer of record or consignee of the imported sugar or crystalline fructose.

Invert sugar means a mixture of glucose (dextrose) and fructose (levulose) formed by the hydrolysis of sucrose.

Liquid sugar means a direct-consumption sugar which is not principally or crystalline structure and which contains, or which is to be used for the production of any sugars principally not of crystalline structure which contain soluble nonsugar solids (excluding any foreign substances that may have been added or developed in the product) equal to 6 percent or less of the total soluble solids. Liquid sugar is exclusive of cane syrup and edible molasses.

Market or *Marketing* means the sale or disposition of raw cane sugar, beet sugar, or crystalline fructose in commerce in the 50 States, the several territories, the District of Columbia, and Puerto Rico, including, with respect to any integrated processor/refiner, the movement of raw cane sugar into the refining process.

Marketing allotment for sugar means that portion of the overall sugar allotment quantity allotted to:

(1) Sugar processed, directly or indirectly, from domestically grown sugarcane, and

(2) Sugar processed, directly or indirectly, from domestically grown sugar beets.

Minimum import quantity means 1.25 million short tons of sugar, raw value, which must be imported in the prospective fiscal year or other period in

which marketing allotments are in effect.

Molasses means a thick syrup which is a byproduct of processing sugar beets and sugarcane, or of refining raw cane sugar.

Normal carryover inventory means inventory on hand at the end of the fiscal year, calculated as the previous 5-year-average ratio of carryover inventory to production, multiplied by current estimated production.

Overall marketing allotment means, on a national basis, the total quantity of sugar, raw value, which is processed from domestically produced sugarcane or sugar beets, and the raw value equivalent of sugar in sugar products, that is permitted to be marketed by processors, during a fiscal year or other period in which marketing allotments are in effect.

Past marketings means a combination, as determined by CCC, of the average of marketings between 1985 through 1989 crop years, excluding the highest and lowest years.

Per-acre yield goal means the yield level for a State established at not less than the average per-acre yield in the State for the preceding 5 years or such other higher yield established by CCC that will ensure an adequate net return per pound to producers in the State.

Processing capacity means, for purposes of determining sugar allotments or allocations, the highest crop-year production achieved in the 5-year period prior to the fiscal year for which allotments have been announced. For crystalline fructose allocations, processing capacity means the highest quantity manufactured in a July-June year within the same 5-year period relating to sugar.

Processing facility means a distinct physical facility, at a single location, which processes sugarcane or sugar beets into sugar.

Products of sugar means processed cane and beet sugar used by processors for intermediate and sugar-containing products.

Proportionate share means the total acreage from which a producer can harvest sugarcane in a State with 250 or more producers in which an allotment is in effect.

Raw sugar means any sugar, whether or not principally of crystalline structure, which is to be further refined or improved in quality.

Raw value of any quantity of sugar means its equivalent in terms of raw sugar testing 96 sugar degrees, as determined by a polarimetric test performed in accordance with procedures recognized by the International Commission for Uniform Methods of Sugar Analysis (ICUMSA). *Direct-consumption sugar derived from sugar beets* and testing 92 or more sugar degrees by the polariscope shall be translated into terms of raw value by multiplying the actual number of pounds of such sugar by 1.07. *Sugar derived from sugarcane* and testing 92 sugar degrees or more by the polariscope shall be translated into terms of raw value in the following manner: Raw value = actual weight × {[(actual degree of polarization − 92) × 0.0175] + 0.93}. For example, for cane sugar testing 92 sugar degrees by the polariscope, derive raw value by multiplying the actual number of pounds of such sugar by 0.93; for cane sugar testing more than 92 sugar degrees by the polariscope, derive raw value by multiplying the actual number of pounds of such sugar by the figure obtained by adding 0.93 to the result of multiplying 0.0175 by the number of degrees and fractions of a degree of polarization above 92 degrees. For sugar testing less than 92 sugar degrees by the polariscope, derive raw value by dividing the number of pounds of the "total sugar content" (i.e., the sum of the sucrose and invert sugars) thereof by 0.972.

Reasonable carryover stocks means desirable inventory on hand at the end of the fiscal year as determined by the Secretary.

Refined crystalline sugar means centrifugal, crystalline sugar (including "high-priority" sugar from raw cane mills, and "soft" or "brown" sugars) which is not to be further refined or improved in quality.

State means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

State cane sugar allotment means that portion of the cane sugar allotment assigned to Florida, Hawaii, Louisiana, Texas, or Puerto Rico.

Stocks means inventory of sugar or crystalline fructose on hand at the beginning and at the end of the calendar month for which data are being reported.

Sucrose means a disaccharide having the chemical formula $C_{12}H_{22}O_{11}$.

Sugar means any grade or type of saccharine product which is processed, directly or indirectly, from sugarcane or sugar beets (including sugar produced from sugar beet or sugarcane molasses) and consisting of, or containing, sucrose or invert sugar, including all raw sugar, refined sugar, liquid sugar, edible molasses, sugar syrup, and cane syrup.

Sugar beet processor means a person who commercially produces refined sugar or liquid sugar, directly or indirectly, from sugar beets (including sugar produced from sugar beet molasses). The same person may be both a "sugar beet processor" and either a "cane sugar refiner" or "sugarcane processor", or both

Sugar syrup means a direct-consumption sugar with a sucrose or sucrose-equivalent invert sugar content of less than 94 percent of the total soluble solids.

Sugarcane processor means a person who commercially produces raw sugar or refined sugar, directly or indirectly, from sugarcane (including sugar produced from sugarcane molasses). The same person may be both a "sugarcane processor" and either a "cane sugar refiner" or "sugar beet processor", or both.

Syrup means a viscous, concentrated sugar solution resulting from the evaporation of water, or the remaining liquor after crystallization of sugar from a solution.

Ton means a short ton or 2,000 pounds.

United States means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

USDA means the United States Department of Agriculture.

U.S. market value means for sugarcane the daily New York No. 14 contract price for raw sugar; for sugar beets the weekly-published Midwest price; and for crystalline fructose 1.5 times the Midwest price.

§§ 1435.503–1435.505 [Reserved]

§ 1435.506 Basis for allotments, estimates, and re-estimates.

Calculation of all allotments, allocations, estimates, and re-estimates in this subpart will be made by using the data supplied in reports submitted pursuant to the reporting requirements set forth in §§ 1435.400 and 1435.402 of this part and available USDA statistics and estimates of production, consumption, and stocks.

§ 1435.507 Annual estimates and quarterly re-estimates.

(a) The quantity of sugar that will be consumed; the quantity of sugar that will provide for reasonable carryover stocks; the quantity of sugar that will be available from carry-in stocks and from domestically produced sugarcane and sugar beets; and the quantity of sugar that will be imported in the prospective fiscal year for consumption in the United States will be estimated annually. This estimate will be announced prior to the beginning of the fiscal year.

(b) Sugar consumption, stocks, production, and imports will be re-

estimated and announced on a quarterly basis.

§ 1435.508 Procedure for estimating imports.

The import requirement for the next fiscal year will be calculated by establishing the difference between:

(a) The sum of the quantity of estimated consumption and reasonable carryover stocks; and

(b) The quantity of sugar estimated to be available from domestically grown sugarcane and sugar beets, sugar products, and carry-in stocks.

§ 1435.509 Overall marketing allotment.

(a) If it is estimated prior to the beginning of the fiscal year that the import of sugar will be less than 1.25 million short tons, raw value, for the prospective fiscal year, an overall allotment will be established for that fiscal year at a level that will result in imports of sugar of not less than 1.25 million short tons, raw value.

(b) The overall marketing allotment for the prospective fiscal year will be calculated by deducting from the sum of estimated sugar consumption and reasonable carryover stocks:

(1) 1,250,000 short tons, raw value; and

(2) Carry-in stocks of sugar, including sugar in CCC inventory and sugar products.

§ 1435.510 Adjustment of overall marketing allotment.

(a) The overall allotment will be adjusted to the maximum extent practicable, upward, downward, or will be suspended, to avoid the forfeiture of sugar to the CCC. Such increase, decrease, or suspension will be effective at the beginning of the quarter of the fiscal year for which the determination is made.

(b) If the overall marketing allotment is reduced under this section and the quantity of sugar marketed for the fiscal year in which the reduction is made, including that pledged as price support loan collateral, exceeds the decreased overall allotment, the quantity of excess sugar marketed will be deducted from the next year's overall marketing allotment, if any.

§ 1435.511 Crystalline fructose allotment.

(a) An allotment for crystalline fructose will be imposed whenever allotments are established for cane and beet sugar at a maximum level equivalent to 200,000 tons of sugar, raw value, or 159,757 tons of crystalline fructose, during the fiscal year or other period in which marketing allotments are in effect.

(b) Allocation to manufacturers of the crystalline fructose allotment will be based on the manufacturer's:

(1) Average of marketings of crystalline fructose manufactured from corn during the years 1985 through 1989 excluding the highest and lowest manufacturing years,

(2) Manufacturing capacity, and

(3) Ability to market crystalline fructose covered by that portion of the allotment allocated.

(c) Each of the three criteria used to determine the percentage factors specified in paragraph (b) of this section will be weighted equally, or as determined appropriate by CCC for each year that an overall allotment is in effect.

(d) At any time a crystalline fructose allotment is in effect, no manufacturer may market crystalline fructose in excess of the manufacturer's allotment.

§ 1435.512 Marketing allotments for cane and beet sugar.

(a) An allotment for beet sugar and an allotment for cane sugar will be established for each year that an overall marketing allotment is in effect. The beet sugar allotment and cane sugar allotment will be calculated as a percentage of the overall marketing allotment. These percentage factors will be announced at the same time as the overall marketing allotment.

(1) Each allotment will be equal to the product of multiplying the overall allotment quantity for the fiscal year by the percentage factor established for beet sugar and cane sugar, respectively.

(2) The sum of the cane allotment and beet allotment may never exceed the total overall marketing allotment.

(b) The overall marketing allotment for sugar will be apportioned between beet sugar and cane sugar based on percentage factors established by taking into consideration:

(1) Past marketings of sugar processed from sugarcane and sugar beets based on the average production for sugarcane and sugar beets from the 1985 through 1989 crops, dropping the highest and lowest production years;

(2) Processing and refining capacity in the beet and cane sectors; and

(3) The ability of the cane and beet sectors to market the allotment assigned to it.

(c) Each of the three criteria used to determine the percentage factors specified in paragraph (b) of this section will be weighted equally, or as determined appropriate by CCC for each year that an overall allotment is in effect.

(d) Except in the case when deficits are reassigned in accordance with § 1435.516 of this subpart, the beet sugar allotment must be filled from sugar processed, directly or indirectly, from domestically produced sugar beets and the cane sugar allotment must be filled from sugar processed, directly or indirectly, from domestically produced sugarcane.

§ 1435.513 State cane sugar allotment.

(a) The allotment for cane sugar will be allotted among cane-producing States, based on:

(1) The average of marketings of sugar processed from sugarcane in the two highest years of production from each State from the 1985 through 1989 crops;

(2) Processing capacity in each State; and

(3) The ability of processors in the State to market the sugar covered under the allotment assigned to the State.

(b) The weights given these criteria will be the same as those used to determine the overall cane allotment in accordance with § 1435.512(c).

(c) A processor may utilize a cane sugar allotment only with sugar processed from sugarcane grown in the State for which the allotment was established.

§ 1435.514 Cane and beet sugar allotment adjustments.

(a) Cane and beet sugar marketing allotments may be established, increased, decreased, or suspended as appropriate based on procedures and considerations specified in accordance with §§ 1435.507 and 1435.510. Such establishment or adjustment will be effective at the beginning of the quarter of the fiscal year for which the determination is made.

(b) If the cane marketing allotment is decreased under paragraph (a) of this section and the quantity of cane sugar marketed for that fiscal year by all processors covered by the allotment, including sugar pledged as loan collateral for a price-support loan, exceeds the reduced allotment, the marketing allotment, if any, next established for cane sugar will be reduced by the excess marketed.

(c) If the beet marketing allotment is decreased under paragraph (a) of this section and the quantity of beet sugar marketed for that fiscal year by all processors covered by the allotment, including sugar pledged as loan collateral for a price support loan, exceeds the reduced allotment, the marketing allotment, if any, next established for beet sugar will be reduced by the excess marketed.

(d) If State marketing allotments are reduced due to a decrease in the cane allotment under paragraph (b) of this

section and the quantity of cane sugar marketed for that fiscal year by all processors covered by a particular State allotment, including sugar pledged as loan collateral for a price-support loan, exceeds the reduced State allotment, the marketing allotment, if any, next established for that State will be reduced by the excess marketed.

§1435.515 Allocation of marketing allotments to processors and manufacturers.

(a) Whenever can sugar, beet sugar, and crystalline fructose marketing allotments are established for a fiscal year under this subpart, cane sugar and beet sugar processors and crystalline fructose manufacturers will receive marketing allocations for that fiscal year.

(b) Allocation to processors of the State cane sugar allotment will be based on each processor's:

(1) Average of marketings of sugar processed from sugarcane during the crop years 1985 through 1989, excluding the highest and lowest production years,

(2) Processing capacity, and

(3) Ability to market sugar covered by that portion of the State allotment allocated.

(c) Allocation to processors of beet sugar will be based on each processor's:

(1) Marketings of sugar processed from sugar beets during the crop years 1985 through 1989, excluding the highest and lowest production years,

(2) Processing capacity, and

(3) Ability to market sugar covered by that portion of the allotment allocated.

(d) Each of the three criteria used to determine the percentage factors specified in paragraph (b) of this section will be weighted equally, or as determined appropriate by CCC for each year that an overall allotment is in effect.

(e) Allocation to manufacturers of crystalline fructose will be based on each manufacturer's:

(1) Marketings of crystalline fructose during the crop years 1985 through 1989, excluding the highest and lowest production years,

(2) Manufacturing capacity, and

(3) Ability to market crystalline fructose covered by that portion of the allotment allocated.

(f) A hearing will be held, if requested by interested parties within 5 working days following the announcement of proposed allotments and allocations, to afford all interested persons the opportunity to comment on the proposed allocations. The hearing will commence within 5 working days following request for such a hearing. After consideration of comments obtained at the hearing, a final determination on allocations will be announced.

(g) Each allocation of the allotment to the processor shall be increased or decreased by the same percentage that the allotment was increased or decreased.

(h) At any time allotments are in effect and allocated to processors, the total of:

(1) The quantity of sugar marketed by a processor, and

(2) The quantity of sugar pledged as collateral by the processor for a CCC price-support loan shall not exceed the quantity of the allocation of the allotment made to the processor.

(i) At any time allotments are in effect and allocated to crystalline fructose manufacturers, the total of the quantity of crystalline fructose marketed by a manufacturer shall not exceed the quantity of the allocation of the allotment made to the manufacturer.

(j) Paragraph (h) of this section shall not apply to the marketing during a fiscal year of sugar pledged in that fiscal year as collateral for a CCC price-support loan after the sugar has been subsequently redeemed.

(k) Paragraphs (h) and (i) of this section shall not apply to any sale of sugar or crystalline fructose, by a processor or manufacturer to another processor or manufacturer, that is made to enable the purchasing processor or manufacturer to fulfill its allocation of the allotment.

§1435.516 Reassignment of deficits.

(a) Quarterly re-estimates as specified in section 1435.507 will be made to determine whether processors of sugarcane or sugar beets, or manufacturers of crystalline fructose will be able to market sugar covered by the portion of the allotment allocated to them. These determinations will be made giving due consideration to current inventories of sugar, estimated production of sugar, expected marketings, and any other pertinent factors.

(b) If it is estimated that a sugarcane processor will be unable to market the full amount of the processor's allocation for the fiscal year in which an allotment is in effect, this deficit will:

(1) First, be reassigned proportionately to the allocations of processors within that State, depending on the capacity of each other processor to fill the portion of the deficit to be assigned to it and taking into account the interests of producers served by the processors;

(2) If the deficit cannot be eliminated after reassignment within the same State, the deficit will be reassigned to processors in the other cane sugar States based on each State's ability to market the deficit assigned to it, with the reassigned quantity to each State being allocated among its processors in proportion to the initial allocations of the processors; and

(3) If any portion of the deficit remains after paragraphs (b)(1) and (b)(2) of this section have been implemented, it will be assigned to imports.

(c) If it is estimated that a sugar beet processor will be unable to market the full amount of the processor's allocation for the fiscal year in which an allotment is in effect, this deficit will:

(1) First, be reassigned proportionately to the allocations of other sugar beet processors depending on the capacity of the other processors to fill the portion of the deficit to be assigned to them and taking into account the interests of producers served by the processors; and

(2) If any portion of the deficit remains after paragraph (c)(1) of this section has been implemented, it will be assigned to imports.

(d) If it is estimated that a crystalline fructose manufacturer will be unable to market the full amount of the manufacturer's allocation for the fiscal year in which an allotment is in effect, this deficit will be reassigned proportionately to the allocations of other crystalline fructose manufacturers depending on the capacity of the other manufacturers to fill the portion of the deficit to be assigned to them.

(e) The fiscal year allocation of each processor or manufacturer who receives an additional reassigned deficit amount will be increased to reflect the reassignment for that year.

§§1435.517–1435.520 [Reserved]

§1435.521 Assignment of processor's allocation to producers.

(a) Every cane sugar and beet processor shall share its allocation with every producer served by the processor in a fair and equitable manner.

(b) Whenever allotments for a fiscal year are allocated to processors pursuant to §1435.515, or when allotments are established or allocations are modified due to re-estimates, every processor of sugarcane or sugar beets must provide to CCC such adequate assurances as are required to ensure that the processor's allocation will be shared among producers served by the processor in a fair and adequate manner

which reflects each producer's production history.

(c) Every processor subject to this section will provide CCC with assurances that every producer it serves will be treated the same as every other producer with whom it contracts in that fiscal year. Allocations will be prorated on the basis of production history. Such information must be furnished to CCC within 60 days following the announcement that allotments will be in effect for a fiscal year or the announcement that processor allocations have been modified due to a re-estimate.

(d) Any producer or processor can request arbitration of a dispute with respect to the sharing of the processor's allocation among the producers. Arbitration will be available on behalf of CCC at the State ASCS office for the State in which the processor is located. Subsequent review of the arbitration decision is available at the discretion of the Executive Vice President, CCC, or a designee. Any arbitration will be subject to appeal to the Office of the Administrative Law Judge of the U.S. Department of Agriculture.

§ 1435.522 Proportionate shares for producers of sugarcane.

(a) Proportionate shares shall be implemented by CCC in any State, other than Puerto Rico, in which a cane sugar allotment has been established and in which there are more than 250 sugarcane producers. Thus, the proportionate share issue affects only producers in the State of Louisiana.

(b) For each State allotment described in paragraph (a) of this section, CCC will determine whether the production of sugar, in the absence of proportionate shares, will be greater than the quantity needed to enable processors to fill their allotment and provide a normal carryover inventory. If the determination is made that the quantity of sugar produced in the State, plus a normal carryover inventory, will exceed the State's allotment for the fiscal year, a proportionate share shall be established for each sugarcane-producing farm that limits the acreage of sugarcane that may be harvested on the farm for sugar or seed during the fiscal year that the allotment is in effect.

(c) *Method of Determining.* For purposes of determining proportionate shares for any crop of sugar:

(1) CCC shall establish the State's per-acre yield goal;

(2) The State allotment as determined in accordance with § 1435.513 shall be converted into a State acreage allotment by dividing the State allotment by the per-acre yield goal;

(3) A uniform reduction percentage shall be established for the crop by dividing the State acreage allotment by the sum of all adjusted acreage bases in the State as determined under § 1435.523; and

(4) The uniform reduction percentage shall then be applied to the acreage base established for each sugarcane-producing farm in a State covered by a State allotment to determine the farm's proportionate share of sugarcane acreage that may be harvested for sugar or seed.

§ 1435.523 Establishment of acreage bases.

(a) A sugarcane crop acreage base shall be established for a farm as the simple average of the acreage planted and considered planted for harvest for sugar or seed on the farm in each of the five crop years preceding the fiscal year for which proportionate shares are being established.

(b) In establishing crop acreage bases or proportionate shares for sugarcane, CCC will not take into consideration the acreage which producers are prevented from planting, but will credit acreage planted to sugarcane that fails.

(c) In establishing crop acreage bases, producers who have not previously reported their sugarcane acreage will be allowed to do so by a date determined and announced by CCC. Late-filed acreage reports will be accepted as determined by DASCO.

(d) The crop acreage base established for the farm shall be used to determine the farm's proportionate share.

(e) The regulations at 7 CFR parts 718 and 719 of this title shall be applicable to this subpart except: The reconstitution of farms with a sugar crop acreage base shall not be allowed across State lines if one of the States is subject to the implementation of proportionate shares for sugarcane.

§ 1435.524 Permanent transfer of acreage base history.

(a) A sugarcane producer (defined under 7 CFR 719.2) on a farm may transfer the acreage base history of land owned, operated, or controlled by the producer to any other farm in the State that is owned, operated, or controlled by that producer in accordance with instructions issued by DASCO. The transfer will permanently reduce the transferring farm's sugarcane base and increase the receiving farm's crop acreage base.

(b) All owners of the farm must agree to the transfer by signing the application. The application for transfer must be requested on a form approved by CCC.

(c) Producers may transfer sugarcane acreage base history in accordance with this section by the date established annually by the State ASC Committee.

§ 1435.525 Temporary transfer of proportionate shares.

(a) If for reasons beyond the control of an owner of a farm, the owner is unable to use all or a portion of the proportionate share established for the farm, the Secretary may preserve such share for a period of not more than 3 consecutive years the production history of the farm to the extent of the proportionate share involved.

(b) Such proportionate share may be transferred, with the written consent of all owners of the farm, for one crop year to other farm owners or operators subject to the following conditions:

(1) The production history in the transferring farm will be preserved for a period from 1 to 3 years; and

(2) Acreage base history will not be increased on the receiving farm.

(c) Producers who transfer a proportionate share in accordance with paragraph (b) of this section will be required to:

(1) Initiate the transfer in the county ASCS office where the proportionate shares are established; and

(2) Obtain approval from the transferring county ASC committee.

(d) All transfers made in accordance with this section must be completed by the date established by the State ASC Committee.

§ 1435.526 Adjustments to proportionate shares.

Whenever the Secretary determines that, because of natural disaster or other condition adversely affecting a crop of sugarcane, the amount of sugarcane produced by producers subject to proportionate shares will not be sufficient to enable processors in the State to produce sufficient sugar to meet the State's cane sugar allotment and provide a normal carryover of sugar, the Secretary may uniformly allow producers to harvest sugarcane in excess of their proportionate shares, or suspend proportionate shares entirely.

§ 1435.527 Acreage reports.

(a) A report of planted and failed acreage shall be required with respect to farms that produce sugarcane for sugar or seed. Such report shall also specify the total acreage intended for harvest as sugar or seed.

(b) The reports required under paragraph (a) of this section shall be on forms prescribed by the DASCO and shall be filed with the county ASC committee by the applicable final reporting date established by DASCO. Such report shall be filed by the:

(1) Farm operator; or
(2) Farm owner.
(c) Acreage reports will be used to determine compliance with the proportionate share and eligibility for future proportionate shares.
(d) An acreage report may be accepted after the established date for reporting if physical evidence is still available for inspection which may be used to make a determination with respect to:
(1) The existence of the crop;
(2) The use made of the crop;
(3) The lack of crop; or
(4) A disaster condition affecting the crop.
(e) The farm operator shall pay the cost of a farm visit by an authorized ASCS employee unless the county ASC committee has determined that failure to report in a timely manner was beyond the producer's control.
(f) The farm operator may revise a report of acreage to change the acreage reported. Revised reports shall be filed in accordance with instructions issued by DASCO and shall be accepted at any time if:
(1) Evidence exists for inspection and determination of:
(i) The existence of the crop;
(ii) The use made of the crop;
(iii) The lack of crop; and
(iv) A disaster condition affecting the crop; and
(2) The farm has not already been inspected and the acreage already determined or harvesting of sugarcane already begun.

§ 1435.528 Farm inspections.

The provisions of 7 CFR Part 718 will apply for field inspections.

§ 1435.529 Tolerance rules.

The provisions of 7 CFR Part 718 will apply for tolerance and variance.

§ 1435.530 Penalties and assessments.

(a) Any processor who markets sugar in excess of the processor's allocation shall pay to CCC a civil penalty in an amount equal to 3 times the U.S. market value, for the year in which the violation was committed, of that quantity of sugar involved in the violation.
(b) Any manufacturer of crystalline fructose who markets crystalline fructose in excess of the applicable marketing allotment shall pay to CCC a civil penalty in an amount equal to 3 times the U.S. market value, for the year in which the violation was committed, of that quantity of crystalline fructose involved in the violation.
(c) Any producer of sugarcane whose farm has been assigned a proportionate share, and who knowingly harvests an acreage of the crop for sugar or seed in excess of the farm's proportionate share, shall pay to CCC a civil penalty in an amount equal to 1.5 times the U.S. market value of the quantity of sugar that is marketed by the processor of such sugarcane in excess of the allocation of such processor, for the year in which the violation was committed. However, civil penalties will not be assessed when the producer has harvested acreage for sugar or seed in excess of the farm's proportionate share, if the excess:
(1) Acreage was harvested prior to CCC's announcement that proportionate shares are in effect; or
(2) The excess harvest is diverted to a use other than sugar or seed if:
(i) The sugarcane producer requests and pays for a field inspection by CCC, and
(ii) A representative of CCC verifies the disposal of the excess harvest.
(d) Any penalty assessed under paragraph (c) of this section shall be prorated among the producers of all sugarcane acquired by the processor from excess acres.
(e) Any person who files a false or inaccurate acreage report which exceeds tolerance will be subject to an assessment calculated by multiplying the difference between the reported and determined acreage of sugarcane, times the State yield-goal, times 25 percent of the National sugar price-support loan rate when the difference between the reported and determined acreage exceeds tolerance. In any case in which the failure of a producer to comply fully with the terms and conditions of the program to which this part is applicable would result in an assessment. However, DASCO may authorize the waiver or reduction of the assessment in such amounts as determined to be equitable in relation to the seriousness of the failure. The provisions of this part shall be applicable only to producers who made a good-faith effort to comply fully with the terms and conditions of the program and rendered substantial performance. Any person who feels that he or she is entitled to consideration under the provisions of this part may file a request therefore with the county ASC committee.
(f) Any person who knowingly violates any provision of this part is subject to the assessment of a civil penalty by CCC of not more than $5,000 for each violation.

§ 1435.531 Appeals.

(a) A manufacturer of crystalline fructose who has been determined to have marketed crystalline fructose in excess of the applicable allotment may request review of such determination pursuant to the ASCS appeal procedure set forth at part 780 of this title by filing an appeal with the National Appeals Division.
(b) A processor of either sugar cane or sugar beets who has been determined to have marketed sugar in excess of the assigned allocation may request review of such determination pursuant to the ASCS appeal procedures set forth at part 780 of this title by filing an appeal with the National Appeals Division.
(c) A processor of either sugarcane or sugar beets who disagrees with the amount of the allocation assigned by CCC may appeal the amount of the allocation to the Office of the Administrative Law Judge of the U.S. Department of Agriculture.
(d) Producers who disagree with a determination of excess acreage harvested may appeal the determination to the Office of the Administrative Law Judge of the U.S. Department of Agriculture.
(e) An arbitration decision and its review by the Executive Vice President, CCC, will be subject to appeal to the Office of the Administrative Law Judge of the U.S. Department of Agriculture.
(f) All appeals must be filed within 15 days after the determination at issue is effective. The appeal must be in writing.

Signed the 15th day of March, 1993 in Washington, DC.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93-6738 Filed 3-24-93; 8:45 am]
BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93-CE-22-AD]

Airworthiness Directives; Beech Aircraft Corporation 33 and 36 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 92-15-06, which currently requires repetitively inspecting the rudder spar on certain Beech 33 and 36 series airplanes for cracks, and repairing any cracks found. It also allows the option of modifying the rudder spar as terminating action for the repetitive inspections. The Federal Aviation

Administration (FAA) has determined that installing a Space Machine Products (SMP) rudder middle-hinge bracket in accordance with Supplemental Type Certificate (STC) SA5870NM should also serve as terminating action for the currently required repetitive inspections. The proposed action incorporates this modification. The actions specified by the proposed AD are intended to prevent separation of the rudder from the airplane caused by cracks in the forward rudder spar.

DATES: Comments must be received on or before June 8, 1993.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93–CE–22–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 the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4122; Facsimile (316) 946–4407.

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. 93–CE–22–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. 93–CE–22–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 92–15–06, Amendment 39–8300 (57 FR29200, July 1, 1992), currently requires repetitively inspecting the rudder spar on certain Beech 33 and 36 series airplanes for cracks, and repairing any cracks found. This action also allows the option of incorporating one of the following three modifications as terminating action for the repetitive inspections:

1. Replacing the rudder assembly with part number 33–630000–137, –139, –141, –167, or –169, as applicable;

2. Installing Kit 33–6001–1 S; or

3. Installing an SMP reinforcement bracket in accordance with STC SA4899NM.

The FAA has continued to examine information that is pertinent to the actions required by AD 92–15–06 and has determined that installing an SMP rudder middle-hinge bracket in accordance with STC SA5870NM should also serve as terminating action for the currently required repetitive inspections.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that further AD action should be taken to prevent the rudder from separating from the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Beech 33 and 36 series airplanes of the same type design, the proposed AD would supersede AD 92–15–06 with a new AD that would (1) retain the inspection, repair, and optional modification requirements of AD 92–15–06; and (2) incorporate the option of installing an SMP rudder middle-hinge bracket in accordance with STC SA5870NM as one of the modifications that would terminate the need for the repetitive inspection requirement.

The FAA estimates that 5,900 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 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 $649,000. AD 92–15–06, which would be superseded by the proposed action, required the same actions as is proposed, except for the addition of an optional modification that would eliminate the need for repetitive inspections. Therefore, there would be no additional cost impact of the proposed AD on U.S. operators than that which is already required by AD 92–15–06.

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 "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) 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 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

2. Section 39.13 is amended by removing AD 92–15–06, Amendment 39–8300 (57 FR 29200, July 1, 1992), and by adding the following new airworthiness directive:

Beech Aircraft Corporation: Docket No. 93–CE–22–AD. Supersedes AD 92–15–06, Amendment 39–8300.

Applicability: The following Beech model and serial numbered airplanes, certificated in any category:

Models	Serial Nos.
35–33, 35–A33, 35–B33, 35–C33, E33, F33, and G33.	CD–1 through CD–1304.
35–C33A, E33A, and F33A.	CE–1 through CE–1425.
E33C and F33C	CJ–1 through CJ–179.
36 and A36	E–1 through E–2518.
A36TC and B36TC	EA–1 through EA–500.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished (compliance with superseded AD 92–15–06 or superseded AD 91–23–07).

To prevent separation of the rudder from the airplane caused by cracks in the forward rudder spar, accomplish the following:

(a) Upon the accumulation of 1,000 hours time-in-service (TIS) or within the next 100 hours TIS, whichever occurs later, inspect the rudder forward spar for cracks in accordance with the instructions in Beech Service Bulletin (SB) No. 2333, Revision 1, dated November 1991.

(b) If no cracks are found, accomplish one of the following:

(1) Reinspect the rudder forward spar for cracks in accordance with the instructions in Beech SB No. 2333, Revision 1, dated November 1991, at intervals not to exceed 500 hours TIS until either paragraph (b)(2), (b)(3), (b)(4), or (b)(5) of this AD is accomplished;

(2) Install Kit No. 33–6001–1 S in accordance with Beech SB No. 2333, Revision 1, dated November 1991;

(3) Install a Spacecraft Machine Products (SMP) reinforcement bracket in accordance with Supplemental Type Certificate (STC) SA4899NM;

(4) Replace the rudder assembly with either part number 33–630000–137, –139, –141, –167, or –169, as applicable, in accordance with the instructions in Beech SB No. 2333, Revision 1, dated November 1991; or

(5) Install an SMP rudder middle-hinge bracket in accordance with Supplemental Type Certificate SA5870NM.

(c) If cracks are found, prior to further flight, accomplish one of the following:

(1) Replace the rudder assembly with either part number 33–630000–137, –139, –141, –167, or –169, as applicable, in accordance with the instructions in Beech SB No. 2333, Revision 1, dated November 1991;

(2) Install Kit No. 33–6001–1 S in accordance with Beech SB No. 2333, Revision 1, dated November 1991; or

(3) If the cracks are only in the area of the upper hinge around the rivets and fasteners as specified in Beech SB No. 2333, Revision 1, dated November 1991, then stop drill the cracks and install either an SMP reinforcement bracket in accordance with SA4899NM or an SMP rudder spar middle-hinge bracket in accordance with STC SA5870NM.

(d) If a modification or replacement has been accomplished in accordance with either paragraph (b)(2), (b)(3), (b)(4), (b)(5), (c)(1), (c)(2), or (c)(3) of this AD, then no repetitive inspections are required by this AD.

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

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

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

(g) Service information that applies to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri.

(h) This amendment supersedes AD 92–15–06, Amendment 39–8300.

Issued in Kansas City, Missouri, on March 16, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–6812 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–13–U

FEDERAL TRADE COMMISSION

16 CFR Part 18

Request for Comments Concerning Guides for the Nursery Industry

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Guides for the Nursery Industry. The Commission is soliciting the comments as a result of receiving a petition seeking to amend one of the guides (Guide 6) and as part of its periodic review of rules and guides.

DATES: Written comments will be accepted until April 26, 1993.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, room H–159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments should be identified as "16 CFR Part 18—Comment."

FOR FURTHER INFORMATION CONTACT: Robert E. Easton, Special Assistant—Enforcement, Federal Trade Commission, Washington, DC 20580, (202) 326–3029.

SUPPLEMENTARY INFORMATION:

Part I

By petition dated October 15, 1991, the Natural Resources Defense Council (Council) on its own behalf and that of ten other environmental, nursery, and garden club organizations requested the Commission to amend the Guides for the Nursery Industry. The Council seeks to amend Guide 6 to eliminate the use of the term "nursery grown" when used to describe plants collected from the wild state at any time in the plants' lifetime. On May 21, 1992, the American Association of Nurserymen (AAN) wrote a letter generally supporting the Council's petition, but urging instead that the Guide allow the term "nursery propagated" under certain conditions and require disclosure of the fact that plants were collected from the wild.

The Guides for the Nursery Industry were adopted by the Commission in 1979. The Guides address numerous sales practices for outdoor plants, trees and flowers, including deception as to quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, growth ability, price and origin or place where grown. Guide 6 (16 CFR 18.6) is the subject of the petition. The guide provides that it is an unfair trade practice to sell, offer for sale, or distribute industry products collected from the wild state without disclosing that they were collected from the wild state. It further states that if collected plants are grown in the nursery row for at least one growing season before being marketed, such disclosure is not required. Nursery-grown stock is defined as being plants propagated and grown under cultivation, or plants transplanted from the wild and grown under cultivation for at least one full growing season.

The main claim in the petition is that Guide 6 and the definition of nursery-

grown cause consumer confusion about the origin of plants and contributes to the endangering of wild plants. The essence of the argument is that the Guides permit a plant which has been taken from the wild but has been grown in a nursery for one growing season to be called "Nursery Grown." The petition argues that a consumer who, because of environmental concerns or otherwise, wishes to purchase plants that have not been taken from the wild at any stage of their existence, may not be able to identify such plants because of the definition of "Nursery Grown."

The petition also raises the issue of whether or not the Guides conform to standards applied in international law, specifically the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 27 U.S.T. 1087, T.I.A.S. No. 8249).

The petition requests that the Guides be amended as follows:

Petitioners' Recommended Amendments

The petitioners recommend that the Federal Trade Commission amend its Guides for The Nursery Industry to prohibit use of the misleading term "nursery grown" and require that plants labeled as "propagated" be grown from seeds, cuttings, callus tissue, spores or other propagules (bulblets, bulbils, single cells, leaves) under controlled conditions.

The term "controlled conditions" would include open beds on one's property (including rented property) as long as the propagator is engaging in efforts to promote propagation and growth of the plants, e.g., weeding; fencing out deer, rabbits, or other wild animals; watering; or providing fertilizer.

In May, the American Association of Nurserymen (AAN) sent staff a letter generally supporting the petition. AAN, however, proposed the following specific language to amend Guide 6 (deleted text in brackets, new text in italics):

"It is an unfair trade practice to sell, offer for sale, or distribute industry products collected from the wild state without disclosing that they were collected from the wild state; [provided, however, that if collected plants are grown in the nursery row for at least one growing season before being marketed, such disclosure is not required.] *provided, however, that plants propagated from plants lawfully collected from the wild state are recognized and may be designated as nursery-propagated.*"

AAN asserts that the above language recognizes the need for initial propagative stock of certain plants to be obtained from the wild, but also addresses the "nursery grown" labelling issue. The "nursery grown" definition in the Guides would also need to be brought into conformance with this change.

The Commission seeks factual information about the need for any amendment of Guide 6, including the nature and extent of the injury alleged, the identity and dollar value of the plants involved, a description of the industry, potential environmental consequences and consumer behavior.

Accordingly, the Commission solicits public comments on the following questions:[1]

(1) How widespread are "nursery grown" claims for plants collected from the wild state?

(2) What is the extent of consumers' knowledge or the nature of their perceptions concerning "nursery grown" claims? (Empirical data would be especially helpful.)

a. Is there any evidence regarding whether consumers expect "nursery grown" plants to be of a higher quality than plants grown in the wild?

b. Are consumers' beliefs and knowledge regarding nursery grown claims changing over time and, if so, what effect would or should this have on government action?

c. Is there evidence to support the claim that "gardeners increasingly question whether plants bought for ornamental horticulture may have been dug from the wild?" (Petition, p. 2)

(3) What are the benefits and costs that result from the Nursery Guide's current definition of the term "nursery grown"?

a. For each species of plant falling within the current definition of the term "nursery grown" in the nursery guides, (i) what is the dollar value of U.S. sales? (ii) what is the average price difference due to origin (nursery versus wild)? and (iii) what is the percentage of the total sales of these species of plants accounted for by plants which originate in the wild?

b. Which, if any, species are close to extinction due to taking plants from the wild? How many years remain before each such species becomes extinct?

c. Is there any evidence available regarding the quality of plants originating from the wild and grown under cultivation for one growing season compared to the quality of plants that (i) originate in the wild and are grown under cultivation for less than one growing season; and (ii) are propagated and grown under cultivation?

d. To what extent do existing laws and regulations ensure the species' survival?

(4) What are the advantages and disadvantages of the proposed amendments to the guides?

a. What effect would each of the proposed changes have on the potential for extinction of the affected species? To what extent, if any, would the number of plants that are harvested from the wild decrease if the guides were amended?

b. Would the amendment of the guides limit or enhance the ability of nurseries to inform consumers of the quality of affected plants?

c. What economic consequences would result from amending the guides and what is the likely magnitude of these consequences? For example, what economic impact would amending the guides have upon domestic plant growers, individuals currently engaged in wildflower picking, plant retailers, plant catalog sellers, consumers, and others?

d. What consequences, if any, could the guide change have on international relations with other countries?

(5) What is the likely nature of and magnitude of the potential environmental consequences associated with the alternative amendments to the guides?

(6) What additional factors should the Commission consider in determining whether to amend the Nursery Guides? For example, is there an alternative to the two existing proposals to amend the Nursery Guides that the Commission should consider and, if so, why?

Part II

The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or recision. The Commission also advises interested members of the public that, if retained, in addition to any revisions identified in this Notice that are deemed appropriate, the legal discussion in the guides will be updated to reflect the commission's current practices.[2]

[1] These questions apply both to the amendment proposed by the Council and to the amendment proposed by AAN.

[2] For example, the references to "it is an unfair trade practice" would be deleted and other pertinent language revised to conform to the deception standard formulations as expressed in the Commission's 1983 Statement on Deception. See appendix to Cliffdale Associates, 103 F.T.C. 110, 174 (1984).

At this time, the Commission solicits written public comments concerning the Commission's Guides for the Nursery industry, 16 CFR part 18.

These guides, like the other industry guides issued by the Commission, "are administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. They provide the basis for voluntary and simultaneous abandonment of unlawful practices by members of industry." 16 CFR 1.5. Conduct inconsistent with the guides may result in corrective action by the Commission under applicable statutory provisions. The Commission promulgates industry guides "when it appears to the Commission that guidance as to the legal requirements applicable to particular practices would be beneficial in the public interest and would serve to bring about more widespread and equitable observance of laws administered by the Commission." 16 CFR 1.6.

Accordingly, the Commission solicits public comments on the following questions:

(1) Have these guides had a significant economic impact (costs or benefits) or entities subject to their requirements?

(2) Is there a continuing need for these guides?

(3) What burdens does adherence with these guides place on entities subject to their requirements?

(4) What changes should be made to these guides to minimize the economic effect on such entities?

(5) Do these guides overlap or conflict with other federal, state, local government laws or regulations?

(6) Have technology or economic conditions changed since these guides were issued, and, if so, what effect do the changes have on the guides?

(7) Do these guides overlap or conflict with international laws or regulations?

(8) Have environmental conditions changed since these guides were issued and, if so, what effect do the changes have on the guides?

(9) Have consumer perceptions or preferences changed since these guides were issued and, if so, what effect do the changes have on the guides?

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 18

Advertising, Nursery, Trade practices.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92–6311 Filed 3–24–92; 8:45 am]

BILLING CODE 6750–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 239, and 274

[Release Nos. 33–6982, IC–19342, File No. S7–11–93]

RIN 3235–AF58

Off-the-Page Prospectuses for Open-End Management Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to rule and form, proposed form, and request for comment.

SUMMARY: The Commission is proposing for public comment an amendment to a rule under the Securities Act of 1933 (the "Securities Act") to permit certain advertisements ("off-the-page prospectuses") for shares of open-end management investment companies ("mutual funds") to include an order form if the off-the-page prospectuses contain specified disclosure. The Commission also is proposing for public comment a new form, which would be a cover sheet for certain filings required to be made under the proposed rule amendments. Currently, investors in funds that are marketed directly to the public must wait to receive a longer prospectus, while investors who purchase fund shares through sales representatives may purchase directly, without delay. Under the proposed rule changes, investors in direct marketed funds would be able to make their investments more quickly by purchasing shares directly ("off-the-page") from off-the-page prospectuses. This change also would level somewhat a disparity that exists between direct marketed funds and funds that sell through commissioned sales representatives. This change also should promote increased dissemination of information about mutual funds and reduce total marketing costs for some funds.

DATES: Comments must be received on or before June 23, 1993.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Stop 6–9, Washington, DC 20549. All comment letters should refer to File No. S7–11–93. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Diane C. Blizzard, Assistant Director, or Robert G. Bagnall, Special Counsel, (202) 272–2048, Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, Mail Stop 10–6, 450 5th Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission today is requesting public comment on proposed rule 482(g) [17 CFR 230.482(g)] under the Securities Act of 1933 [15 U.S.C. 77a—77aa] (the "Securities Act"). Proposed rule 482(g) would implement a recommendation made in the report issued last year by the Division of Investment Management, *Protecting Investors: A Half Century of Investment Company Regulation* (the *"Protecting Investors* report"), in Chapter 9, Investment Company Advertising.[1] Proposed Form 482(g) would be used to file definitive copies of off-the-page prospectuses with the Commission, and to request advance review by the Commission of certain off-the-page prospectuses. In addition, the Commission is proposing to delete the instructions for summary prospectuses for open-end management investment companies now contained in Form N–1A.

Executive Summary

The Commission is proposing to amend rule 482 under the Securities Act by adding new paragraph (g), which would permit inclusion of order forms in mutual fund advertisements containing specified disclosure. This change would allow investors the option of purchasing mutual fund shares "off-the-page" directly from certain special "off-the-page prospectuses" by completing order forms included with those prospectuses. Currently, investors in direct marketed funds must wait to receive a longer prospectus that meets the requirements of section 10(a) of the Securities Act,[2] while investors who purchase from commissioned sales representatives may purchase directly, without delay. The new procedure would give investors in direct marketed funds the same option that investors now have only through commissioned sales persons, although the rule would require that off-the-page prospectuses provide core information.

Because off-the-page prospectuses would be required to contain significantly more disclosure than generally appears today in mutual fund advertisements, these changes should promote increased dissemination of information about mutual funds. The off-the-page prospectus would be

[1] *Protecting Investors: A Half Century of Investment Company Regulation*, Chapter 9, *Investment Company Advertising* 347–71 (1992).

[2] 15 U.S.C. 77j(a).

required to contain critical information about the fund, such as risks, levels of fees and expenses, investment objectives and policies, and historical performance data. Off-the-page prospectuses would carry liability under section 12(2) of the Securities Act for misstatements or omissions of material fact.[3] They would also be subject to the anti-fraud provisions of section 17(a) of the Securities Act and section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), including rule 10b-5.[4] Rule 482(g) would not permit the use of off-the-page prospectuses in radio, television, or other broadcast or electronic media, but would permit their use in direct mail, as well as in newspapers, magazines, and other print media.

Rule 482(g) would require off-the-page prospectuses to include legends alerting investors that a section 10(a) prospectus is available and contains more information. Those investors who choose to review the section 10(a) prospectus before investing would be able to request the section 10(a) prospectus by making a telephone call or by checking a box on the order form. The fund would still be required to deliver the section 10(a) prospectus to investors before, or with, the confirmation of the sale.

With limited exceptions, off-the-page prospectuses would be subject to the other requirements of rule 482, including the standards for computing and presenting performance data. Each fund relying on rule 482(g) would be required to submit its proposed off-the-page prospectuses for advance review by the staff of the National Association of Securities Dealers, Inc. ("NASD") (for its members) or the Commission (for non-NASD members) for a one year period beginning with the first use of an off-the-page prospectus for the shares that are being offered.

Proposed rule 482(g) does not represent any change in the Commission's views on advertising or other publicity for issuers other than mutual funds.

I. Background

A. Mutual Fund Advertising

Advertising by investment companies, especially mutual funds, is subject to considerations that generally do not apply to other issuers of securities. Due to these differences, investment companies encounter difficulties under the Securities Act provisions that restrict the advertisement of information regarding securities being sold in a public offering. Because of the nature of their business, the effect of the advertising restrictions is more severe for investment companies than for other types of companies. Other companies, even when engaged in a public offering, are able to advertise their products,[5] and thus gain name recognition with potential investors, because advertising that does not attempt to sell securities is not subject to the Securities Act. Investment companies, in contrast, do not sell products in the usual commercial sense. The very nature of an investment company is so inextricably tied to the securities it offers that almost any advertisement about the company is potentially an offer to sell its securities that must conform to the Securities Act's requirements.[6] Thus, absent an exception, any advertisement about an investment company is a prospectus within section 2(10) of the Securities Act,[7] and its use is subject to the requirements of sections 5 and 10 of the Securities Act.[8]

The advertising restrictions of the Securities Act cause special problems for mutual funds, because they continuously offer and sell their shares to provide a steady stream of capital into their portfolios and to enable them to meet redemption requests from outgoing shareholders. These ongoing distribution practices contrast sharply with more traditional underwritings, which raise fixed amounts of capital through periodic offerings of limited duration. With traditional underwritings, the advertising restrictions end with the offering. With mutual funds, the advertising restrictions never end because the offering process, in effect, never ends.

Accordingly, the Securities Act rules treat investment company advertisements differently than the advertisements of other issuers. Rule 134 under the Securities Act, which excepts "tombstone" advertisements from the definition of prospectus, contains express provisions that are applicable only to registered investment companies.[9] Rule 482, which provides that certain investment company advertisements are omitting "prospectuses" under section 10(b) of the Securities Act, is available only to registered investment companies and business development companies.[10] The summary prospectus rule likewise excepts mutual funds from some of the requirements applicable to other issuers.[11]

The current advertising restrictions under the Securities Act also treat direct marketed funds differently than funds sold through broker networks. Direct marketed funds use print, radio, and television advertising almost exclusively to sell fund shares to investors, while funds sold through a commissioned sales force employ sales personnel who sell fund shares orally. Over the past two decades, direct marketed funds have come to represent a significant part of mutual fund distribution. In 1990, direct marketed funds had sales of $82.6 billion, or thirty-five percent of stock, bond, and income fund sales, while funds sold through a sales force had sales of $140.1 billion, or sixty percent;[12] in 1970, no-load funds, including both direct marketed funds and institutional funds, represented only eleven percent of total fund sales.[13] The advertising restrictions of the Securities Act have a much greater impact on direct marketed funds than on funds sold through a commissioned sales force because the Securities Act does not hold the oral representations of sales personnel to the same prospectus requirements as it does certain written communications.[14]

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[3] 15 U.S.C. 77*l*(2).

[4] 15 U.S.C. 77q(a); Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. 78a–78*ll*, 78j(b); 17 CFR 240.10b-5.

[5] Of course, information and publicity disseminated about *any* issuer during a public offering could be deemed to be a step in the selling process and constitute an offer, depending on the facts and circumstances surrounding each case. *See, e.g.*, Guidelines for the Release of Information by Issuers Whose Securities are in Registration, Securities Act Release No. 5180 (Aug. 16, 1971), 36 FR 16506; Publication of Information Prior To or After the Filing and Effective Date of a Registration Statement Under the Securities Act of 1933, Securities Act Release No. 5009 (Oct. 7, 1969), 34 FR 16870; Publication of Information Prior To or After the Effective Date of a Registration Statement, Securities Act Release No. 3844 (Oct. 8, 1957), 22 FR 8359.

[6] Section 2(3) of the Securities Act defines the term "offer" to include every attempt to offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. 15 U.S.C. 77b(3). *See also, e.g.*, In the Matter of Carl M. Loeb, Rhodes & Co., 38 S.E.C. 843, 848 (1958) (holding that the statutory definitions of "offer" and "prospectus" are intentionally broad so as to include any document designed to procure offers for a security).

[7] 15 U.S.C. 77b(10).

[8] 15 U.S.C. 77e, 77j.

[9] 17 CFR 230.134(a)(3)(iii), (a)(13).

[10] 17 CFR 230.482. Section 10(b) of the Securities Act authorizes the Commission to adopt rules and regulations permitting securities to be offered and sold by means of a prospectus which omits in part, or summarizes, information set forth in a preliminary prospectus or the final prospectus complying with section 10(a) of the Securities Act.

[11] 17 CFR 230.431. Investment companies are excepted from the requirements of paragraphs (a)(1) through (a)(4).

[12] Investment Company Institute, Mutual Fund Fact Book: Industry Trends and Statistics for 1991 42–43 (32d ed. 1992).

[13] Investment Company Institute, 1972 Mutual Fund Fact Book 72 (1973).

[14] Oral representations are subject to the liability provisions of section 12(2) of the Securities Act, but

B. Prohibition of Order Form in Rule 482 Advertisements

The chief difference in the requirements for broker sold funds and direct marketed funds is that rule 482 prohibits an application form from accompanying an advertisement under rule 482.[15] Thus, potential investors in direct marketed funds may not purchase shares directly from an advertisement; instead, they first must request and receive a section 10(a) prospectus before they may purchase shares of a fund. Rule 482 also contains requirements for a legend encouraging the investor to request and read the section 10(a) prospectus before investing, as well as information on how to obtain a section 10(a) prospectus.

It is possible, however, and is perhaps the typical case under the Securities Act, to sell a security orally and to send the section 10(a) prospectus later, either with the security or the confirmation of the sale (whichever is earlier). Section 5(b)(1) limits only the use of a prospectus, and "prospectus" is defined to include written—but not oral—communications.[16] Sales representatives who offer orally, either in person or over the telephone, are permitted to deliver the section 10(a) prospectus after an investor has made an investment decision.[17] Investors who are interested in purchasing a fund's shares may place an order on the day they become interested, without waiting for a section 10(a) prospectus. Thus, many investors do not necessarily receive full, or indeed, any written disclosure before they decide to purchase a security.

Direct marketed funds attract investor interest by advertising in accordance with the requirements of a safe harbor rule such as rule 482.[18] Interested investors must request a section 10(a) prospectus by filling out a request form or by making a telephone call. The section 10(a) prospectus is received days, or perhaps even weeks (depending on when the investor has time to complete the form or make the telephone call), after the investor first becomes interested. Finally, either the customer or the fund must initiate further contact to place the order. This process is expensive and time-consuming.

Other countries permit sales directly, or "off-the-page," from advertisements containing specified information. For example, Rule 7.25 of the British Conduct of Business Rules permits off-the-page advertisements if they contain up to eighteen items of information, along with certain statements, if applicable.[19] These items include information regarding the minimum amounts that can be invested, sales charges, reinvestment options, redemption procedures, investment objectives, expenses, fees, and performance. Although these requirements are quite extensive, and the advertisements can take up one-half of a page or more of advertising space, the size of the advertisements has not prevented their use in the British press. Similar procedures are available in Hong Kong and the Netherlands.[20]

The Securities Act does not prohibit the inclusion of order forms; the Act only prohibits the delivery of a security or the sending of a confirmation in interstate commerce unless accompanied or preceded by a section 10(a) prospectus.[21] Thus, the requirements of rule 482 appear to impose unnecessary burdens and delays on investors seeking to invest in direct marketed funds.

II. Discussion

The Commission is proposing to amend rule 482 by adding new paragraph (g), which would permit inclusion of order forms in mutual fund advertisements containing specified disclosure. Those investors who choose to review the section 10(a) prospectus before investing would be able to request the section 10(a) prospectus by making a telephone call or by checking a box on the order form. The off-the-page prospectus would be required to contain critical information about the fund, such as risks, levels of fees and expenses, investment objectives and policies, and historical performance data. The off-the-page prospectus would carry liability under section 12(2) of the Securities Act[22] for false or misleading statements of material fact; it also would carry liability under section 17(a) of the Securities Act and section 10(b) of the Exchange Act, including rule 10b–5, for fraud. The section 10(a) prospectus still would be required to be delivered to investors before, or with, the confirmation of the sale.

Off-the-page prospectuses should increase the amount and quality of information about mutual funds reaching investors. Because the rule for the first time would require the inclusion of core information in mutual fund advertisements, off-the-page prospectuses—especially those appearing in the print media—would provide an additional, widely circulated source of important information that investors could use to make comparative judgments about their investment alternatives. Investors who wish to study the section 10(a) prospectus before making an investment decision would receive it before investing, but investors who choose to purchase off-the-page would receive the section 10(a) prospectus subsequently, along with or preceding written confirmation of the sale. This practice would parallel the current requirements that apply when investors purchase

not to the provisions of section 11 (15 U.S.C. 77k), which applies to section 10(a) prospectuses because they are part of the registration statement. See *infra* notes 22, 44 and 46, and accompanying text.

[15] The application form, which contains shareholder account information, cannot be sent alone because under section 2(10) it would be an illegal "prospectus" unless preceded or accompanied by the section 10(a) prospectus, and there is no available safe harbor.

[16] 15 U.S.C. 77e(b)(1). Section 5(b)(1) makes it unlawful to transmit in interstate commerce any prospectus relating to any security with respect to which a registration statement has been filed, unless the prospectus meets the requirements of section 10. Section 2(10) was amended in 1954 to include television communications within the definition of the term prospectus. Ch. 667, 68 Stat. 683 (1954).

[17] The Commission addressed issues raised by oral offers when it began requiring, among other things, the broad distribution of preliminary prospectuses to underwriters and participants in selling groups under rule 460 under the Securities Act (which does not apply to sales of certain investment company securities) and, absent an exception, requiring under rule 15c2–8 under the Exchange Act brokers and dealers in initial public offerings to deliver a preliminary prospectus to any person who is expected to receive a confirmation of sale at least 48 hours prior to the mailing of such confirmation. 17 CFR 230.460; 17 CFR 240.15c2–8. Preliminary prospectuses are less widely used for sales of mutual fund securities because many mutual funds do not begin marketing until after the registration statement becomes effective, and, in any case, the vast majority of offers as well as sales occur in the post-effective period when preliminary prospectuses are not permitted to be used (because final section 10(a) prospectuses are available).

[18] A fund also may advertise under rule 134, the "tombstone" rule, which permits advertisements containing a broad range of information about the fund other than performance information. 17 CFR 230.134. Rule 135a permits generic advertising that contains information about investment companies generally but not about the securities of any particular investment company. 17 CFR 230.135a.

[19] *See* Securities and Investments Board (United Kingdom), the Financial Services (Conduct of Business) Rules 1987, rule 7.25.

[20] Supplement 1 to Appendix C, Code on Unit Trusts and Mutual Funds (Hong Kong) (October, 1991). Although apparently there is no rule regarding the use of off-the-page advertisements in the Netherlands, according to conversations between Commission staff and regulators in the Netherlands, off-the-page advertising occurs there because it is not prohibited by any section of their statute, and most funds are direct marketed.

[21] 15 U.S.C. 77e(b)(2).

[22] 15 U.S.C. 77*l*(2) Section 12(2) imposes liability on persons who offer or sell a security in interstate commerce by means of a prospectus or oral communication which includes an untrue statement of material fact, or omits to state a material fact that is necessary under the circumstances in order to make the statements made not misleading, subject to a defense that the offeror/seller did not know and, in the exercise of reasonable care, could not have known, of the untruth or omission.

mutual fund shares through brokers, who may sell securities by means of oral, rather than written, communications.[23]

A. Eligible Issuers

Under proposed paragraph (g)(1), only mutual funds satisfying certain requirements would be eligible to use off-the-page prospectuses. Thus, while any registered investment company or any business development company that has filed a registration statement may advertise under rule 482, paragraph (g) of rule 482 would not be available to issuers other than mutual funds: *i.e.*, off-the-page prospectuses would not be available for closed-end funds, unit investment trusts, registered separate accounts,[24] face amount certificate companies, business development companies, open-end companies that are exempt from section 22(e) of the Investment Company Act,[25] or issuers other than investment companies. Thus, proposed paragraph (g) does not represent any change in the Commission's views on advertising or other publicity for issuers other than mutual funds.[26] In addition, mutual funds that issue multiple classes of stock, or are part of a "hub and spoke" arrangement, would not be eligible to use off-the-page prospectuses due to the complexity of the disclosure that would be necessary to meet the requirements of proposed paragraph (g).[27]

The limitation to mutual funds is based in part upon their distinct offering practices. Mutual funds generally offer their shares to the public in a continuous offering of an unlimited number of shares; and many funds offer their shares directly through advertisements. By contrast, investment companies other than open-end companies typically use a more traditional type of underwriting in which set amounts of capital are raised by underwriters through periodic offerings of limited duration; and these other investment companies generally do not advertise or market their shares directly to any significant extent. Moreover, rule 482 contains standardized requirements for uniform computation and presentation of mutual fund performance; such requirements do not yet exist for other investment companies. The Commission requests comment, however, on whether other types of investment companies, such as unit investment trusts or registered separate accounts, should be able to sell off-the-page. Conversely, the Commission requests comment on whether, at least initially, the rule should be limited to certain types of mutual funds that might be regarded as the least complicated, most easily understood, and involving the least risk. For example, should the rule be available only to money market funds?

Limiting the use of off-the-page prospectuses to mutual funds, but not other types of investment companies, also is justified by the vast difference in the amount of information available to retail investors about mutual funds generally and individual funds in particular. Because over one quarter of United States households invest in mutual funds, either directly or indirectly through benefit plans, and the holdings of mutual funds are many times greater than those of closed-end funds, unit investment trusts, or face amount certificate companies,[28] a significant portion of the investing public is generally familiar with what mutual funds are and how they operate. In addition, many publications, both financial and general interest, provide a continuous flow of information about mutual funds generally and about specific funds. Moreover, the requirements of the Investment Company Act and its rules impose a high degree of standardization upon mutual funds, and provisions such as the leverage restrictions of section 18 of the Investment Company Act[29] limit the kinds of securities that mutual funds may offer. There is not the same degree of familiarity, information, or standardization for other investment companies. Accordingly, it is significantly more likely that off-the-page prospectuses for mutual funds could be designed in a way that adequately protects investors.

Paragraph (g)(1) also would limit the use of off-the-page prospectuses to funds that have been in existence at least two years from the first public sale of their shares. This seasoning period, among other things, would allow the Commission staff opportunities to review the disclosure in a fund's registration statement, which would be the basis for the disclosure in an off-the-page prospectus.[30] This period also would provide a financial history on which a fund's performance or other financial data would be based. Moreover, the requirement of a two-year period of operation would increase the likelihood that the financial press and other publications would have provided a flow of information about the fund to the market. The Commission requests comment on this seasoning requirement, in particular on the appropriateness of the length of the two-year period.

Paragraph (g)(1) also requires that a fund intend to comply with Subchapter M of the Internal Revenue Code (26 U.S.C. 851–860) during the coming taxable year so as to avoid taxation at the fund level. A similar requirement currently applies to mutual fund summary prospectuses.[31] Virtually all mutual funds elect to comply with Subchapter M. This requirement should ensure further uniformity and comparability among the funds eligible to use the off-the-page prospectus provisions. The requirement also should make specific disclosure concerning tax consequences of mutual fund investments unnecessary, except for those funds such as tax-exempt funds whose special tax advantages are material to an investment decision.[32]

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[23] *See supra* note 17 and accompanying text.

[24] Paragraph (g)(1) would limit the use of off-the-page prospectuses to open-end companies with an effective registration statement on Form N–1A. While a few separate accounts are organized as open-end companies, they are not eligible to use Form N–1A. *See* Form N–1A, General Instruction A.

[25] 15 U.S.C. 80a–22(e). Thus, if the Commission adopts proposed rule 22e–3 under the Investment Company Act, investment companies relying on that rule would not be able to use off-the-page prospectuses under rule 482(g). *See* Periodic Repurchases by Closed-End Management Investment Companies; Redemptions by Open-End Management Investment Companies and Registered Separate Accounts at Periodic Intervals or with Extended Payment, Securities Act Release No. 6948 (July 28, 1992), 57 FR 34701. In addition, investment companies suspending the right of redemption by other means available under section 22(e) would not be able to use off-the-page prospectuses.

[26] Cf. Investment Company Advertising, Securities Act Release No. 5591 (June 16, 1975), 40 FR 27442 (adoption of amendments to rule 134 for investment companies "is not intended, and should not be construed, to indicate any change in the Commission's views with respect to general publicity concerning other offerings subject to the registration requirements of the Securities Act of 1933").

[27] The Commission in the future will consider a rule that would codify exemptive relief obtained by companies that issue multiple classes of stock. In connection with that rule, the Commission will consider the types of disclosure that should appear in prospectuses and advertisements of such companies and may consider whether multiple class companies and companies participating in a "hub and spoke" arrangement should be able to use off-the-page prospectuses.

[28] The Commission estimates that, as of December 31, 1992 open-end companies had $1.6 trillion in assets; closed-end companies $85.1 billion; unit investment trusts $111.6 billion; and face amount certificate companies approximately $4 billion.

[29] 15 U.S.C. 80a–18.

[30] The *Protecting Investors* report, *supra* note 1, at 361–63, recommends the adoption of a new section 10(g) of the Securities Act, which would permit the Commission to adopt rules for an advertising prospectus. An advertising prospectus would not be limited to summarizing or omitting information contained in the section 10(a) prospectus and hence would not be limited to disclosure the "substance of" which is contained in the section 10(a) prospectus.

[31] *See* Form N–1A, Instructions as to Summary Prospectuses.

[32] *See* proposed paragraph (g)(2)(vi)(B).

B. Disclosure

Proposed paragraph (g)(2) would require off-the-page prospectuses to contain disclosure that is critical to an investment decision. The disclosure requirements in paragraph (g)(2) follow the order of the corresponding items in Form N–1A. The Commission encourages commenters to furnish draft samples of off-the-page prospectuses that show how the proposed disclosure requirements, or any alternatives they may suggest, might work in practice.

Paragraph (g)(2)(i) calls for basic information such as the name of a fund and the type of fund (*e.g.*, money market fund, bond fund, balanced fund, etc.). Subparagraphs (A) and (B) correspond to Items 1(a)(i) and 1(a)(ii) of Form N–1A.

Paragraph (g)(2)(ii) requires disclosure of fees and expenses through inclusion of the fee table called for by Item 2(a)(i) of Form N–1A. In most instances, an off-the-page prospectus should be able to present this information concisely in tabular form. As under the instructions to Item 2(a) of Form N–1A, some brief accompanying text may be necessary to aid comprehension and avoid misleading investors; for example, if advisory or other fees are reduced through waiver, reimbursement, or some other reason, some clarification would be necessary under Instruction 13. The off-the-page prospectus must provide a breakdown of operating expenses in tabular form, as is required under Item 2 of Form N–1A.[33]

The Commission requests comment on whether required disclosure of fund operating expenses should be limited to an aggregate expense figure, as the Investment Company Institute has suggested.[34] Even if other expense items were not to be listed separately, the Commission believes that rule 12b–1 fees would need to be identified separately in order to ensure that investors are notified about any fees that they may be paying for distribution expenses.

The Commission requests comment on whether the fee table example required by Item 2(a)(i) of Form N–1A may be deleted from the off-the-page rule. If the example were deleted, what alternative requirement might allow investors to compare the total costs that they would pay in funds with or without front-end or back-end sales charges?

In addition to that disclosure of fees, paragraph (g)(5) would require off-the-page prospectuses for funds that charge front-end or deferred sales loads to include legends that make clear the consequences of such loads. Because such loads are material to investors and generally are not refunded or waived, off-the-page prospectuses would be required to make prominent[35] disclosure to investors of how much money will not be returned to them or will be charged if they subsequently redeem their investment. Paragraph (g)(5) would require those legends to be modified to the extent that a fund waives or refunds loads for investors who redeem their investment within a specified period after purchase. For such funds, the legend must disclose the terms of such refund or waiver, the possibility that the value of the investment may fluctuate during the waiting period, and the tax consequences of such short-term investment.[36]

Paragraph (g)(2)(iii) calls for prominent disclosure about a fund's performance. A fund would be required to provide performance data in accordance with paragraphs (d), (e), and (f) of rule 482, and the fund's turnover rate in accordance with Item 3(a) of Form N–1A. The performance data must appear separately in a table or in a box.

Paragraph (g)(2)(iv) calls for disclosure about a fund's investment objectives, policies, and risks. Apart from the disclosure about fees and performance, this disclosure generally should receive the greatest space and emphasis in an off-the-page prospectus. Funds would have to take care that risk information is in plain English and presented in ways that average investors would readily comprehend. The risk disclosure must be prominent and must appear next to the discussion of investment objectives and policies. Paragraph (g)(2)(iv) also requires disclosure if a fund is non-diversified under the Investment Company Act or if it has, or intends to have, a policy of concentrating in an industry or group of industries.

Funds may need to devote special attention to achieving a balance between limitations of space and providing potential investors meaningful disclosure about a fund's investments, policies, and risks. The Commission requests comment on whether the rule should require some form of standardized presentation of the degree and kind of risk presented by a fund relative to other mutual funds. One approach might be to describe where the fund fits on a risk continuum from low risk (*e.g.*, a money market fund), to moderate risk (*e.g.*, a growth and income fund investing in S&P 500 stocks and high quality bonds), to high risk (*e.g.*, an emerging market country fund). The Commission also requests comment on the advantages and disadvantages of alternative disclosure formats such as narrative discussion, a numerical scale from 1 (least risky) to 10 (most risky), or other visual or symbolic representations.

Paragraph (g)(2)(vi) calls for disclosure about any options shareholders have regarding the receipt of dividends and distributions.[37] To the extent feasible, a fund might put this disclosure in the order form next to boxes where a prospective investor could mark any option selected. This paragraph also requires disclosure concerning tax consequences of investing in a fund, but such disclosure is required only to the extent that tax consequences are material to investing in the fund; for example, tax-exempt or municipal funds, or government securities funds with tax advantages under state law should discuss tax consequences. The disclosure specifically required by Items 6(g)(i) through (iii) of Form N–1A is not required in an off-the-page prospectus for funds without such tax consequences. Thus, for example, an off-the-page prospectus need not state that a fund will distribute all of its net income and gains to shareholders and

[33] The Investment Company Institute (ICI) has proposed requiring only disclosure of total fund operating expenses and not requiring the presentation of such information in tabular form. *See* The Institute's Submission to Permit the Use of Summary Advertising Prospectuses at 9, enclosed in letter from Craig S. Tyle, Vice President, Investment Company Institute, to Marianne K. Smythe, Director, Division of Investment Management (Oct. 21, 1992) ("ICI Submission"). The ICI argued that the recommendations in the Protecting Investors report for a unified fee investment company support disclosure of only the total expense figure. The unified fee proposal, however, relies fundamentally upon the assumption of competition among funds charging a single annual fee, and no separate sales charges, whereas proposed rule 482(g) would not exclude funds charging front-end loads, contingent deferred sales loads, or more than *de minimis* rule 12b-1 fees. Accordingly, the unified fee proposal does not provide a logical basis for limiting required off-the-page prospectus disclosure to total operating expenses. The Commission believes that disclosure in tabular form should not occupy materially more space than narrative disclosure and is necessary to make such disclosure more conspicuous and easier to compare.

[34] *Id.*

[35] The Division of Investment Management has interpreted a similar requirement to mean that a "statement will be prominent if it appears in some typographically distinctive manner (*e.g.*, boldface, italics, red letters, etc.)." Letter from Carolyn B. Lewis, Assistant Director, Division of Investment Management, SEC, to Registrants at 3–4 (Jan. 17, 1992) (comment II.B).

[36] *See infra* section II.F for a discussion of such cancellation procedures.

[37] This disclosure corresponds to Item 6(f) of Form N–1A.

that such distributions are taxable income or capital gains.

Paragraphs (g)(2)(vii) and (viii) call for disclosure about purchases and redemptions of shares. In section 10(a) prospectuses, these topics can occupy substantial space, especially if a fund offers a variety of special features. In many respects, such disclosure in section 10(a) prospectuses often serves as a reference manual for existing shareholders and would continue to serve that important function for investors who purchase through off-the-page prospectuses; investors would receive the section 10(a) prospectus with the confirmation of their purchase.

Accordingly, the Commission does not propose that an off-the-page prospectus disclose all possible mechanisms for purchasing or redeeming shares. Instead, it is sufficient to disclose how investors may purchase shares using the order form and to explain how to obtain further information at no cost—for example, through a toll-free telephone number. Similarly, the information required by Item 7(c) of Form N–1A concerning variations in or elimination of sales loads would not be required. Instead, paragraph (g)(2)(vii)(B) would require only a statement that such arrangements are available, together with an explanation of how to obtain information at no cost about such arrangements.[38] Similarly, paragraph (g)(2)(viii) would require only a statement that a fund's shares are redeemable, an explanation of how to obtain information at no cost about redemption procedures, and disclosure of any charges or restrictions[39] upon redemptions. Funds would be able to use follow-up mailings to enable investors to choose redemption options, such as check writing privileges, for which a signature or other information is required.

Paragraph (g)(2)(ix) would require disclosure about pending material legal proceedings. This requirement corresponds to Item 9 of Form N–1A and accordingly should require disclosure only under unusual circumstances.

With the exception of the provision for performance data in paragraph (g)(2)(iii), the wording of the disclosure provisions is based on that used in the requirements for the section 10(a) prospectus under Form N–1A. This is consistent with the off-the-page prospectus' function under section 10(b) of the Securities Act as a prospectus that omits or summarizes the information in the section 10(a) prospectus. The relationship to the Items of Form N–1A also should make it easier for funds to prepare off-the-page prospectuses, since they can refer to their section 10(a) prospectuses. Many funds may be able to base their core off-the-page disclosure on any summary or synopsis included in the section 10(a) prospectus; and their experience in construing the requirements of Form N–1A should be helpful in preparing disclosure for off-the-page prospectuses.

Except as specifically noted in paragraphs (a)(3) and (a)(5), the proposal would not affect the obligation of off-the-page prospectuses to comply with the provisions of the rest of rule 482. For example, under paragraph (a)(6), any advertisement containing performance data must include a legend discussing the limitations of performance data, and any performance data must be computed according to paragraphs (d) through (f); because they would include performance information, off-the-page prospectuses would be subject to those requirements. Under paragraph (a)(7), funds holding themselves out as money market funds must include a specified statement about certain risks of the fund.

Proposed paragraph (g) would add certain format requirements to those already provided in rule 482. Paragraph (g)(2)(iii) would require performance data to appear within a table or a box. Under paragraph (g)(2)(iv) and the General Instruction to paragraph (g)(2), the risk disclosure must be prominent and may not be separated from the disclosure of investment objectives and policies. Paragraph (g)(5) would require legends about sales charges to appear prominently, in a separate paragraph, and within a box. In addition, paragraph (g)(6) would require that the blank and text for indicating interest in investing and the blank and text for requesting the section 10(a) prospectus appear next to each other and be of the same format and type.

Apart from the general requirement of conciseness in paragraph (g)(2), the rule does not impose any express length limit on off-the-page prospectuses.[40] Similarly, proposed paragraph (g) does not mandate any sequence for the response to the indicated disclosure items. The note at the end of paragraph (g)(2) states that the information need not be set forth in the order specified and may be presented in a question and answer format. The proposed provisions would not limit the ability of off-the-page prospectuses to include disclosure other than that specifically required by paragraph (g)(2) as long as the substance of the information is included in the section 10(a) prospectus;[41] under certain circumstances, additional disclosure might be necessary in order for the off-the-page prospectus as a whole not to be misleading. The Commission requests comment whether the rule should contain other format restrictions. For example, should the rule limit the use of footnotes, especially in disclosure concerning performance or fees and expenses? Should the rule contain additional requirements regarding type face or size?[42] Should the rule contain special prominence requirements for direct mail pieces, which will tend to be longer, so that core information is not obfuscated? Should the rule limit what kinds of materials may be mailed together with an off-the-page prospectus?[43]

The Securities Act provides significant protections against the use of a misleading off-the-page prospectus. The provisions of sections 12(2) and 17(a) of the Securities Act apply to rule 482 advertisements as omitting prospectuses used in the offer and sale of securities, and hence would apply to off-the-page prospectuses, as would the anti-fraud provisions of section 10(b) of the Exchange Act and rule 10b–5.[44] Moreover, while section 10(b) of the Securities Act[45] provides that an omitting or summary prospectus does not carry liability under section 11 of

[38] Such two-step procedures for load variations and for redemption procedures were suggested in the ICI Submission, *supra* note 33, at 10 and 13.

[39] Restrictions requiring off-the-page disclosure might include special procedures for certificated shares or requirements for signature guarantees. See Form N–1A, Guide 27 (Redemption or Repurchase).

[40] *Cf.* Advertising by Investment Companies, Securities Act Release No. 6116 (Aug. 31, 1979), 44 FR 52816, 52817 (in adopting rule 434d, the predecessor to rule 482, the Commission eliminated a proposed requirement that advertisements not exceed 600 words).

[41] See Securities Act section 10(b), 15 U.S.C. 77j(b); rule 482. *See also supra* note 30.

[42] Rule 420 under the Securities Act already requires omitting prospectuses under rule 482 to be in at least 8-point type. 17 CFR 230.420.

[43] Section 2(10)(a) of the Securities Act contains an exception from the definition of prospectus for certain selling material that is preceded or accompanied by a section 10(a) prospectus. Off-the-page prospectuses would be section 10(b) prospectuses, and thus, accompanying sales literature would not qualify for the exception.

[44] *See supra* note 22. To prevail in a lawsuit under rule 10b-5, a plaintiff must prove that the defendant acted with scienter. *Ernst & Ernst* v. *Hochfelder*, 425 U.S. 185, 193 (1976). Although section 17(a) essentially prohibits negligent misstatements or omissions, unlike under section 12(2) most courts and commentators believe that an implied private right of action does not exist under section 17(a). See generally *Louis Loss, Fundamentals of Securities Regulation* 975–81 (2d ed. 1988).

[45] Under section 10(b), an omitting or summary prospectus, even if filed as part of the fund's registration statement, is not deemed a part of the registration statement for the purpose of liability under section 11 of the Securities Act.

the Securities Act,[46] section 10(b) authorizes the Commission to suspend the use of a defective summary or omitting prospectus. This administrative remedy supplements the Commission's stop order powers under section 8 of the Securities Act.[47] The Commission requests comment whether these protections are adequate, or whether additional provisions should be added to the rule to control hype or extravagant claims in off-the-page prospectuses.

C. Relationship to Section 10(a) Prospectuses

The current prohibition against including an order form in a rule 482 advertisement was intended to address concerns about the relationship between the advertisement and the section 10(a) prospectus. This prohibition codified a no-action position that sought to prevent confusion between an advertisement and the section 10(a) prospectus.[48] In proposing the amendment to rule 482 to prohibit order forms, the Commission expressed concern about consistency with the legend urging investors to read the section 10(a) prospectus before investing.[49]

In light of further consideration and experience under rule 482, those concerns do not appear to require the maintenance of a blanket prohibition upon the inclusion of an order form. Investor confusion between an off-the-page prospectus and the section 10(a) prospectus is unlikely to occur if, as proposed, an off-the-page prospectus is required to alert investors to the availability of more information in the section 10(a) prospectus. In place of the legend required by paragraph (a)(3) urging investors to read the section 10(a) prospectus before investing, paragraph (g)(3) would require off-the-page prospectuses to state that the section 10(a) prospectus contains more information about the fund, and that investors who are not familiar with mutual funds may wish to obtain the section 10(a) prospectus before investing.

Proposed rule 482(g) would preserve the role of the section 10(a) prospectus as a fund's primary disclosure document, even though it would eliminate the rule's current prohibition on purchasing fund shares directly from an omitting prospectus. Off-the-page prospectuses would supplement—not supplant—the use of section 10(a) prospectuses.[50] As required under the Securities Act, delivery of the section 10(a) prospectus would precede or accompany confirmation of a sale; and paragraph (g)(3) would require that the off-the-page prospectuses include a statement that the section 10(a) prospectus would be sent with the confirmation of purchase. Paragraph (g)(6) would require the order form to include a box that can be checked to request the section 10(a) prospectus; thus, the option of obtaining the section 10(a) prospectus would receive equal emphasis with the option of investing directly from the off-the-page prospectus. Section (g)(4) would require funds to send out section 10(a) prospectuses within two business days of any request, to ensure that investors receive additional information promptly. In addition, off-the-page prospectuses could include a telephone number that investors may call to request the section 10(a) prospectus. The Commission requests comment on whether a telephone number should be required.

D. Filing

Paragraph (c) of rule 482 provides that advertisements made pursuant to rule 482(a) need not be filed as part of a fund's registration statement; it notes, however, that rule 497[51] requires advertisements to be filed with the Commission unless filed with the NASD.[52] This proposal would not amend paragraph (c).

Proposed paragraph (g)(8) would add a requirement that funds pre-file off-the-page prospectuses with the Commission or the NASD.[53] This requirement would apply for "a period ending one year after the first use of any advertisement * * * with respect to the securities that are the subject of the advertisement." The period of one year is intended to provide individual funds and regulators with a period to gain experience with the disclosure issues involved in that particular fund's use of off-the-page prospectuses. The period would apply separately to each security that is the subject of an off-the-page prospectus; thus, the period would run individually for each fund or series. Each security may present unique disclosure issues. Off-the-page prospectuses subject to paragraph (g)(8) would be required to be filed twenty days before they are submitted for publication to give adequate time for advance review. Off-the-page prospectuses submitted to the Commission for advance review would be transmitted with Form 482(g). The Commission anticipates that, like rule 482 advertisements at present, most off-the-page prospectuses would be filed with the NASD.

The Commission requests comment on this filing requirement and on other review arrangements that might achieve the same goals of reducing the likelihood of inadequate or misleading disclosure. For example, should prior review be limited to a period of one year, as proposed, or are off-the-page prospectuses sufficiently closer to section 10(a) prospectuses than to existing rule 482 advertisements that prior review should be required indefinitely? Should the rule provide a procedure by which the Commission or the NASD (or their staff, by delegated authority) could require a fund to resume pre-filing outside the one year period if a fund's disclosure were found deficient? Is the proposed period of twenty days sufficient, or do the proposed disclosure requirements of paragraph (g)(2) justify a longer or shorter period?

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[46] 15 U.S.C. 77k. Section 11 of the Securities Act imposes liability for material misstatements or omissions contained in a registration statement when it becomes effective. That section imposes strict liability on the issuer. Section 11 also imposes liability on a wide variety of other defendants, such as persons who signed the registration statement, directors of the issuer at the time the statement is filed, persons who consented to be named in the statement, experts who consented to be named in the statement, and underwriters.

There are certain differences between liability under section 11 and section 12. For example, section 11 does not impose liability on sellers of securities other than issuers. Moreover, under section 11 issuers do not have the "reasonable care" defense that they have under section 12(2). For an in-depth discussion and comparison of liability under sections 11 and 12(2), *see* Loss, *supra* note 44, at 887–906.

[47] 15 U.S.C. 77h.

[48] Federated Investors, Inc. (pub. avail. June 30, 1985).

[49] Advertising by Investment Companies; Proposed Rules and Amendments to Rules, Forms, and Guidelines, Securities Act Release No. 6660 (Sept. 17, 1986), 51 FR 34384, 34391. Similarly, in adopting the summary prospectus rule, the Commission stated its intention to provide additional means for disseminating information, but not to supplant the section 10(a) prospectus as the primary selling document. Adoption of Summary Prospectus Rule 434A and Amendments to Forms S–1 and S–9, Securities Act Release No. 3722, [1932–1956 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 76,415 (Nov. 26, 1956) (adopting summary prospectus rule).

[50] Protecting Investors report, *supra* note 1, at 365.

[51] 17 CFR 230.497.

[52] Article III, section 35(c)(1) of the NASD's Rules of Fair Practice requires any advertisement used by a NASD member to be filed with the NASD.

[53] The ICI has recommended that the NASD Rules of Fair Practice be amended to provide for pre-filing and clearance of off-the-page prospectuses on a temporary basis for a one year period after the adoption of the rule. ICI Submission, *supra* note 33, at 13–14. The proposals herein contemplate that the NASD will propose amendments to implement procedures for review of off-the-page prospectuses, but such amendments are not now before the Commission.

Proposed paragraph (g)(9) would require that three copies of an off-the-page prospectus be filed with the Commission within three days after the first use of an off-the-page prospectus unless copies already have been filed with the Commission. These filings would not be subject to advance review or clearance and would not be part of a fund's registration statement, but would be reviewed by the staff on an ad hoc basis for purposes of monitoring compliance with the rule. The definitive copies would be transmitted with Form 482(g). The filing requirement would apply to any use of an off-the-page prospectus, even after the one-year advance review requirement no longer applies.

E. Eligible Media

Paragraph (g)(7) would prohibit the transmission of off-the-page prospectuses to investors by radio, television, or other broadcast or electronic media. The rule would exclude radio, television, and other broadcast media because such media do not give viewers or listeners a sufficient period for continuous examination of all of the disclosure required under paragraph (g)(2).[54] Some electronic media, such as computer bulletin boards, may provide the capacity to read the disclosure for a sufficient period of time and to reproduce the disclosure and order form in print. The Commission, however, has received only limited indications of interest in advertising fund shares through such media or of the special concerns that might arise regarding such media. The Commission requests comment on whether rule 482(g) should permit the use of electronic media, and if so, which media might be used, what format off-the-page prospectuses in such media might take, and how such off-the-page prospectuses might be transmitted to potential investors.

The rule would not otherwise limit the media in which off-the-page prospectuses might be disseminated. Thus, funds could advertise by direct mail, as well as in magazines, newspapers and other print media. Rule 482 now permits advertisements made under paragraph (a) to be sent through direct mail; that would not change under proposed paragraph (g).[55] Direct mail has become a major component of many fund groups' marketing programs and may be particularly useful to smaller fund complexes that cannot easily afford the expense of mass advertising.[56] Direct mail may complicate monitoring and enforcement because direct mail pieces are less public than magazine and newspaper advertisements. Nevertheless, the filing and review requirements under paragraph (c) and paragraphs (g)(8) and (g)(9) should give the Commission sufficient capacity to monitor and enforce compliance with the rule. The Commission requests comment, however, whether it should prohibit the use of off-the-page prospectuses in direct mail. Limiting their use to mass media advertising might deter misleading disclosure, and often an advertiser's competitors can play an important role by drawing possibly deficient advertisements to the attention of regulators.

F. Cancellation

The *Protecting Investors* report recommended considering whether investors who purchase off-the-page should have an opportunity to cancel their purchases for a specified waiting period allowing for review of the section 10(a) prospectus.[57] The report suggested that such cancellation might involve either of two options: first, an escrow arrangement, under which an investor's money would be held in a bank account or money market fund until the end of the waiting period, when it would be invested in the fund the investor sought to purchase; or second, the investor's money would be invested in the fund at once, but if the investor requested redemption by the end of the waiting period, any front-end load would be refunded, and any contingent deferred sales load would be waived.

After further review, the Commission is not proposing to require or permit escrow arrangements, which do not appear consistent with the off-the-page rule's policy of reducing delays in the process of investing in direct marketed funds.[58] The Commission requests comment, however, on whether there is a justification for permitting the use of escrows, and, if so, what changes should be made to rule 22c–1 or other provisions of the securities laws.

Under the second option, an investor would bear the risk of fluctuations in net asset value during the waiting period, but if the investor opted to cancel the purchase, any front-end load would be refunded, or any contingent deferred sales load would be waived. The Commission is not proposing to *require* that funds offer such refunds or waivers to investors who purchase through off-the-page prospectuses. Such refunds or waivers, however, would be variations in or elimination of a fund's sales charges and would be permissible if they comply with the requirements of rule 22d–1.[59]

G. Deletion of Form N–1A Summary Prospectus Instructions

Currently Form N–1A contains instructions for summary prospectuses pursuant to rule 431.[60] The Commission adopted the summary prospectus provisions for investment companies in

[54] The United Kingdom rules contain a comparable requirement. *See* Conduct of Business Rules, *supra* note 19, rule 7.23(4). In addition, broadcast advertisements cannot include an application form.

[55] As originally adopted, rule 434d initially limited omitting prospectuses under the rule to use in bona fide publications. Rule 482 was amended in 1988 to delete that limitation in order to allow use in direct mail. Advertising by Investment Companies, Securities Act Release No. 6454 (Feb. 28, 1983), 48 FR 10297. Rule 494, by contrast, limits "newspaper prospectuses" for foreign government securities to advertisements appearing in newspapers, magazines and other periodicals that are distributed by second class mail. 17 CFR 230.494.

[56] ICI Submission, *supra* note 33, at 5. Typically, an initial direct mailing contains a rule 482 advertisement, and section 10(a) prospectuses are sent only to those recipients who specifically request them. The ICI cites an estimate that the conversion rate for direct mailings (the percentage of recipients who actually invest) is 0.5%. *Id.* at 4 n.10. For that reason, fund representatives have informed Commission staff that generally it is too expensive to send section 10(a) prospectuses in direct mailings.

[57] *Protecting Investors*, *supra* note 1, at 388.

[58] With an escrow, the investor's money would be invested at the end of the waiting period if the investor did not cancel the purchase. That delay in investment would not comply with rule 22c–1, which requires issuers of redeemable securities to price sales of such securities at the next net asset value computed after the receipt of an order to purchase. 17 CFR 270.22c–1. The Division of Investment Management has taken a no-action position under rule 22c–1 with respect to certain arrangements under which a purchase or redemption order would not be executed at the next determined net asset value following receipt of the order but would be determined at the next determined net asset value following a specified contingent event that made compliance highly impractical, if not impossible. *See, e.g.*, Capital Preservation Fund (pub. avail. Sept. 11, 1990); Templeton Global Fund (pub. avail. Sept. 7, 1983). *But see* Dreyfus Index Fund (pub. avail. Sept. 21, 1987) (denying no-action relief for proposal that purchase orders received between noon and 4:00 p.m. be invested at next day's price rather than same day's price at close of New York Stock Exchange). Such no-action relief would not be appropriate for the escrow option.

[59] 17 CFR 270.22d–1. Because the language of rule 22d–1 "contemplates sales loads paid at the time of purchase, the exemption provided by rule 22d–1 does not extend to scheduled variations in deferred sales loads." Exemptions for Certain Registered Open-End Management Investment Companies to Impose Deferred Sales Loads, Investment Company Act Release No. 16619 (Nov. 2, 1988), 53 FR 45275, 45279. Accordingly, exemptive orders permitting contingent deferred sales loads with scheduled variations have required that such scheduled variations comply with the conditions of rule 22d–1. Proposed rule 6c–10 contains the same requirement. *Id.*

[60] 17 CFR 230.431.

1972.[61] In the intervening twenty years, however, to the best of the Commission's knowledge, no fund has published a summary prospectus. Proposed rule 482(g) should provide mutual funds a basis for publishing a condensed prospectus. Accordingly, the Commission is proposing to delete the summary prospectus instructions in Form N–1A. The Commission previously deleted the summary prospectus instructions in Form N–2, the closed-end fund registration form.[62]

III. Cost/Benefit of Proposed Action

Proposed rule 482(g) would not impose any additional required costs on investment companies. Open-end companies that elect to rely upon the rule may incur some additional costs because off-the-page prospectuses in all likelihood would require more space than existing advertisements under rule 482 or under rule 134. To the extent, however, that a significant number of investors decide to invest from an off-the-page prospectus without requesting a section 10(a) prospectus, a fund's total marketing costs may be reduced.

The Commission requests comment upon the above assessment of costs and benefits associated with the proposed rule changes. Commenters should submit estimates for any costs and benefits perceived, together with any supporting empirical data.

IV. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding proposed rule 482(g). The Analysis explains that the proposal would provide potential investors with the option to purchase mutual fund shares directly from off-the-page prospectuses containing specified prospectus disclosure. Off-the-page prospectuses would be omitting prospectuses under section 10(b) of the Securities Act. The Analysis explains that the proposal is intended to give investors in direct marketed funds the option of investing more directly and quickly than at present, and with lower cost to funds and hence to shareholders. The Analysis states that the Commission considered significant alternatives to the proposal. Those alternatives included simplifying the level of disclosure that small entities would provide in an off-the-page prospectus or exempting small entities from the pre-publication review requirement. The Commission concluded that such alternatives would create the risk that investors would not receive comparable disclosure and not make properly informed investment decisions, or increase the risk that a small entity's off-the-page prospectus might contain inaccurate or misleading disclosure. To obtain a copy of the Initial Regulatory Flexibility Analysis, write to Robert G. Bagnall, at Mail Stop 10–6, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549.

List of Subjects in 17 CFR Parts 230, 239 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Proposed Rule and Form Amendments

For the reasons set out in the preamble, the Commission is proposing to amend Chapter II, title 17 of the Code of Federal Regulations as follows:

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

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

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

* * * * *

2. Section 230.482 is amended by revising paragraphs (a)(3) preceding the Note and (a)(5), and by adding paragraph (g) to read as follows:

§ 230.482 Advertising by an investment company as satisfying requirements of section 10.

(a) * * *

(3) Except as provided in paragraph (g) of this section, it states conspicuously from whom a prospectus containing more complete information may be obtained and that an investor should read that prospectus carefully before investing.

* * * * *

(5) Except as provided in paragraph (g) of this section, it does not contain and is not accompanied by any application by which a prospective investor may invest in the investment company; *Provided, however, That* a prospectus meeting the requirements of section 10(a) of the Act by which a unit investment trust offers periodic payment plan certificates may contain a contract application although the prospectus includes another prospectus that, pursuant to this rule, omits certain information required by section 10(a) of the Act regarding investment companies in which the unit investment trust invests.

* * * * *

(g) An advertisement made pursuant to paragraph (a) of this section may contain an application by which a prospective investor may invest in an investment company, or incorporate by reference an attached or enclosed application, if:

(1) The advertisement is with respect to an open-end management investment company that has an effective registration statement on Form N–1A and that:

(i) First publicly sold the shares being offered by the advertisement at least two years prior to publication of the advertisement,;

(ii) Intends to comply with the requirements of subchapter M, sections 851–860, of the Internal Revenue Code (26 U.S.C. 851–860) during the current taxable year;

(iii) Is not exempt from section 22(e) of the Investment Company Act (15 U.S.C. 80a-22(e));

(iv) Is not a management separate account offering variable insurance products; and

(v) Has outstanding only one class of shares and does not invest its assets entirely in the shares of another open-end management investment company.

(2) The advertisement contains the following information more concisely (to the extent feasible) than in the company's section 10(a) prospectus:

(i) (A) The company's name; and

(B) Identification of the type of fund (e.g., money market fund, bond fund, balanced fund, etc.), or a brief statement of the company's investment objectives;

(ii) The fee table called for by Item 2(a)(i) of Form N–1A, including the example, together with any narrative necessary to make the table understandable and not misleading;

(iii) The following information, set out prominently in a table or in one or more boxes or similar border enclosing such data on all four sides:

(A) In the case of a "money market fund," a quotation of current yield and, at the option of the company, effective yield, as permitted by paragraphs (d) and (f) of this section;

(B) In the case of any other type of open-end investment company, quotations of total return as provided for in paragraph (e)(3) of this section and,

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[61] Adoption of Rule Changes Relating to Investment Company Advertising, Amendments to Rules 134 and 434A of the Securities Act of 1933, New Rule 135A under the Act, the Amendment to Form S–5 to Provide for a Summary Prospectus, Securities Act Release No. 5248 (May 9, 1972), 37 FR 10071.

[62] Registration Statement for Closed-End Management Investment Companies, Securities Act Release No. 6842 (Aug. 11, 1989), 54 FR 32993 (proposing release); Securities Act Release No. 6967 (Dec. 1, 1992), 57 FR 56826 (adopting release).

at the option of the company, quotations of yield permitted by paragraphs (e)(1), (e)(2), and (f) of this section; and

(C) The company's portfolio turnover rate pursuant to Item 3(a) of Form N–1A;

(iv) (A) A statement that the company is a mutual fund, and if the company is non-diversified under the Investment Company Act, a statement to that effect;

(B) A concise description of the company's investment objectives and policies, including: a short description of the types of securities in which the company invests or will invest principally, and, if applicable, any special investment practices or techniques that will be employed in connection with investing in such securities; and, if the company has or proposes to have a policy of concentrating in a particular industry or group of industries, identification of such industry or industries; and

(C) A brief discussion of the principal risk factors associated with investment in the company, set forth prominently;

(v) The name of the company's investment adviser;

(vi) (A) Any options shareholders may have as to the receipt of such dividends and distributions; and

(B) The tax consequences of investment in the company to the extent that any tax advantages of portfolio securities and of investing in the company are material to investment in the company;

(vii) (A) The procedure by which the company's shares may be purchased using the application, and an explanation of how to obtain information at no cost about additional purchase procedures;

(B) If applicable, a statement that scheduled variations in or elimination of the sales load are available (e.g., large purchases, letters of intent, accumulation plans, dividend reinvestment plans, withdrawal plans, exchange privileges, employee benefit plans, redemption reinvestment plans), and an explanation of how to obtain information at no cost about such variations in or elimination of the sales load;

(C) Any minimum initial or subsequent investment;

(D) If applicable, a general statement of the purpose of fees pursuant to § 270.12b–1 of this chapter;

(viii) (A) A statement that the company's shares are redeemable, and an explanation of how to obtain information at no cost about redemption procedures;

(B) A description of any restrictions on redemption and any charges that may be attendant upon redemption;

(C) A statement of any minimum account balance; and

(D) If applicable, a brief description if the company may refuse to honor a request for redemption for a certain time after a shareholder's investment; and

(ix) Any material pending legal proceedings.

General Instruction—The information provided need not be set forth in the order above, may be presented in a question and answer format, and may be presented in the application. The information provided pursuant to paragraphs (g)(2)(iv) (B) and (C) of this section, however, may not be separated by any other disclosure.

(3) In place of the statement required by paragraph (a)(3) of this section, the advertisement contains:

(i) A statement that the advertisement contains key information about the company; and

(ii) A statement that the company's section 10(a) prospectus contains more information about the company and is available free upon request, that investors who are not familiar with open-end companies may wish to obtain the section 10(a) prospectus before investing, and that the section 10(a) prospectus will be sent to investors with the confirmation of an investment (this statement should include instructions about how to obtain the section 10(a) prospectus by any means—such as a toll-free telephone line—other than the blank on the application form discussed in paragraph (g)(6) of this section).

(4) When a request for a section 10(a) prospectus is received by the company, the section 10(a) prospectus is sent within two business days of receipt of the request by first class mail or other means designed to ensure equally prompt delivery.

(5) The advertisement contains one or more of the following legends, as applicable, set forth prominently in a separate paragraph and set off by a box or similar border enclosing the legend(s) on all four sides:

(i) If the company imposes a front-end sales load:

"If you invest in this fund, you will pay a sales commission of [the maximum load, expressed as a percentage of the amount invested] that will not be refunded if you withdraw your investment."

(ii) If the company imposes a contingent deferred sales load:

"If you invest in this fund and you withdraw your investment within [the maximum number of years during which any contingent deferred sales load is imposed], you will be charged a sales commission of up to [the maximum deferred sales load, expressed as a percentage] when you withdraw, depending on how long you stay in the fund. The longer you stay in the fund, the lower that commission will be."

Note: To the extent that a company waives or refunds loads for investors who redeem their investment within a specified period after purchase, the above legends shall be modified to disclose the terms of such refund or waiver, the possibility of fluctuations in net asset value during the specified period, and any tax consequences of redemption within the specified period.

(6) The application contains a blank that investors can mark to request the company's section 10(a) prospectus, together with text stating that the investor does not wish to invest at present but would like to obtain the section 10(a) prospectus. That blank and text must be adjacent to, and in the same format and type as, the blank and text for indicating interest in investing.

(7) The advertisement is not transmitted to investors by radio, television, or other broadcast or electronic media.

(8) During a period ending one year after the first use of any advertisement pursuant to this paragraph (g) with respect to the securities that are the subject of the advertisement, five copies of the advertisement are filed with the Commission in accordance with § 230.497 no later than twenty days before the advertisement is submitted for publication. A national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o) that has adopted rules providing standards for the investment company advertising practices of its members and has established and implemented procedures to review that advertising may adopt and implement other requirements regarding the timing and procedures for filings made pursuant to this paragraph (g).

Note: Under Rule 497 (17 CFR 230.497) advertisements filed with the NASD are deemed filed with the Commission.

(9) In addition to any filing pursuant to § 230.497 or section 24(b) of the Investment Company Act (15 U.S.C. 80a–24(b)) and the rules thereunder, including any filing pursuant to paragraph (g)(8) of this section, three copies of the advertisement in definitive form are filed with the Commission within three days after the first use of the advertisement unless copies of the advertisement actually have been filed with the Commission already pursuant to paragraph (g)(8) of this section.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

3. The authority citation for part 239 continues to read in part as follows:

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

4. The authority citation for part 274 continues to read in part as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, unless otherwise noted.

5. By amending Form N–1A (§§ 239.15A and 274.11A) by removing the Instructions as to Summary Prospectuses.

Note: The test of Form N–1A does not and the amendments will not appear in the Code of Federal Regulations.

6. By adding § 239.482 and Form 482(g) to read as follows:

§ 239.482 Form 482(g), Filing of off-the-page prospectus for pre-publication review, and Notice of use or publication of off-the-page prospectus.

This form shall be filed with respect to copies of off-the-page prospectuses submitted to the Commission as required under rule 482(g) (§ 230.482(g) of this chapter).

Note: See Appendix A to this document for text of Form 482(g). The text of Form 482(g) will not appear in the Code of Federal Regulations.

Dated: March 19, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

Appendix A—Form 482(G)

Mark one

[ ] Filing of Off-the-Page Prospectus for Pre-Publication Review

Or

[ ] Notice of Use or Publication of Off-the-Page Prospectus

Pursuant to Securities Act Rule 482(g) [17 CFR 230.482(g)]

1. Investment Company Act File Number 811–

2. Exact name of investment company as specified in registration statement:

3. Address of principal executive office: (number, street, city, state, zip code)

4. Date of Use or Publication of Off-the-Page Prospectus

Instructions

1. This form must be attached to (A) a copy of a draft off-the-page prospectus that is submitted to the Commission for pre-publication review, or (B) a definitive copy of an off-the-page prospectus that is submitted after its first publication, in either case pursuant to rule 482(g).

2. Open-end companies whose principal underwriters are members of the National Association of Securities Dealers, Inc. (NASD) should file draft off-the-page prospectuses with the NASD for pre-publication review.

3. Five copies of submissions for pre-publication review must be filed at least twenty days before the draft off-the-page prospectus is to be submitted for publication.

4. Three copies of submissions for definitive copies shall be filed within three days after the first use or publication of an off-the-page prospectus.

5. Item 4 should be completed only for filings of definitive copies.

[FR Doc. 93–6785 Filed 3–24–93; 8:45 am]

BILLING CODE 8010–01–P

17 CFR PART 240

[Release No. 34–32018; File No. S7–12–93]

RIN 3235–AF76

Requirement of Broker-Dealers To Comply With SRO Qualification Standards

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing a rule under section 15(b)(7) of the Securities Exchange Act of 1934 (the "Exchange Act") prohibiting registered broker-dealers from effecting any securities transaction unless the associated person effecting such transaction is in compliance with the qualification requirements established under the rules of any self-regulatory organizations ("SROs") of which the broker-dealer is a member or to which it is subject. The proposed rule would bolster SROs' efforts in this area, and is necessary in part because in some cases the Commission is the only regulatory authority initially investigating a case in which violations of SRO qualification standards have occurred. The proposed rule would enhance investor protection and ensure adequate competency among securities personnel, and would enhance the Commission's own enforcement program.

DATES: Comments should be received on or before April 26, 1993.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Mail Stop 6–9, Washington, DC 20549. Comment letters should refer to File No. S7–12–93. All comment letters received will be made available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Robert L.D. Colby, Chief Counsel, or Andrew S. Margolin, Staff Attorney, at (202) 272–2844, Office of Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Mail Stop 5–1, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

A. Need for the Rule

SRO qualification of associated persons of broker-dealers is of first importance in promoting compliance with the substantive requirements of the federal securities laws. It has been long-standing Commission policy to rely principally on the SROs in the formulation and administration of qualification standards, subject to Commission review and oversight. In general, the Commission has been satisfied with the substantive content of the SROs' entry requirements imposed on securities personnel in the various qualification categories. Nonetheless, since 1975 the Commission has had independent authority under Section 15(b)(7)[1] to adopt and enforce qualification standards and to prohibit broker-dealers from engaging in securities transactions unless their associated persons meet SRO qualification standards.[2]

The Commission does not consider it necessary to develop more demanding qualification standards than currently applied by the SROs. In order to promote investor protection, the Commission believes, however, that it is

[1] Section 15(b)(7) generally prohibits any registered broker-dealer from effecting any transaction in, or inducing the purchase or sale of, any security unless such broker-dealer meets standards of operational capability and it and each of its associated persons meet standards of training, experience, competence, and other qualifications that the Commission finds necessary or appropriate in the public interest or for the protection of investors. The provision grants the Commission authority to establish such standards by rules, which may specify that all or any portion of such standards shall be applicable to any class of broker-dealers and associated persons. The provision further empowers the Commission to cooperate with registered securities associations and national securities exchanges in devising and administering tests and to require registered broker-dealers and associated persons to pass tests administered by or on behalf of any such association or exchange. 15 U.S.C. 78o(b)(7).

[2] See Securities Industry Study House Report of the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce. H.R. Rep. No. 1519, 92d Cong., 2d Sess. 22 (1972). Since 1964, the Commission has had authority to promulgate qualification standards for broker-dealers who were not members of the NASD. See Securities and Exchange Commission, Report of the Special Study of the Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963) (hereinafter, the "Special Study").

appropriate to implement existing authority to prohibit registered broker-dealers from effecting securities transactions if their associated persons effecting such securities transactions are not in compliance with SRO qualification standards.[3] The Commission's ability to proceed directly against such broker-dealers would supplement the SROs' own efforts to maintain a high level of competency and training of securities personnel and thereby significantly strengthen the self-regulatory system.

Since 1983, when Congress abolished the SECO ("SECO only") program and the Commission rescinded Rule 15b8–1 under the Exchange Act,[4] the SROs have been the exclusive enforcers of qualification standards. Before the rescission of Rule 15b8–1, the Commission frequently brought proceedings directly against broker-dealers for violating Section 15(b)(7) and the Commission's qualification standards under that rule.[5] The Commission currently may bring injunctive actions in federal court to enforce SRO rules under Section 21 of the Exchange Act.[6] Nevertheless, consistent with the general regulatory scheme of the Exchange Act and congressional intent, the Commission generally has depended on SRO enforcement of SRO rules rather than bringing actions under this provision.[7]

The Commission believes that a rule under Section 15(b)(7), permitting it to bring injunctive actions and administrative proceedings directly against broker-dealers where its associated persons effect securities transactions while not in compliance with the applicable SRO qualification requirements, would enhance investor protection and bolster the SROs' efforts to ensure adequate competency among securities personnel as well as enhance the Commission's own enforcement program. The Commission wishes to emphasize.that it generally is satisfied with SRO enforcement of SRO qualification standards. The proposed rule would enable the Commission to enforce SRO qualification standards if unqualified persons are effecting securities transactions, but SROs would remain the primary enforcement authority for compliance with qualification standards. The proposed rule is necessary in part because in some cases the Commission is the only regulatory authority initially investigating a case in which violations of SRO qualification standards have occurred. Finally, the Commission believes that it is necessary to have the ability, in matters where other related securities violations may have occurred, to bring an integrated proceeding against the broker-dealer.

B. Previous Congressional and Commission Action

During the SECO program,[8] the Commission had authority under former Sections 15(b) (8), (9), and (10) to establish a regulatory regime applicable to registered broker-dealers that did not elect NASD membership.[9] In 1965, the Commission adopted Rule 15b8–1, which empowered it to proceed directly against registered SECO broker-dealers for failure to comply with standards of training, experience, and competence that the Commission formulated and implemented with the assistance of the NASD.[10] The Commission frequently charged violations under Rule 15b8–1 in administrative proceedings against SECO broker-dealers that effected securities transactions without having registered their associated persons or filed the appropriate registration forms for associated persons with the Commission, and against associated persons for aiding and abetting such violations.[11]

In 1975, Congress enacted the Securities Acts Amendments of 1975 (the "1975 Amendments") in part in

[3] The Commission presently does not have authority with respect to qualification standards of government securities broker-dealers.

[4] See Public Law 98–38, Section 3, 97 Stat. 205, 206–07 (1983), codified at Sections 15(b)(8) and 15(b)(9). See also Securities Exchange Act Release No. 20409 (November 22, 1983), 48 FR 53688.

[5] For citations to some of these matters, see *infra* n.11. The Commission initiated the SECO program under Sections 15(b) (8), (9), and (10) of the Exchange Act for registered broker-dealers that were not members of a national securities association, *i.e.*, the NASD ("nonmember" broker-dealers). Enacted in 1964, these provisions empowered the Commission to establish for nonmember broker-dealers and their associated persons a regulatory regime comparable to that adopted by the NASD for its members and their associated persons. In Rules 15b8–1, 15b9–1, and 15b10–1 [17 CFR 240.15b8–1, 15b9–1, and 15b10–1], the Commission established specific procedures and norms of conduct closely paralleling those of the NASD in areas such as qualification of associated persons, fees and assessments, standards for supervision of securities employees, discretionary accounts, and suitability of recommendations. The SECO rules applied to any broker-dealer, including a sole proprietor, registered under Section 15 of the Exchange Act, that was not a member of a national securities association registered with the Commission under Section 15A. For a discussion of the SECO rules, see Securities Exchange Act Release No. 7697 (Sept. 7, 1965), 30 FR 11673; Securities Exchange Act Release No. 8135 (July 27, 1967), 32 FR 11637; Securities Exchange Act Release No. 8308 (May 8, 1968), 33 FR 7075.

[6] 15 U.S.C. 78u. The Commission may, whenever it appears that any person is engaged or is about to engage in any acts or practices violating any SRO rule, bring injunctive actions in federal district court to have the SRO rule enforced under Sections 21 (d) and (e) of the Exchange Act, subject to the requirements imposed by paragraph (f) of that provision. Under that paragraph, the Commission must find that the SRO is unable or unwilling to take appropriate action against such person or that such action is otherwise necessary or appropriate in the public interest or for the protection of investors. 15 U.S.C. 78u (d) through (f). In amending this provision in 1975, Congress stated that it did not expect that the Commission would have frequent recourse to the courts in support of its general oversight responsibilities over the SROs. S. Rep. No. 75, 94th Cong., 1st Sess. 135 (1975).

[7] Section 19(g)(1) of the Exchange Act requires SROs to enforce their own rules. 15 U.S.C. 78s(g)(1).

[8] See *supra* n.5.

[9] See H.R. Rep. No. 1418, 88th Cong., 2d Sess. 24 (1964); Securities Exchange Act Release No. 9420 (December 20, 1971).

[10] Congress enacted the Securities Acts Amendments of 1964 in response to congressional and Commission findings that the qualification and registration requirements for broker-dealers and their associated persons were not stringent enough and that rules of the SROs largely allowed free access and ready entry into the securities business by anyone who had not violated the securities laws. In August 1964, Congress enacted Section 15(b)(8) (appearing currently at Section 15(b)(7), as amended), which authorized the Commission to adopt rules requiring registered broker-dealers that were not members of a national securities association (*i.e.*, the NASD), and persons associated with such broker-dealers, to meet prescribed standards of training, experience, and other qualification standards. Securities Acts Amendments of 1964, Public Law No. 88–467, 78 Stat. 565 (August 20, 1964). In September 1965, under the authority of that provision, the Commission adopted qualification standards in Rule 15b8–1. Securities Exchange Act Release No. 7697 (September 7, 1965), 30 FR 11675.

[11] See, *e.g.*, Universal Securities, Inc., Securities Exchange Act Release No. 19741 (May 9, 1983) (broker-dealer's registration temporarily suspended because it violated Section 15(b)(7) and Rule 15b8–1 by permitting securities sales by unqualified persons and failing to file a Form U–4 with respect to its associated persons); American Capital Corporation of Delaware, Securities Exchange Act Release No. 18720 (May 10, 1982) (broker-dealer's registration suspended due, among other things, to its violation of Section 15(b)(8) [now Section 15(b)(7)] and Rule 15b8–1 by failing to file a Form U–4 with the Commission and paying the initial fee required by that form).

See also David R. Craig, Securities Exchange Act Release No. 18861 (June 30, 1982); Fox Fire Financial Associates, Inc., Securities Exchange Act Release No. 18760 (May 25, 1982); Bay State Securities, Inc., Securities Exchange Act Release No. 13653 (June 21, 1977); Gerald J. Vanderzon, Securities Exchange Act Release No. 12983 (November 16, 1976); IDE Investments, Inc., Securities Exchange Act Release No. 12636 (July 19, 1976); Nationwide Bond, Inc., Securities Exchange Act Release No. 10072 (March 29, 1973); Robert Gerard Dier, Securities Exchange Act Release No. 9772 (September 18, 1972); Rolandi Securities Corporation, Securities Exchange Act Release No. 9567 (April 12, 1972); Milton Gelfand, Securities Exchange Act Release No. 9510 (March 1, 1972); Ben Zenoff Company, Securities Exchange Act Release No. 9416 (December 13, 1971); Rolandi Securities Corporation, Securities Exchange Act Release No. 9397 (November 24, 1971); Alex Kajouras, Securities Exchange Act Release No. 9372 (October 15, 1971); Acme Securities Co., Inc., Securities Exchange Act Release No. 9287 (August 16, 1971); David Tsevi Kleinman, Securities Exchange Act Release No. 9230 (June 29, 1971); Sentinel Securities, Inc., Securities Exchange Act Release No. 9047 (December 24, 1970); Western Guaranty Management Corp., Securities Exchange Act Release No. 8494 (January 15, 1969).

response to the "back-office" crises of 1968–70.[12] A Subcommittee of the U.S. House of Representatives issued a report in which it stated that some of the major causes of broker-dealer failure during this period were inexperience, the lack of knowledge of rules and regulations, and the lack of crucial skills, such as bookkeeping, operational, and financial expertise.[13] The Subcommittee recommended, among other things, more stringent and comprehensive examinations to improve regulators' control over entry into the securities industry and to exclude broker-dealers and individuals lacking the necessary expertise and competency. Thus, one of Congress' overriding objectives in enacting Section 15(b)(7) was to make eligibility criteria for entry into the securities industry more restrictive, not only with respect to financial and operational matters, but also with respect to supervision of employees and management concerning these matters, with a view to preventing improper acts by salespersons.[14]

Section 15(b)(7) granted the Commission rulemaking authority to extend its qualification requirements beyond SECO broker-dealers to include all broker-dealers registered with the Commission. In 1977, the Commission proposed Rule 15b7–1, which it never adopted, to replace Rule 15b8–1.[15] The Commission proposed to continue to rely on the SROs to develop and administer all required examinations, subject to the Commission's review and oversight powers.[16] While Rule 15b7–1 would have established minimum qualification requirements for all registered broker-dealers and their associated persons, because it exempted NASD member firms from its scope and, under certain conditions, members of national securities exchanges, its substantive effect would not have been significantly different from that of Rule 15b8–1.

Since the 1980s, the Commission has found that the SROs have substantially upgraded their examination and other qualification standards and believes that SRO qualification standards are sufficient. In a 1982 release reproposing Rule 15b7–1, the Commission noted that the SROs for the most part had updated their qualification standards and examinations to meet new developments and securities products in the industry, and that it was satisfied with those qualification standards and therefore had determined not to include most broker-dealers that are members of SROs within the scope of the proposed rule.[17] Since that time, the Commission has indicated its continued satisfaction with SRO qualification standards in orders approving SRO rule changes to qualification requirements.[18] For this reason, the Commission, as it had done in Rule 15b8–1, would have limited application of proposed Rule 15b7–1 to SECO broker-dealers.[19] In 1983 Congress abolished the SECO program,[20] and the Commission withdrew proposed Rule 15b7–1 from consideration[21] and rescinded Rule 15b8–1.[22]

C. Objectives of New Rule 15b7–1

The principal objective of the Commission in proposing new Rule 15b7–1 differs from that of former Rule 15b8–1 and previously proposed Rule 15b7–1. The latter two rules were intended to upgrade qualification standards among broker-dealers and to ensure a uniformity of these requirements throughout the securities industry. The rules were necessary because NASD membership at the time was voluntary. As discussed above, the Commission believes that these rules' objectives have largely been accomplished. In enacting Section 15(b)(7), however, Congress was concerned not only with the level of experience and competence of salespersons in the securities industry but also that standards relating to these areas would be effectively enforced by the Commission as well as the SROs as to broker-dealers that effect securities transactions.[23] Proposed new Rule 15b7–1 is intended to fulfill this statutory purpose by making it a violation of the federal securities laws for any registered broker-dealer to effect a securities transaction if the associated person effecting such transaction is not in compliance with applicable SRO qualification standards.[24]

II. Description of the Rule

Proposed Rule 15b7–1 would prohibit any registered broker-dealer from effecting a transaction in, or inducing the purchase or sale of, any security unless the associated person of the broker-dealer effecting[25] such transaction, who is required to be qualified under the rules of any SRO of which the broker-dealer is a member, or under the rules of the Municipal Securities Rulemaking Board ("MSRB"), if the broker-dealer is subject to its rules,[26] is qualified in accordance with

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[12] H.R. Rep. No. 123, 94th Cong., 1st Sess. 78 (1975).

[13] "Review of the SEC Records of the Demise of Selected Broker-Dealers," Staff Study for the Special Subcommittee on Investigations, 92d Cong., 1st Sess. (July 1971) (hereinafter referred to as the "Demise Report"). "We believe the shortcomings of [existing] examinations were directly related to the failure of a number of brokerage firms. The examinations should be improved so as to require a comprehensive knowledge of the securities industry and the related rules and regulations and thereby raise the standards to a quasi-professional level." *Id.* at 7.

[14] See Demise Report at 26. Congress also intended to make qualification standards uniform throughout the industry for all registered broker-dealers and their associated persons. House Report, *supra*, n.13, at 76.

[15] Securities Exchange Act Release No. 13679 (June 27, 1977), 42 FR 34326.

[16] *Id.*

[17] Securities Exchange Act Release No. 18710 (May 4, 1982), 47 FR 20783.

[18] See, e.g., Securities Exchange Act Release No. 28795 (January 17, 1991) (order approving proposed rule change relating to the Cincinnati Stock Exchange's proficiency examinations); Securities Exchange Act Release No. 25920 (July 15, 1988) (order approving Philadelphia Stock Exchange's proposed rule change relating to conditions for membership and association); Securities Exchange Act Release No. 25312 (February 4, 1988) (order approving New York Stock Exchange's proposed rule change relating to registration requirements for securities employees of member firms).

[19] Any nonmember firm that was a member of a national securities exchange and in compliance with its membership qualification rules also would have been exempt, provided that it carried no accounts of customers and its annual gross income derived from purchases and sales of securities otherwise than on an exchange of which it was a member was nominal. This exemption, too, was contained in Rule 15b8–1. The proposed rule, as revised, would not have exempted exchange members who are not members of the NASD and who carried customer accounts or received an annual gross income exceeding $1000 from securities transactions effected otherwise than on the exchange of which the broker-dealer is a member. Securities Exchange Act Release No. 13679 n.38 (June 27, 1977), 42 FR 34326.

[20] See *supra* n.4.

[21] Securities Exchange Act Release No. 20410 (November 22, 1983), 48 FR 53716.

[22] Securities Exchange Act Release No. 20409 (November 22, 1983), 48 FR 53688.

[23] See *supra* n.2.

[24] In addition to advancing other of the Exchange Act's purposes, the Commission believes that the proposed rule furthers the purpose of Section 15(c)(2) of the Exchange Act as a means reasonably designed to prevent fraudulent, deceptive, or manipulative acts and practices. 15 U.S.C. 78o(c)(2). The proposed rule serves to prevent fraudulent practices by ensuring that broker-dealers do not engage in securities transactions through unqualified associated persons. See also Sections 9; 10(b); 15(c)(1); and 21 (d), (e) and (f) of the Exchange Act. 15 U.S.C. 78i; 78j(b); 78o(c)(i); and 78u (d) through (f).

[25] The meaning of "effecting" or "involved in effecting" a securities transaction would include any function in connection with the solicitation, receipt, or processing of such transaction including, but not limited to, (1) transmission of an order for execution, (2) execution of the order, (3) clearance and settlement of the transaction, and (4) arranging for the performance of any such function, but would not apply to persons whose function with respect to a particular transaction is solely clerical or ministerial.

[26] The rules of the MSRB apply to municipal securities brokers and dealers, as defined in Sections 3(a)(30) and 3(a)(31) of the Exchange Act. 15 U.S.C. 78o(a)(30) and (31). See Rule G–2,

Continued

the standards of training, experience, competence, and other qualification standards of such SRO, including, but not limited to, submitting all required forms and passing any required tests established by the rules of the SRO. The Commission would be able to proceed directly against any registered broker-dealer for violation of the rule. The Commission could also proceed injunctively or through a cease and desist order. In addition, the Commission could proceed administratively against the broker-dealer under Section 15(b)(4)[27] for violating a Commission rule.

As a general matter, the qualification rules of the following SROs would be implicated by the proposed rule: the NASD, the MSRB, the American Stock Exchange ("Amex"), the Boston Stock Exchange ("BSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Cincinnati Stock Exchange ("CSE"), the Midwest Stock Exchange ("MSE"), the New York Stock Exchange ("NYSE"), the Pacific Stock Exchange ("PSE"), and the Philadelphia Stock Exchange ("Phlx").[28]

III. Conclusion and Request for Comments

The Commission believes that the proposed rule enhances investor protection by prohibiting broker-dealers from effecting securities transactions where their associated persons effecting such transactions have not met SRO qualification requirements. The proposed rule would also significantly enhance the Commission's ability to ensure compliance of broker-dealers and associated persons with SRO qualification standards, thus promoting the policy that Congress established in Section 15(b)(7) of the Exchange Act. The Commission solicits comments on proposed Rule 15b7–1. Specifically, the Commission is interested in receiving comments with respect to the completeness of the SRO rules that are listed in connection with the discussion in Part II above, and whether they should be narrowed, or supplemented, by other SRO rules. The Commission also seeks comment regarding what level of involvement by an unqualified associated person in a particular securities transaction should trigger the proposed rule's prohibition?

IV. Effects on Competition and Regulatory Flexibility Act Considerations

Section 23(a) of the Exchange Act[29] requires that the Commission, in adopting rules under the Exchange Act, to consider the impact on competition of those rules, if any, and to balance that impact against the regulatory benefits gained in terms of furthering the purposes of the Exchange Act. The Commission preliminarily is of the view that adoption of the proposed rule would not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

In addition, Section 3(a) of the Regulatory Flexibility Act (the "RFA")[30] requires the Commission to undertake an initial regulatory flexibility analysis of the impact of a proposed rule on small entities, unless the Chairman certifies that the rule, if adopted, would not have a significant economic impact on a substantial number of small entities.[31] The application of the RFA to proposed Rule 15b7–1 is limited. Although the rule will enable the Commission to proceed against broker-dealers for effecting securities transactions while not in compliance with SRO standards, they already must comply with such standards. Accordingly, the Chairman has certified that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 240

Broker-Dealers, Securities.

Statutory Basis and Text of Proposed Rule

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

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

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

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

* * * * *

2. By adding § 240.15b7–1 to read as follows:

§ 240.15b7–1 Compliance with qualification requirements of self-regulatory organizations.

No registered broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security unless the natural person or natural persons associated with such broker or dealer who effects or is involved in effecting such transaction, is registered or approved in accordance with the standards of training, experience, competence, and other qualification standards (including but not limited to submitting and maintaining all required forms, paying all required fees, and passing any required examinations) established by the rules of any national securities exchange or national securities association of which such broker or dealer is a member or under the rules of the Municipal Securities

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Standards of Professional Qualification, and Rule G–3, Classification of Principles and Representatives; Numerical Requirements; Testing, MSRB Manual (CCH) ¶¶ 3506, 3511.

[27] 15 U.S.C. 78*o*(b)(4).

[28] For example, the qualification rules of the respective SROs would currently include the following:

NASD: Qualifications of Members and Associated Persons; Registered Representatives and Associated Persons; NASD By-Laws, Articles II and IV (including Schedule C), NASD Manual (CCH) ¶¶ 1121–1124, 1151.

MSRB: Classification of Principals and Representatives; Statutory Disqualifications; Information Concerning Associated Persons: MSRB General Rules, Rules G–2, G–3, G–4, and G–7, MSRB Manual (CCH) ¶¶ 3506, 3511, 3516, 3531.

Amex: American Stock Exchange, General and Floor Rules: Denial of Membership, Rule 40 (CCH) ¶ 9244; Examination Requirements, Rule 50 (CCH) ¶ 9245; American Stock Exchange Constitution, Article IV, Membership, Section 2 (b), Approval of Members and Persons Associated with Member Organizations (CCH) ¶ 9032.

BSE: Boston Stock Exchange Constitution, Article IX, Membership, Section 3 (CCH) ¶ 1253.

CBOE: Chicago Board Options Exchange Rules, Membership, Chapter III, Rule 3.5 (CCH) ¶ 2055.

CSE: The Cincinnati Stock Exchange, By-Laws and Rules: Article II, Section 4, Exchange Membership—Membership Eligibility; Article II, Section 5—Restrictions on Admittance to or Continuance in Membership and Association; Article II, Section 6—Application Procedures for Admission as a Member or as an Associated Person of a Member; Article II, Section 7—Procedures for Discontinuance of Exchange Membership or Association with a Member.

MSE: Midwest Stock Exchange Rules: Registration and Approval of Members and Member Organization Personnel, Article VI, Rule 2 (CCH) ¶ 1502; Training and Examination of Registrants, Article VI, Rule 3 (CCH) ¶ 1503.

NYSE: New York Stock Exchange, General Rules: Employees—Registration, Approval, Records, Rule 345 (CCH) ¶ 2345; Limitations—Employment and Association with Members and Member Organizations, Rule 346 (CCH) ¶ 2346; Member and Allied Member Examination Requirements, Rule 304A (CCH) ¶ 2304A.

PSE: Pacific Stock Exchange, Rules: Denial of and Conditions of Membership, Rules 1.4(a), 1.4(b) (CCH) ¶¶ 3063, 3065; Principal Examination, Rule 1.7 (CCH) ¶ 3133; Employee Supervision, Rule 1.15(d) (CCH) ¶ 3199; Notification to Exchange, Rule 1.15(e) (CCH) ¶ 3201; Registered Employees, Rule 1.16(a) (CCH) ¶ 3211; Registration Procedure, Rule 1.16(b) (CCH) ¶ 3213; Examinations, Rule 1.16(c) (CCH) ¶ 3215.

Phlx: Philadelphia Stock Exchange, Rules: Denial of and Conditions to Membership, Rule 901 (CCH) ¶ 2900A.

[29] 15 U.S.C. 78w(a)(2).

[30] 5 U.S.C. 603(a).

[31] 5 U.S.C. 605(b).

Rulemaking Board (if it is subject to the rules of that organization).

Dated: March 19, 1993.

By the Commission,

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–6874 Filed 3–24–93; 8:45 am]

BILLING CODE 8010–01–P

RAILROAD RETIREMENT BOARD

20 CFR Part 229

RIN 3220–AA60

Social Security Overall Minimum

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) hereby proposes to add a new part 229 to its regulations which explains under what circumstances an individual's annuity is increased so that it equals a minimum rate provided for in the Railroad Retirement Act. Although such a guarantee is provided for by statute, how and when it applies has never been explained by regulation.

DATES: Comments must be received by April 26, 1993.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4513; TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 3(f)(3) of the Railroad Retirement Act of 1974 guarantees that the total annuities payable to an employee and spouse, including the vested dual benefit, but not the supplemental annuity, will not be less than 100 percent of the total family benefits payable under the Social Security Act if the employee's railroad service after 1936 were credited as social security earnings. This guarantee is called the Social Security Overall Minimum Guarantee, or sometimes the Special Guarantee or Special Guarantee Rate, and is abbreviated for purposes of this part as O/M or, in the case of a disability overall minimum, DIB O/M. In this part the Board proposes to explain when an annuity can be increased under this guarantee and how the increased amount is determined.

Subpart A—General

Contains an Introduction (proposed § 229.1), Definitions applicable to this part (proposed § 229.2), explains part 229's relations to other parts of the Board's regulations (proposed § 229.3) and how to apply for the O/M (§ 229.4).

Subpart B—Social Security Overall Minimum Guarantee Defined

Defines in general terms what the O/M guarantee is (§ 229.10) and explains in general terms its computation (§ 229.11).

Subpart C—Eligibility for Increase Under the Overall Minimum

Proposed § 229.20 describes when the employee-annuitant is eligible for an increase in his or her annuity under the O/M. Proposed § 229.21 describes when a spouse annuity may be increased under the O/M. Proposed § 220.22 indicates the earliest date on which the O/M may be paid.

Subpart D—Family Members Included in Overall Minimum Computation

In computing the O/M for an employee-annuitant, the formula may include the benefits that would be payable to his or her spouse, divorced spouse, or child had he or she been covered under the Social Security Act. Proposed §§ 229.30–229.33 describe when a spouse, divorced spouse, or child may be included in the O/M computation.

Subpart E—When Entitlement Under the Overall Minimum Ends

Proposed § 229.40 describes when an increase in the employee or spouse annuity under the O/M must terminate. Proposed § 229.41 describes when a spouse can no longer be included in the employee's O/M computation. Proposed § 229.42 and proposed § 229.43 provide when a child and when a divorced spouse may no longer be included in this computation.

Subpart F—Computation of the Overall Minimum Rate

Proposed §§ 229.45–229.47 describe the actual computation of the O/M. Proposed § 229.48 describes the family maximum, which is a provision in the Social Security Act which puts a ceiling on the amount of benefits which may be paid on an individual's wage record. Proposed § 229.49 shows how the O/M may be adjusted for the family maximum as the result of changes in the composition of the family group which is used in the computation of the O/M. Proposed § 229.50 explains when the O/M is reduced for age if it becomes payable before the employee or spouse attain retirement age. The age reduction factor provided for in proposed § 229.50 may itself be adjusted if the O/M is not paid for certain months prior to the employee's attaining retirement age, or if the employee becomes eligible for a DIB O/M before retirement age. Proposed § 229.51 explains this adjustment. Proposed § 229.52 explains that if an employee was receiving a reduced age O/M prior to becoming eligible for a DIB O/M, the age reduction is recomputed as if the employee were retirement age on the effective date of the DIB O/M. Proposed §§ 229.53–229.56 explain how receipt of a social security benefit will reduce any O/M payable. Proposed § 229.57 explains how an O/M is computed if a spouse is eligible for both a spouse annuity and an employee annuity. Proposed § 229.58 explains various rounding rules used in computing the O/M.

Subpart G—Reduction for Worker's Compensation or Disability Benefits Under a Federal, State, or Local Law or Plan

Proposed § 229.65 explains how the DIB O/M is reduced for receipt of a worker's compensation benefit or public disability benefit. Proposed § 229.66 describes how this reduction amount changes as a result of a change in a family group included in the computation of the DIB O/M or as the result of a change in the amount of worker's compensation or public disability benefit. Proposed § 229.67 provides that all benefits reduced for such worker's compensation or public disability benefit must be periodically recomputed. However, the redetermined rate is used only if it is higher than the previous rate. Proposed § 229.68 provides that the reduction for worker's compensation or public disability benefit is applied after any age reduction and reduction for the family maximum.

Subpart H—Miscellaneous Deductions and Reductions

Proposed §§ 229.80–229.85 describe various events which may also cause a reduction in the O/M rate.

Subpart I—Payment of the Overall Minimum Rate

Proposed § 229.90 provides that where both the employee and spouse are entitled to annuities and the O/M rate is higher than the combined annuity rates (a rare instance), the employee receives two-thirds of the O/M rate and the spouse the remaining one-third. Proposed § 229.91 describes how the O/M rate is paid when it is only payable for part of the month.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no regulatory analysis is required. The information collections imposed by this

part have been approved by the Office of Management and Budget under control number 3220–0083.

List of Subjects in 20 CFR Part 229

Railroad employees, Railroad retirement.

For the reasons set forth in the preamble, title 20, Chapter II of the Code of Federal Regulations is proposed to be amended by adding part 229 to read as follows:

PART 229—SOCIAL SECURITY OVERALL MINIMUM GUARANTEE

Subpart A—General

Sec.

229.1 Introduction.
229.2 Definitions.
229.3 Other regulations related to this part.
229.4 Applying for the overall minimum.

Subpart B—Social Security Overall Minimum Guarantee Defined

229.10 What the social security overall minimum guarantee is.
229.11 100 percent overall minimum.

Subpart C—Eligibility for Increase Under the Overall Minimum

229.20 When an employee is eligible for an increase under the overall minimum.
229.21 When a spouse is eligible for an increase under the overall minimum.
229.22 Beginning date of increase under overall minimum.

Subpart D—Family Members Included in Overall Minimum Computation

229.30 Who can be included in the computation of an annuity under the overall minimum.
229.31 When a spouse can be included in the computation of the overall minimum rate.
229.32 When a child can be included in the computation of the overall minimum rate.
229.33 When a divorced spouse can be included in the computation of the overall minimum rate.

Subpart E—When Entitlement Under the Overall Minimum Ends

229.40 When an annuity increase under the overall minimum ends.
229.41 When a spouse can no longer be included in computing an annuity rate under the overall minimum.
229.42 When a child can no longer be included in computing an annuity rate under the overall minimum.
229.43 When a divorced spouse can no longer be included in computing an annuity under the overall minimum.

Subpart F—Computation of the Overall Minimum Rate

229.45 Employee benefit.
229.46 Spouse or divorced spouse benefit.
229.47 Child's benefit.
229.48 Family maximum.
229.49 Adjustment of benefits under family maximum for change in family group.
229.50 Age reduction in employee or spouse benefit.
229.51 Adjustment of age reduction.
229.52 Age reduction when a reduced age O/M is effective before DIB O/M.
229.53 Reduction for social security benefits on employee's wage record.
229.54 Reduction for social security benefit paid to employee on another person's earnings record.
229.55 Reduction for spouse social security benefit.
229.56 Reduction for child's social security benefit.
229.57 Reduction in spouse overall minimum benefit for employee annuity.
229.58 Rounding of overall minimum amounts.

Subpart G—Reduction for Worker's Compensation or Disability Benefits Under a Federal, State, or Local Law or Plan

229.65 Initial reduction.
229.66 Changes in reduction amount.
229.67 Redetermination of reduction.
229.68 Reduction of DIB O/M.

Subpart H—Miscellaneous Deductions and Reductions

229.80 Earnings Restrictions.
229.81 Refusal to accept vocational rehabilitation.
229.82 Failure to have child in care.
229.83 Deportation.
229.84 Conviction for subversive activities.
229.85 Substantial gainful activity by blind employee or child.

Subpart I—Payment of Overall Minimum Rate

229.90 Proportionate shares of overall minimum.
229.91 Payment of the overall minimum for part of a month.

Authority: 45 U.S.C. 231(f)(b)(5).

Subpart A—General

§ 229.1 Introduction.

This part explains when an annuity can be increased under the social security overall minimum guarantee, also sometimes referred to as the "special guaranty", and how the increased amount is determined. Deductions and reductions in the overall minimum rate are explained.

§ 229.2 Definitions.

The following definitions are used in this part:

Annuity means a payment under the Railroad Retirement Act due and payable to an entitled claimant for a calendar month and made to him or her on the first day of the following month. The recipient of an annuity is called an annuitant.

Average Indexed Monthly Earnings or "AIME" means the average of the employee's monthly creditable earnings in both railroad and social security covered employment in the years used in computing the Primary Insurance Amount, after the earnings are adjusted or "indexed". The indexing is a means of expressing prior years earnings in terms of their current dollar value. It is based on increases in the average wages of all wage earners from 1951 through the second year before the year the worker dies or becomes eligible for benefits.

Contribution and benefit base means the maximum earnings used in computing a social security benefit under section 230 of the Social Security Act.

1974 Act means the Railroad Retirement Act approved October 16, 1974, including all amendments.

Railroad formula rate means the amount computed in accord with the regular railroad computations (sections 3(a), 3(b) and 3(h) of the Railroad Retirement Act).

Retirement age means age 65, with respect to an employee or spouse who attains age 62 before January 1, 2000 (age 60 in the case of a widow(er), remarried widow(er) or surviving divorced spouse). For an employee or spouse who attains age 62 (or age 60 in the case of a widow(er), remarried widow(er), or surviving divorced spouse) after December 31, 1999, retirement age means the age provided for in section 216(l) of the Social Security Act.

§ 229.3 Other regulations related to this part.

This part is related to a number of other parts of this chapter (listed numerically):

Part 216 describes when a person is eligible for an annuity under the Railroad Retirement Act.

Part 217 describes how to apply for an annuity or for lump-sum payments.

Part 218 sets forth the beginning and ending dates of annuities.

Part 219 sets out what evidence is necessary to prove eligibility and the relationships described in this part.

Part 220 describes when a person is eligible for a disability annuity under the Railroad Retirement Act or a period of disability under the Social Security Act.

Part 222 describes the family relationships which may cause an annuity to be increased under this part.

Part 225 explains how Primary Insurance Amounts (PIA's) are computed.

§ 229.4 Applying for the overall minimum.

The Board may require an annuitant to provide information regarding his or her family and regarding his or her earnings from employment and self-employment in order to determine whether the claimant or annuitant qualifies for the overall minimum.

(Approved by the Office of Management and Budget under control number 3220–0083.)

Subpart B—Social Security Overall Minimum Guarantee Defined

§ 229.10 What the social security overall minimum guarantee is.

The social security overall minimum guarantee is the amount of total family benefits which would be paid under the Social Security Act if the employee's railroad service had been covered by that Act. A 100 percent overall minimum benefit may be paid, as described in § 229.11. A 100 percent overall minimum based on age (age O/M) may be payable when the employee is 62 years old. The age O/M is reduced for age for months in which the O/M is payable before the employee attains retirement age. An overall minimum may also be payable before age 62 based on an employee's disability (DIB O/M). The DIB O/M is not reduced for age.

§ 229.11 100 percent overall minimum.

Section 3(f)(3) of the 1974 Act guarantees that the total annuities payable to the employee and spouse, including the vested dual benefits but not including a supplemental annuity, will not be less than 100 percent of the total family benefits payable under the Social Security Act if the employee's railroad service after 1936 were credited as social security earnings. Subpart F describes how the 100 percent overall minimum rate is computed.

Subpart C—Eligibility for Increase Under the Overall Minimum

§ 229.20 When an employee is eligible for an increase under the overall minimum.

(a) *Overall minimum based on age.* An employee annuity can be increased under the age O/M if all the following conditions are met:

(1) The employee is entitled to an age or disability annuity as shown in part 216 of this chapter.

(2) The employee is at least 62 years old throughout the whole month. The O/M is reduced for each month it is payable before the month the employee attains retirement age.

(3) The employee is fully insured under section 214 or 227 of the Social Security Act based on railroad and social security earnings.

(b) *Overall minimum based on disability.* An employee annuity can be increased under the DIB O/M if the employee is under retirement age, and

(1) Is entitled to an age or disability annuity; and

(2) Is disabled under § 404.1505 of this title; and

(3) Is insured for a disability benefit under § 404.130 of this title based upon combined railroad and social security earnings.

(c) *Spouse with child in care or spouse retirement age or older.* If the employee has not attained the age required to qualify the spouse for a spouse annuity but the employee meets the conditions of paragraph (a) or (b) of this section, the employee annuity can be increased under the overall minimum if:

(1) The employee and spouse complete the required statements concerning the family and earnings as provided for in § 229.4 of this part; and

(2) The spouse meets the marriage requirements as provided for in part 222 of this chapter; and

(3) The spouse has an eligible child in care, or the spouse is retirement age or older.

(d) *Spouse election.* If the employee has not attained the age required to qualify the spouse for a spouse annuity but the employee meets the conditions of paragraph (a) or (b) of this section, the employee annuity can be increased under the overall minimum if:

(1) The employee and spouse complete the required statements concerning the family and earnings as provided for in § 229.4 of this part; and

(2) The spouse meets the marriage requirements as provided for in part 222 of this chapter; and

(3) The spouse is between age 62 and retirement age and does not have a child in care; and

(4) The spouse files an election to be included.

§ 229.21 When a spouse is eligible for an increase under the overall minimum.

Normally, only the employee annuity receives the amount of the overall minimum increase. However, a spouse annuity may be increased under the O/M in cases in which the O/M benefit amount exceeds the total amount of the employee and spouse annuity.

§ 229.22 Beginning date of increase under overall minimum.

(a) *Employee age O/M.* An increase under the overall minimum in an employee annuity based on age can be paid beginning with the later of:

(1) The first day of the first full month throughout which the employee is age 62; or

(2) The beginning date of the employee's age or disability annuity; or

(3) The first month of the quarter in which the employee becomes insured under section 214 or 227 of the Social Security Act based on railroad and social security earnings; or

(4) The month the employee attains retirement age, if a DIB O/M was paid in the previous month. A DIB O/M is changed to an age O/M in the month the employee attains retirement age.

(b) *Employee DIB O/M.* An increase under the overall minimum in an employee annuity based on disability can be paid beginning with the later of—

(1) The beginning date of the employee's disability annuity; or

(2) The month after the month in which the disability waiting period described in § 404.315(d) of this title ends; or

(3) If no disability waiting period is required, the first month in which the employee is disabled and is insured for a disability benefit under § 404.130 of this title.

(c) *Spouse.* An increase in a spouse annuity under the overall minimum can be paid on the later of:

(1) The date the increase in the employee's annuity is paid; or

(2) The date the spouse is both eligible under the O/M and entitled to a spouse annuity.

Subpart D—Family Members Included in Overall Minimum Computation

§ 229.30 Who can be included in the computation of an annuity under the overall minimum.

(a) *Spouse.* In order to be included as a spouse in the computation of the overall minimum rate, a person must be the employee's wife or husband, as defined in part 222 of this chapter, as of the date described in § 229.31 of this part. The spouse must also be 62 years or older throughout the whole month in which he or she is first included or have the employee's child who is under 16 years old or disabled (before attaining age 22) in his or her care. If a spouse is 62 years old or older and under retirement age, and does not have an eligible child in his or her care, the spouse will be included only if he or she requests the payment of a reduced spouse annuity.

(b) *Child.* In order to be included as a child in the computation of the overall minimum, a person must meet the following requirements as of the date described in § 229.32 of this part. The person must be:

(1) The employee's child as defined in part 222 of this chapter; and

(2) Dependent on the employee, as shown in part 222 of this chapter; and

(3) Not married; and either

(4) Under 18 years old, or 18 years old to 19 years old and a full-time student, as defined in part 216 of this chapter, or 18 years old or older and disabled for any regular employment (see part 220 of this chapter) before attaining age 22.

(c) *Divorced spouse.* In order to be included as a divorced spouse in the computation of the overall minimum, a

person must be eligible for a benefit as a divorced spouse under the Railroad Retirement Act as of the date described in § 229.33 of this part.

§ 229.31 When a spouse can be included in the computation of the overall minimum rate.

(a) A spouse who is married to the employee when the employee's application is filed can be included in the computation of the overall minimum rate beginning in the later of the month in which—

(1) The employee first is eligible for an increase in his or her annuity under the overall minimum, as shown in § 229.22 of this part; or

(2) The spouse first becomes eligible to be included under the overall minimum, as shown in § 229.30 of this part.

(b) A spouse who marries the employee after the employee application is filed can be included in the overall minimum computation in the month in which he or she becomes eligible, as shown in § 229.30 of this part, if the overall minimum rate is already payable in the previous month. If the railroad formula rate is payable in the month before the spouse becomes eligible, the spouse can be included in the overall minimum computation in the later of the month in which:

(1) The employee first is eligible for an increase in his or her annuity rate under the overall minimum, as shown in § 229.22; or

(2) The spouse annuity begins.

§ 229.32 When a child can be included in the computation of the overall minimum rate.

A child who meets the requirements of § 229.30(b) of this paragraph can be included in the computation of the overall minimum rate in the month in which:

(a) The employee first is eligible for an increase in his or her annuity rate under the overall minimum, as shown in § 229.22 of this part; or

(b) In the case of a child born or adopted by the employee after the employee's annuity beginning date, such child can be included only when the overall minimum rate is already payable in the month before the month in which the child is born, or adopted except where:

(1) The child is born or adopted prior to the employee's attaining age 62 or becoming eligible for a period of disability (see § 220.36 of this chapter); or

(2) The child who is adopted after the employee's annuity beginning date meets the dependency requirements set forth in § 222.53 of this part.

(c) In the case of a child who has attained age 18 and has become re-entitled as a full-time student or disabled child, as described in § 229.30 of this part, such child can only be included when the overall minimum rate is already payable in the month before the month the child becomes re-entitled.

§ 229.33 When a divorced spouse can be included in the computation of the overall minimum rate.

A divorced spouse annuitant can be included in the computation of the overall minimum rate in the later of the month in which:

(a) The employee first is eligible for an increase in his or her annuity rate under the overall minimum, as shown in § 229.22; or

(b) The divorced spouse annuity begins.

Subpart E—When Entitlement Under the Overall Minimum Ends

§ 229.40 When an annuity increase under the overall minimum ends.

(a) *Employee Age O/M.* An increase in an employee's annuity under the overall minimum based on age ends with the month before the month in which the employee dies. If a disability annuity is increased under the overall minimum based on age rather than disability, and the employee is under retirement age, the increase ends with the second month after the month the disability ends as shown in part 220 of this chapter.

(b) *Employee DIB O/M.* An increase in an employee's annuity under the overall minimum based on disability ends with the earlier of:

(1) The month before the month in which the employee dies; or

(2) The month before the month the employee attains retirement age (the DIB O/M is changed to an age O/M); or

(3) The second month after the month the disability ends, as explained in part 220 of this chapter.

(c) *Spouse.* An increase in a spouse annuity under the overall minimum ends when the increase in the employee annuity ends, as shown in paragraphs (a) and (b) of this section, when the spouse can no longer be included in computing the annuity rate under the overall minimum as shown in § 229.41 of this part, or when the spouse annuity ends as shown in part 218 of this chapter.

§ 229.41 When a spouse can no longer be included in computing an annuity rate under the overall minimum.

A spouse's inclusion in the computation of the overall minimum rate ends the earlier of:

(a) The month before the month in which the spouse dies; or

(b) The month before the month in which the spouse's marriage to the employee legally terminates; or

(c) If the spouse has an eligible child in care, the earlier of the month before the month in which the child leaves the spouse's care, attains age 16 and is not disabled, or, if disabled, recovers from being disabled; or

(d) The month before the month the employee dies.

§ 229.42 When a child can no longer be included in computing an annuity rate under the overall minimum.

A child's inclusion in the computation of the overall minimum rate ends the earlier of:

(a) The month before the month in which the child dies; or

(b) The month before the month in which the child marries; or

(c) The month before the month the child becomes 18 years old, unless the child is disabled or a full-time student, as shown in part 216 of this chapter; or

(d) The second month after the month the child's disability ends, if the child is 18 years old or older, and not a full-time student; or

(e) The month in which a student child's annuity would end, as shown in part 218 of this chapter, if the child is 18 years old or older, a full-time student in an elementary or secondary school, and not disabled; or

(f) The month before the month the child becomes entitled to an overall minimum benefit or child's annuity on another earnings record, if including the child on the other earnings record would result in higher monthly benefits.

§ 229.43 When a divorced spouse can no longer be included in computing an annuity under the overall minimum.

A divorced spouse's inclusion in the computation of the overall minimum rate ends the earlier of:

(a) The month before the month in which the divorced spouse dies; or

(b) The month before the month the employee dies; or

(c) The month before the month in which the divorced spouse remarries; or

(d) The month before the month in which the divorced spouse becomes entitled to a retirement or disability benefit under the Social Security Act based upon a primary insurance amount which is equal to or exceeds the

divorced spouse annuity before reduction for age.

Subpart F—Computation of the Overall Minimum Rate

§ 229.45 Employee benefit.

The original employee 100 percent overall minimum amount, before adjustment for age, other family members, or other benefits, is the Overall Minimum PIA, as described in part 225 of this chapter. This is the PIA which would be used under the Social Security Act if the employee's railroad service had been covered under that Act instead of the Railroad Retirement Act. The Overall Minimum PIA may be recomputed for additional earnings and adjusted for cost-of-living increases. Delayed retirement credits are added to the Overall Minimum PIA as shown in part 225, subpart D of this chapter.

§ 229.46 Spouse or divorced spouse benefit.

If a spouse or divorced spouse is included in the computation of the overall minimum, a benefit of 50 percent times the Overall Minimum PIA is computed. In the case of a spouse, the benefit may be adjusted for the family maximum, age, or other benefits. In the case of a divorced spouse, the benefit may be adjusted only for age or other benefits.

§ 229.47 Child's benefit.

If a child is included in the computation of the overall minimum, a child's benefit of 50 percent times the Overall Minimum PIA is computed. This amount may be adjusted for the family maximum or other benefits.

§ 229.48 Family maximum.

(a) *Family maximum defined.* Under the Social Security Act, the amount of monthly benefits that can be paid for any month on one person's earnings record is limited. This limited amount is called the family maximum. The family maximum used to adjust the social security overall minimum rate is based on the employee's Overall Minimum PIA. The divorced spouse overall minimum is never reduced because of the family maximum.

(b) *Computation of the family maximum.*—(1) *The employee attains retirement age prior to 1979.* The maximum is the amount appearing in column V of the applicable table published each year by the Secretary of Health and Human Services on the line on which appears in column IV the primary insurance amount of the insured individual whose compensation is the basis for the benefits payable. Where the maximum is exceeded, the total tier I benefits for each month after 1964 are reduced to the amount appearing in column V. However, when any of the persons entitled to benefits on the insured individual's compensation would, except for the limitation described in § 404.353(b) of Title 20 (dealing with the entitlement to more than one child's benefit), be entitled to a child's annuity on the basis of the compensation of one or more other insured individuals, the total benefits payable may not be reduced to less than the smaller of:

(i) The sum of the maximum amounts of benefits payable on the basis of the compensation of all such insured individuals, or

(ii) The last figure in column V of the applicable table published each year by the Secretary of Health and Human Services. The "applicable" table refers to the table which is effective for the month the benefit is payable.

(2) *The employee attains retirement age in 1979.* The maximum is computed as follows:

(i) 150 percent of the first $230 of the individual's primary insurance amount, plus

(ii) 272 percent of the primary insurance amount over $230 but not over $332, plus

(iii) 134 percent of the primary insurance amount over $332 but not over $433, plus

(iv) 175 percent of the primary insurance amount over $433.

If the total of this computation is not a multiple of $0.10, it will be rounded to the next lower multiple of $0.10.

(3) *The employee attains retirement age after 1979.* The maximum is computed as in paragraph (b)(2) of this section. However, the dollar amount shown there will be updated each year as average earnings rise. This updating is done by first dividing the average of the total wages (see 20 CFR 404.203(m)) for the second year before the individual dies or become eligible, by the average of the total wages for 1977. The result of that computation is then multiplied by each dollar amount in the formula in paragraph (b)(2) of this section. Each updated dollar amount will be rounded to the nearer dollar, if the amount is an exact multiple of $0.50 (but not of $1), it will be rounded to the next higher $1. Before November 2 of each calendar year after 1978, the Secretary of Health and Human Services will publish in the **Federal Register** the formula and updated dollar amounts to be used for determining the monthly maximum for the following year.

(c) *Disability family maximum.* If an employee's first month of entitlement to the DIB O/M is July 1980 or later, the family maximum is 85 percent of the employee's Average Indexed Monthly Earnings but not less than the employee's Overall Minimum PIA, and no more than 150 percent of the employee's Overall Minimum PIA.

(d) *Reduction for family maximum.* The spouse's and child(ren)'s share of the Overall Minimum PIA are reduced if the total benefits are higher than the family maximum amount. These auxiliary shares are adjusted so that they each receive a proportionate share of the family maximum amount over and above the employee benefit. This adjustment is before adjustment for age or other benefits. The spouse and child(ren)'s benefits are computed as follows:

(1) The Overall Minimum PIA is subtracted from the family maximum amount.

(2) The result from paragraph (d)(1) of this section is divided by the total number of auxiliary beneficiaries (spouse and children).

(3) If the amount of each benefit from paragraph (d)(2) of this section is not a multiple of $0.10, it is rounded to the next lower multiple of $0.10. After determining the beneficiary's share (the amount after reduction for other benefits) the amount is rounded to the next lowest multiple of $1.00, if it is not already a multiple of $1.00.

(e) *Combined family maximum.* If a child is eligible to be included in the computation of the overall minimum on more than one railroad retirement annuity, a combined family maximum may apply, if it results in higher annuity rates. The combined family maximum is the smaller of:

(1) The sum of the individual family maximums on each earnings record; or

(2) 1.75 times the highest primary insurance amount possible in a year using average indexed monthly earnings equal to one-twelfth of the contribution and benefit base for that year. Average indexed monthly earnings and contribution and benefit base are explained in § 229.2 of this part.

(f) This section may be illustrated by the following examples:

(1) An employee, age 62, applies for an age and service annuity under the Railroad Retirement Act (RRA). His annuity rate is $700. The employee has a son who was disabled for all regular employment prior to his attaining age 18. The RRA does not provide an annuity for a disabled child of a living employee. If the employee had been covered under the Social Security Act he would have received a benefit of $500 (the Overall Minimum PIA) and his child would have received a benefit

of $250 (50 percent of $500), which produces a total family benefit of $750. The family maximum is $804.90. Under the O/M guarantee, the employee would receive $750 since it is higher than his annuity rate of $700. Since $750 is less than the family maximum computed for this employee, there is no reduction for the family maximum.

(2) It is determined that a disabled employee is entitled to a DIB O/M computed as follows:

Overall Minimum PIA	$600
Spouse (50%×600)	300
Child (50%×600)	300
Total	1,200

However, the employee's family maximum is $900 (150 percent of $600). Consequently, the DIB O/M will be paid as follows:

Employee	$600
Spouse	150
Child	150
Total	900

§ 229.49 Adjustment of benefits under family maximum for change in family group.

(a) *Increase in family group.* If an overall minimum rate is adjusted for the family maximum and an additional family member can be included, the benefits payable to previous auxiliary beneficiaries (spouse and children) are reduced to provide a share for the new family member. The difference between the Overall Minimum PIA (see § 225.15 of this part) and the family maximum amount is divided by the increased number of auxiliary beneficiaries. If the amount of each benefit is not a multiple of $0.10, it is rounded to the next lower multiple of $0.10. After determining a beneficiary's share (the amount after reduction for other benefits) the amount is rounded to the next lowest multiple of $1.00, if it is not already a multiple of $1.00.

(b) *Decrease in family group.* If an Overall Minimum rate is adjusted for the family maximum and there is a decrease in the number of eligible family members, the benefits for the remaining auxiliary beneficiaries (spouse and children) are increased. If the family maximum still applies, the difference between the Overall Minimum PIA and the family maximum amount is divided by the number of remaining auxiliary beneficiaries. If the amount of each benefit is not a multiple of $0.10, it is rounded to the next lower multiple of $0.10. After determining the beneficiary's share (the amount after reduction for other benefits) the amount is rounded to the next lowest multiple of $1.00, if it is not already a multiple of $1.00.

(c) *Effective date of rate change.* The overall minimum rate changes described in paragraphs (a) and (b) of this section are effective the month in which the number of auxiliary beneficiaries changes.

§ 229.50 Age reduction in employee or spouse benefit.

(a) *When age reduction applies.* The employee overall minimum benefit is reduced for each month the employee is under retirement age on the date the employee becomes eligible for an increase under the overall minimum, as shown in § 229.22 of this part, unless the employee has a period of disability and § 229.52 of this part does not apply, in which case no age reduction is applied. The spouse overall minimum benefit is reduced for each month a spouse, who is not a spouse with the employee's child under 16 years old or disabled before attaining age 22 in his or her care, is under retirement age on the date the spouse is eligible for an increase under the overall minimum (see § 229.21 of this part). If a spouse's overall minimum benefit is reduced for age and he or she later begins caring for an eligible child, no age reduction will apply for the months the child is in his or her care.

(b) *Employee age reduction.* The Overall Minimum PIA plus any delayed retirement credits is reduced by 1/180 for each month the employee is under retirement age on the date the employee becomes eligible for the overall minimum. When the PIA amount is increased, the amount of the increase is reduced by 1/180 for the same number of months used to determine the initial age reduction.

(c) *Spouse age reduction.* The amount of the spouse overall minimum benefit, after any adjustment for the family maximum, is reduced by 1/144 for each month the spouse is under retirement age on the date when he or she become eligible under the overall minimum. When the spouse benefit increases, the amount of the increase is reduced by 1/144 for the same number of months used to compute the initial age reduction.

(d) *Age reduction after 1999.* Beginning in the year 2000 the amount of age reduction shall be as specified in paragraphs (b) and (c) of this section for the first 36 months of the reduction period, as defined in paragraph (e) of this section, and 1/240 for any additional months included in such period.

(e) *Reduction period defined.* The reduction period is the number of months beginning with the first month for which the O/M is payable and ending with the month before the month the beneficiary attains retirement age.

§ 229.51 Adjustment of age reduction.

(a) *General.* If an age reduced employee or spouse overall minimum benefit is not paid for certain months before the employee or spouse attains retirement age, or the employee becomes entitled to a DIB O/M, the age reduction may be adjusted to drop the months for which no payment was made or the overall minimum rate was not reduced for age.

(b) *Employee adjusted age reduction.* The following months are deducted from the months used to determine the age reduction in the Overall Minimum PIA amount, effective the month in which the employee attains retirement age or becomes entitled to a DIB O/M—

(1) Months in which the increase under the overall minimum is completely or partially deducted because of the employee's excess earnings; and

(2) Months in which the employee is entitled to a DIB O/M as well as a reduced O/M.

(c) *Spouse adjusted age reduction.* The following months are deducted from the months used to determine the age reduction in the spouse overall minimum benefit, effective the month in which the spouse attains retirement age—

(1) Months in which the spouse O/M benefit is completely or partially deducted because of the employee's or spouse's excess earnings;

(2) Months after entitlement to a spouse O/M benefit ends for any reason;

(3) Months in which a spouse has in her care the employee's child who is under 16 years old or disabled before age 22;

(4) Months in which a DIB O/M benefit is not payable because the employee refused rehabilitation service (see § 229.80 of this part).

§ 229.52 Age reduction when a reduced age O/M is effective before DIB O/M.

If an employee received a reduced age O/M before the effective date of a DIB O/M, the PIA amount for the DIB O/M is reduced as if the employee had attained retirement age on the effective date of the DIB O/M.

§ 229.53 Reduction for social security benefits on employee's wage record.

The total annuity rate under the overall minimum is reduced, but not below zero, by the total amount of the social security benefits being paid to all family members on the employee's wage record.

§ 229.54 Reduction for social security benefit paid to employee on another person's earnings record.

The employee PIA amount under the overall minimum, after any age reduction, is reduced, but not below zero, by the amount of any social security benefit being paid to the employee on another person's earnings record.

§ 229.55 Reduction for spouse social security benefit.

A spouse benefit under the overall minimum, after any adjustment for the family maximum and for age, is reduced, but not below zero, by the amount of any social security benefit being paid to the spouse on other than the employee's earnings record. If the social security benefit is equal to or higher than the spouse overall minimum benefit and the family maximum applies, the overall minimum rate is recomputed so that the spouse is not included, if it would result in a higher overall minimum rate.

§ 229.56 Reduction for child's social security benefit.

A child's benefit under the overall minimum, after any adjustment for the family maximum, is reduced, but not below zero, by the amount of any social security benefit being paid to the child on other than the employee's earnings record. If the social security benefit is equal to or higher than the child's overall minimum benefit and the family maximum applies, the overall minimum rate is recomputed so that the child is not included, if it would result in a higher overall minimum rate.

§ 229.57 Reduction in spouse overall minimum benefit for employee annuity.

If an annuitant is entitled to both an employee annuity on his or her own earnings record and a spouse annuity on a different earnings record, the total overall minimum rates on both earnings records must be higher than the total railroad formula rates for the overall minimum to apply. The spouse overall minimum benefit amount, after adjustment for the family maximum and for age, is reduced by the employee-only overall minimum rate on the spouse's own earnings record (the employee benefit adjusted for age and social security benefits) plus the amount of any social security benefit payable to the spouse on other than the employee's earnings record.

§ 229.58 Rounding of overall minimum amounts.

The overall minimum amount for each beneficiary which is not a multiple of $0.10 is rounded to the next lower multiple of $0.10. After reducing each beneficiary's share for other benefits, if the result is not a multiple of $1.00 it is rounded to the next lower multiple of $1.00.

Subpart G—Reduction for Worker's Compensation or Disability Benefits Under a Federal, State, or Local Law or Plan

§ 229.65 Initial reduction.

(a) *When reduction is effective.* A benefit computed under the overall minimum based on disability (DIB O/M) is reduced (not below zero) for any month the employee is under 65 years old and is entitled to worker's compensation or disability benefits under a Federal, State, or local law or plan (public disability benefit). The reduction is effective with the month the employee is entitled to worker's compensation or a public disability benefit.

(b) *When reduction is not made.* A reduction for worker's compensation is not made if the law or plan under which the worker's compensation or public disability benefit is paid provides for the reduction of the benefit provided due to entitlement to a social security disability benefit, and so provided on February 18, 1981.

(c) *Amount of reduction.* The reduction in the DIB O/M for worker's compensation or public disability benefit equals the difference between:

(1) The sum of the monthly DIB O/M rate, including benefits for all family members (subject to the family maximum), plus the monthly worker's compensation or public disability benefit; and

(2) The higher of 80 percent of the employee's average current earnings before becoming disabled or the monthly DIB O/M rate (before reduction for worker's compensation or public disability benefit).

(d) *Average current earnings, defined.* Beginning January 1, 1979, an employee's average current earnings for purposes of this section are the highest of:

(1) The average monthly wage (see § 225.2 of this chapter) used to compute the DIB O/M under the Social Security Act rules which were in effect before 1979; or

(2) One-sixtieth of the employee's total earnings from employment or self-employment under either the Social Security or Railroad Retirement Acts (including earnings that exceed the maximum used in computing social security benefits) for the 5 consecutive years after 1950 in which the earnings were the highest; or

(3) One-twelfth of the employee's total earnings from employment or self-employment under either the Social Security or Railroad Retirement Acts (including earnings that exceed the maximum used in computing social security benefits) for the year of highest earnings in the period from 5 years before through the year in which the employee became disabled. The result is rounded to the next lower multiple of $1.00.

§ 229.66 Changes in reduction amount.

(a) *Change in DIB O/M.* The amount of the worker's compensation or public disability benefit reduction does not change when there is an increase in the DIB O/M rate because of an amendment or cost of living increase. However, the reduction amount does change if there is a change in the family members included in the DIB O/M. When the number of family members changes and the DIB O/M is still payable, the amount of the reduction is recomputed using the DIB O/M rate, including the changed family group, as if the new family composition had existed when the worker's compensation or public disability benefit reduction first applied. However, this new reduction is not effective until the date of the change of the family group. The worker's compensation or public disability benefit and average current earnings are the same as those used before the change in the family group.

(b) *Change in amount of worker's compensation/public disability benefit.* The amount of the reduction for worker's compensation or public disability benefit changes when there is a change in the amount of the worker's compensation or public disability benefit. If the worker's compensation or public disability benefit increases, the change in the reduction amount is effective with the month of the increase. If the worker's compensation or public disability benefit decreases, the change in the reduction amount is effective with the month of the decrease, no matter when the notice of the decrease is received.

§ 229.67 Redetermination of reduction.

(a) *General.* All cases reduced for worker's compensation or public disability benefit are recomputed in the second year after the year the reduction was first applied and every third year after that. The redetermined rate is effective with January of the year after the year the redetermination is made. The redetermined reduction is used only if it provides an annuity rate that is higher than the previous annuity rate.

(b) *Redetermined average current earnings.* The average current earnings amount used in redetermining a worker's compensation or public disability benefit reduction is determined by multiplying the initial average current earnings amount by:

(1) The average total wages (including wages that exceed the maximum used in computing social security benefits) of all persons for whom wages were reported to the Secretary of the Treasury for the year before the year of redetermination, divided by the average total wages for 1977 or, if later, the year before the year the reduction was first computed. If the result is not a multiple of $1.00, it is rounded to the next lower multiple of $1.00; or

(2) If the reduction was first computed before 1978, the average taxable wages reported to the Secretary of Health and Human Services for the first quarter of 1977, divided by the average taxable wages for the first quarter of the year before the year the reduction was first computed. If the result is not a multiple of $1.00, it is rounded to the next lower multiple of $1.00.

§ 229.68 Reduction of DIB O/M.

A reduction for entitlement to worker's compensation or a public disability benefit is applied after the DIB O/M is reduced for age and the family maximum. The spouse and child O/M benefits are first reduced proportionately. The employee O/M benefit is decreased by any remaining reduction amount.

Subpart H—Miscellaneous Deductions and Reductions

§ 229.80 Earnings restrictions.

The O/M may be reduced due to earnings from employment or self-employment in the same manner as a social security benefit. These restrictions on earnings are found at subpart E of part 404 of this chapter. Earnings can never reduce an employee's benefit below the railroad formula rate less the amount that those benefits would be reduced by earnings.

§ 229.81 Refusal to accept vocational rehabilitation.

The DIB O/M is not payable for any month in which the disabled employee refuses, without good reason, to accept vocational rehabilitation services available under an approved state program. A disabled child's benefit under the O/M is not payable for any month in which the child refuses, without good reason, to accept such vocational rehabilitation services, unless the child is a full-time student.

§ 229.82 Failure to have child in care.

(a) *General.* The full amount of the spouse overall minimum benefit is not payable for any month a spouse, who is included in the overall minimum because he or she has a child in his or her care, is under 65 years old and is no longer caring for an eligible child. However, if the spouse is at least 62 years old, a reduced spouse annuity or a reduced overall minimum benefit is payable if the spouse has stated that he or she will accept a reduced benefit.

(b) *Report required.* When the overall minimum, which includes a benefit for a spouse who has the employee's child in his or her care, is payable, both the employee and spouse are responsible for reporting when the child leaves the spouse's care. The report is due before the benefits are paid for the second month after the first month in which the child is no longer in the spouse's care.

(c) *Penalty for failure to report.* If the employee or spouse does not report the fact that a spouse included in the overall minimum no longer has an eligible child in his or her care within the time limit shown in paragraph (b) of this section, a penalty is deducted from the overall minimum amount, unless there is a good reason for the person's failure to report. The penalty deduction for the first failure to make a timely report equals the amount of the overall minimum increase for the first month in which a report should have been made. The deduction for the second failure to make a timely report is twice the amount of the overall minimum increase for the first month in which a report should have been made. The deduction for the third and later failures to make a timely report is three times the amount of the overall minimum increase for the first month in which a report should have been made or, if less, the overall minimum increase times the number of months for which a timely report was not made.

§ 229.83 Deportation.

The age or DIB O/M is not payable for any month after the month the Board receives notice that the employee has been deported for a reason shown in section 202(h) of the Social Security Act. This restriction no longer applies if the employee is later legally admitted to the United States for permanent residence.

§ 229.84 Conviction for subversive activities.

If a person is convicted of subversive activities (under chapter 37, 105, or 115 of title 18 of the U.S. Code or section 4, 112, or 113 of the Internal Security Act of 1950, as amended), the court may order that earnings in the year of the conviction and previous years are to be disregarded in determining whether the person is entitled to social security benefits. These earnings would also be ignored in determining entitlement to the age or DIB O/M.

§ 229.85 Substantial gainful activity by blind employee or child.

A blind employee or child who is 55 years old or older is entitled to an O/M benefit based on disability while he or she is working in substantial gainful activity that does not require skills or ability used in his or her previous work. However, the DIB O/M or child's O/M benefit is not payable for any month in which the employee or child works in any type of substantial gainful activity which requires skills or abilities comparable to those of any gainful activity in which he or she has previously engaged with some regularity and over a substantial period of time.

Subpart I—Payment of Overall Minimum Rate

§ 229.90 Proportionate shares of overall minimum.

When both the employee and the spouse are entitled to annuities and the overall minimum rate is higher than the railroad formula rate, the overall minimum amount must be divided between the employee and spouse. The employee receives two-thirds of the total O/M rate. The spouse receives one-third of the total O/M rate.

§ 229.91 Payment of the overall minimum for part of a month.

(a) *Employee annuity payable for part of a month.* If an employee annuity begins after the first day of the month, the O/M amount payable for the partial month is 1/30 of the monthly rate times the number of days in the partial month.

(b) *Spouse annuity payable for part of a month.*—(1) *Spouse not included in O/M before beginning date of spouse annuity and O/M applies as of the spouse annuity beginning date.* If a spouse annuity begins after the first day of a month, and the spouse is not includable in the O/M before the beginning date of the spouse annuity, and the O/M rate paid to the family group, including the spouse, as of the spouse annuity beginning date exceeds the amounts payable using the benefit formulas under the Railroad Retirement Act, the amount payable to the spouse for the partial month is 1/30 of the spouse's share of the O/M rate times the number of days in the month beginning with the spouse's annuity beginning date. In such a case, if the employee annuity is payable from the first day of

the month, the amount payable to the employee is:

(i) One-thirtieth of the higher of the railroad formula or the O/M rate, without the spouse included, times the number of days in the month before the spouse annuity begins, plus

(ii) One-thirtieth of the employee's share of the O/M rate, with the spouse included, times the number of days in the month beginning with the spouse's annuity beginning date.

(2) *Spouse included in O/M before beginning date of spouse annuity and the O/M continues to apply.* If a spouse annuity begins after the first day of a month, and the spouse is includable in the O/M before the beginning date of the spouse annuity, and the O/M rate paid to the family group, including the spouse, as of the spouse annuity beginning date continues to exceed the amounts payable using the benefit formulas under the Railroad Retirement Act, the amount payable to the spouse for the partial month is 1/30 of the spouse's share of the O/M rate times the number of days in the month beginning with the spouse's annuity beginning date. In such a case, if the employee annuity is payable from the first of the month, the amount payable to the employee is:

(i) One-thirtieth of the O/M rate, with the spouse included, times the number of days in the month before the spouse annuity begins; plus

(ii) One-thirtieth of the employee's share of the O/M rate, with the spouse included, times the number of days in the month beginning with the spouse's annuity beginning date.

(3) *O/M rate applies before beginning date of spouse annuity and the railroad formula applies as of the spouse annuity beginning date.* If a spouse annuity begins after the first day of a month and the O/M rate applies to the family group, with or without the spouse included, before the beginning date of the spouse annuity, and the O/M rate paid to the family group, including the spouse, as of the spouse annuity beginning date is less than the amounts payable using the formulas under the Railroad Retirement Act, the amount payable to the spouse for the partial month is 1/30 of the spouse's railroad formula rate times the number of days in the month beginning with the spouse's annuity beginning date. In such a case, if the employee annuity is payable from the first day of the month, the amount payable to the employee is:

(i) One-thirtieth of the O/M times the number of days in the month before the spouse annuity begins; plus

(ii) One-thirtieth of the employee's railroad formula rate times the number of days in the month beginning with the spouse's annuity beginning date.

(iii) One-thirtieth of the employee's share of the O/M rate, with the spouse included, times the number of days in the month beginning with the spouse's annuity beginning date.

Dated: March 16, 1993.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 93–6643 Filed 3–24–93; 8:45 am]

BILLING CODE 7905–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 32 and 65

[CC Docket No. 93–50; FCC 93–126]

Accounting and Ratemaking Treatment for Allowance for Funds Used During Construction (AFUDC)

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Communications Commission ("FCC" or "Commission") has adopted a Notice of Proposed Rulemaking which proposes to amend parts 32 and 65 of its rules to revise the accounting and ratemaking requirements for the Allowance for Funds Used During Construction (AFUDC). The proposal will revise the accounting and ratemaking rules for interest capitalization for both short and long-term construction projects to make these rules consistent with generally accepted accounting principles (GAAP).

DATES: Comments are due May 13, 1993. Reply comments are due May 28, 1993.

ADDRESSES: All comments should be filed with the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. A copy should be sent to Hugh L. Boyle, Accounting and Audits Division, room 812, 2000 L Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hugh L. Boyle, Common Carrier Bureau, Accounting and Audits Division, 202–634–1861.

SUPPLEMENTARY INFORMATION:

1. This is a summary of the Notice of Proposed Rulemaking ("Notice") in Accounting and Ratemaking Treatment for the Allowance of Funds Used During Construction (AFUDC), FCC No. 93–126, CC Docket No. 93–50, adopted March 2, 1993 and released March 22, 1993. The full text of the Notice is available for inspection and copy during normal business hours in the FCC Reference Center, Room 230, 1919 M Street NW., Washington, DC. The full text will be published in the FCC Record and may also be purchased from the Commission's copy contractor, the International Transcription Service, at 2100 M Street NW., suite 140, Washington, DC 20037, telephone number 202–857–3800.

2. To attain full adoption of GAAP for AFUDC capitalization in our accounting rules and conform our ratemaking rules with our accounting rules, the Notice proposes to amend 47 CFR 32.2000, 32.2003, 32.2004, 32.7340, 65.450 and 65.820 to capitalize AFUDC at the cost of debt on all construction, eliminate long-term/short-term dichotomy for plant under construction, include all plant under construction in the rate base, and apply the amount of AFUDC capitalized as a revenue requirement reduction for the period it is capitalized.

3. The Notice also directs the Regional Bell Operating Companies to provide data specified by the Common Carrier Bureau necessary to evaluate the possible revenue requirement impact of the proposed changes.

4. In the Notice, the Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposals in this proceeding are adopted, there will not be a significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act.[1] Carriers providing interstate services affected by the proposed rule amendment generally are large corporations or affiliates of such corporations. The Secretary shall send a copy of the NPRM, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of that act.[2]

Ordering Clause

Authority for issuance of the NPRM is contained in sections 4, 219, 220, 303, and 307 of the Communications Act of 1934, as amended 47 U.S.C. Sections 154, 219, 220, 303 and 307.

List of Subjects

47 CFR Part 32

Communications common carriers, Uniform System of Accounts, Reporting and recordkeeping requirements, Allowance for funds used during construction.

[1] 5 U.S.C. 601(3).

[2] 5 U.S.C. 603(a).

47 CFR Part 65

Communications common carriers, Reporting and recordkeeping requirements, Interest cost capitalized.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

47 CFR Parts 32 and 65 are proposed to be amended as follows:

PART 32—UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS COMPANIES

1. The authority citation for Part 32 continues to read as follows:

Authority: secs. 4(i), 4(j) and 220 as amended; 47 U.S.C. 154(i), 154(j) and 220 unless otherwise noted.

2. Paragraph 32.2000(c)(2)(x) is revised to read as follows:

§ 32.2000 Instructions for telecommunications plant accounts.

* * * * *

(c) * * *

(2) * * *

(x) "Capitalized interest cost" includes the cost of funds used during construction. Capitalized interest cost shall be charged to assets in Account 2003, Telecommunications Plant Under Construction, and, if appropriate under generally accepted accounting principles, on suspended construction projects reclassified to Account 2006 (as provided in § 32.2003(c)) as follows: If financing plans associate a specific new borrowing with an asset, the rate on that borrowing may be used for the asset; if no specific new borrowing is associated with an asset or if the average accumulated expenditures for the asset exceed the amounts of specific new borrowings associated with it, the capitalization rate to be applied to such excess shall be a weighted average of the rates applicable to other borrowings of the enterprise. The amount of interest cost capitalized in an accounting period shall not exceed the total amount of interest cost incurred by the company in that period. Such amounts included in the cost of construction shall be credited to Account 7340, Interest Cost Capitalized.

* * * * *

3. Section 32.2003 is amended by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 32.2003 Telecommunications plant under construction.

(a) This account shall include the original cost of construction projects. (Note also § 32.2000(c).)

* * * * *

(c) If a construction project has been suspended for six months or more, the cost of the project included in this account shall be transferred to Account 2006, Nonoperating Plant, without further direction or approval of this Commission. If a project is abandoned, the cost included in this account shall be charged to Account 7370, Special Charges.

* * * * *

§ 32.2004 [Removed]

4. Section 32.2004 is removed.

5. Section 32.7340 is revised in its entirety to read as follows:

§ 32.7340 Interest cost capitalized.

This account shall be credited with such amounts that are charged to plant accounts for the purpose of capitalizing interest cost. (See § 32.2000(c)(2)(x).)

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

1. The authority citation for part 65 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat., 1066, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

2. Section 65.450(d) is revised to read as follows:

§ 65.450 Net income.

* * * * *

(d) Except for interest cost capitalized, reasonable charitable deductions and interest related to customer deposits, the amounts recorded as nonoperating income and expenses and taxes (Accounts 7300–7450) and interest and related items (Accounts 7500–7540) and extraordinary items (Accounts 7600–7640) shall not be included unless this Commission specifically determines that particular items recorded in those accounts shall be included.

3. Section 65.820(a) is revised to read as follows:

§ 65.820 Included items.

(a) *Telecommunications Plant.* The interstate portion of all assets summarized in Account 2001 (Telecommunications Plant in Service) and Account 2002 (Property Held for Future Use), net of accumulated depreciation and amortization, and Account 2003 (Telecommunications Plant Under Construction), and, to the extent such inclusions are allowed by this Commission, Account 2005 (Telecommunications Plant Adjustment), net of accumulated amortization. Any interest cost for funds used during construction capitalized on assets recorded in these accounts shall be computed in accordance with the procedures in § 32.2000(c)(2)(x).

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–6840 Filed 3–24–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018—AB83

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant Tetramolopium capillare (Pamakani)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for the plant *Tetramolopium capillare* (pamakani). Two extant populations containing a total of 12 known individuals of the species remain in the southwestern portion of West Maui. The species and its habitat have been variously affected or are currently threatened by fire and by habitat degradation and competition from invasive alien plant species. Due to the small number of existing individuals and their very narrow distribution, this species is subject to reduced reproductive vigor and/or an increased likelihood of extinction from stochastic events. This proposal, if made final, would implement the Federal protection and recovery provisions provided by the Act. If made final, it would also activate and augment State regulations protecting *Tetramolopium capillare* as an endangered species. Comments and Materials related to this proposal are solicited.

DATES: Comments from all interested parties must be received by May 24, 1993. Public hearing requests must be received by May 10, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to Robert P. Smith, Field Supervisor, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment,

during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert P. Smith, at the above address (808/541–2749).

SUPPLEMENTARY INFORMATION:

Background

Tetramolopium capillare was first collected in 1819 on Maui by Charles Gaudichaud-Beaupre. He named this sterile specimen *Seneco capillaris,* choosing the specific epithet to refer to its very narrow involute leaves (with margins rolled under along the edges) (Gaudichaud-Beaupre 1830). Based on a fertile specimen collected on Maui in the 1830s, Sherff (1935) described and named *Tetramolopium bennettii.* After examining and comparing type specimens, St. John (1965) determined that Gaudichaud-Beaupre's *Senecio capillaris* and Sherff's *Tetramolopium bennettii* was actually the same species and that Sherff had placed the taxon in the correct genus; St. John (1965) subsequently made the new combination *Tetramolopium capillare.* Later, St. John (1974) described a new genus, *Luteidiscus,* for species of *Tetramolopium* with yellow dish florets, and formed the combination *Luteidiscus capillaris.* In the current treatment of the genus, Lowrey (1981, 1986, 1990) does not recognize St John's division of the genus.

Tetramolopium capillare is a sprawling shrub with stems measuring 50 to 80 centimeters (cm) (20 to 31 inches (in)) long and covered with many glands when young. The very firm, stalkless leaves are involute and are usually 13 to 25 millimeters (mm) (0.5 to 1 in) long and 0.3 to 0.4 mm (about 0.01 in) wide. Flower heads are situated singly at the ends of stalks 1 to 3.5 cm (0.4 to 1.4 in) long. Located beneath each flower head are 45 to 50 bracts, arranged in a structure 3 to 4 mm (about 0.1 in) high and 7 to 10 mm (0.3 to 0.4 in) in diameter. In each flower head, 30 to 50 white, male ray florets, 3.5 to 4 mm (about 0.1 in) long and 0.6 to 8 mm (0.02 to 0.3 in) wide, surround 15 to 25 greenish yellow tinged with red, functionally female florets about 3.6 mm (0.1 in) long. The achenes (dry, one-seeded fruits) measure 2 to 2.6 mm (0.08 to 0.1 in) long and 0.7 to 0.8 mm (0.03 in) wide and are topped by a white pappus comprising a single series of bristles 1.9 to 2.1 mm (0.07 to 0.08 in) long. *Tetramolopium capillare* differs from other species of the genus by its very firm leaves with edges rolled under, its solitary flower heads, the color of its disk florets, and its shorter pappus. It differs from *Tetramolopium remyi,* with which it sometimes grows, by its more sprawling habit and the shorter stalks of its smaller flower heads (Lowrey 1990).

Historically, *Tetramolopium capillare* is known from Lahainaluna to Wailuku on West Maui (Lowrey 1981). This species is known to be extant near Halepohaku on State land (Hawaii Plant Conservation Center (HPCC) 1992a, 1992b). The two known populations, which are separated by 2.4 kilometers (km) (1.8 miles (mi)), contain a total of 12 known plants (Steve Perlman, HPCC, pers. comms., 1992). *Tetramolopium capillare* typically grows on rock substrates at elevations between 615 and 900 meters (m) (2,020 to 3,000 feet (ft)) in Lowland Dry Mixed Shrub and Grassland and in Montane Dry Shrubland. Plant species associated with the higher elevation population include *Dodonaea viscosa* ('a'ali'i), *Metrosideros polymorpha ('ohi'a), and Styphelia tameiameiae* (pukiawe). 'A'ali'i, *Heteropogon contortus* (pili grass), and *Myoporum sandwicense* (naio) are associates of the other population. The major threats to *Tetramolopium capillare* are fire; competition from alien plant species, particularly *Lantana camara* (lantana), *Leucaena leucocephala* (koa haole), and *Rynchelytrum repens* (Natal redtop); and reduced reproductive vigor and/or extinction from stochastic events due to the small number of existing populations and individuals (HPCC 1992a, 1992b).

Previous Federal Action

Federal action on this species began as a result of section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. In that document, *Tetramolopium capillare* was considered to be extinct. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the Smithsonian report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act, and giving notice of its intention to review the status of the plant taxa named therein. As a result of that review, on June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine endangered status pursuant to section 4 of the Act for approximately 1,700 vascular plant species, including *Tetramolopium capillare.* The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. General comments received in response to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the **Federal Register** (44 FR 70796) withdrawing the portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. The Service published updated notices of review for plants on December 15, 1980 (45 FR 82479), September 27, 1985 (50 FR 39525), and February 21, 1990 (55 FR 6183). In these notices, *Tetramolopium capillare* was treated as a Category 1* species. Category 1* taxa are those which are possibly extinct. Because the species was rediscovered in 1991, it is now being proposed for listing.

Section 4(b)(3)(B) of the Act requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. On October 13, 1983, the Service found that the petitioned listing of *Tetramolopium capillare* was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed in October of 1984, 1985, 1986, 1987, 1988, 1989, 1990, and 1991. Publication of the present proposed rule constitutes the final 1-year finding for this species.

Summary of Factors Affecting the Species

Section 4 of the Endangered Species Act (16 U.S.C. 1533) and regulations (50 CFR part 424) promulgated to implement the Act set forth the criteria and procedures for adding species to the Federal Lists. A species may be determined to be an endangered species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Tetramolopium capillare* (Gaud.) St. John are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The habitat of *Tetramolopium capillare* has undergone extreme alteration because of past and present land management practices, including grazing and alien plant introductions. Cattle (*Bos taurus*), the wild progenitor of which was native to Europe, north Africa, and southwestern Asia, were introduced to the Hawaiian Islands in 1793. This animal eats native vegetation, tramples roots and seedlings, causes erosion, creates disturbed areas into which alien plants invade, and spreads seeds of alien plants (Cuddihy and Stone 1990). Feral cattle were formerly found on Maui and affected areas within the historic range of *Tetramolopium capillare* (Lowrey 1981).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Unrestricted collecting for scientific or horticultural purposes and excessive visits by individuals interested in seeing rare plants could result from increased publicity. This is a potential threat to *Tetramolopium capillare*, which has only 2 populations and a total of 12 known individuals. Any collection of whole plants or reproductive parts of this species would cause an adverse impact on the gene pool and threaten the survival of the species.

C. Disease or Predation

No evidence of disease or predation of *Tetramolopium capillare* has been reported.

D. The Inadequacy of Existing Regulatory Mechanisms

Hawaii's Endangered Species Act states, "Any species of aquatic life, wildlife, or land plant that has been determined to be an endangered species pursuant to the [Federal] Endangered Species Act shall be deemed to be an endangered species under the provisions of this chapter * * *" (HRS, sect. 195D–4(a)). Federal listing would automatically invoke listing under Hawaii State law, which prohibits taking of endangered plants in the State and encourages conservation by State agencies (HRS, sect. 195D–4). *Tetramolopium capillare* is not presently listed as an endangered species by the State of Hawaii. Both populations of this species occur on State land. State laws relating to the conservation of biological resources allow for the acquisition of land as well as the development and implementation of programs concerning the conservation of biological resources (HRS, sect. 195D–5(a)). The State also may enter into agreements with Federal agencies to administer and manage any area required for the conservation, management, enhancement, or protection of endangered species (HRS, sect. 195D–5(c)). If listing were to occur, funds for these activities could be made available under section 6 of the Federal Act (State Cooperative Agreements).

Conservation district lands are regarded, among other purposes, as necessary for the protection of endemic biological resources and the maintenance or enhancement of the conservation of natural resources. Requests for amendments to district boundaries or variances within existing classifications can be made by government agencies and private landowners (HRS, sect. 205–4). The Hawaii Department of Land and Natural Resources is mandated to initiate changes in conservation district boundaries to include "the habitat of rare native species of flora and fauna within the conservation district" (HRS, sect. 195D–5.1). Hawaii environmental policy, and thus approval of land use, is required by law to safeguard "* * * the State's unique natural environmental characteristics * * *" (HRS, sect. 344–3(1)) and includes guidelines to "Protect endangered species of individual plants and animals * * *" (HRS, sect. 344–4(3)(A)). Federal listing, because it automatically invokes State listing, would also trigger these other State regulations protecting *Tetramolopium capillare*. The Federal Act would offer additional protection to this species because, if it were to be listed as endangered, it would be a violation of the Act for any person to remove, cut, dig up, damage, or destroy any such plant in an area not under Federal jurisdiction in knowing violation of State law or regulation or in the course of any violation of a State criminal trespass law.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The small number of individuals and populations of *Tetramolopium capillare* increases the potential for extinction from stochastic events. The limited gene pool may depress reproductive vigor, or a single human-caused or natural environmental disturbance could destroy a significant percentage of the individuals or an entire population. Erosion due to natural weathering in areas where *Tetramolopium capillare* grows can result in the death of individual plants and habitat destruction. This process especially affects the continued existence of taxa or populations with limited numbers and/or narrow ranges, such as *Tetramolopium capillare*, and can be exacerbated by human disturbance and land use practices.

Erosion provides a suitable site for colonization by alien plants. Three alien plant species, naturalized in dry, disturbed areas on all the main Hawaiian islands, compete with *Tetramolopium capillare*. Natal redtop, an annual or perennial grass, is a major threat to both populations of *Tetramolopium capillare* (HPCC 1992a, 1992b; O'Connor 1990). Both koa haole, often the dominant species in dry, disturbed, low elevation areas, and lantana, an aggressive, thicket-forming shrub, have also invaded the habitat of *Tetramolopium capillare* (Geesnick *et al.* 1990; HPCC 1992a; S. Perlman, pers. comm., 1992). Because both populations of *Tetramolopium capillare* grow in dry areas, wildfire poses a threat to the species (HPCC 1992a; S. Perlman, pers. comm., 1992).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Tetramolopium capillare* as endangered. This species numbers no more than about 12 individuals in 2 populations and is threatened by habitat degradation, competition from alien plants, fire, and lack of legal protection. Small population size and limited distribution make this species particularly vulnerable to reduced reproductive vigor and/or extinction from stochastic events. Because this species is in danger of extinction throughout all or a significant portion of its range, it fits the definition of endangered as defined in this Act.

Critical habitat is not being proposed for *Tetramolopium capillare* for reasons discussed in the "Critical Habitat" section of this proposal.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered. The Service finds that designation of critical habitat is not presently prudent for *Tetramolopium capillare*. Such a determination would result in no known benefit to the species. The publication of precise maps and descriptions of critical habitat in the **Federal Register** and local newspapers as required in a proposal for critical habitat would increase the

degree of threat to this species from take or vandalism and, therefore, could contribute to its decline and increase enforcement problems. The listing of this species as endangered publicizes the rarity of the plants and, thus, can make the species attractive to researchers, curiosity seekers, or collectors of rare plants. All involved parties and the landowner have been notified of the importance of protecting the habitat of *Tetramolopium capillare*, which will be addressed through the recovery process. There are no known Federal activities within the currently known habitat of this species. Therefore, the Service finds that designation of critical habitat for this species is not prudent at this time, because such designation would increase the degree of threat from vandalism, collecting, or other human activities and because it is unlikely to aid in the conservation of this species.

Available Conservation Measures

Conservation measures provided to taxa listed as endangered under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the State and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any taxon that is proposed or listed as endangered and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. There are no known Federal activities that occur within the habitat of *Tetramolopium capillare*.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 for endangered plants set forth a series of general prohibitions and exceptions that apply to all endangered plant species. With respect to *Tetramolopium capillare*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal with respect to any endangered plant for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any area under Federal jurisdiction; or remove, cut, dig up, damage, or destroy any such species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued. The species is not common in the wild and is only rarely cultivated.

Requests for copies of the regulations concerning listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203–3507 (703/358–2104; FAX 703/358–2281).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Tetramolopium capillare*;

(2) The location of any additional populations of *Tetramolopium capillare*, and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of *Tetramolopium capillare*; and

(4) Current or planned activities in the subject area and their possible impacts on *Tetramolopium capillare*.

The final decision on this proposal will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Field Supervisor (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment or Environmental Impact Statement, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Cuddihy, L.W., and C.P. Stone. 1990. Alteration of native Hawaiian vegetation; effects of humans, their activities and introductions. Cooperative National Parks Resource Studies Unit, Honolulu, 138 pp.

Gaudichaud-Beaupre, C. 1830. Voyage autour du monde, entrepris par ordre du roi, * * * execute sur les corvettes de S.M. l'*Uranie* et la *Physicienne*, pendant les annees 1817, 1818, 1819 at 1820; publie * * * par M. Louis de Freycinet. Botanique. Part 12. Pillet-aine, Paris, pp. 465–522.

Geesnick, R., W.L. Wagner, and D.R. Herbst. 1990. Fabaceae: *in* Wagner, W.L., D.R. Herbst, and S.H. Sohmer, Manual of the flowering plants of Hawai'i. University of Hawaii Press and Bishop Museum Press, Honolulu. Bishop Mus. Spec. Publ. 83:629–720.

Hawaii Plant Conservation Center. 1992a. Accession data for *Tetramolopium capillare*, 925121, dated June 24, 1992, Lawai, Kauai. Upubl. 1 p.

Hawaii Plant Conservation Center. 1992b. Accession data for *Tetramolopium capillare*, 925122, dated June 24, 1992, Lawai, Kauai. Unpubl., 1 p.

Lowrey, T.K. 1981. A biosystematic study of Hawaiian *Tetramolopium* (Compositae; *Astereae*). Ph.D. dissertation, Univ. California, Berkeley, 192 pp.

Lowrey, T.K. 1986. A biosystematic revision of Hawaiian *Tetramolopium* (Compositae: *Astereae*). Allertonia 4:203–265.

Lowrey, T.K. 1990. *Tetramolopium: in* Wagner, W.L., D.R. Herbst, and S.H. Sohmer, Manual of the flowering plants of Hawai'i. University of Hawaii Press and Bishop Museum Press, Honolulu. Bishop Mus. Spec. Publ. 83:361–369.

O'Connor, P.J. 1990. Poaceae: *in* Wagner, W.L., D.R. Herbst, and S.H. Sohmer, Manual of the flowering plants of Hawai'i. University of Hawaii Press and Bishop Museum Press, Honolulu. Bishop Mus. Spec. Publ. 83:1481–1604.

St. John, H. 1965. The identity of *Senecio capillaris* Gaudichaud. Hawaiian plant studies 26 [i.e., 122]. Ann. Missouri Bot. Gard. 52:432–433.

St. John, H. 1974. *Luteidiscus*, a new genus (Compositae). Pacific plant studies 25. Bot. Jahrb. Syst. 94:549–555.

Sherff, E.E. 1935. Revision of *Tetramolopium, Lipochaeta, Dubautia* and *Railliardia*. Bernice P. Bishop Mus. Bull. 135:1–136.

Author

The author of this proposed rule is Zella E. Ellshoff, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541–2749).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family indicated, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
* * *	*	*	*	*	*	*
Asteraceae—Aster family:						
* * *	*	*	*	*	*	*
Tetramolopium capillare.	Pamakani	U.S.A. (HI)	E		NA	NA
* * *	*	*	*	*	*	*

Dated: March 11, 1993.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 93–6677 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 58, No. 56
Thursday, March 25, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 19, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

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

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

Reinstatement

- *Farmers Home Administration*

7 CFR part 1942–G, Rural Business Enterprise Grants and Television Demonstration Grants.

On occasion; monthly; quarterly; recordkeeping.

State or local governments; non-profit institutions; small businesses or organizations; 6,960 responses; 12,920 hours.

Jack Holston, (202) 720–9736.

- *Food and Nutrition Service*

Summer Food Service Program Claim for Reimbursement.

FNS–143.

Recordkeeping; monthly.

State or local governments; non-profit institutions; 2,370 responses; 1,778 hours.

Kathy Crampton, (703) 305–2870.

- *Food and Nutrition Service*

Negative Quality Control Review Schedule, Statistical Summary of Sample Disposition and Status of Sample Selection and Completion.

FNS–245; FNS–247; FNS–248.

Recordkeeping; on occasion; monthly; annually.

Individuals or households; State or local governments; 35,265 responses; 105,763 hours.

Michelle Perry, (703) 305–2471.

Donald E. Hulcher,

Deputy Department Clearance Officer.

[FR Doc. 93–6801 Filed 3–24–93; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Research Service

Intent To Grant an Exclusive Patent License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of Intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant an exclusive license to Perten Instruments North America Inc., Reno, NV, on U.S. Patent No. 5,005,774, "Rapid, Single Kernel Grain Characterization System," issued April 9, 1991, and foreign equivalents thereof. Notice of Availability for licensing the invention was given in the Federal Register on February 1, 1991.

DATES: Comments must be received within 60 calendar days of the date of publication of this Notice in the Federal Register.

ADDRESSES: Send comments to: USDA–ARS–Office of Technology Transfer, Baltimore Boulevard, Building 005, Room 403, BARC–W, Beltsville, Maryland 20705–2350.

FOR FURTHER INFORMATION CONTACT: M. Ann Whitehead of the Office of Technology Transfer, at the Beltsville address given above; telephone 301–504–6786.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as said company has submitted a complete and sufficient application for a license, promising therein to bring the benefits of said invention to the U.S. public.

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, Agricultural Research Service receives written evidence and argument, pursuant to 37 CFR 404.11(c), which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Perten Instruments North America Inc., has been selected as an exclusive patent licensee through a competitive process. All domestic companies known to have a business interest in the technology covered by the invention were requested to submit a patent license application with a business plan. Those companies that responded by the deadline had their applications reviewed and ranked by a panel of experts. Perten Instruments North America Inc., was ranked superior in capacity to develop and market the invention and being able to bring expeditiously the invention into public use.

W.H. Tallent,

Assistant Administrator.

[FR Doc. 93–6803 Filed 3–24–93; 8:45 am]

BILLING CODE 3410–03–M

Forest Service

Logging Gulch Timber Management Project, Boise National Forest, Boise County, ID

AGENCY: Forest Service, USDA.

ACTION: Cancellation of Notice of Intent to prepare an environmental impact statement.

SUMMARY: A Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Logging Gulch Timber Management Project was published in the Federal Register on December 11, 1991 (Vol. 56, No. 238, pages 64586 and 64587). After examining the analysis to date in light of the ten points of

significance, 40 CFR 1509.27, I believe there will not be a significant impact on the human environment from the preferred alternative; therefore, an EIS will not be prepared. Alternatives which would have resulted in a significant impact will not be selected. The project analysis will be documented in an Environmental Assessment; scheduled for release March 30, 1993. The Environmental Assessment will be available for public review and comment for 30 days prior to the decision being made. All comments received during the review period will be addressed in the final decision. If you are interested in receiving a copy of the Environmental Assessment, please contact Terry Padilla at the following address.

FOR FURTHER INFORMATION CONTACT: Terry Padilla, Planning Specialist, Idaho City Ranger District, P.O. Box 129, Idaho City, Idaho 83631, 208–364–4330.

Dated: March 19, 1993.

Richard M. Christensen,

Acting Forest Supervisor, Boise National Forest.

[FR Doc. 93–6810 Filed 3–24–93; 8:45 am]

BILLING CODE 3410–11–M

Oso/Canoncito Timber Sale; Santa Fe National Forest; Santa Fe County, NM

AGENCY: Forest Service, USDA.

ACTION: Notice to cancel preparation of an environmental impact statement.

SUMMARY: On September 11, 1992, The Forest Service, USDA, published a notice of intent to prepare an environmental impact statement (EIS) which would disclose effects of alternative plans for harvesting timber, prescribed burning, tree planting, and road construction, reconstruction and obliteration. Further scoping and analysis has determined that an EIS will not be needed to disclose the effects of the proposed action and the Notice to prepare an EIS is withdrawn.

DATES: Written comments concerning the withdrawal of the Notice to prepare an EIS should be received on or before May 1, 1993.

ADDRESSES: Send written comments to Lori D. Osterstock, District Ranger, P.O. Drawer R, Espanola, NM 87532.

FOR FURTHER INFORMATION CONTACT: John Bruin, Project Coordinator, Espanola Ranger District. (505) 753–7331.

RESPONSIBLE OFFICIAL: Alan S. Defler, Forest Supervisor, Santa Fe National Forest.

Dated: March 16, 1993.

Alan S. Defler,

Forest Supervisor.

[FR Doc. 93–6886 Filed 3–24–93; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Palmetto Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) has made a finding of no significant impact (FONSI) with respect to the potential environmental impacts resulting from a proposal by Palmetto Electric Cooperative, Inc., to construct a new headquarters facility northwest of Ridgeland, South Carolina. The FONSI is based on a borrower's environmental report covering the proposed new headquarters prepared by Gilpin Group on behalf of Palmetto Electric Cooperative, Inc., and submitted to REA. REA conducted an independent evaluation of the report and concurs with its scope and content. In accordance with REA's Environmental Policies and Procedures, 7 CFR 1794.61, REA has adopted the borrower's environmental report as its environmental assessment for the new headquarters facility.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, room 1246, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 720–1784.

SUPPLEMENTARY INFORMATION: The proposed headquarters facility is proposed to be located in Jasper County, South Carolina, northwest of Ridgeland on the west side of U.S. Highway 278 south of where it intersects with Route 652.

The headquarters facility will entail the construction of the following:

- a 19,000 square foot combination office, operations center and warehouse building,
- a 19,200 square foot covered vehicle storage shed and annual meeting area with an attached 5,625 square foot fleet maintenance building with a covered open bay truck wash and covered refueling station,
- two 4,000 gallon double walled underground gasoline and diesel fuel storage tanks equipped with leak detection and monitoring equipment,
- a 1,800 square foot food concession building with restrooms,
- a 1,000 square foot wire storage shed,
- a 22,100 square foot asphalt covered pole storage yard,
- a 500 square foot concrete pad for scrap material storage,
- a 1,000 square foot concrete pad for transformer storage,
- a 100 foot lattice type microwave tower,
- a small emergency standby diesel generator,
- a stormwater retention pond,
- paved parking lot for 40 employee vehicles and 50 visitor vehicles with entrance and exit drives, and
- temporary truck parking area around the warehouse for loading and unloading.

Approximately 33 acres of land will be dedicated to this facility. It is anticipated that the site will have enough grassed area to accommodate 2,150 vehicles for annual membership meetings and other system member events.

Alternatives considered to the project as proposed were no action and alternative site locations.

Copies of the environmental assessment and FONSI are available for review at, or can be obtained from, REA at the address provided herein or from Mr. A. Berl Davis, Jr., Palmetto Electric Cooperative, Inc., 111 Mathews Drive, Hilton Head, South Carolina 29925, telephone (803) 681–5551.

Dated: March 17, 1993.

James B. Huff, Sr.,

Administrator.

[FR Doc 93–6802 Filed 3–24–93; 8:45 am]

BILLING CODE 3410–15–F

Soil Conservation Service

Muddy Fork of Silver Creek Watershed, Clark, Floyd, and Washington Counties, IN

AGENCY: Soil Conservation Service.

ACTION: Notice of Availability of Record of Decision.

SUMMARY: Robert L. Eddleman, State Conservationist, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of Indiana, is hereby providing notification that a record of decision to proceed with assistance to the project sponsors for the installation of the Muddy Fork of Silver Creek Watershed project is available. Single copies of this record of decision

may be obtained from Robert L. Eddleman at the address shown below.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, 6013 Lakeside Boulevard, Indianapolis, IN 46278, telephone (317) 290–3200.

(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.)

March 16, 1993.

Robert L. Eddleman,

State Conservationist.

[FR Doc. 93–6761 Filed 3–24–93; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

National Medal of Technology Nomination Evaluation Committee

AGENCY: Technology Administration, Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces the forthcoming meeting of the National Medal of Technology Nomination Evaluation Committee. The Committee was rechartered on September 16, 1991.

The Committee's major purpose is to make recommendations to the Secretary of Commerce, through a Steering Committee, concerning award of the National Medal of Technology. The Committee met on January 15, 1993 to accomplish that purpose for the year.

The purpose of this meeting will be focussed on concepts and processes that could enhance the prestige of the National Medal of Technology. For example, suggesting improvements to the selection criteria used for determining the relative merits of persons and companies nominated for the National Medal of Technology. The criteria must be periodically updated to remain current with changes in U.S. industry.

TIME AND PLACE: The meeting will begin 4 p.m. and end at 5 p.m. on April 19, 1993. The meeting will be held in Room 6124 at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Dr. Paul Braden, Manager, National Medal of Technology Nomination Evaluation Committee, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Herbert C. Hoover Building, Room 4418, Washington, DC 20230, (202) 482–5572.

Dated: March 18, 1993.

John W. Lyons,

Acting Under Secretary for Technology.

[FR Doc. 93–6885 Filed 3–24–93; 8:45 am]

BILLING CODE 3510–18–M

Bureau of the Census

[Docket No. 930224–3024]

Request for Comments on the Proposed Criteria for Assessing Design Alternatives for the 2000 Census

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The purpose of this notice is to inform the public about the criteria for assessing design alternatives for the 2000 census.

DATES: Comments from the public should be received no later than April 26, 1993.

ADDRESS: Written comments should be addressed to: Harry A. Scarr, Acting Director, Bureau of the Census, U.S. Department of Commerce, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: James L. Dinwiddie, Program Manager, Year 2000 Research and Development Staff, Bureau of the Census, telephone 301/763–4040.

SUPPLEMENTARY INFORMATION:

I. Purpose and Background

The decennial census is taken every 10 years as mandated by the Constitution. The census provides data for reapportioning the seats in the House of Representatives among the states and establishing districts within each state; it also supplies a wealth of data about the population of the Nation for a variety of other uses, including allocation of funds.

Features of the final design for how to take the 2000 census must be determined by December 1995 to allow for a sound program of operational planning, preparatory activities, and implementation. A major source of information for determining the final design will be a set of full field tests in the spring of 1995. Those tests can effectively implement and evaluate only a small number of design features. Features to be tested must be selected by September 1993 to allow for planning, implementation and evaluation of the tests.

Design features will be evaluated in a series of design alternative recommendations (DARs). The DARs will be evaluated by a wide range of census stakeholders.

Those who wish to be placed on a mailing list to receive DARs as they are developed should write: 2000 Census Research and Development Staff, ATTN: James L. Dinwiddie, room 3525 FB3, Bureau of the Census, Washington, DC 20233.

This notice solicits comment on the criteria for assessing designs.

II. Mandatory and Desirable Criteria for Assessing Designs

The Census Bureau proposes that a common set of mandatory criteria be applied to all designs. In addition, it proposes a set of desirable criteria to be applied to designs or sets of designs to which they are appropriate. Designs that fail any of the mandatory criteria will not be assessed for meeting desirable criteria.

The mandatory and desirable criteria proposed are (numbering is for convenience only and does not necessarily reflect relative importance within the categories):

Mandatory Criteria

Any design that will be considered for the 2000 census must meet all of the following criteria:

1. Not Require a Constitutional Amendment

It is not feasible to seek a Constitutional Amendment between now and the year 2000 to allow the Census Bureau to implement a design. (This does not preclude seeking legislative changes; see Desirable Criteria below.)

2. Meet Data Requirements for Reapportionment

Tabulations of persons in each state, for the purpose of apportioning Representatives among the states, must be provided by the design.

3. Provide Data Defined by Law and Past Practice for State Redistricting

Any selected design must be able to produce counts of the population for small geographic areas (that is, blocks) that are required for state redistricting. This does not necessarily preclude the use of sampling to produce these data.

4. Provide Age and Race/Ethnic Data Defined by Law to Meet the Requirements of Enforcing the Voting Rights Act

Any selected design must be able to produce, for small geographic areas usable for state redistricting, tabulations of the population by: age 18+ and the racial/hispanic origin detail provided in

the 1990 product for purposes of Public Law 94–171 (data for the redistricting program). This does not necessarily preclude the use of sampling to produce these data.

5. Protect the Confidentiality of Respondents

No design is acceptable if it jeopardizes the ability of the Census Bureau to control and protect against release of identifiable individual data.

Desirable Criteria

Each design meeting the mandatory criteria will be assessed for the following:

1. Ability To Reduce the Differential Undercount

Each design must be assessed in terms of its potential to reduce the differential levels of coverage of population groups and geographic areas that have historically occurred in the census.

2. Result in Comparative Cost Effectiveness With Respect to Other Alternatives Under Consideration in Real Terms on a Per Unit Basis

The cost of the census has increased significantly over the last three censuses and it is important to select a design that considers cost in assessing the quality of the results.

3. Provide Data of High and Consistent Quality That is Best and Uniquely Supplied by a Census, as Opposed to Other Sources

The uses of census data require that they be accurate and of uniform quality for various geographic levels. Each design will be assessed for its ability to meet these goals and for the degree to which it collects information that can best be supplied by a census rather than a survey or other sources.

4. Provide a Single, Best Set of Census Results Produced by Legal Deadlines for Reapportionment and Redistricting

The designs under consideration vary in combining direct enumeration and estimation techniques to produce the census results. It is highly desirable to specify a design that has an appropriate combination of these techniques and integrate the results on a time schedule that provides a single set of counts and characteristics by mandated statutory deadlines. Each design must be assessed in terms of the likelihood of meeting these objectives. While the Census Bureau does not necessarily assume that current deadlines will be unchanged, it expects that a convincing case must be made for proposing the legislative actions that would be required to change them.

5. Provide an Overall High Level of Coverage

In addition to reduction of differential coverage, each design must be assessed in terms of the degree to which it ensures the best absolute coverage of the population.

6. Increase the Primary Response Rate to the Census

Public cooperation in responding to the census is a key element in controlling the costs while ensuring the quality of the census. Each design will be assessed in terms of the degree to which it facilitates public participation and compliance. Aspects of improving the response rate include the design of the census questionnaire, the number and type of census questions, and the incorporation of a variety of ways the population can receive and respond to the census inquiry.

7. Level of Respondent Burden

The level of respondent burden attendant to each design will be assessed. Consideration will be given to such measures of burden as the time needed for the public to supply the information.

8. Degree and Type of Changes Needed in Federal or State Law

The Census Bureau will determine, for each design, whether one or more features of the design require changes in existing law. The actions needed to implement such changes, and the viability of doing so, will be evaluated.

9. Reliance on New or Unproven Methods or Capabilities

Several of the designs under consideration are dependent on major changes or improvements in census methodologies and technologies. For example, some of the designs rely on the ability to quickly and accurately unduplicate people who may be enumerated multiple times or appear on multiple administrative records. Other design features require an unprecedented degree of access to administrative records. All the designs, to differing degrees, rely on having a complete and reasonably accurate geographic database linked to a current and comprehensive address control database. These kinds of issues and capabilities are currently undergoing research and development, but will not be fully in place by September 1993 when the Census Bureau must select the design features for the 1995 test. For each design, the Census Bureau will assess the degree to which one or more features rely on methods that are not fully developed, the steps that must be taken to develop the methods, and the risk to the design if full development is unsuccessful.

10. Methods and Procedures Are Understandable and Credible to the Public

The American public and various groups with a stake in the census need to have confidence in the methods and procedures employed in the census process. The features of each design will be assessed to determine compliance with this criterion.

11. Major Design Features Can Be Fully Tested and Developed

The census is a massive, complex, and expensive undertaking. Stakeholders and the public need assurance in the success of its operational implementation and the resultant quality of its products. The Census Bureau must be able to fully test and develop the logistical, technological, and operational requirements for the chosen design. Each design under consideration will be assessed to determine if, taken together, its components produce the desired result.

12. Provision of Opportunities To Involve the U.S. Postal Service, State and Local Governments, National Organizations, and Other Private, Nonprofit, and Commercial Enterprises.

The involvement of organizations outside the Census Bureau can benefit the planning and conduct of the census by bringing expertise and cooperation into the census-taking process. The Census Bureau will assess the features of each design in terms of their ability to support this external participation.

13. Confidence That Related Aspects of the Federal Statistical Structure Will Be in Place To Support the Census

Some of the designs under consideration require clarification or redefinition of aspects of the Federal statistical system. The ability of this system to perform in areas such as providing access to administrative records, and providing or using data collected in ways that differ from past experience, must be ensured to support some of the designs. The relevance of this criterion to each design will be assessed, and the necessary changes will be documented.

Dated: March 19, 1993.

Harry A. Scarr,

Acting Director, Bureau of the Census.

[FR Doc. 93–6904 Filed 3–24–93; 8:45 am]

BILLING CODE 3510–07–M

Foreign-Trade Zones Board

[Docket 7–93]

Proposed Foreign-Trade Zone—Texas City, Texas; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Texas City-Gulf Coast, Inc., a Texas non-profit corporation, requesting authority to establish a general-purpose foreign-trade zone in Texas City, Texas, within the Houston-Galveston Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 2, 1993. The applicant is authorized to make the proposal under Texas Revised Civil Statutes Article 1446.01.

The proposed Texas City project would be the fourth general-purpose zone in the Houston-Galveston Customs port of entry area. The existing zones in the area are: *FTZ 36* in Galveston (Grantee: City of Galveston, Texas, Board Order 129, 43 FR 20525, 5/12/78); *FTZ 84* in Harris County (Grantee: Port of Houston Authority, Board Order 214, 48 FR 34792, 8/1/83); and, *FTZ 171* in Liberty County (Grantee: Liberty County Economic Development Corporation, Board Order 501, 56 FR 1166, 1/11/91).

The proposed new zone would consist of 2 sites (378 acres) in Texas City. Site 1 (2.32 acres) is located at 1002 12th Avenue North, Texas City. Owned by the City of Texas City and currently operated as a municipal storage facility, this site will be available for multi-user public warehousing activities. Site 2 (376 acres) is located at Shoal Point on the Texas Ship Channel, Galveston Bay, in Galveston County. It is part of the City's 9.9 square mile enterprise zone and is owned by the City of Texas City.

The application indicates there is a need for zone services in the Texas City area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as machinery equipment and supplies, toiletries, food products, wearing apparel and paper products. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10/8/91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on April 22, 1993, at 11 a.m., Kenneth T. Nunn City Council Chambers, City Hall, 1801 9th Avenue North, Texas City, Texas.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is on May 24, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 8, 1993).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

U.S. Customs Service, Operations Branch, 1927 Post Office Street, Galveston, Texas 77550.

Office of the Executive Secretary, Foreign-Trade Zones Board, room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: March 11, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–6772 Filed 3–24–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–201–806]

Notice of Antidumping Order: Steel Wire Rope From Mexico

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

EFFECTIVE DATE: March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Gerry Zapiain or Robin Gray, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–3793.

Antidumping Duty Order

Scope of Order

The product covered by this order is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7312.10.9030, 7312.10.9060 and 7312.10.9090.

Excluded from this investigation is stainless steel wire rope, which is classifiable under the HTS subheading 7312.10.6000, and all forms of stranded wire. Although HTS subheadings are provided for convenience and customs purposes, our own written description of the scope is dispositive.

Orders

On February 8, 1993, in accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act), the Department of Commerce (the Department) published its final determination of sales at less than fair value for steel wire rope from Mexico (58 FR 7531). On March 15, 1993, in accordance with section 735(d) of the Act, the U.S. International Trade Commission notified the Department that imports of steel wire rope from Mexico materially injure a U.S. industry.

Therefore, in accordance with section 736(a) of the Act, the Department will direct the Customs Service to assess, upon further advice by the administering authority, antidumping duties equal to the estimated amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of steel wire rope from Mexico. These antidumping duties will be assessed on all unliquidated entries of steel wire rope from Mexico, or withdrawn from warehouse, for consumption on or after September 22, 1992, for steel wire rope from Mexico, the date on which the Department published its preliminary determination in the **Federal Register**. Customs officers must require, at the same time as importers would normally deposit estimated duties, a cash deposit equal to the estimated antidumping duty margins as follows:

Manufacturer/producer/exporter	Margin (percent)
Camesa, S.A. de C. V	111.68
All others	111.68

This notice constitutes the antidumping duty order with respect to steel wire rope from Mexico, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records

Units, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published pursuant to section 736(a) of the Act and 19 CFR 353.21.

Dated: March 22, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–6951 Filed 3–23–93; 8:55 am]

BILLING CODE 3510–DS–M

[C–549–802]

Ball Bearings and Parts Thereof From Thailand; Preliminary Results of Countervailing Duty; administrative review

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

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

SUMMARY: The Department of Commerce is conducting an administrative review of the countervailing duty order on ball bearings and parts thereof from Thailand. We preliminarily determine the total bounty or grant to be 7.07 percent *ad valorem* for all companies for the period January 1, 1991 through December 31, 1991. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Sarah Givens, Tamara Markowitz or Kelly Parkhill, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1992, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (57 FR 19412) of the countervailing duty order on ball bearings and parts thereof from Thailand (54 FR 19130; May 3, 1989). On May 29, 1992, Torrington Company, the petitioner, and Pelmec Thai and NMB Thai, the respondent companies, requested an administrative review of the order. We initiated the review, covering the period January 1, 1991 through December 31, 1991, on June 18, 1992 (57 FR 27212).

Scope of Review

Imports covered by this review are ball bearings and parts thereof. Such merchandise is described in detail in Appendix A to this notice. The Harmonized Tariff Schedule (HTS) item numbers listed in Appendix A are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1991 through December 31, 1991, two producers/exporters, NMB Thai Ltd. (NMB) and Pelmec Thai Ltd. (Pelmec), and nine programs.

Calculation Methodology

In the first administrative review, respondents claimed that the value of the subject merchandise entering the United States is greater than the sales revenue received by the companies in Thailand due to a markup charged by the parent company, located in a third country, through which the merchandise is invoiced. Respondents argued that the calculated *ad valorem* rate should be adjusted by the ratio of the Royal Thai Government (RTG) export value over the sales value charged to the U.S. customer by the parent company. Since the markup is not part of the export value upon which the respondents earn subsidies, the Department calculated the *ad valorem* rate as a percentage of Thai export value and then multiplied this rate by the ratio of the original export price from Thailand to the marked-up price of the goods entering the United States. The Department has made this adjustment again in calculating the *ad valorem* rate for these preliminary results.

Analysis of Programs

1. Investment Promotion Act (IPA)—Sections 31, 28 and 36(1)

The Investment Promotion Act of 1977 is administered by the Board of Investment (BOI) and is designed to provide incentives to invest in Thailand. In order to receive IPA benefits, each company must apply to the BOI for a Certificate of Promotion (license), which specifies goods to be produced, production and export requirements, and benefits allowed. These licenses are granted at the discretion of the BOI and are periodically amended or reissued to upgrade benefits. Each IPA section for which a company is eligible must be specifically stated in the license. Both Pelmec and NMB had export requirements contained in their licenses for the review period, and both licenses specifically allowed them to receive tax and duty exemptions under IPA Sections 31, 28, and 36(1).

Under Section 31, an exporting company is allowed an exemption from payment of corporate income tax on profits derived from promoted exports. Under Section 28, an exporting company is allowed to import machinery and equipment (fixed assets) free of import duties and business and local taxes, and under Section 36(1), the company is allowed to import essential materials (non-fixed assets) that are not physically incorporated into the export goods free of the same duties and taxes. Both NMB and Pelmec claimed exemptions under Section 31 on their tax returns filed during the 1991 review period, and they imported both fixed and non-fixed assets duty- and tax-free during the review period. Because the tax and duty exemptions provided in NMB's and Pelmec's BOI licenses are contingent upon export performance, we determine that these exemptions are countervailable.

We calculated the benefit to NMB and Pelmec under Section 31 by multiplying the amount each company saved under this exemption by the corporate income tax rate in effect during the review period, thus obtaining the difference between what each company paid in corporate income tax during the review period, and what it would have paid absent the exemption. We calculated the benefit to NMB and Pelmec under Sections 28 and 36(1) by obtaining the amount of duties and taxes that would have been paid on the imports absent the exemption. We added all duty and tax savings under all the IPA programs and divided this aggregate benefit by the total FOB export value of the subject merchandise. On this basis, we preliminarily determine the net bounty or grant from IPA Sections 31, 28 and 36(1), adjusted for the parent company markup, to be 7.02 percent *ad valorem* during the review period.

2. Tax Certificates for Exporters

The RTG issues to exporters of record tax certificates which are transferable and which rebate indirect taxes and import duties levied on inputs used to produce exports. This rebate program is provided for in the "Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act" (Tax and Duty Act). The rebate rates under the Tax and Duty Act are computed based on the *Basic Input-Output Table of Thailand* (I–O table).

Using the I–O table, the Thai Ministry of Finance computes the value of total inputs (both imported and domestic) at ex-factory prices. It also calculates the import duties and indirect taxes on each

input, and calculates an "A" rebate rate, which rebates both import duties and indirect domestic taxes, and a "B" rebate rate, which rebates only indirect domestic taxes. The relevant rebate rate is then applied to the FOB value of the export to determine the amount of rebate that will be provided. Exporters who participate in Thailand's duty drawback or duty exemption programs such as the IPA are ineligible for the "A" rebate rate. Instead, they claim the "B" rebate rate, receiving a rebate of indirect domestic taxes under the tax certificate program.

Under the Tax and Duty Act, rebates are paid to exporters by tax certificates, which can be used to pay the exporter's tax liabilities, or can be sold to another company, usually at less than face value. The rebate rates in effect during the review period were 7.19 percent as the "A" rate, and 0.59 percent as the "B" rate. As determined in Final Affirmative Countervailing Duty Determination and Partial Countervailing Duty Order: Ball Bearings and Parts Thereof from Thailand (54 FR 19130; May 3, 1989), these rebates are countervailable only to the extent that the remissions of duties and taxes exceed those actually levied on physically incorporated inputs in the sector. Further, in Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Steel Wire Rope from Thailand (56 FR 46299; September 11, 1991), the Department calculated the sector-wide overrebate rate for Sector 111, which contains steel wire rope. Since Sector 111 also contains ball bearings, we applied the same sector rate in the 1990 administrative review of the instant case. Because the "A" and "B" rates did not change from 1990 to 1991, we will again use this sector rate in the 1991 review. On this basis, we preliminarily determine the net bounty or grant benefit from this program during the review period to be 0.05 percent *ad valorem*, adjusted for the parent company markup. Effective January 1, 1992, this program was modified, and the "B" rate tax certificate portion of the program was terminated. Therefore, Pelmec and NMB will no longer receive this "B" rate tax certificate benefit, and pursuant to Department practice, we will adjust the cash deposit rate to reflect this change (see Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Extruded Rubber Thread from Malaysia, 57 FR 38472 (August 25, 1992), Lamb Meat from New Zealand: Final Results of Countervailing Duty Administrative Review, 56 FR 38423 (August 13, 1991), and Porcelain-on-Steel Cookingware from Mexico: Final Results of Countervailing Duty Administrative Review, 55 FR 6666 (February 26, 1990); see also (Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, 54 FR 23366 (May 31, 1989) (Proposed Regulations)).

3. Other Programs

We also examined the following programs and preliminarily determine that the exporters of the subject merchandise did not use them during the review period:

- Export Packing Credits.
- Electricity Discounts for Exporters.
- Rediscount of Industrial Bills.
- Export Processing Zones.
- IPA Sections 33 and 36(4).
- Reduced Business Taxes for Producers of Intermediate Goods for Export Industries.
- International Trade Promotion Fund.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 7.07 percent *ad valorem* for the period January 1, 1991 through December 31, 1991.

Therefore, the Department will instruct the Customs Service to assess countervailing duties of 7.07 percent of the f.o.b. invoice price on all shipments from Thailand of the subject merchandise exported on or after January 1, 1991 and on or before December 31, 1991.

As provided by section 751(a)(1) of the Act, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 7.02 percent of the f.o.b. invoice price on shipments of the subject merchandise from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice.

Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication, in accordance with 19 CFR 355.38(c). Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief, in accordance with 19 CFR 355.38(d). Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs (19 CFR 355.38(f)). Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 16, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix A

Scope of The Review

The products covered by this review, ball bearings, mounted or unmounted, and parts thereof, constitute the following as outlined below.

Ball Bearings, Mounted or Unmounted, and Parts Thereof

These products include all antifriction bearings which employ balls as the rolling element. During the review period, imports of these products were classifiable under the following categories: antifriction balls; ball bearings with integral shafts; ball bearings (including radial ball bearings) and parts thereof; ball bearing type pillow blocks and parts thereof; ball bearing type flange, take-up, cartridge, and hanger units, and parts thereof; and other bearings (except tapered roller bearings) and parts thereof. Wheel hub units which employ balls as the rolling element are subject to the review. Finished but unground or semiground balls are not included in the scope of this review. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) item numbers: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

This review covers all of the subject bearings and parts thereof outlined above with certain limitations. With regard to finished parts (inner race, outer race, cage, rollers, balls, seals, shields, etc.), all such parts are included in the scope of this review. For unfinished parts (inner race, outer race, rollers, balls, etc.), such parts are included if (1) they have been heat treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by this review are those

where the part will be subject to heat treatment after importation.

[FR Doc. 93-6771 Filed 3-24-93; 8:45 am]

BILLING CODE 3510-DS-P

Rutgers University; Notice of Disposition of Application for Duty-Free Entry of Scientific Instrument

We have been advised that Docket Number 92-062 (See notice at 57 FR 21395, May 20, 1992) was revoked by U.S. Customs Service on October 9, 1992. Therefore processing of this application has been discontinued.

Frank W. Creel

Director, Statutory Import Programs Staff.

[FR Doc. 93-6773 Filed 3-24-93; 8:45 am]

BILLING CODE 3510-DS-F

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council's Administrative Committee (Committee) will hold a meeting on March 31, 1993, at the Ballroom, Travelodge, Isla Verda, San Juan, Puerto Rico. The meeting will begin at 10 a.m.

The purpose of the meeting is to examine the budget situation for FY-93 and FY-94. In addition, the Committee will examine issues related to the reauthorization of the Magnuson Fishery Conservation and Management Act. The meeting will be conducted in the English language.

For more information contact Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, Banco de Ponce Building, 268 Munoz Rivera Avenue, suite 1108, Hato Rey, Puerto Rico 00918-2577; telephone: 809-766-5926.

Dated: March 19, 1993.

David S. Crestin,

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

[FR Doc. 93-6807 Filed 3-24-93; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council (Council) will hold a public hearing on April 13, 1993, and meetings of the Council and its Committees from April 14-15, 1993, at the Grand Hotel, Oceanfront & Philadelphia Avenue, Cape May, NJ, telephone: (800) 257-8550.

The Council will hold a hearing on Amendment #4 to the Summer Flounder Fishery Management Plan (FMP) on April 13 at 7 p.m.

On April 14 at 8 a.m. until 3:30 p.m., the Council will begin its regular session. This session will be followed by a Demersal Species Committee/ Atlantic States Marine Fisheries Commission, Summer Flounder Scup & Black Sea Bass Board meeting. Also at 3:30 p.m. on the same day, there will be an Ad Hoc Mapping Committee meeting.

On April 15, the Council will begin meeting at 8 a.m. and is scheduled to adjourn approximately at 12 noon. Following adjournment, there will be a Comprehensive Management Committee meeting. In addition to hearing committee reports, the Council may adopt Amendment #4 to the Summer Flounder FMP for Secretarial approval, adopt Amendment #5 to the Summer Flounder FMP for public hearings, and consider other fishery management matters as deemed necessary. The meeting may be lengthened or shortened based on the progress of the agenda. The Council may go into closed session (not open to the public) to discuss personnel and/or national security matters.

For more information, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: March 19, 1993.

David S. Crestin,

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

[FR Doc. 93-6808 Filed 3-24-93; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will meet on April 5-9, 1993, at the Red Lion Hotel-Columbia River, 1401 North Hayden Island Drive, Portland, OR. Except as noted below, the meetings are open to the public.

The Council will begin its meeting on April 6 at 8 a.m. in a closed session (not open to the public) to discuss international negotiations, personnel matters and litigation. Open sessions will begin at 8 a.m. each day thereafter. On April 7 at 4 p.m., the public may address the Council on fisheries issues unrelated to the agenda. Public comments that pertain to action items on the agenda will be heard prior to Council action on each issue.

The Council agenda is as follows:

Salmon management: (1) Tentative adoption of 1993 ocean salmon management measures for technical analysis; (2) clarification of tentative measures, if necessary; (3) plan amendment to establish a new management area between Leadbetter Point, Washington and Cape Falcon, Oregon; (4) plan amendment to change the spawning escapement goal for Oregon coastal natural coho; (5) appointment of groups to assess the causes of decline of Klamath and Sacramento River fall chinook; (6) results of impact analysis for tentative ocean salmon measures for 1993; and (7) adoption of 1993 management measures.

Groundfish management: (1) Status of Federal regulations implementing Council actions; (2) status of fisheries and inseason management measure adjustments; (3) process for making inseason adjustments between April and September 1993; (4) stock assessment process and schedule for 1993 and beyond; (5) draft plan for at-sea observation of the groundfish fisheries; and (6) revision to the definition of legal groundfish gear.

The Council will address individual quotas for sablefish and Pacific halibut. It will also identify the options that it wants analyzed in the draft environmental impact statement/ regulatory impact review. Also, the Council will hear a scientific critique of the stock assessment for Pacific halibut in Area 2A.

The following administrative matters will also be addressed: (1) Budget Committee report; (2) reauthorization of the Magnuson Fishery Conservation and Management Act, the Endangered Species Act and the Marine Mammal Protection Act; (3) appointments to the groundfish permit review board; and (4) work load priorities and the September 1993 agenda.

The Council will receive a report from its Habitat Committee on activities affecting the habitat of stocks managed by the Council.

Other meetings: The Salmon Advisory Subpanel will meet on April 5 at 9 a.m. to develop recommendations to the Council on salmon issues on the Council agenda and will reconvene on April 6, 7, 8, and 9 at 8 a.m.

The Council's other entities will conduct meetings as follows:

The *Salmon Technical Team* will meet as necessary throughout the April 5–9 period to analyze impacts of management measures for the ocean salmon fisheries and to address other salmon issues on the Council agenda.

The *Scientific and Statistical Committee* will meet on April 5 at 11:00 a.m. to address scientific issues on the Council agenda and will reconvene on April 6 at 8 a.m.

The *Groundfish Management Team* will meet on April 5 at 8 a.m. to address groundfish issues on the Council agenda.

The *Groundfish Advisory Subpanel* will meet April 5 at 1 p.m. to comment on groundfish items on the Council agenda and will reconvene on April 6 and 7 at 8:00 a.m.

The *Habitat Committee* will meet on April 5 at 1 p.m. to consider habitat issues affecting stocks of fish managed by the Council.

The *Legislative Committee* will meet on April 5 at 1 p.m. to consider amendments to the Magnuson Fishery Conservation and Management Act.

The *Budget Committee* will meet on April 5 at 3 p.m. to consider budget and personnel issues.

The *Enforcement Consultants* will meet on April 6 at 7 p.m. to consider enforcement issues related to items on the Council agenda.

Detailed agendas for the above meetings will be available to the public after March 25, 1993. For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326–6352.

Dated: March 19, 1993.

David S. Crestin,

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

[FR Doc. 93–6809 Filed 3–24–93; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Notice of Prospective Grant of Exclusive Patent License

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States to practice the invention embodied in U.S. Patent No. 4,975,434 (Serial No. 7–307,115), titled "Antiviral and Anticancer Cyclopentenyl Pyrimidines Used for Antiviral and Cancer Chemotherapy," to Kyowa Pharmaceutical, Inc., having a place of business in New York, NY. The patent rights in this invention have been assigned to the United States of America.

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, NTIS 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.

The present invention describes cyclopentenyl pyrimidine compounds which have potent anti-viral, anti-tumor and differentiating properties. Of these compounds, cyclopentenyl cytosine has proved to be particularly effective in treating a variety of tumors, and also possess good antiviral activity and potent differentiating properties.

The availability of SN 7–307,115 for licensing was published in the **Federal Register**, Vol. 56, No. 21, p. 3823 (January 31, 1991).

A copy of the instant patent is available for $3.00 (payable by check or money order) from the Commissioner to Patents and Trademarks, Box 9, Washington, DC 20231.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Neil L. Mark, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151. Properly filed competing applications received by the NTIS in response to this notice will be considered as objections to the grant of the contemplated license.

Douglas J. Campion,

Acting Director, Office of Federal Patent Licensing.

[FR Doc. 93–6750 Filed 3–24–93; 8:45 am]

BILLING CODE 3510–04–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Proposed Rolling Spot Futures Contracts on the Canadian Dollar, Deutsche Mark, Japanese Yen, and Swiss Franc and Options on Those Futures Contracts

AGENCY: Commodity Futures Trading Commission.

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

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has applied for designation as a contract market in rolling spot futures contracts on the Canadian dollar, Deutsche mark, Japanese yen, and Swiss franc and options on those futures contracts. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before April 26, 1993.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the CME rolling spot Canadian dollar, Deutsche mark, Japanese yen, and Swiss franc futures contracts and options on those futures contracts.

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

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

Other materials submitted by the CME in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, send comments to Jean A. Webb, Secretary, Commodity Futures Trading

Commission, 2033 K Street NW., Washington, DC 20581 by the specified date.

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

Gerald D. Gay,

Director.

[FR Doc. 93–6889 Filed 3–24–93; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army Corps of Engineers; Department of the Army

Intent To Terminate Preparation of the Supplemental Environmental Impact Statement (SEIS) for a Proposed Dam and Reservoir on the Rio Portugues in the Municipio of Ponce, Puerto Rico

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers, has prepared a Feature Design Memorandum for the construction of the Portugues Dam and Reservoir. A Draft Supplemental EIS (December 1992) was prepared for the project to update the Final EIS (circulated in 1973). Due to the lack of substantive comments or significant issues identified during public review of the draft SEIS, the draft SEIS for the Portugues Dam project will be completed as an Environmental Assessment (EA).

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and Final EA can be answered by William Porter, U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32232–0019; telephone (904) 232–2259.

SUPPLEMENTARY INFORMATION: The projects for flood control and other purposes on the Portugues and Bucana rivers in Ponce, Puerto Rico, were authorized by section 201 of the Flood Control Act of 1970, Public Law 91–611. A Final Environmental Impact Statement for the entire Portugues-Bucana Project was circulated in 1973. The dam and reservoir on Rio Portugues constitute the last phase of this project, and will, in conjunction with the dam and reservoir on the Rio Cerrillos and channel improvements to the Portugues and Bucana Rivers in Ponce, provide flood control and water supply to the city of Ponce. The dam will be located about 3 miles northwest of Ponce, and will be built in two phases. The first phase, an interim dam to a height of 219.6 feet will provide the flood control features of the project. At this stage maximum pool elevation will be 530.9 ft msl, with a maximum surface area of 215 acres. During the second phase the dam will be completed by the local sponsor to its designed height of 270.6 feet for water supply purposes. Maximum pool elevation will then be 585.6 feet msl, with a maximum surface area of 320 acres. Four sites will be developed under both options for recreational purposes by the general public.

1. Construction of the dam and reservoir will require some relocations of roads and buildings. Other effects include impacts on known cultural sites, on vegetative cover and wildlife habitats in the dam and pool area, and on fish resources of the Rio Portugues and its upstream tributaries.

2. An extensive public involvement program accompanied the formulation of original project plans and circulation of the Draft and Final Environmental Impact Statements for the overall project (during 1973–74). Because of the time elapsed since circulation of the FEIS and subsequent changes in environmental laws and regulations, it is appropriate to review the environmental consequences of the project and update existing information. A letter requesting views and comments was circulated to Commonwealth and federal agencies and interested parties in 1990, announcing the Corps' intent to prepare and circulate a comprehensive environmental document for the dam and reservoir and requesting assistance in identifying significant issues to be addressed.

3. Coordination with the U.S. Fish and Wildlife Service was accomplished in compliance with section 7 of the U.S. Endangered Species Act. Coordination required by applicable federal and Commonwealth laws and policies was conducted.

4. A scoping meeting is not scheduled. The Draft Supplemental EIS was available to the public in December 1992.

5. No substantive comments or significant issues were identified during public review of the draft SEIS.

6. The NEPA process will be completed by the preparation of an Environmental Assessment (EA) and a signed Finding of No Significant Impact (FONSI).

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–6753 Filed 3–24–93; 8:45 am]

BILLING CODE 3710–AJ–M

Corps of Engineers; Department of the Army

Deadline for Submitting Subcontractor Claims; Aircraft Maintenance Management Facility, Contract DACA 85–88–C–0025, Eielson Air Force Base, AK

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Public notice.

SUMMARY: The U.S. Army Corps of Engineers, Alaska District, hereby gives notice that the Department of Defense Appropriations Act of 1993, Public Law 102–396, in Section 9169, appropriated $500,000 for settlement of subcontractor claims associated with contract DACA 85–88–C–0025 for construction of an Aircraft Maintenance Management Facility at Eielson Air Force Base, and that such claims must be submitted for consideration no later than April 22, 1993. Claims must be received by this date if hand-delivered or, if mailed, must be postmarked no later than this date.

Section 9160 of the Act provides that the Secretary of the Air Force shall evaluate claims as may be submitted by subcontractors engaged under this contract and may pay such amounts from the funds provided as the Secretary deems appropriate to settle completely any claims the Secretary determines to have merit. On March 9, 1993, the Acting Secretary of the Air Force delegated the authority to implement Section 9160 to the Corps of Engineers.

The purposes of this legislation is to compensate subcontractors for work they performed, or materials they supplied, for contract DACA 85–88–C–0025, for which they were not paid by the prime contractor. The legislation does not apply to any other contract.

Subcontractors who performed work or supplied materials for the above contract and who were not paid for such work or materials by the prime contractor must submit their claims, either hand-delivered or postmarked, no later than April 22, 1993, to: U.S. Army Corps of Engineers, Alaska District, P.O. Box 898, ATTN: CENPA-OC, Anchorage, Alaska 99506–0898.

FOR FURTHER INFORMATION CONTACT: Abigail F. Dunning, District Counsel, (907) 753–2532.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–6964 Filed 3–24–93; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 26, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green, (202) 708–5174. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: March 19, 1993

Cary Green,

Director, Information Resources Management Service.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Application for RSA Discretionary Program.
Frequency: Annually.
Affected Public: State or local government; non-profit institutions.
Reporting Burden: Responses: 1,600. Burden Hours: 64,000.
Recordkeeping Burden: Recordkeepers: 0. Burden Hours: 0.
Abstract: This form will be used by State Educational agencies to apply for funding under the RSA Discretionary Program. The Department will use the information to make grant awards.

Office of Educational Research and Improvement

Type of Review: Regular.
Title: Spring 1993 Follow-Up to the Omnibus Surveys for the National Assessment of Vocational Education Data Collection and Analysis Project.
Frequency: One time.
Affected Public: State or local governments.
Reporting Burden: Responses: 818. Burden Hours: 793.
Recordkeeping Burden: Recordkeepers: 0. Burden Hours: 0.
Abstract: The Spring 1993 telephone Follow-Up to the 1992 Omnibus Surveys is denied to assess the progress of a sample of the original Omnibus respondents in the implementation of the 1990 Perkins legislation. It also is designed to try to detect any measurable effects of Perkins observable at this time.

[FR Doc. 93–6805 Filed 3–24–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Morgantown Energy Technology Center Financial Assistance Award (Award of Grant/Renewal)

AGENCY: U.S. Department of Energy (DOE), Morgantown Energy Technology Center.

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2)(i)(A) the DOE, Morgantown Energy Technology Center (METC), gives notice of its plans to award a grant/renewal to the University of Texas at Austin, Bureau of Economic Geology, P.O. Box X, University Station, Austin, Texas 78713, in the amount of approximately $4.4 Million, of which $2 Million will be funded by the DOE. DOE intends to provide funding of approximately $1 Million for the first budget period of the renewal period. The project period will be extended by two years for a total project period of 6-1/2 years, and will be increased by approximately $4.4 Million, for an estimated total project value of $26.6 Million.

FOR FURTHER INFORMATION CONTACT: D. Denise Riggi, I–07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507–0800, Telephone: (304) 291–4241, Procurement Request No. 21–93MC25031.501.

SUPPLEMENTARY INFORMATION: The purpose of the grant/renewal is to provide continued financial assistance to the Bureau of Economic Geology in support of its program entitled "Secondary Natural Gas Recovery." The activity performed under the current grant was to assess the distribution and improved production strategies of unrecovered natural gas resources in mature fields of the onshore Texas Gulf Coast Basin. The renewal activity is to develop, test, and verify technologies and methodologies with near- to mid-term potential for maximizing additional gas recovery from conventional sandstone reservoirs in the Midcontinent region.

Issued in Washington, DC, March 18, 1993.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 93–6884 Filed 3–24–93; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award Intent to Award Grant to USA-ROC Economic Council

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of intent to make a noncompetitive financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(5), it is making a discretionary financial assistance award based on the criterion set forth at 10 CFR 600.7(b)(2)(i) (B) and (D) to the USA-ROC Economic Council, Washington,

DC, under Grant Number DE–FG01–93EP24006. The purpose of the grant is to support a conference to inform selected Taiwanese power and energy decision-makers on the latest developments in leading edge technologies for producing and delivering electric power. This effort will have a total estimated cost of $35,000 to be provided by the DOE.

FOR FURTHER INFORMATION CONTACT: Please write the U.S. Department of Energy, Office of Placement and Administration, ATTN: Jeffrey R. Dulberg, PR–322.4, 1000 Independence Avenue SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION: The grant will provide funding to the USA-ROC Economic Council to organize and hold a one-day conference to promote U.S. participation in energy projects under Taiwan's six-year National Development Plan which has designated $40 billion for power and energy projects. The conference will be held at the Grand Hyatt, Taipei, Taiwan, on April 7, 1993. The goal of the conference is to promote interaction among representatives from the Ministry of Economic Affairs, Taipower, the Atomic Energy Council, the Council of Economic Planning and Development, the Board of Foreign Trade, the Industrial Development Bureau, the Energy Commission, the DOE, and U.S. private sector to discuss developments in technologies for producing and delivering electric power.

The project is meritorious because of its relevance to the accomplishment of an important public purpose—providing a forum to enhance prospects for U.S. firms competing for energy projects and contracts in Taiwan by informing Taiwanese power and energy decision-makers on the latest developments in leading edge technologies for producing and delivering electric power. The USA-ROC Economic Council is the only organization with the capability to organize and manage the conference, because it alone: (1) Is comprised of economic experts and representatives of commerce from both the U.S. and the Republic of China; and, (2) has resources fully and exclusively dedicated to trade issues between the two countries. The DOE's support of the conference will enhance the public benefits to be derived, and the DOE knows of no other entity which is conducting or is planning to conduct such a conference.

Based on the evaluation of relevance to the accomplishment of a public purpose, it is determined that the proposal represents a beneficial method and approach to promote participation of U.S. firms in Taiwan's energy development by acquainting the Taiwanese with U.S. technological expertise and competitiveness.

Scott Sheffield,

Acting Director, Division "B", Office of Placement and Administration.

[FR Doc. 93–6970 Filed 3–24–93; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

American Statistical Association Committee on Energy Statistics; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: American Statistical Association's Committee on Energy Statistics, a utilized Federal Advisory Committee.

Date and Time: Thursday, April 29, 9:30 a.m.–5:30 p.m.; Friday, April 30, 8:45 a.m.–12:15 p.m.

Place: Holiday Inn-Capitol, 550 C Street SW., Washington, DC.

Contact: Ms. Renee Miller, EIA Committee Liaison, U.S. Department of Energy, Energy Information Administration, EI–72, Washington, DC 20585, Telephone: (202) 254–5507.

Purpose of Committee: To advise the Department of Energy, Energy Information Administration (EIA), on EIA technical statistical issues and to enable the EIA to benefit from the Committee's expertise concerning other energy statistical matters.

Tentative Agenda

Thursday, April 29, 1993

A. Opening Remarks
B. Major Topics
1. Coal and Natural Gas Issues
2. Quality of Energy Price Data: How are taxes reported?
3. Demand Side Management in the National Energy Modeling System (Public Comment)

Friday, April 30, 1993

4. Greenhouse Gases
5. Clean Air Act Amendments
6. Update on Obtaining Monthly from Weekly Data (Public Comment)

C. Topics for Future Meetings

Public Participation: The meeting is open to the public. The chairperson of the committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the committee either before or after the meeting. If there are any questions, please contact Ms. Renee Miller, EIA Committee Liaison, at the address or telephone number listed above or Mrs. Antoinette Martin at (202) 254–5409, or Ms. April Young at (202) 254–5380.

Transcripts: Available for public review and copying at the Public Reading Room, (Room 1E–290), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6025, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Issued at Washington, DC on March 22, 1993.

Marcia Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 93–6883 Filed 3–24–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project Nos. 18–014, et al.]

Hydroelectric Applications; Idaho Power Co., et al.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. Type of Application: Amendment of License to Revise Project Boundary and Relocate Operator's Village.

b. Project No: 18–014.

c. Date Filed: December 30, 1992.

d. Applicant: Idaho Power Company.

e. Name of Project: Twin Falls Hydroelectric Project.

f. Location: Snake River, Jerome and Twin Falls Counties, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Laurel Heacock, Idaho Power Company, P.O. Box 70, Boise, Idaho 83707, (208) 383–2918.

i. FERC Contact: John Costello, (202) 219–2914.

j. Comment Date: April 26, 1993.

k. Description of Project: The licensee filed a request to relocate the existing operator's village (three houses) to a site more suitable for family housing. The area surrounding the existing village is dedicated to public park land. During construction of a new powerhouse and related facilities the site will be used for construction offices and laydown area. After project construction is completed the structures will be removed and the site converted to park land. The licensee also requested that the project boundary be revised to include the area where the new operator's village will be located.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

a. Type of Application: New License.

b. Projects Nos.: 2407–006 and 2408–007.

c. Date Filed: December 17, 1991.

d. Applicant: Alabama Power Company.

e. Name of Project: Yates and Thurlow Hydro Projects.

f. Location: On the Tallapoosa River in Tallapoosa and Elmore Counties, Alabama.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. John E. Dorsett, Vice President, Alabama Power Company, P.O. Box 2641, Birmingham, AL 35291, (205) 250–1000.

i. FERC Contact: Ed Lee, (202) 219–2809.

j. Deadline Date: Initial Comments—April 26, 1993; Reply Comments—June 9, 1993.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D10.

l. Description of Project: The project as licensed consists of the following two developments.

A. Yates Hydroelectric Project, FERC No. 2407:

The proposed project consists of: (1) An existing dam composed of (a) a non-overflow concrete gravity section, 126.7 feet in length, which ties the spillway section to the east abutment, with a crest width of 10.0 feet at an elevation of 370.0 feet MD (Martin Datum), (b) an ogee spillway gravity section, 618.19 feet in length, with a crest elevation of 344.0 feet MD, constructed of mass concrete and cyclopean masonry, located between the east gravity section and the headworks section, (c) a headworks gravity section, located between the spillway section and the west gravity section, constructed of reinforced and unreinforced concrete portions, 180 feet in length with nine bays, each 10 feet wide, (d) a non-overflow concrete gravity section, 319.12 feet in length, which ties the headworks section to the west abutment with a crest width ranging from 6.0 feet to 10.0 feet at an elevation of 350.67 feet MD; (2) an existing reservoir with a surface area of 2,000 acres and a total volume of 53,890 acre-feet at the normal maximum surface elevation of 344.00 feet MD; (3) an existing powerhouse, 120 feet long, 60 feet wide and 67 feet high, located downstream of the headworks, constructed of brick, steel and concrete, equipped with (a) two existing rehabilitated vertical shaft Francis turbines with a proposed combined maximum hydraulic capacity of 10,200 cfs, manufactured by I.P. Morris Company and rated at 25,000 hp at 55 feet of net head, (b) two existing, rewound, 3-phase, 60-cycle vertical shaft generators, each manufactured by General Electric Company with a proposed capacity of 18,400 Kw (providing a total proposed plant capacity of 36,800 Kw); and (4) existing and proposed appurtenant facilities.

B. Thurlow Hydroelectric Project, FERC No. 2408:

The proposed project consists of: (1) An existing dam composed of (a) a non-overflow concrete gravity section, 354.54 feet in length, which ties the spillway section to the east abutment, with a crest width ranging from 6.0 feet to 10.0 feet at an elevation of 305.0 feet MD (Martin Datum), (b) an ogee spillway gravity section, 1,098.0 feet in length, with a crest elevation of 283.85 feet MD, constructed of mass concrete and cyclopean masonry, surmounted with 36 automatic crest gates, 28 feet wide and 5 feet high, located between the east gravity section and the headworks section, (c) a headworks gravity section, located between the spillway section and the west gravity section, constructed of reinforced and unreinforced concrete portions, 186.3 feet in length with seven bays, each 10 feet wide, (d) a non-overflow concrete gravity section, 288.0 feet in length, which ties the headworks section to the west abutment with a crest width ranging from 6.0 feet to 10.0 feet at an elevation of 305.0 feet MD; (2) an existing reservoir with a surface area of 574 acres and a total volume of 17,980 acre-feet at the normal maximum surface elevation of 288.00 feet MD; (3) an existing powerhouse, 186 feet long, 52 feet wide and 67 feet high, located downstream of the headworks, constructed of brick, steel and concrete, equipped with (a) three existing vertical shaft Francis turbines (The two larger units, units one and two, will be rehabilitated.) with a proposed combined maximum hydraulic capacity of 10,600 cfs, two manufactured by I.P. Morris Company, rated at 36,000 hp at 88 feet of net head, and one manufactured by S. Morgan Smith, rated at 12,000 hp at 88 feet of net head, (b) three, existing, 3-phase, 60-cycle vertical shaft generators (The stators of two larger units, units one and two, will be rewound), two manufactured by Westinghouse Electric Corporation with a proposed capacity of 27,750 Kw, and one manufactured by General Electric Company with an existing capacity of 8,000 Kw (providing a total proposed plant capacity of 63,500 Kw); and (4) existing and proposed appurtenant facilities.

The applicant proposes the rewinding of four of the existing generators to increase the two projects capacity. The combined existing capacity and gross average annual generation of the two projects are 90.0 MWh and 356.402 GWh, respectively. The applicant estimates that the proposed combined capacity and average annual generation of the projects would be 103.5 kW and 423.589 GWH, respectively. There are 9.41 acres of U.S. Federal lands within the Yates Hydro Project No. 2407. The dam and existing project facilities of each development are owned by the applicant.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: A4 and D10.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Alabama Power Company, 600 North 18th Street, P.O. Box 2641, Birmingham, AL or by calling (205) 250–1380.

a. Type of Application: New License.

b. Project No.: 2446–001.

c. Date Filed: December 27, 1991.

d. Applicant: Commonwealth Edison Company.

e. Name of Project: Dixon.

f. Location: On the Rock River, at the town of Dixon, in Lee County, Illinois.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. J. S. Graves, Commonwealth Edison Company, P.O. Box 767, Chicago, IL 60690–0767, (312) 294–3545.

i. FERC Contact: Michael Spencer at (202) 219–2846.

j. Comment Deadline: Initial Comments—April 27, 1993; Reply Comment—June 11, 1993.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D9.

l. Description of Project: The project would consist of: (1) The 15.7-foot-high rockfilled timber crib dam; (2) a reservoir with a surface area of 800 acres; (3) a powerhouse containing five generating units with a combined installed capacity of 3,200 kW and an average annual generation of 12,400 MWh; (4) a 1.5-mile-long, 34.5–kV transmission line, and (5) appurtenant facilities.

The licensee is not proposing any changes to the existing project works.

m. Purpose of Project: All project energy generated would be utilized by the licensee.

n. This notice also consists of the following standard paragraphs: D9.

o. Available Locations of Application: A copy of the application, as amended

and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the Commonwealth Edison Company, located at 125 South Clark Street, Chicago, Illinois 60690–0767, or by calling Mr. J. S. Graves, at (312) 294–3545.

a. Type of Application: New License.
b. Project No.: 2608–001.
c. Date Filed: December 23, 1991.
d. Applicant: Decorative Specialties International, Inc.
e. Name of Project: West Springfield.
f. Location: On the Westfield River, in Hampden County, Massachusetts.
g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).
h. Applicant Contact: Mr. David Garwood, Decorative Specialties International Inc., Front Street, West Springfield, MA 01089, (413) 736–4554.
i. FERC Contact: Michael Spencer at (202) 219–2846.
j. Comment Date: Initial Comments April 26, 1993; Reply Comments June 8, 1993.
k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D6.
l. Description of Project: The project would consist of: (1) The 18-foot-high rockfilled timber crib dam; (2) a 2,610-foot-long power canal; (3) a powerhouse containing two generating units with a combined installed capacity of 1,200 kW and an average annual generation of 7,370 MWh; (4) a 600-foot-long transmission line, and (5) appurtenant facilities.

The licensee is not proposing any changes to the existing project works.
m. Purpose of Project: Project energy would be utilized by the licensee.
n. This notice also consists of the following standard paragraphs: B1 and D6.
o. Available Locations of Application: A copy of the application, as amended, and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the Licensee's address listed above.

a. Type of Application: Preliminary Permit.
b. Project No.: 11375–000.
c. Date Filed: January 22, 1993.
d. Applicant: Tuttle Creek Hydro Associates.
e. Name of Project: Tuttle Creek.
f. Location: As the existing Corps of Engineers Tuttle Creek Dam on the Big Blue River near Manhattan in Riley and Pottwatomie Counties, Kansas.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–835(r).
h. Contact Person: Mr. Gene Deveraux, 1190 North Spring Creek Place, P.O. Box 870, Springville, UT 84663–0870, (801) 489–0089.
i. FERC Contact: Ms. Julie Bernt, (202) 219–2814.
j. Comment Date: April 26, 1993.
k. Description of Project: The proposed project would consist of: (1) An 18-foot-diameter, 800-foot-long steel penstock; (2) a wye connection with one arm connected to the powerhouse by a 90-foot-long, 18-foot-diameter penstock; (3) a powerhouse containing four generating units with a total rated capacity of 30,000 kW; and (4) a 1-mile-long transmission line. The applicant estimates the average annual energy production to be 210,240,000 kWh and the cost of the work to be performed under the preliminary permit to be $125,000.
l. Purpose of Project: The power produced would be sold to a local power company.
m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.
a. Type of Application: Conduit Exemption.
b. Project No.: 11362–000.
c. Date Filed: November 17, 1992.
d. Applicant: Cool Water, Inc.
e. Name of Project: Lower White.
f. Location: On the City of Delta's Dirty George pipeline, Hoosier Ditch, and Hoosier Ditch extension, in Lower White Ranch, Delta, Colorado.
g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).
h. Applicant Contact: G.C. Harned, President, Cool Water, Inc., 247 Rim Rock Drive, Durango, CO 81301, (303) 247–8024.
i. FERC Contact: Héctor M. Pérez at (202) 219–2843.
j. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D–4.
k. Comments Deadline: Initial Comments—April 27, 1993, Reply Comments—June 11, 1993.
l. Description of Project: The proposed project would consist of a powerhouse with a 935-kW unit at the end of the existing irrigation pipeline within the Lower White Ranch.
m. This notice also consists of the following standard paragraphs: A2, A9, B1, and D4.
n. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the address shown in item h above.

a. Type of Application: Conduit Exemption.
b. Project No.: 11363–000.
c. Date Filed: November 17, 1992.
d. Applicant: Cool Water, Inc.
e. Name of Project: Upper White.
f. Location: On the City of Delta's Dirty George pipeline, in Lower Ranch, Delta, Colorado.
g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a) 825(r).
h. Applicant Contact: G.C. Harned, President, Cool Water, Inc., 247 Rim Rock Drive, Durango, CO 81301, (303) 247–8024.
i. FERC Contact: Héctor M. Pérez at (202) 219–2843.
j. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D–4.
k. Comments Deadline: Initial Comments—April 27, 1993; Reply Comments—June 11, 1993.
l. Description of Project: The proposed project would consist of a powerhouse with a 565-kW unit.
m. This notice also consists of the following standard paragraphs: A2, A9, B1, and D4.
n. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the address shown in item h above.

a. Type of Application: New License.
b. Project No.: 2320–005.
c. Date Filed: December 24, 18991.
d. Applicant: Niagara Mohawk Power Corporation.
e. Name of Project: Middle Raquette River Hydro Project.
f. Location: On the Raquette River in the Towns of Potsdam, Colton, Parishville, and Pierrepont, St. Lawrence County, New York.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Jerry L. Sabattis, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6215.

i. FERC Contact: Ed Lee, (202) 219–2809.

j. Comment Date: April 30, 1993.

k. Status of Environmental Analysis: This application is accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. Description of Project: The proposed project would consist of the following four developments:

The Higley Development which includes: (1) An existing 25 foot long east abutment with a height of 26.6 feet; (2) an existing concrete gravity ogee spillway, 209 feet long with a maximum height of 34 feet, topped with three-foot-high wooden flashboards; (3) two existing motor operated vertical flood gates, 21 feet wide by 15 feet high, seated on a concrete gravity ogee spillway; (4) an existing concrete gravity west abutment containing an 8-foot-wide log chute; (5) an existing reservoir with a surface area of 742 acres and a total storage volume of 4,446 acre-feet at the normal maximum surface elevation of 883.6 feet USGS; (6) an existing trashrack, approximately 67 feet long; (7) two existing sliding steel waste gates, each 8 feet wide and 10 feet high; (8) an existing forebay containing a proposed concrete intake structure equipped with a 14-foot by 14-foot headgate; (9) a proposed 13-foot-diameter steel penstock, approximately 225 feet long; (10) a proposed powerhouse with a concrete substructure and a steel superstructure, approximately 90 feet long by 53 feet wide, containing (a) a proposed tubular Kaplan turbine with an efficient hydraulic capacity of 1,625 cfs, rated at 10,100 hp, (b) a 3-phase, 60-cycle generator, rated at 7,300 kW; (11) a proposed excavated tailrace, extending approximately 120 feet to natural channel bed; (12) a proposed 200-foot-long 4,160 V tap, leading from the proposed powerhouse to the existing substation; and (13) existing and proposed appurtenant facilities.

The Colton Development which includes: (1) An existing concrete cut-off wall, 29 feet long; (2) an existing concrete gravity ogee spillway, approximately 204.7 feet long with a maximum height of 27 feet, topped by two-foot-high wooden flashboards; (3) an existing 3 foot long log boom pier; (4) an existing 8-foot-long log chute; (5) an existing concrete gravity gated spillway section containing a Tainter gate, 25 feet long by 10 feet high; (6) an existing concrete gravity non-overflow section, 55 feet long; (7) an existing trash gate section, 6 feet long; (8) an existing reservoir with a surface area of 195 acres and a total storage volume of 620 acre-feet at the normal maximum surface elevation 837.0 feet USGS; (9) an existing pipeline intake structure constructed of concrete and brick, 50 feet long by 30 feet wide and 12 feet high, containing (a) trashrack, (b) a Tainter gate, 16 feet long and 25.5 feet high, and (c) a spare intake bay, approximately 10 feet long; (10) an existing pipeline consisting of (a) 9,890 feet of 13.5 foot diameter steel pipe, (b) 2,100 feet of 12 foot diameter steel pipe, (c) a Johnson differential surge tank, 50 feet in diameter by 80 feet high, with riser, connecting the pipeline to the manifold, (d) a 12-foot-diameter rivetted steel manifold, encased in concrete connecting the pipeline to the steel penstocks; (11) three existing steel penstocks, the first 7.5 feet in diameter and 160 feet long, the second 7.5 feet in diameter and 140 feet long, and the third 9 feet in diameter and 125 feet long; (12) a proposed four-foot-diameter steel pipeline, including a butterfly valve, approximately 1,500 feet long, to divert water from the existing pipeline to the proposed minimum flow unit; (13) a proposed powerhouse for the minimum flow unit, containing (a) a fixed vane, fixed blade, vertical turbine with a hydraulic capacity of 125 cfs, rated at 1,000 hp, (b) a 3-phase, 60-cycle induction generator rated at 712 kW; (14) an existing brick and structural steel powerhouse, 46 feet wide by 165 feet long and 35 feet high, containing (a) three upgraded vertical Francis turbines with a proposed combined efficient hydraulic capacity of 1,561 cfs (providing a total proposed development efficient hydraulic capacity of 1,686 cfs), the first and second manufactured by Allis-Chalmers and rated at 15,080 hp and the third manufactured by I.P. Morris and rated at 15,700 hp, (b) three 3-phase, 60-cycle generators, the first and second manufactured by Allis-Chalmers and rated at 11,014 kW and the third manufactured by General Electric and rated at 11,577 kW (providing a total development rating of 34,326 kW); (15) a proposed 650 foot long 13.8 kV tap leading from the proposed powerhouse to a point of interconnection with the existing 13.8 kV Power and Supervisory (P&S) line; and (16) existing and proposed appurtenant facilities.

The Hannawa Development which includes: (1) An existing stone and concrete gravity spillway, 215.5 feet long with a maximum height of 30 feet, topped with 3.5-foot-high wooden flashboards; (2) an existing concrete gravity abutment, 110 feet long and 38 feet high; (3) an existing 6-foot-wide log chute section; (4) an existing gated concrete gravity ogee spillway section, containing (a) a motor operated Tainter gate, 28 feet long by 14 feet high, (b) a steel sluice gate with an 8-foot-long by 6.5-foot-high opening; (5) an existing non-overflow section, 60 feet long; (6) an existing reservoir with a surface area of 204 acres and a total storage volume of 690 acre-feet at the normal maximum surface elevation of 552.0 feet USGS; (7) an existing concrete canal headworks section, containing (a) five timber sliding gates, all 18 feet high, three 9.7 feet wide, one 9 feet wide and the last 8.8 feet wide, and (b) trashracks; (8) an existing trapezoidal rock lined power canal, 2,700 feet long, with a bottom width of 30 feet, a top width of 120 feet and an average depth of 22 feet; (9) an existing laid-stone with concrete overlay canal sluiceway, approximately 10 feet wide, containing a 6-foot by 6-foot gate; (10) an existing concrete bulkhead forebay, about 66 feet long, consisting of (a) two penstock intake openings, each equipped with timber sliding gates, 12.8 feet wide by 12 feet high, and (b) trashracks; (11) two existing 10-foot-diameter rivetted steel penstocks, each approximately 190 feet long; (12) an existing powerhouse, constructed of Postdam sandstone and structural steel, 66 feet wide by 248 feet long by about 40 feet high, and an extension, 28 feet wide by 73 feet long, containing (a) two upgraded double runner horizontal Francis turbines with a combined efficient hydraulic capacity of 1,500 cfs, each manufactured by Allis-Chalmers and rated at 5,600 hp, (b) two 3-phase, 60-cycle, General Electric generators, each rated at 4,062 kW; (13) an existing tailrace, approximately 750 feet long; (14) a proposed intake structure equipped with trashracks and a headgate structure; (15) a proposed 12-foot-diameter steel penstock, about 300 feet long; (16) a proposed powerhouse containing (a) an inclined tubular semi-Kaplan turbine with an efficient hydraulic capacity of 1,150 cfs (providing a combined efficient development hydraulic capacity of 2,650 cfs), rated at 9,224 hp, (b) a 3-phase, 60-cycle horizontal synchronous generator, rated at 6,551 kW (providing a total development rating of 14,675 kW); (17) a proposed 115 kV tap approximately 200 feet long leading from the powerhouse to a point of interconnection with the existing Colton-Dennison No. 4 115-kV line; (18) an existing 23-kV bus tie line, 995 feet long, leading to the Sandstone

substation; (19) existing and proposed appurtenant facilities.

The Sugar Island Development which includes: (1) An existing concrete gravity non-overflow section, 35 feet long and 35 feet high; (2) an existing concrete gravity spillway, 192 feet long with a maximum height of 37 feet, containing an inspection tunnel; (3) an existing concrete gated ogee spillway section, 64 feet long, containing two Tainter gates, each 28 feet long and 11 feet high; (4) an existing reservoir with a surface area of 29 acres and a total storage volume of 55 acre-feet at the normal maximum surface elevation of 470.0 feet USGS; (5) an existing pipeline intake structure with a concrete substructure and a brick superstructure, approximately 26.5 feet wide by 30 feet long, equipped with (a) trashracks, and (b) a motor operated steel stoney headgate, 14 feet long by 16 feet high; (6) an existing 13.5-foot-diameter rivetted steel pipeline, about 4,700 feet long; (7) an existing Johnson differential surge tank, 45 feet in diameter, 71 feet high with an 8 foot diameter riser; (8) an existing 11-foot-diameter penstock, about 33 feet long; (9) two existing 8-foot-diameter penstocks, about 45 feet and 36 feet long; (10) an existing 9-foot-diameter penstock, about 40 feet long; (11) a proposed 9-foot-diameter penstock, about 40 feet long; (12) an existing brick and structural steel powerhouse, 35 feet wide by 67 feet long and about 30 feet high, and a proposed extension, about 35 feet wide by 25 feet long, containing (a) two upgraded existing vertical Francis turbines with a combined efficient hydraulic capacity of 1,020 cfs, manufactured by James Leffel and rated at 3,445 hp, (b) a proposed inclined pit turbine with an efficient hydraulic capacity of 855 cfs, rated at 5,255 hp, (c) two existing, 3-phase, 60-cycle generators, manufactured by General Electric and rated at 2,569 kW, and (d) a proposed, 3-phase, 60-cycle, horizontal synchronous generator, rated at 3,867 kW; (13) an existing 3,000-foot-long tailrace with a 15-foot minimum bottom width; (14) a proposed minimum flow unit consisting of (a) a steel conical shaped siphon intake, (b) a steel 6.2-foot-diameter penstock, (c) a fixed blade propeller pit turbine with an hydraulic capacity of 300 cfs (providing a total development efficient hydraulic capacity of 2,175 cfs), rated at 690 hp, and (d) a horizontal induction submersible generator, rated at 426 kW (providing a total proposed development rating of 9,431 kW); (15) a proposed 4.4 kV tap, about 500 feet long, leading to a point of interconnection with the existing P&S 4.4 line; (16) existing and proposed appurtenant facilities.

Modifications to the existing project are proposed in this new license application. The applicant estimates that the new total installed capacity would be 65.64-MW with an average annual generation of 352.11 MWH for this project. The dam and existing project facilities are owned by the applicant. The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NW., room 3104, Washington, DC., 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 or by calling (315) 428–6215.

a. Type of Application: New License.

b. Project No.: 2330–007.

c. Date Filed: December 24, 1991.

d. Applicant: Niagara Mohawk Power Corporation.

e. Name of Project: Lower Raquette River Hydro Project.

f. Location: On the Raquette River in the Towns of Potsdam and Norfolk, St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Jerry L. Sabattis, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202, (315) 428–6215.

i. FERC Contact: Ed Lee, (202) 219–2809.

j. Comment Date: April 30, 1993.

k. Status of Environmental Analysis: This application has been accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E.

l. Description of Project: The proposed project would consist of the following four developments:

The Norwood Development which includes: (1) An existing spillway gravity dam, 188 feet long and 23 feet high, topped with a one-foot-high pneumatic flashboard system; (2) an existing concrete intake structure, approximately 36 feet long, equipped with (a) steel trashracks, (b) a skimmer section, and (c) three steel sliding gates; (3) two existing timber floodgates, one 9.7 feet wide by 12 feet high and the other 12 feet wide by 12 feet high; (4) an existing concrete log chute with stop log openings of 11.2 feet wide by 4.5 feet high; (5) an existing reservoir with a surface area of 350 acres and a total storage volume of 1,736 acre-feet at the normal maximum surface elevation of 327.1 feet USGS; (6) an existing concrete and brick powerhouse, 59.75 feet long by 43 feet wide by 34 feet high, containing (a) one vertical fixed blade propeller turbine with an efficient hydraulic capacity of 1,500 cfs, manufactured by I.P. Morris and rated at 2,710 hp, (b) a vertical, 3-phase, 60-cycle, General Electric generator, rated at 2,000 kW; (7) a proposed base flow unit consisting of (a) a siphon intake, (b) an inclined fixed blade propeller pit turbine with a hydraulic capacity of 300 cfs (providing a total proposed development efficient hydraulic capacity of 1,800 cfs), rated at 585 hp, and (c) a 3-phase, 60-cycle induction generator, rated at 412 kW providing a proposed total development rating of 2,412 kW); (8) an existing 23 kV transmission line, approximately three miles long; and (9) existing and proposed appurtenant facilities.

The East Norfolk Development which includes: (1) An existing 32 foot wide oval steel intake flume, approximately 1,408 feet long, preceded a concrete intake structure containing seven timber sluice gates, each 8 feet wide by 9 feet high; (2) an existing stop log section, 28 feet wide with a maximum height of 28 feet; (3) two existing concrete ogee spillway sections, a total length of 245 feet and 16 feet high; (4) an existing concrete abutment retaining wall; (5) an existing reservoir with a surface area of 135 acres and a total storage volume of 360 acre-feet at the normal maximum surface elevation of 287.9 feet USGS; (6) an existing concrete intake structure, integral to the powerhouse, equipped with a steel trashrack, a skimmer section and ice chute with a steel sliding gate; (7) an existing concrete, brick and steel powerhouse, 32.5 feet wide by 71.25 feet long, containing (a) an upgraded vertical fixed blade propeller turbine with an efficient hydraulic capacity of 1,857 cfs, manufactured by S. Morgan Smith and rated at 5,725 hp, (b) a vertical, 3-phase, 60-cycle General Electric generator, rated at 4,175 kW; (8) an existing 32 foot wide tailrace, extending approximately 250 feet to join the river downstream of the bypassed

reach; (9) a proposed base flow unit, consisting of (a) a siphon intake, (b) a pit turbine with a hydraulic capacity of 300 cfs (providing a total proposed development efficient hydraulic capacity of 2,157 cfs), rated at 450 hp, and (c) a 3-phase, 60-cycle, induction generator, rated at 337 kW (providing a total proposed development rating of 4,512 kW); (10) an existing 23 kV transmission line, 0.86 miles long, and; (11) existing and proposed appurtenant facilities.

The Norfolk Development which includes: (1) An existing concrete ogee spillway, 380 feet long and 20 feet high, topped with ten-inch-high flashboards; (2) an existing reservoir with a surface area of 10 acres and a total storage volume of 25 acre-feet at the normal maximum surface elevation of 254.9 feet USGS; (3) an existing power canal, approximately 1,275 feet long, composed of a concrete wall on the west and an earth embankment on the east, containing (a) an intake structure with three steel intake gates, each 12 feet wide by 10 feet high, and (b) two sluice gates which discharge to the river through 9 foot by 9 foot openings; (4) an existing penstock intake structure, containing (a) two steel trashracks, (b) a skimmer section, and (c) 6 foot by 6 foot ice sluice; (5) an existing 14-foot-diameter wood stave penstock, approximately 700 feet long; (6) an existing 14 foot diameter steel penstock, 103 feet long, with a 14 foot diameter motor operated butterfly valve; (7) an existing concrete, brick and steel powerhouse, 52.5 feet wide by 50.6 feet long and 35 feet high, containing (a) an upgraded vertical fixed blade propeller turbine with a efficient hydraulic capacity of 1,887 cfs, manufactured by S. Morgan Smith and rated at 7,560 hp, (b) a vertical, 3-phase, 60-cycle, General Electric generator, rated at 5,620 kW; (8) an existing tailrace, extending 950 feet to join the river downstream of the bypassed reach; (9) a proposed base flow unit, containing (a) a siphon intake, (b) a fixed propeller pit turbine with a hydraulic capacity of 300 cfs (providing a total proposed development efficient hydraulic capacity of 2,187 cfs), and (c) a 3-phase, 60-cycle, submersible induction generator, rated at 400 kW (providing a total proposed development rating of 6,020 kW); (10) an existing short section of 2.4 kV underground transmission cable and a 115 kV transmission line, 2.32 miles long; and (11) existing and proposed appurtenant facilities.

The Raymondville Development which includes: (1) An existing concrete gravity spillway, 292.5 feet long and 17-feet high, topped with a two-foot-high pneumatic flashboard system; (2) an existing reservoir with a surface area of 50 acres and a total storage volume of 264 acre-feet at the normal maximum surface elevation of 211.6 feet USGS; (3) an existing rectangular concrete power flume, approximately 48 feet wide by 447 feet long with three steel intake gates, each 12 feet wide by 10 feet high; (4) an existing intake structure, integral to the powerhouse, containing (a) steel trashracks, (b) a skimmer section with ice chute, (c) three sliding steel gates, and (d) three sections slotted for stop logs; (5) an existing concrete, brick and steel powerhouse, 59.8 feet wide by 42 feet long and 34 feet high, containing (a) a vertical fixed blade propeller turbine with an efficient hydraulic capacity of 1,526 cfs, manufactured by I.P. Morris and rated at 2,610 hp; (b) a vertical, 3-phase, 60-cycle, General Electric generator, rated at 2,000 kW; (6) a proposed base flow unit, containing (a) a siphon intake, (b) an outdoor inclined fixed blade propeller pit turbine with a hydraulic capacity of 300 cfs (providing a total proposed development efficient hydraulic capacity of 1,826 cfs), (c) a 3-phase, 60-cycle, induction generator, rated at 433 kW, (providing a total proposed development rating of 2,433 kW); (7) an existing 115 kV transmission line, 2.32 miles long; and (8) existing and proposed appurtenant facilities.

Modifications to the existing project are proposed in this new license application. The applicant estimates that the new total installed capacity would be 15.78–MW with an average annual generation of 92,234 MWH for this project. The dam and existing project facilities are owned by the applicant. The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202 or by calling (315) 428–6215.

a. Type of Application: New License.

b. Projects Nos.: 2404–017 and 2419–007.

c. Date Filed: December 30, 1991.

d. Applicant: Thunder Bay Power Company.

e. Name of Project: Thunder Bay and Hillman Hydro Project.

f. Location: On the Thunder Bay River in Alpena, Alcona, and Montmorency Counties, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Roger Steed, President, Thunder Bay Power Company, 10850 Traverse Hwy., suite 1101, Traverse City, MI 49684, (616) 941–5444.

i. FERC Contact: Ed Lee, (202) 219–2809.

j. Comment Date: April 30, 1993.

k. Status of Environmental Analysis: This application has been accepted for filing but is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. Description of Project: The proposed project consists of the following:

A. Thunder Bay Hydroelectric Project FERC No. 2404:

This project consists of the following five developments:

The Ninth Street Development which includes: (1) An existing retaining wall, 6 feet high by 285 feet long; (2) an existing buttressed retaining wall, 145 feet long; (3) an existing abandoned fishway; (4) an existing concrete uncontrolled spillway section; 47 feet long; (5) an existing gated spillway section, 131 feet long, containing seven tainter gates, each 14 feet long by 12 feet high; (6) an existing concrete gravity non-overflow section, 47 feet long; (7) an existing reinforced concrete non-overflow section (a retaining wall about 20 feet long); (8) an existing reservoir with a surface area of 700 acres and a total storage volume of 6,000 acre-feet at the normal maximum surface elevation of 598.5 feet NGVD; (9) an existing reinforced concrete and masonry powerhouse, 92 feet long by 84 feet wide, containing (a) three horizontal shaft Sampson runner turbines with a combined hydraulic capacity of 1620 cfs, manufactured by James Leffel Company and rated at 600 hp each, and (b) three General Electric generators, each rated at 400 kW, providing a total plant rating of 1,200 kW; and (10) existing appurtenant facilities.

The Four Mile Development which includes: (1) An existing concrete ogee spillway (constructed immediately downstream from the original rock filled timber dam), 445 feet long, topped by needle beams, containing (a) a log chute bay, and (b) an abandoned fishway bay; (2) an existing reservoir with a surface

area of 90 acres and a total storage capacity of 900 acre-feet at the normal maximum surface elevation of 634.9 feet NGVD; (3) an existing concrete and masonry powerhouse, 72 feet by 72 feet, containing (a) a concrete forebay, (b) three existing horizontal shaft Sampson runner turbines with a combined hydraulic capacity of 1790 cfs, rated at 850 hp each, and (c) three existing General Electric generators, each rated at 600 kW, providing a total existing plant rating of 1,800 kW, (d) a proposed Flygt Corporation generator, rated at 600 kW, providing a total proposed plant rating of 2,400 kW; and (4) existing appurtenant facilities.

Norway Point Development which includes: (1) Two existing earth dikes, 1,460 feet long and 500 feet long yielding a total length of 1,960 feet; (2) an existing abandoned fishway; (3) an existing beartrap gate section, 120 feet long, containing three beartrap gates, each 26 feet long by 27 feet high; (4) an existing mass concrete multiple barrel arch spillway section with removable needle beams, 320 feet long; (5) an existing reservoir with a surface area of 1,700 acres and a total storage volume of 27,550 acre-feet at the normal maximum surface elevation of 671.6 feet NGVD; (6) an existing reinforced concrete and masonry powerhouse, 86 feet long by 49 feet wide, containing (a) two vertical shaft Francis turbines with a combined hydraulic capacity of 1650 cfs, the first manufactured by Wellman-Seaver-Morgan Company and rated at 3,350 hp and the second rated at 1,400 hp, and (b) two General Electric generators, rated at 2,800 kW and 1,200 kW, providing a total plant rating of 4,000 kW; and (7) existing appurtenant facilities.

Hubbard Lake Development which includes: (1) An existing reinforced concrete spillway section, 20 feet long, containing two needle beam controlled bays; (2) two existing 45 foot long earth embankment sections, each overlapped on the upstream and downstream sides with concrete wingwalls extending from both sides of the spillway; (3) an existing reservoir with a surface area of 9,280 acres and a total storage volume of 57,000 acre-feet at the normal maximum surface elevation of 710.5 feet NGVD; and (4) existing appurtenant facilities.

Upper South Development which includes: (1) Two existing earth embankment sections, 220 feet long and 40 feet long for a total length of 260 feet; (2) an existing reinforced concrete spillway section, 40 feet long, containing (a) four needle beam controlled bays, and (b) concrete wingwalls on the upstream and downstream sides overlapping the earth embankments on both sides of the spillway; (3) an existing reservoir with a surface area of 7,000 acres and a total storage volume of 55,000 acre-feet at the normal maximum surface elevation of 731.0 feet NGVD; (4) two proposed submersible Flygt Corporation turbines with a combined hydraulic capacity of 170 cfs, each equipped with a siphon penstock and an elbow draft tube; (5) two proposed Flygt Corporation generators, each rated at 100 kW, providing a total plant rating 200 kW; and (6) existing appurtenant facilities.

B. Hillman Hydropower Project FERC No. 2419: This project consists of: (1) An existing earth fill section, approximately 50 feet long; (2) an existing concrete gated spillway section, approximately 38 feet long, containing (a) three needle beam controlled bays, (b) a concrete training wall extending upstream of the spillway along the right side, and (c) a reinforced concrete apron, constructed along the downstream toe of the spillway; (3) an existing non-overflow section which includes part of the Hillman grist mill house, 26 feet long, constructed of upstream and downstream concrete gravity walls with pressure grouted earth and rock fill between the two walls; (4) an existing concrete uncontrolled spillway section, 27 feet long (formerly the intake structure of the grist mill in the early 1900's); (5) an existing non-overflow section, 20 feet long, constructed of upstream and downstream concrete gravity walls with pressure grouted earth and rock fill between the two walls; (6) an existing reservoir with a surface area of 160 acres and a total storage volume of 500 acre-feet at the normal maximum surface elevation of 747.2 feet NGVD; (7) an existing reinforced concrete and masonry powerhouse, 17 feet by 21 feet, containing (a) a vertical shaft Francis turbine with a hydraulic capacity of 270 cfs, manufactured by James Leffel Company, and (b) a vertical shaft generator, manufactured by Westinghouse and rated at 250 kW; and (8) existing appurtenant facilities.

The applicant estimates the proposed total installed project capacity would be 8.25 MW and the total average annual generation would be 8.26 GWH. The dam and existing project facilities of each development are owned by the applicant. The existing projects would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Thunder Bay Power Company, 10850 Traverse Hwy., suite 1101, Traverse City, MI 49684 or by calling (616) 941–5444.

Standard Paragraphs

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant

desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

c. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D4. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (April 27, 1993 for Project Nos. 11362–000 and 11363–000). All reply comments must be filed with the Commission within 105 days from the date of this notice (June 11, 1993 for Project Nos. 11362–000 and 11363–000).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D6. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 26, 1993 for Project No. 2608–001). All reply comments must be filed with the Commission within 105 days from the date of this notice. (June 8, 1993 for Project No. 2608—001).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the

heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D9. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 27, 1993 for Project No. 2446–001). All reply comments must be filed with the Commission within 105 days from the date of this notice. (June 11, 1993 for Project No. 2446–001).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (April 26, 1993 for Project Nos. 2407–006 and 2408–007). All reply comments must be filed with the Commission within 105 days from the date of this notice. (June 9, 1993 for Project Nos. 2407–006 and 2408–007).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

E1. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must: (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: March 19, 1993.
Lois D. Cashell,
Secretary.
[FR Doc. 93–6684 Filed 3–24–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. JD93–05556T Texas-126]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 19, 1993.

Take notice that on March 15, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that portions of the Strawn Formation, (Penn Strawn Prospect Area) underlying Schleicher County, Texas, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 7C and is more fully described on the attached appendix.

The notice of determination also contains Texas' findings that the referenced portions of the Strawn Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Linwood A. Watson, Jr.,
Acting Secretary.

Appendix

The designated area lies within Railroad Commission District No. 7C and consists of all or part of the following surveys:

Area I

Block A, HE & WT RR Survey:
All of Sec. 169, A–451; Sec. 170, A–1296; Sec. 171, A–452; Sec. 172, A–804; Sec. 173, A–453; Sec. 174, A–801; Sec. 193, A–459; Sec. 194, A–1922, A–1384 and A–1948; Sec. 195, A–460; Sec. 196, A–1385; Sec. 197, A–461; Sec. 198, A–1507; Sec. 199, A–462; Sec. 200, A–882; Sec. 201, A–1492; Sec. 41, A–1228, A-1106 and West 1/3 of A-1773.

Block A, GC & SF RR Survey:
All of Sec. 12, A–1596; Sec. 12 1/2, A–694; Sec. 13, A–156; Sec. 14 1/2, A–716 and A–695; Sec. 14, A–1628; Sec. 15, A–90; Sec. 26, A–824; Sec. 27, A–96; East 1/2 of Sec. 30 1/2, A–697.

All of Sec. 8, A–46; West 2/3 of Sec. 7, A–44, Concho County School Land Survey; Sec. 7 3/4, A–505, K.S. Knowles Survey; Sec. 1, A–26, Joseph Burns Survey; Sec. 7 3/4, A–689, John R. Lay Survey; Sec. 7, A–672, J. Pink Alexander Survey; Sec. 1031, A–704, Mrs. Levicy Boldgood Survey; Sec. 7 1/4, A–529, J.W. Romine Survey; Sec. 20 3/4, A–711, J. McKenzie Survey; Sec. 3 1/4, A–703, C.M. Atwood Survey; Sec. 2, A–884, J.M. Stone Survey.

Block LL, TC RR Survey:
All of Sec. 3, A–583; Sec. 4, A–1473, A–1472, A–1470, A–1474, A–1471, A–1777, A–1562 and A–1563; Sec. 99, A–606 (falling to the west of Sec. 3 and south of Sec. 3 and Sec. 4 within Block LL).

Block TT, TC RR Survey:
All of Sec. 3, A–542; Sec. 4, A–1371; Sec. 5, A–543; Sec. 26, A–886; Sec. 27, A–554; Sec. 33, A–557.

Area II

Block TT, TC RR Survey:
All of Sec. 53, A–570; Sec. 54, A–879; Sec. 55, A–571; Sec. 101, A–194.

HE WT RR Survey:
All of Sec. 34, A–1096; East 2/3 of Sec. 41, A–465; East 1/3 of Sec. 28, A–1186; All of Sec. 41 1/2, A–2009; Sec. 28 1/2, A–2008; Southeast 1/4 of Sec. 25, A–471.

South 1/2 of Sec. 1204, A–1100; Sec. 1157 1/2, A–533; Western portion of Sec. 1216 1/2, A–1457 that lies to the south of Sec. 1157 1/2; All of A–1949.

[FR Doc. 93–6790 Filed 3–24–93; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. JD93–05558T Texas-128]

State of Texas—NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 19, 1993.

Take notice that on March 15, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Travis Peak Formation, Bear Grass (Travis Peak) Field, underlying a portion of Leon County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 5 and includes all or portions of the following surveys:

G. Wilson.	A–958	J. Thomas	A–889
W. Roberts.	A–763	J. Tinsley .	A–1250
J. Patton .	A–702	J. Myers ...	A–542
B. Webb .	A–967	J. Russell ..	A–1142 (partial)

The notice of determination also contains Texas' findings that the referenced portion of the Travis Peak Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Linwood A. Watson, Jr.,
Acting Secretary.
[FR Doc. 93–6791 Filed 3–24–93; 8:45 am]
BILLING CODE 6717–01–M

[Project No. 2590–001]

Consolidated Water Power Co.; Notice Denying Late Intervention

March 19, 1993.

On June 26, 1991, Consolidated Water Power Company filed an application for a new license for its Wisconsin River Division Project No. 2590, located on the Wisconsin River in Portage County, Wisconsin. Public notice of the application was issued on September 10, 1991, setting November 7, 1991, as the deadline for the filing of comments, protests, and motions to intervene.

On April 10, 1992, the United States Department of the Interior (Interior) filed a motion to intervene late in this proceeding. Interior acknowledges that its motion is untimely and recites its various statutory responsibilities. Interior states that its position has been known by the other participants in the proceeding, and therefore a grant of late intervention will not prejudice the other participants.

When ruling on a motion for late intervention, the Commission may consider whether the movant has shown good cause for the late filing. 18 CFR 385.214(d)(1) (1992). Interior has given no reason for its late filing and is in essence arguing that its statutory responsibilities give it the right to intervene at any time in a license proceeding. The Commission has previously rejected this argument.[1] Because Interior has not established good cause for its late filing, its motion for late intervention is denied.

[1] Cogeneration, Inc., 54 FERC ¶ 61,178 (1991).

This notice constitutes final agency action. A request for rehearing by the Commission may be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713 (1992).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–6793 Filed 3–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 11151–004]

Energy Alternatives of North America; Notice Rejecting Request for Rehearing

March 19, 1993.

On February 8, 1993, the Director, Division of Project Compliance and Administration, Office of Hydropower Licensing, issued an order finding that Energy Alternatives of North America, licensee for the Williams Project No. 11151, located on the east fork of the White River in Lawrence County, Indiana, was in violation of the terms of its license and § 12.42 of the Commission's regulations [1] for failure to install project safety devices. On March 1, 1993, the licensee filed a request for rehearing of the February 8, 1993 order.

Section 313(a) of the Federal Power Act, 16 U.S.C. 825*l* (1991), requires an aggrieved party to file its request for rehearing within 30 days after the issuance of the Commission order and to set forth specifically the ground or grounds upon which such application is based. The licensee's rehearing request raises no specific allegations of error with respect to the Director's order, and is therefore rejected.[2]

This notice constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this notice, pursuant to 18 CFR 385.713 (1992).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–6792 Filed 3–24–93; 8:45 am]

BILLING CODE 6717–01–M

[1] 18 CFR 12.42 (1992).

[2] The licensee's March 1, 1993 filing is a one page letter that requests that rehearing be scheduled for consideration at an evidentiary hearing. To the extent the pleading can be considered a request for an extension of the 30-day deadline for seeking rehearing, it must be denied because the deadline is statutorily based.

[Docket No. RP93–94–000]

Florida Gas Transmission Co.; Petition for Limited Waiver of Tariff Provisions

March 19, 1993.

Take notice that on March 17, 1993, Florida Gas Transmission Company ("FGT") petitioned the Federal Energy Regulatory Commission ("Commission") for a limited waiver of Commission policy and FGT's FERC Gas Tariff, to the extent necessary, to allow FGT to add an additional delivery point to an existing agreement for firm transportation service under Rate Schedule FTS–1 for West Florida Natural Gas Company ("West Florida"), while permitting West Florida to maintain its existing priority date under such agreement.

FGT states that good cause exists for granting the requested waiver in that (i) FGT will continue to serve the same customer, West Florida; (ii) the delivery point is in the same geographic location as West Florida's traditional service area; and (iii) the additional delivery point will not interfere with FGT's ability to render firm service to FGT's other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1993 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or protest in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by it 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 in accordance with the Commission's rules.

Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–6794 Filed 3–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–208–006]

Ozark Gas Transmission System; Proposed Changes in FERC Gas Tariff

March 19, 1993.

Take notice that on March 1, 1993, Ozark Gas Transmission System (Ozark) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fourth Revised Sheet No. 4, with proposed effective date of April 1, 1993.

Ozark states that Fourth Revised Sheet No. 4 is being filed in compliance with the Commission orders issued September 6, 1991 [1] and December 6, 1991,[2] that required Ozark to revise the method under which Ozark's Maximum ITS Rate is calculated. Ozark states that the Commission stated to Ozark to submit periodically revised tariff sheets to reflect changes in Ozark's debt service costs, as well as changes in the other cost elements from which the Maximum ITS Rate is derived.

Ozark states that in accordance with the Commission's orders, Attachment A to the filing shows the derivation of the Maximum ITS Rate proposed to be effective April 1, 1993, and consistent with the Commission's December 1991 order, the adjustment to the Maximum ITS Rate is not a Section 4 rate filing made subject to suspension refund.

Ozark states that copies of the filing will be served on Ozark's existing T–1 and ITS Shippers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 26, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–6795 Filed 3–24–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–149–002]

Transcontinental Gas Pipe Line Corp.; Petition for Authority to Direct Bill Order No. 94 Costs

March 19, 1993.

Take notice that on March 15, 1993, pursuant to ordering paragraph (B) of the Commission's February 11, 1993 order, Transcontinental Gas Pipe Line Corporation (Transco) petitioned the Commission for authority to direct bill to Columbia Gas Transmission Corporation (Columbia) Order No. 94 costs paid by Transco to its producer-suppliers.

[1] 56 FERC ¶ 61,349.

[2] 57 FERC ¶ 61,316.

Transco proposes that the production-related costs be billed directly to Columbia in proportion to Columbia's share of all firm contract entitlements under Transco's rate schedules CD, FI, G/OG, ACQ, or PS as of May 22, 1985, the date of Transco's original direct bill filing. Transco states that the amount of the direct bill to Columbia under that methodology would be $8.31 million, an amount greater than the amount that had previously been direct-billed to Columbia. Transco proposes that it be permitted to recover the amounts already collected from Columbia, and that it be permitted to direct bill Columbia for the additional balance.

Transco states that ordering paragraph (B) of the February 11 order directed Transco to either (1) file a petition for authority to direct bill Order No. 94 costs, addressing only the alternative proposals set forth by Columbia in its April 10, 1992 "Motion to Intervene and Protest of Columbia Gas Transmission Corporation" filed in this proceeding, or (2) file a schedule for the Commission's approval for making refunds of all Order No. 94 payments previously paid to Transco by Columbia. Transco states that its petition addresses the alternative proposals set forth in Columbia's intervention.

Transco states that Columbia proposed two alternative methodologies: "Case 3", in which costs would be allocated based on Columbia's proportionate share of the total volumes of gas sold or transported for sales or firm transportation customers, and "Case 4", in which costs would be allocated based on Columbia's proportionate share of the total contractual entitlements of sales and firm transportation customers. Transco believes that the approach based on actual sales and transportation is, with certain modifications, the more appropriate methodology.

Using this approach, as modified, Transco states that the net refund owed Columbia would be $1,256,346.18, as opposed to the figure of $2,695,655 set forth in Columbia's intervention. If such a proposal is ultimately adopted by the Commission, Transco proposes that it be permitted to retain the amounts it previously collected from Columbia, subject to its refunding the net amount of $1,256,346.18 to Columbia.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 26, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-6796 Filed 3-24-93; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 92-156-LNG]

Phillips Alaska Natural Gas Corp. and Marathon Oil Co.; Order Granting Blanket Authorization to Export Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Phillips Alaska Natural Gas Corporation and Marathon Oil Company (Phillips/Marathon) blanket authorization to export up to 10 Bcf of liquefied natural gas to various countries over a two-year term, beginning on the date of first export delivery. The gas will be exported at the Kenai, Alaska, LNG facilities of Phillips/Marathon.

This order is available for inspection and copying in the Office of Fuels Programs docket room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 17, 1993.

Anthony J. Como,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-6881 Filed 3-24-93; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

State Energy Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: State Energy Advisory Board.

Date and Time: April 1, 1993—9 a.m. to 5 p.m. April 2, 1993—9 a.m. to 5 p.m.

Place: Madison Hotel, 1177—15h Street, NW, Washington, DC 20005 (202) 862-1600.

Contact: Sarah Kirchen, U.S. Department of Energy, Office of Technical and Financial Assistance, CE-52, Office of Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, Telephone: 202-586-1893, FAX: 202-586-1605.

Purpose of the Board: To make recommendations to the Assistant Secretary for Conservation and Renewable Energy regarding energy efficiency goals and objectives and programmatic and administrative policies related to these programs, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101-440).

Purpose of the Meeting: To provide the Department with guiding principles on the programmatic and strategic impact of the Energy Policy Act of 1992 (Pub. L. 102-486) (EPACT), as the Department begins to formulate administrative guidelines and procedures concerning the legislation's implementation.

Tentative Agenda: Presentation and Discussion of EPACT issues; Discussion of Near Term and strategic plans.

Public Participation: The meeting is open to the public. The chairperson of the Board is empowered to conduct the meeting to facilitate the orderly conduct of business. Any member of the public who wishes to make an oral statement pertaining to agenda items should contact Sarah Kirchen at the address or telephone number listed above. Requests should be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. This notice is being published less than 15 days before the meeting due to last minute delays in finalizing the agenda.

Transcript: Available for public review and copying at the Public Reading Room, room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 am and 4 pm, Monday through Friday, except Federal holidays.

Issued at Washington, DC, on March 22, 1993.

Marcia L. Morris,

Deputy Advisory Committee, Management Officer.

[FR Doc. 93-6882 Filed 3-24-93; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1980, Public Law 96-511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 632-6934.

Federal Communications Commission

OMB Control No.: 3060–0534.

Title: Provision of Access for 800 Service.

Expiration Date: 05/31/93.

Description: In the Second Report and Order in CC Docket No. 86–10, the Commission adopted rate structure and pricing rules for 800 data base access services. It requires basic 800 data base access to be priced on a per query basis and to be treated as a restructured service under Price Cap rules, although it permits local telephone companies to recover specific direct costs of providing the basic service. It also requires optional 800 data base "vertical" features to be treated as new services and priced to reflect the nature of their underlying costs. These rules will permit local telephone companies to file tariffs to provide 800 data base access services. The introduction of 800 data base access services will permit 800 service customers to switch from one 800 service provider to another without changing their 800 telephone numbers. It will also facilitate competition among 800 service providers.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–6842 Filed 3–24–93; 8:45 am]

BILLING CODE 6712–01–M

Comments Invited on North Dakota Public Safety Plan

March 19, 1993.

The Commission has received the public safety radio communications plan for North Dakota (Region 32).

In accordance with the Commission's Memorandum Opinion and Order in General Docket 87–112, Region 32 consists of the state of North Dakota. (General Docket No. 87–112, 3 FCC Rcd 2113 (1988)).

In accordance with the Commission's Report and Order in General Docket No. 87–112 implementing the Public Safety National Plan, interested parties may file comments on or before April 28, 1993 and reply comments on or before May 13, 1993. (See Report and Order, General Docket No. 87–112, 3 FCC Rcd 905 (1987), at paragraph 54.)

Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to PR Docket 93–77 North Dakota—Public Safety Region 32.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632–6497 or Ray LaForge, Office of Engineering and Technology, (202) 653–8112.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–6843 Filed 3–24–93; 8:45 am]

BILLING CODE 6712–01–M

Comments Invited on South Carolina Public Safety Plan

March 19, 1993.

The Commission has received the public safety radio communications plan for South Carolina (Region 37).

In accordance with the Commission's Memorandum Opinion and Order in General Docket 87–112, Region 37 consists of the state of South Carolina. (General Docket No. 87–112, 3 FCC Rcd 2113 (1988)).

In accordance with the Commission's Report and Order in General Docket No. 87–112 implementing the Public Safety National Plan, interested parties may file comments on or before April 28, 1993 and reply comments on or before May 13, 1993. (See Report and Order, General Docket No. 87–112, 3 FCC Rcd 905 (1987), at paragraph 54.)

Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to PR Docket 93–78 South Carolina—Public Safety Region 37.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632–6497 or Ray LaForge, Office of Engineering and Technology, (202) 653–8112.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–6844 Filed 3–24–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Unicom Management Services (Cyprus) Limited, Maxim Gorkiy Shipping Company Limited, and Belata Shipping Company Limited, C/O Odessa America Cruise Company, 170 Old Country Rd., suite 608, Mineola, New York 11501.

Vessel: MAXIM GORKIY.

Dated: March 19, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–6786 Filed 3–24–93; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR part 510.

License Number: 3523.

Name: Ask International, Inc.

Address: 1833 Fox Chase Road, Philadelphia, PA 19152–1826.

Date Revoked: December 23, 1992.

Reason: Surrendered license voluntarily.

License Number: 3393.

Name: World Express CFS, Inc.

Address: 2848 E. 208th Street, Long Beach, CA 90810.

Date Revoked: January 20, 1993.

Reason: Failed to furnish a valid surety bond.

License Number: 3022.

Name: West Coast Air Freight, Inc.

Address: 105 Eucalyptus Drive, El Segundo, CA 90245.

Date Revoked: January 21, 1993.

Reason: Surrendered license voluntarily.

License Number: 2694R.

Name: Ruben Cruz, Inc.

Address: P.O. Box 361308, San Juan, PR 00936–1308.

Date Revoked: February 1, 1993.

Reason: Surrendered license voluntarily.

License Number: 2703.

Name: C & R Freight Forwarders.

Address: 132 Nassau St., Ste. 1320, New York, NY 10038.

Date Revoked: February 1, 1993.

Reason: Surrendered license voluntarily.

License Number: 528.

Name: Guy B. Barham Company.

Address: 600 Allied Way, El Segundo, CA 90245.

Date Revoked: February 23, 1993.

Reason: Surrendered license voluntarily.

License Number: 585.

Name: CMB (U.S.A.) Inc. dba AMI Forwarding.

Address: 33–41 Newark St., Hoboken, NJ 07030.

Date Revoked: February 26, 1993.

Reason: Failed to furnish a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 93–6787 Filed 3–24–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Corporation of Georgia, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 19, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Bank Corporation of Georgia, Macon, Georgia; to retain 33 percent of the voting shares of Americorp, Inc., Savannah, Georgia.

2. First Alabama Bancshares, Inc., Birmingham, Alabama; to acquire 100 percent of the voting shares of Peoples Bank, Dickson, Tennessee.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. NJIC, Inc., Naperville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Westbank/Will County, Joliet, Illinois, and 98.3 percent of the voting shares of Westbank/Naperville, Naperville, Illinois.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. First National Bank of Sauk Centre Retirement Savings Plan and Trust, Sauk Centre, Minnesota; to acquire an additional 1.65 percent of the voting shares of Sauk Centre Financial Services, Inc., Sauk Centre, Minnesota, for a total of 29.59 percent, and thereby indirectly acquire The First National Bank of Sauk Centre, Sauk Centre, Minnesota.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Commerce Bancshares, Inc., Kansas City, Missouri; and its wholly-owned subsidiary, CBI-Central Kansas, Inc., Kansas City, Missouri; to acquire Midwest Bancorporation, Inc., Hays, Kansas, and thereby indirectly acquire Farmers State Bank and Trust Company, Hays, Kansas.

2. CTC Bancorp, Inc., Fayette, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Commercial Trust Company of Fayette, Fayette, Missouri.

3. Fourth Financial Corporation, Wichita, Kansas; to acquire 100 percent of the voting shares of F & M Bank Services, Inc., Derby, Kansas, and thereby indirectly acquire The Farmers and Merchants State Bank, Derby, Kansas.

E. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. BancWest Bancorp, Inc., Austin, Texas; to acquire 100 percent of the voting shares of Kyle State Bank, Kyle, Texas.

F. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. TPBC Acquisition Corporation, Oakland, California; to become a bank holding company by acquiring 100 percent of the voting shares of Trans Pacific Bancorp, San Francisco, California, and thereby indirectly acquire Trans Pacific National Bank, San Francisco, California.

Board of Governors of the Federal Reserve System, March 19, 1993.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 93–6866 Filed 3–24–93; 8:45 am]

BILLING CODE 6210–01–F

Creditanstalt-Bankverein, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 14, 1993.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Creditanstalt-Bankverein, Vienna, Austria; to engage *de novo* through its

subsidiary, Steinberg Asset Management Company, L.P., New York, New York, in investment advisory activities pursuant to § 225.25(b)(4) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Rake Bancorporation, Rake, Iowa; to engage *de novo* in making and servicing loans pursuant to § 22.525(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. BankAmerica Corporation, San Francisco, California; to engage *de novo* through its subsidiary, BA Securities, Inc., Seattle, Washington, in providing a range of investment and financial advice pursuant to § 225.25(b)(4); and providing full service brokerage activities pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 19, 1993.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 93–6867 Filed 3–24–93; 8:45 am]

BILLING CODE 6210–01–F

Guaranty Financial, M.H.C.; 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 April 19, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Guaranty Financial, M.H.C., Milwaukee, Wisconsin; to engage indirectly in mortgage lending activities pursuant to § 225.25(b)(1) of the Board's Regulation Y through its subsidiaries, Shelter Mortgage Corporation, Milwaukee, Wisconsin; GN Mortgage Corporation, West Hills, California; Shelter Mortgage Limited Partnership, Rolling Meadows, Illinois; Shelter Mortgage Partnership #500, Reston, Virginia; The Mortgage Company, Bellevue, Washington; Shelter Mortgage Partnership #2, Madison, Wisconsin; Shelter Mortgage Company Appleton II Division, Milwaukee, Wisconsin; Fairfield Mortgage Associates of Gainesville, Gainesville, Georgia; Fairfield Financial Associates of Dalton, Dalton, Georgia; Fairfield Financial Associates of Atlanta, Atlanta, Georgia; Fairfield Financial Associates of Macon, Macon, Georgia; Fairfield Financial Associates of Columbus, Columbus, Georgia; BB&G Mortgage, Milwaukee, Wisconsin; Shelter Mortgage Company, Milwaukee Division, Milwaukee, Wisconsin; Shelter Mortgage Company, Maryland Division, Silver Spring, Maryland; Central Mortgage Group, Milwaukee, Wisconsin; Shelter Mortgage Partnership No. 3, Milwaukee, Wisconsin; Shelter Mortgage Partnership No. 4, Milwaukee, Wisconsin; Shelter Mortgage Partnership No. 5, Milwaukee, Wisconsin; Shelter Mortgage Partnership No. 6, Milwaukee, Wisconsin; Shelter Mortgage Partnership No. 7, Milwaukee, Wisconsin; Shelter Mortgage Company Partnership No. 200; Shelter Mortgage Company Partnership No. 300; Shelter Mortgage Company Partnership No. 40, Silver Spring, Maryland; Shelter Mortgage Company Partnership No. 36, Silver Spring, Maryland; Shelter Mortgage Company Partnership No. 31, Silver Spring, Maryland; Shelter Mortgage Company Partnership No. 33, Silver Spring, Maryland; Shelter Mortgage Company Partnership No. 32, Silver Spring, Maryland; Shelter Mortgage Partnership No. 62, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 46, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 71, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 72, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 43, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 52, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 73, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 70, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 10, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 59, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 57, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 44, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 58, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 69, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 68, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 60, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 40, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 41, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 42, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 53A, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 53B, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 63, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 45, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 61, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 54, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 50, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 74, Rolling Meadows, Illinois; Shelter Mortgage Partnership No. 75, Rolling Meadows, Illinois; and Shelter Mortgage Partnership No. 76, Rolling Meadows, Illinois.

Board of Governors of the Federal Reserve System, March 19, 1993.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 93–6869 Filed 3–24–93; 8:45 am]

BILLING CODE 6210–01–F

Middletown Savings Bank Employee Stock Ownership Trust, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 14, 1993.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Middletown Savings Bank Employee Stock Ownership Trust, Middletown, New York; to acquire 10.4 percent of the voting shares of MSB Bancorp, Inc., Middletown, New York.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Mary Jo Andrea Larson, to retain 25.4 percent of the voting shares of NoDak Bancorporation, Bismarck, North Dakota, and thereby indirectly acquire First National Bank and Trust Company of Ellendale, Ellendale, North Dakota; First National Bank of Oakes, Oakes, North Dakota; First Southwest Bank-Mandan, Mandan, North Dakota; and First Southwest Bank-Bismarck, Bismarck, North Dakota.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Charles F. Irvine, Barry, Texas; to acquire 40.89 percent of the voting shares of Dawson Bancshares, Inc., Dawson, Texas, and thereby indirectly acquire First Bank & Trust Company, Dawson, Texas.

Board of Governors of the Federal Reserve System, March 19, 1993.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 93–6868 Filed 3–24–93; 8:45 am]

BILLING CODE 6210–01–F

Norwest Corporation; Acquisition of Company Engaged in Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a) or (f) of the Board's Regulation Y (12 CFR 225.23(a) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 19, 1993.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire the assets of Columbia Investment Services, Inc., Littleton, Colorado, and thereby engage in full-service brokerage, private placement, limited underwriting, precious metal brokerage, riskless principal and leasing activities in Colorado through Norwest's subsidiary, Norwest Investment Services, Inc. These activities have been approved pursuant to Board Order. *Norwest Corporation*, 76 Federal Reserve Bulletin 79 (1990).

Board of Governors of the Federal Reserve System, March 19, 1993.

Barbara R. Lowrey,

Associate Secretary of the Board.

[FR Doc. 93–6870 Filed 3–24–93; 8:45 am]

BILLING CODE 6210–01–F

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR) Cancellation of Medical Standard Forms

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Because of low usage the following Standard Form is cancelled.

SF 517, Clinical Record—Anesthesia (8½ × 22")
SF 542, Specimen Record
SF 544, Medical Record—Statement of Patient's Treatment
SF 560, Medical Record—Electroencephalogram Request and History

DATES: March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Freed, GSA Standard and Optional Forms Liaison Officer, (202) 501–0492.

Dated: March 11, 1993.

Johnny T. Young,

Director, Reproduction Services Division.

[FR Doc. 93–6408 Filed 3–19–93; 8:45 am]

BILLING CODE 6820–34–M

Notice of Intent To Prepare an Environmental Impact Statement

To All Interested Agencies, Groups, and Persons:

The General Services Administration (GSA) intends to prepare an Environmental Impact Statement (EIS) for the proposed construction of a new Federal Building to house the National Oceanic and Atmospheric Administration (NOAA) in Boulder, Colorado.

The proposed new building will consist of approximately 236,000 occupiable square feet of laboratory and related space and will be constructed on property owned by the Federal Government at 325 Broadway, Boulder, Colorado. The new building will house approximately 1,015 personnel, and the project will provide 600 outside surface parking spaces. The proposed project is being undertaken to consolidate existing NOAA offices and laboratories, now located in leased space and on the NIST campus, and to provide for expansion space for NOAA.

The EIS will evaluate a range of reasonable alternatives to the proposed action which may include but is not limited to: leasing, constructing at an alternate site(s), and no action.

To identify the scope of issues that will be addressed in the EIS, and to identify potential impacts to the quality of the human environment, public participation is invited by providing written comments to GSA. Comments and any questions regarding the EIS or the scoping process should be directed to: General Services Administration, Public Buildings Service, Planning Staff (8PL), Denver Federal Center/P.O. Box 25546, Denver, Colorado 80225–0546, Attn: Sharon Malloy. Phone: (303) 236–7244. Comments should be directed to GSA within 30 days of the publishing of this notice of intent.

A public meeting was conducted by GSA on October 21, 1992 on the environmental aspects of this proposed project. Comments received at that meeting, and oral and written comments received by GSA before November 30, 1992, regarding this project, will be included in defining the scope of issues to be addressed in the EIS. These comments will also be incorporated into the administrative record for the EIS.

Dated: March 17, 1993.

G.B. Moore,

Acting Regional Administrator, General Services Administration, Region 8.

[FR Doc. 93–6758 Filed 3–24–93; 8:45 am]

BILLING CODE 6820–23–M

Multiple Award Federal Supply Schedule

The General Services Administration, Office Supplies and Paper Products Commodity Center is reviewing Facsimile Paper provided under Special Item Number (SIN) 386–6 on Multiple Award Federal Supply Schedule 75, part I, section D, for the purpose of identifying items which may be candidates for conversion to single award. Some sizes, types, etc., may be removed from the Multiple Award Schedule for competitive award, while others may continue to be supplied from the Schedule. Comments regarding this matter may be directed to Ms. Peggy Alfred, Engineering and Commodity Management Division (2FYEM), 26 Federal Plaza, Room 20–130, New York, NW 10278. Comments should be made within thirty days from the date of this notice and should address the potential impact on small business concerns.

Dated: March 11, 1993.

Harold E. Murrell,

Director, Office Supplies and Paper Products Commodity Center (2 FY).

[FR Doc. 93–6759 Filed 3–24–93; 8:45 am]

BILLING CODE 6820–24–M

Multiple Award Federal Supply Schedule Program

Notice is hereby given that the Office Supplies and Paper Products Commodity Center, Federal Supply Service, is developing technical requirements for various types of Facsimile Paper currently supplied under Special Item Number (SIN) 386–6 on Multiple Award Federal Supply Schedule 75, part I, section D. Some of the paper presently supplied under this SIN may be removed from the Schedule for competitive award, while others may continue being supplied from the Schedule. Upon their availability, the technical requirements will be made available to all interested parties for comment. Requests for the technical requirements should be submitted to Mr. Benny Wong, Engineering and Commodity Management Division (2FYEE), 26 Federal Plaza, room 20–130, New York, NY 10278. Requests for the technical requirements should be made within thirty days from the date of this notice.

Dated: March 12, 1993.

Harold E. Murrell,

Director, Office Supplies and Paper Products Commodity Center (2FY).

[FR Doc. 93–6760 Filed 3–24–93; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Change of Dates for Chemical Sensitivity and Low Level Chemical Exposure Meeting

In the matter of **Federal Register** Citation of Previous Announcement: 58 FR 12040—dated March 2, 1993.

ORIGINAL TIMES AND DATES: 8:30 a.m.–5 p.m., March 16, 1993; 8:30 a.m.–12 noon, March 17, 1993.

NEW DATES: April 13, 1993; April 14, 1993.

SUMMARY: Notice is given that the meeting for Chemical Sensitivity and Low Level Chemical Exposure has been rescheduled due to inclement weather. The meeting times, location, and purpose announced in the original notice remain unchanged.

CONTACT PERSON FOR MORE INFORMATION: James K. Carpenter, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E33, Atlanta, Georgia 30333, telephone 404/639–6204.

Dated: March 19, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 93–6811 Filed 3–24–93; 8:45 am]

BILLING CODE 4160–70–M

Health Resources and Services Administration

Emergency Medical Services for Children; Demonstration Grants

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Extension of application deadline date.

The Emergency Medical Services for Children: Demonstration Grants notice deadline date, published on March 17, 1993, beginning on page 14406, is herewith extended to April 30, 1993.

The rest of the notice remains as published.

Dated: March 19, 1993.

Robert G. Harmon,

Administrator.

[FR Doc. 93–6845 Filed 3–24–93; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Meeting of the National Advisory Board for Arthritis and Musculoskeletal and Skin Diseases

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Board for Arthritis and Musculoskeletal and Skin Diseases on April 19, 1993. The meeting will be held at the Washington Marriott, 1221 22nd Street, NW., Washington, DC 20015. The Board will meet April 19, 8:30 a.m. to approximately 4 p.m.

The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue evaluation of the National Effort to combat arthritis and musculoskeletal and skin diseases. Attendance by the public will be limited to space available.

Ms. Geraldine B. Pollen, Executive Director, National Advisory Board for Arthritis and Musculoskeletal and Skin Diseases, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, (301) 496–6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting her office.

Dated: March 18, 1993.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 93–6767 Filed 3–24–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting of the End-Stage Renal Disease Data Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the End-Stage Renal Disease Data Advisory Committee on April 28, 1993. The meeting will begin at approximately 8 a.m. and end at approximately 5 p.m. in Conference Room 9, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting, which will be open to the public is being held to discuss the 1993 Annual Report and other ESRD Data issues. Attendance by the public will be limited to space available.

For any further information, and for individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations please contact Dr. Ralph Bain, Executive Director, End-Stage Renal Disease Data Advisory Committee, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, (301) 496–6045. Please note, if you are planning to request special assistance, you must do so two weeks prior to the meeting date. In addition, Dr. Bain's office will provide upon request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Disease and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: March 18, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–6768 Filed 3–24–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–030–03–4333–04–8364]

Closure of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of Lowry Ruin, Colorado.

SUMMARY: Notice is hereby given in accordance with 43 CFR subpart 8364 that public lands in the following area are closed: Lowry Ruin National Historic Site, W½NW¼, section 2, T.38N., R.19W., NMPM in Montezuma County, Colorado.

DATES: The closure is effective immediately and will be in effect for six months from the date this notice appears in the **Federal Register** unless rescinded at an earlier date, or extended.

ADDRESSES: For further information, contact Sally Wisely, Bureau of Land Management, San Juan Resource Area, Federal Building, 701 Camino del Rio, Durango, Colorado 81301; telephone (303) 247–4082.

SUPPLEMENTARY INFORMATION: Severe winter weather in southwestern Colorado has resulted in structural damage to Lowry Ruin. This damage endangers the integrity of Lowry Ruin and poses a public safety risk. In order to provide for resource protection and public safety until the repairs and stabilization can be accomplished, Lowry Ruin is closed to all public and commercial uses for a period of six months from date of the publication in the **Federal Register.** This closure may be rescinded at an earlier date or extended beyond the initial six months depending on the success of stabilization and repair efforts. Bureau of Land Management (BLM) employees on official duty, law enforcement personnel on official duties, and contractors for the BLM are exempt from the closure.

Dated: March 16, 1993.

Alan L. Kesterke,

District Manager.

[FR Doc. 93–6752 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–JB–M

[AZ–040–01–4333–01]

Notice of Intent To Prepare an Environmental Assessment To Amend the Safford District Resource Management Plan and To Invite Public Participation in the Identification of Issues for Determining the Eligibility of Public Land Portions of Cienega Creek and its Tributaries for Possible Inclusion in the National Wild and Scenic Rivers System

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Assessment to Amend the Safford District Resource Management Plan.

SUMMARY: The Bureau of Land Management, Safford District, is preparing an Environmental Assessment to amend the Safford District Resource Management Plan to determine the eligibility of Cienega Creek and its tributaries for possible inclusion in the National Wild and Scenic Rivers System. This action complies with the Wild and Scenic Rivers Act (Pub. L. 90–542), National Environmental Policy Act (Pub. L. 91–190), and Federal Land Policy and Management Act (Pub. L. 94–579).

DATES: Comments concerning the eligibility of Cienega Creek and its tributaries will be accepted until April 30, 1993.

ADDRESSES: Send comments to Bureau of Land Management, Tucson Resource Area Office, 12661 E. Broadway, Tucson, Arizona 85748, Attention: Jesse Juen, Area Manager.

FOR FURTHER INFORMATION CONTACT: Don Ducote, Tucson Resource Area Office, telephone (602) 722–4289.

SUPPLEMENTARY INFORMATION: Cienega Creek will be identified as eligible or ineligible for inclusion in the National Wild and Scenic Rivers System through this plan amendment/environmental assessment process. Eligible segments will be tentatively classified wild, scenic, or recreational and managed to preserve those classification unless they are studied and found unsuitable or released from further consideration by Congress.

Comments concerning the eligibility of Cienega Creek will also be accepted during public scoping meetings addressing the suitability of other rivers and streams previously determined to be eligible in the Safford District Resource Management Plan. These meetings will be held on the following dates in the following locations:

April 12. Central Arizona College, Aravaipa Campus, Aravaipa Road and Hwy. 77, 11 miles south of Winkelman, AZ.

April 13. Tucson Public Library, Main Branch, Children's Conference Room, 101 N. Stone Avenue, Tucson, AZ.

April 14. BLM Arizona State Office, Conference Room, 3707 7th St., Phoenix, AZ.

April 15. VFW Post 6271, 233 E. 5th Street, Benson, AZ.

April 19. Greenlee Co. Courthouse, 2nd Floor Conference Room, 5th and Leonard, Clifton, AZ.

April 20. BLM District Office, Conference Room, 711 14th Avenue, Safford, AZ.

April 21. Klondyke Store, Klondyke, AZ.

April 22. Oscar Yrun Community Center, Senior Nutrition Center, 3020 Tacoma, Sierra Vista, AZ.

April 23. Sonoita Fairgrounds, Pioneer Hall, Junction of Hwy. 82 and Hwy. 83, Sonoita, AZ.

All meetings will be held from 2 to 8 p.m., except the Klondyke meeting, which will be held from 3 to 7 p.m. and Sonoita meeting, which will be held from 2 to 7 p.m.

Dated: March 19, 1993.

Vernon L. Saline,

Acting District Manager.

[FR Doc. 93-6839 Filed 3-24-93; 8:45 am]

BILLING CODE 4310-32-M

[AZ-040-01-4350-02]

Meeting of the San Pedro Riparian National Conservation Area Advisory Committee

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, in accordance with Public Law 100-696 and 43 CFR part 1780, that a meeting of the San Pedro Advisory Committee will be held.

EFFECTIVE DATE: Friday, April 30, 1993 at 1 p.m.

DATES: Anyone wishing to make an oral statement must contact the BLM San Pedro Conservation Area Manager by Friday, April 23, 1993. Summary minutes of the meeting will be maintained in the San Pedro Conservation Area and Tucson Resource Area Offices and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

ADDRESSES: Arizona Electric Power Cooperative Inc., North Boardroom, located at 1000 Highway 80, Benson, Arizona.

FOR FURTHER INFORMATION CONTACT: Greg Yuncevich, San Pedro Conservation Area Manager, Bureau of Land Management, Box 9853, Rural Route #1, Huachuca City, Arizona 85616. Telephone (602) 457-2265; or Diane Drobka, Public Affairs Officer, Safford District, 711 14th Avenue, Safford, Arizona 85546. Telephone (602) 428-4040.

SUPPLEMENTARY INFORMATION: The agenda for the San Pedro Riparian National Conservation Area (NCA) Advisory Committee meeting includes, but is not limited to, the following items:

1. Update on San Pedro visitor center.
2. Coordinated Resource Management (CRM).
3. San Pedro Habitat Management Plan (HMP).
4. Water Rights.
5. Report to Congress.

The meeting is open to the public. Interested persons may make oral statements to the Advisory Committee between 2-2:30 p.m. or may file written statements for consideration by the Committee.

Dated: March 10, 1993.

Frank Rowley,

Acting District Manager.

[FR Doc. 93-6860 Filed 3-24-93; 8:45 am]

BILLING CODE 4310-32-M

[ID-20-03-4710-06]

Emergency Closure of Roads (Indian Springs, Cherry Springs, and West Dry Creek)

AGENCY: Bureau of Land Management (BLM), Interior.

SUMMARY: Notice is hereby given, effective immediately, the following roads are closed to motorized travel:

Indian Springs Road (BLM road #4214) from the Foothill Road south to the U.S. Forest Service boundary, a distance of approximately eight miles.

Cherry Springs Road (BLM road #4213) from the Rock Creek Road southwest to its intersection with the Indian Springs Road, just north of the Forest boundary. This is a distance of approximately seven miles. Both of the above roads are located in Twin Falls County in T. 12 S., R. 18 E.

West Fork Dry Creek Road (BLM road #1610) from the Tugaw Ranch southwest to the U.S. Forest boundary. Approximately seven miles of road is effected. This road is located in Cassia County in T. 12 S., R. 19 E.

These roads administered by the Bureau of Land Management are closed to motorized vehicle use from the date of notice until April 10, 1993.

Exemptions from this closure is for state and local government personnel on official duty, Auto Phone Corporation personnel, emergency service personnel including search and rescue and the Burley District BLM Ranger may be approved by the Authorized Officer.

The described roads are experiencing muddy conditions following an above normal precipitation winter. Motorized vehicles are cutting ruts in the above mentioned roads, which leads to increased erosion during snow melt and early spring rain storms. The purpose of the closure is to protect the road beds from any further damage and to minimize future maintenance needs.

Dated: March 10, 1993.

Gerald L. Quinn,

District Manager.

[FR Doc. 93-6751 Filed 3-24-93; 8:45 am]

BILLING CODE 4310-GG-M

[CO-920-93-4110-03; COC48858]

Colorado; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97-451, a petition for reinstatement of oil and gas lease COC48858, Moffat County, Colorado, was timely filed and was accompanied by all required rentals and royalties accruing from November 1, 1992, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The lessee has paid the required $500.00 administrative fee for the lease and has reimbursed the Bureau of Land Management for the cost of this Federal Register notice.

Having met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Leasing Act of 1920, as amended, (30 U.S.C. 188 (d) and (e), the Bureau of Land Management is proposing to reinstate the lease effective November 1, 1992, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Joan Gilbert of the Colorado State Office at (303) 239-3783.

Dated: March 17, 1993

Joan E. Gilbert,

Acting Chief, Fluid Minerals Adjudication Section.

[FR Doc. 93-6856 Filed 3-24-93; 8:45 am]

BILLING CODE 4310-JB-M

[CA-060-65-4210-05, CACA#26838]

Realty Action; Classification of Public Lands for Recreation and Public Purposes; County of Kern, CA

ACTION: Notice of realty action CACA #26838, classification of public lands for lease/conveyance pursuant to the Recreation and Public Purposes Act.

SUMMARY: The following described public lands near the community of California City, County of Kern, California have been examined and found suitable for lease or conveyance pursuant to the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 et seq., and the regulations promulgated thereunder, title 43 Code of Federal Regulations, part 2912:

Mount Diablo Meridian, California

T. 32S., R. 38E.,
Sec. 20, NW¼NW¼NE¼,
N½SW¼NW¼NE¼.

Totalling approximately 15 acres.

The Mojave Unified School District plans to use these lands for the construction of a new elementary school. The lands are not needed for Federal purposes. Lease or conveyance is consistent with current Bureau of Land Management land use planning and disposal is deemed to be in the public interest.

The lease/patent, when issued, shall be subject to the provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior, and to the following reservations to the United States:

1. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

2. The terms and conditions as stipulated within the Environmental Assessment and the formal consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act of December 18, 1973, 43 U.S.C. 1536, as amended.

3. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

For further information contact Mike Hogan, Ridgecrest Resource Area, 300 S. Richmond Rd., Ridgecrest, CA 93555.

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. For a period of 45 days from the date of publication of this notice, interested persons or parties may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, California Desert District, 6221 Box Springs Boulevard, Riverside, CA 92507–0714. 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.

Dated: March 15, 1993.

Henri R. Bisson,

District Manager.

[FR Doc. 93–6749 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–40–M

[NV–930–4210–04; N–56458]

Realty Action: Exchange of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action N–56458 for Exchange of Lands in Clark County, Nevada.

SUMMARY: The following described public lands in Las Vegas, Clark County, Nevada, including the mineral estate with no known value, have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716).

Mount Diablo Meridian, Nevada

T. 19 S., R. 60 E.,
Sec. 28, W½NE¼, NE¼NW¼, E½SE¼NW¼, N½SE¼
T. 20 S., R. 60 E.,
Sec. 8, NE¼SW¼SW¼, N½NW¼SW¼SW¼, N½SE¼SW¼SW¼, SE¼NE¼SE¼SW¼, NW¼NW¼SE¼SW¼, N½SW¼SE¼SW¼, SE¼SW¼SE¼SW¼, SE¼SE¼SW¼, SE¼SW¼SW¼SW¼, S½NW¼NW¼SE¼, N½SW¼NW¼SE¼, SW¼NW¼SW¼SE¼, N½SW¼SW¼SE¼, SE¼SW¼SW¼SE¼, SW¼SW¼SW¼SW¼.
Sec. 9, SE¼NE¼SW¼SW¼, S½NW¼SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, NE¼SE¼SW¼, S½NW¼SE¼SW¼, N½SW¼SE¼SW¼, N½SE¼SE¼SW¼, SW¼SE¼SE¼SW¼, S½NE¼SW¼SE¼, W½NW¼SW¼SE¼, N½SW¼SW¼SE¼, SE¼SW¼SW¼SE¼, N½SE¼SW¼SE¼, SE¼SE¼SW¼SE¼, S½NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, N½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, N½SE¼SE¼SE¼, SW¼SE¼SE¼SE¼, NW¼SE¼SE¼SE¼SE¼, S½SE¼SE¼SE¼SE¼.

The area described contains 389.375 acres, more or less.

In exchange for these lands, the Federal Government will acquire a tract of non-federal land in Red Rock Canyon National Conservation Area, Nevada, described as follows:

Mount Diablo Meridian, Nevada

T. 22 S., R. 58 E.,
Sec. 1, SW¼SE¼, excluding a parcel of strip of land one hundred-fifty (150) feet in width, being seventy-five (75) feet wide on each side of the surveyed highway centerline of State Route 159 (Blue Diamond Road) (Project RS–159(2)), which centerline is more fully described as follows, to wit:

Beginning at the intersection of the centerline of State Route 159 (Blue Diamond Road) (Project RS–159(2)), at Highway Engineer's Station "E" 228+52.24 P.O.T. and the east one-sixteenth line of Section 1, T. 22 S., R. 58 E., M.D.M.; said point of beginning more fully described as bearing N. 60°58'30" E. a distance of 1415.54 feet from the south quarter of said Section 1; thence N. 54°07'24"W. along said centerline a distance of 1192.03 feet to an intersection with the south one-sixteenth line of said Section 1, the point of ending at Highway Engineer's Station "E" 240+44.27 P.O.T.; said point more fully described as bearing N. 11°06'11" E. a distance of 1411.82 feet from the south quarter corner of said Section 1, said parcel contains an area of 4.10 acres, more or less. The sidelines of said parcel are to be lengthened or shortened to intersect with the east one-sixteenth line and the south one-sixteenth line of said Section 1.

Sec. 2, E½SE¼, excluding Parcel A (containing 9.6 acres).
Sec. 12, NW¼NW¼.

The area described contains 146.3 acres, more or less.

The purpose of the exchange is to acquire the non-federal lands located within the Red Rock Canyon National Conservation Lands. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with local governmental officials. The public interest will be served by making the exchange.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted or money will be used to equalize the values upon approval of the final appraisal of the lands.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All oil and gas deposits, compounds of sodium and potassium.

And will be subject to:

1. Easements of varying widths for road, public utilities and flood control purposes to insure continued ingress and egress to adjacent lands in accordance with the transportation plans for the City of Las Vegas and Clark County.

2. Those rights for highway purposes granted to Nevada Department of Transportation, its successors or assigns, by rights-of-way Nos. CC–018138, pursuant to the Act of November 9, 1921 (42 Stat. 216); Nev–059248, pursuant to the Act of August 27, 1958 (23 U.S.C. 317).

3. Those rights for highway purposes granted to Federal Highway Administration, its successors or assigns, by right-of-way No. N–46063 pursuant to the Act of August 27, 1958 (23 U.S.C. 317).

4. Those rights for underground communication line purposes granted to Central Telephone Company, its successors or assigns, by right-of-way No. CC–021488 pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961).

5. Those rights for underground distribution line purposes granted to Nevada Power Company, its successors or assigns, by rights-of-way Nos. N–52801, N–54825 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

6. Those rights for power transmission line purposes granted to Nevada Power Company, its successors or assigns, by right-of-way No. Nev–043546 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

7. Those rights for electrical substation purposes granted to Nevada Power Company, its successors or assigns, by right-of-way No. N–48683 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

8. Those rights for water detention basin purposes granted to the City of Las Vegas, its successors or assigns, by right-of-way No. N–37232 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

9. Those rights for road and public utility purposes granted to the City of Las Vegas, its successors or assigns, by right-of-way Nos. N–48698, N–56390, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

10. Those rights for road and public utility purposes granted to Clark County, its successors or assigns, by rights-of-way No. N–55256 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

11. Those rights for underground distribution and communication line purposes granted jointly to Nevada Power Company and Central Telephone Company, their successors or assigns, by rights-of-way Nos. N–56521, N–56379 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

12. Those rights for well site purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-of-way No. N–53363 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

13. Those rights for water pipeline and access road purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-or-way No. N–53700 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

14. Those rights for water pipeline purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-or-way No. N–47871 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

15. Those rights for underground water main purposes granted to the Las Vegas Valley Water District, its successors or assigns, by right-of-way No. N–55369 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental assessment is available for review at the Bureau of Land Management, Nevada State Office, 850 Harvard Way, Reno, Nevada 89502.

Dated March 22, 1993.

Ben F. Collins,

District Manager.

[FR Doc. 93–7041 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–HC–M

[OR 44688; OR 030–03–4210–04; GP3–132]

Realty Action; Exchange of Public Lands; Baker County, OR

The following described public lands are determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Willamette Meridian, Oregon

T. 9S., R. 42E.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼, NW¼SW¼, W½SE¼;
Sec. 12, NW¼NE¼.
The area described contains 393.04 acres in Baker County, Oregon.

In exchange for these lands, the United States will acquire the following described private lands from Ralph W. and Sandra J. Bryne.

Willamette Meridian, Oregon

T. 8S., R. 43E.,
Sec. 34, SE¼SE¼;
Sec. 35, NE¼SW¼SW¼.
T. 9S., R. 42 E.,
Sec. 12, NW¼SW¼;
Sec. 24, SE¼SW¼, SW¼SE¼.
T. 9S., R. 43E.,
Sec. 2, lot 4;
Sec. 3, lot 1.
The area described contains 436.52 acres in Baker County, Oregon.

The purpose of this land exchange is to facilitate resource management opportunities in the Baker Resource Area as identified in the Baker Resource Management Plan, resolve unauthorized agricultural use, and improve ownership patterns. The private lands offered possess important values for critical deer winter range, riparian and wetland habitat, reservoir shoreline, water resources, and livestock forage. The public interest will be well served by completing this exchange.

The value of the lands to be exchanged is approximately equal. Full equalization of values will be achieved through acreage adjustment, or by cash payment in an amount not to exceed 25% of the value of the lands being transferred out of federal ownership.

The exchange will be subject to:

1. The reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. The reservation to the United States of a right-of-way for the Ritter Creek Road, ORE 014711.

3. The reservation to the proponent of rights-of-way for an existing road and irrigation ditch over and across WM, T. 9S., R. 42E., sec. 12, NW¼SW¼.

4. The reservation to the proponent of a right-of-way for Love Reservoir in WM, T. 9S., R. 42E., sec. 24, SE¼SW¼, SW¼SE¼.

5. All valid existing rights, including but not limited to any right-of-way, easement or lease of record.

6. Non-permanent improvements belonging to the proponent may be removed from the offered lands within a period of time specified by the Authorized Officer. If not removed, the improvements will either be authorized by the Bureau of Land Management or become the property of the United States, with the exception of fences located on the boundary between the offered and private lands.

7. Mineral rights may be reserved, depending upon the findings of the mineral report.

When completed, all necessary reports and clearances and other information concerning the exchange will be available for review at the Baker Resource Area Office, 1550 Dewey Ave., Baker City, Oregon 97814.

The publication of this notice in the **Federal Register** will segregate the public lands described above from appropriation under the public land laws, including the mining laws, except from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever comes first.

For additional information concerning this exchange, contact Steve Davidson, BLM Baker Resource Area Office, (503) 523–6391, Ext. 325.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Vale District, 100 East Oregon Street, Vale, Oregon 97918. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objection, this realty action will become the final determination of the Department of the Interior.

Dated: March 9, 1993.

James E. May,

District Manager.

[FR Doc. 93–6754 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–33–M

[AZ–930–4210–06; A–27699]

Proposed Withdrawal and Opportunity for Public Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service (FS) has filed application A–27699, to withdraw 286.41 acres of National Forest System land from location and entry under the United States mining laws. The purpose of the withdrawal is to protect the area and existing improvements in the Groom Creek Recreation Complex. The total estimated value for improvements located within the complex is $566,000. The withdrawal will be made subject to valid existing rights. This application is in compliance with the regulations found in 43 CFR 2310.1–2 and the Prescott National Forest Plan. Publication of this notice closes the land for up to 2 years from location and entry under the United States mining laws only. Other uses applicable to National Forest System lands will continue to be allowed.

DATES: Comments and requests for a meeting should be received on or before June 23, 1993.

ADDRESSES: Comments and meeting requests should be sent to the Arizona State Director, Bureau of Land Management (BLM), 3707 North 7th Street, Phoenix, Arizona 85014, or P.O. Box 16563, Phoenix, Arizona 85011–6563.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM, Arizona State Office, 602–640–5509.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture, Forest Service, filed application A–27699, to withdraw the following described land from location and entry, under the United States mining laws only. The proposed withdrawn land is currently utilized for improvements located within the Groom Creek Horsecamp Campground, the Trailhead and the Groom Creek Schoolhouse. The campground was built in 1989 and has an estimated value of $386,000; the Trailhead facilities were constructed in 1990, and have an approximate value of $55,000, and the facilities adjacent to the schoolhouse has been valued at $125,000. The schoolhouse, constructed in 1871, does not have an established value, at this time. Other uses applicable to National Forest System land will be allowed to continue. The withdrawal as requested would be for 20 years and will be issued subject to valid existing rights. Subject land is described as follows:

Gila and Salt River Meridian, Arizona: (Prescott National Forest)

T. 13 N., R. 2 W.,
Sec. 26, Lots 32–34;
Sec. 35, Lots 5–8.

The area described contains 286.41 acres, more or less, in Yavapai County.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the subject withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice.

Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with regulations as set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the land will be segregated as specified above unless the application is denied, cancelled or the withdrawal is approved prior to that date.

The temporary segregation placed on the land in conjunction with this application shall not affect the administrative jurisdiction over it.

Phillip D. Moreland,

Acting Deputy State Director, Lands and Renewable Resources.

[FR Doc. 93–6762 Filed 3–23–93; 8:45 am]

BILLING CODE 4310–32–M

[ID–943–4210–06; IDI–015280]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that 7265.51 acre withdrawal for Powersite Classification No. 455, continue for an additional 20 years. The land is still needed for waterpower purposes. These lands will remain closed to surface entry, but have been and would remain open to mineral leasing and mining.

EFFECTIVE DATE: Comments should be received within 90 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208–384–3166.

The Bureau of Land Management proposes that the existing land withdrawal made by Public Land Order No. 3793, for Powersite Classification No. 455, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as it affects the following described land:

Boise Meridian

Payette National Forest

T. 13 N., R. 1 E.,
Sec. 1, SW¼NE¼, SE¼NE¼, SW¼NW¼, SE¼NW¼ and N½S½;
Sec. 2, lots 1 to 3 inclusive and 6 to 8 inclusive, SW¼NE¼, SE¼NE¼, SE¼NW¼, NE¼SW¼ and N½SE¼.
T. 14 N., R. 1 E.,
Sec. 26, SW¼SW¼;
Sec. 27, W½NW¼;
Sec. 28, SE¼SW¼ and N½SE¼;
Sec. 33, SW¼NE¼ and NE¼NW¼;
Sec. 35, E½NE¼NW¼, E½W½NE¼NW¼, SW¼SW¼NE¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, N½SW¼, SE¼SW¼ and SW¼SE¼.
T. 13 N., R. 2 E.,
Sec. 6, lots 9 and 10.

Public Land Administered by BLM

T. 15 N., R. 1 W.
Sec. 5, lots 3 and 4;
Sec. 6, lots 1 and 2.
T. 16 N., R. 1 W.,
Sec. 21, NW¼NE¼;
Sec. 29, NE¼SE¼;
Sec. 31, SW¼NE¼ and W½SE¼;
Sec. 32, SE¼SW¼.
T. 15 N., R. 2 W.,
Sec. 2, SE¼NE¼, SW¼SW¼ and N½SE¼;
Sec. 3, N½SE¼;
Sec. 9, SE¼SE¼.
T. 11 N., R. 3 W.,

Sec. 6, SE¼SW¼ and S½SE¼;
Sec. 7, lot 1, N½NE¼, SW¼NE¼, NE¼NW¼ and NW¼SE¼;
Sec. 8, lot 1, N½NE¼ and NE¼NW¼;
Sec. 9, SW¼NE¼, NW¼NW¼ and S½NW¼;
Sec. 19, lot 4 and SE¼SW¼;
Sec. 30, lots 1 to 3 inclusive, E½NW¼ and NE¼SW¼;
Sec. 31, S½NE¼.
T. 11 N., R. 4 W.,
Sec. 1, SW¼NW¼, SW¼ and SW¼SE¼;
Sec. 2, lots 1 and 2, S½NE¼ and SE¼;
Sec. 3, lot 4, SW¼NE¼, SE¼NW¼ and W½SE¼;
Sec. 11, N½NE¼, SE½NE¼ and SW¼SE¼;
Sec. 12, N½N½;
Sec. 13, N½SW¼, SW¼SW¼ and W½SE¼;
Sec. 14, SW¼NW¼, NW¼SW¼ and SE¼;
Sec. 15, SE¼NE¼;
Sec. 23, N½NE¼, SE¼NE¼, E½NW¼ and SW¼SE¼;
Sec. 24, NW¼NW¼, NE¼SW¼, NW¼SE¼ and SE¼SE¼;
Sec. 25, SW¼NE¼, SE¼NW¼, SW¼ and SE¼;
Sec. 26, SE¼NE¼ and E½SE¼.
T. 12 N., R. 4 W.,
Sec. 10, N½NE¼, SW¼NE¼ and NE¼SW¼;
Sec. 11, W½NE¼ and NW¼NW¼;
Sec. 15, NE¼SW¼ and S½SW¼;
Sec. 22, N½, SW¼, NE¼SE¼ and S½SE¼;
Sec. 23, E½NW¼, NE¼SW¼ and SW¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½N½ and S½NW¼;
Sec. 28, S½NE¼ and S½SE¼;
Sec. 33, NW¼NE¼;
Sec. 35, SE¼NW¼ and NE¼SW¼.

The areas described aggregate 7,265.51 acres in Adams and Washington Counties.

The withdrawal is essential for protection of potential waterpower development. The existing withdrawal closes the described land to surface entry but not to mineral leasing and mining. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: March 16, 1993.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 93–6859 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Meeting: Klamath Fishery Management Council

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces meetings of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meetings are open to the public.

DATES: The Klamath Fishery Management Council will meet from 7 p.m. to 9 p.m. on Monday, April 5, 1993, and Tuesday, April 6, 1993.

PLACE: The meeting will be held at the Red Lion-Columbia River, 1401 North Hayden Island Drive, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:

Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006, Yreka, California 96097–1006, telephone (916) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Management Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). The principal agenda items will be to make recommendations to the Pacific Fishery Management Council for 1993 Ocean Salmon Management, and to the tribes and the State of California for in-river salmon management options for 1993. The council will also discuss harvest management planning for spring chinook.

Dated: March 17, 1993.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–6857 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–347]

Certain Anti-Theft Deactivatable Resonant Tags and Components Thereof; Change of Commission Investigative Attorney

Notice is hereby given that, as of this date, Jeffrey R. Whieldon, Esq. of the Office of Unfair Import Investigations is designated as the Commission investigative attorney in the above-cited investigation instead of Alesia M. Woodworth, Esq.

The Secretary is requested to publish this Notice in the **Federal Register**.

Dated: March 15, 1993.

Lynn I. Levine,

Director, Office of Unfair Import Investigations.

[FR Doc. 93–6775 Filed 3–24–93; 8:45 am]

BILLING CODE 7020–02–M

[Inv. No. 337–TA–342]

Certain Circuit Board Testers; Commission Decision To Deny Motion for Temporary Relief

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny the complainant's motion for temporary relief in the above-captioned investigation and to vacate the initial determination (ID) issued by the presiding administrative law judge (ALJ) on January 11, 1993. The Commission will issue its own opinion in support of its decision to deny temporary relief. Findings of fact made by the ALJ will be adopted to the extent they are found or referenced in the Commission's opinion.

ADDRESSES: Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are, or will be, available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3104. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the

Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: On September 25, 1992, Integri-Test, Corp. (Integri-Test) filed a complaint and a motion for temporary relief with the Commission alleging violations of section 337 in the importation and sale of certain circuit board testers allegedly covered by certain claims of Integri-Test's U.S. Letters Patent 4,565,966 (the '966 patent). The notice of investigation instituting an investigation based on Integri-Test's complaint was published in the **Federal Register** on November 2, 1992. 57 FR 49490. Bath Scientific Ltd. of the United Kingdom and BSL North America of Massachusetts were named as respondents. Pursuant to Commission interim rule 210.24(e)(8) (19 CFR 210.24(e)(8)), the Commission also provisionally accepted Integri-Test's motion for temporary relief.

The presiding ALJ held an evidentiary hearing on temporary relief from December 7–11, 1992. On January 4, 1993, all parties filed written submissions on the issues of remedy, the public interest, and respondents' bond, as provided for in Commission interim rule 210.24(e)(18)(ii) (19 CFR 210.24(e)(18)(ii)). On January 11, 1993, the ALJ issued an ID denying complainant's motion for temporary relief. On January 19, 1993, the parties filed written comments concerning the ID. Parties filed reply comments on January 25, 1993. No government agency comments were received.

On February 1, 1993, the Commission determined to designate the temporary relief phase of the investigation "more complicated" to ensure sufficient time to supplement the findings of fact made in the ID and to issue an opinion in support of its determination. 58 FR 7746 (February 5, 1993).

This action is taken under authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.24(e) of the Commission's interim rules (19 CFR 210.24(e)).

Issued: March 17, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–6780 Filed 3–24–93; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–344]

Certain Cutting Tools for Flexible Plastic Conduit and Components Thereof; Commission Determination Not To Review an Initial Determination Amending the Complaint and Investigation To Add a Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination (ID) (Order No. 8) in the above-captioned investigation amending the notice of investigation to add Chewink Corporation as a respondent.

FOR FURTHER INFORMATION CONTACT: Robin L. Turner, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3103.

SUPPLEMENTARY INFORMATION: On February 10, 1993, the ALJ issued an ID granting a motion by complaints Dawn Industries, Inc., Dextel Inc., and Duane Robertson to amend the complaint and notice of investigation to add Chewink, Corporation as a respondent in the investigation. Chewink Corporation is an alleged foreign exporter of the subject product. No petitions for review or government agency comments were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and section 210.53(h) of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.53(h)).

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

Issued: March 16, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–6777 Filed 3–24–93; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–276]

Certain Erasable Programmable Read Only Memories, Components Thereof, Products Containing Such Memories, and Processes for Making Such Memories; Order

On March 16, 1989, the Commission issued its final determination in the above-captioned investigation. The Commission determined that there was a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the unlicensed importation and sale of certain erasable programmable read only memories (EPROMs), and in particular certain EPROMs manufactured abroad for Microchip Technology Incorporated (Microchip), which infringe valid U.S. patents owned by complainant Intel Corp. (Intel). The Commission determined that a limited exclusion order and six cease and desist orders were the appropriate remedy. One of the cease and desist orders was issued to Microchip. Section V of the cease and desist order imposes an annual reporting requirement on Microchip:

For purposes of this reporting requirement, each reporting period shall commence on the first day of July, and shall end on the following last day of June. The first report required under this section shall cover the period March 16, 1989, to June 30, 1989. This reporting requirement shall continue in force until the date of expiration of the last of the patents specified in section III above to expire, and failure to report shall constitute a violation of this Order.

Within 30 days of the last day of each reporting period, Respondent shall report to the Commission the following:

(A) Its importations, measured in units, of erasable programmable read only memories, if any, during the reporting period in question, manufactured according to designs and/or process technology provided by Respondent to any person used in the manufacture of erasable programmable read only memories bearing, as of the date of this Order, the product designations GI27256, GI27C256, or GI27C512.

(B) Its sales in the United States, measured in units, of erasable programmable read only memories, if any, during the reporting period in question, manufactured according to designs and process technology provided by Respondent to any person used in the manufacture of erasable programmable read only memories bearing, as of the date of this Order, the product designations GI27256, GI27C256, or GI27C512.

(C) All contracts, whether written or oral, entered into during the reporting period in question, to sell erasable programmable read only memories, if any, during the reporting period in question, manufactured according to designs and process technology provided by Respondent to any person used in the manufacture of erasable programmable read only memories bearing, as of the date of this

Order, the product designations GI27256, GI27C256, or GI27C512.

In connection with the importation and sales referred to in paragraphs (A) and (B) above, Respondent shall provide the Commission with two copies of all invoices, delivery orders, bills of lading, and other document concerning the importation or sale in question. Such copies shall be attached to the reports required by paragraphs (A) and (B) above.

Microchip and Intel have entered into a license agreement which permits Microchip to engage in certain activities prohibited by the limited exclusion and cease and desist orders. The terms of the license agreement, which has been provided to the Commission, are confidential. Microchip has requested that the Commission modify the cease and desist order to make clear that Microchip need not comply with the reporting requirement with respect to conduct permitted by the license. Complainant Intel filed an opposition to Microchip's petition, and the Commission investigative attorney filed a reply in support of Microchip's request.

Having considered the petition and all other documents submitted in connection with this matter, the Commission has determined to deny the petition.

Accordingly, *it is hereby ordered* that—

1. The petition of Microchip Technology Incorporated is hereby denied.

2. A copy of this Order shall be served upon each party of record in this proceeding.

Issued: March 15, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93-6776 Filed 3-24-93; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-348]

Certain In-Line Roller Skates With Ventilated Boots and In-Line Roller Skates With Axle Aperture Plugs and Component Parts Thereof; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 18, 1993, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Rollerblade, Inc., 5101 Shady Oak Road, Minnetonka, Minnesota 55343. An amended complaint was filed on March 11, 1993. The complaint, as amended, alleges a violation of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain in-line roller skates with ventilated boots and in-line roller skates with axle aperture plugs and component parts thereof by reason of alleged infringement of claims 1–8 of U.S. Letters Patent 5,171,033 and claim 5 of U.S. Letters Patent 5,048,848, and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., room 112, Washington, DC 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Alesia M. Woodworth, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2571.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12.

SCOPE OF INVESTIGATION: Having considered the complaint, as amended, the U.S. International Trade Commission, on March 18, 1993, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain in-line roller skates with ventilated boots and in-line roller skates with axle aperture plugs and component parts thereof by reason of alleged infringement of claims 1–8 of U.S. Letters Patent 5,171,033 or claim 5 of U.S. Letters Patent 5,048,848; and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Rollerblade. Inc., 5101 Shady Oak Road, Minnetonka, Minnesota 55343

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Canstar Sports U.S.A., Inc., 50 Jonergin Drive, Swanton, Vermont 05488

California Pro USA Corp., 8810 Recho Road #G, San Diego, California 92121

Brookfield Athletic Company, Inc., 13 Centennial Drive, Peabody, Massachusetts 01961

Maska U.S. Inc., Pierson Industrial Park, PO Box 381, Bradford, Vermont 05033–0381

Exel Marketing, Inc., One Second Street, Peabody, Massachusetts 01960

First Team Sports, Inc., 2274 Woodale Drive, Mounds View, Minnesota 55112–4900

Roller Derby Skate Corporation, 311 West Edwards St., Litchfield, Illinois 62056

Innovative Sport Systems, Inc., 6527 Cecilia Circle, Minneapolis, Minnesota 55439

Variflex, Inc., 5152 North Commerce Avenue, Moorpark, California 93021

National Sporting Goods Corps., 25 Brighton Avenue, Passaic, New Jersey 07055

Risport International Corp., 12 Shakespeare Road, Nashua, New Hampshire 03062

Keys Fitness Products, Inc., 11220 Petal Street, Dallas, Texas 75229

Canstar Sports Group, Inc., 5705, Rue Ferrier, Suite 200, Ville Mony-Royal, Quebec, Canada H4P1N3

Playmaker Co., Ltd., 10F1 #101 Sung Chiang Road, Taipei City, Taiwan 10428

Meran S.R.L., 30135 Crocetta Del Montello, Treviso, Italy

Good Men Associates, Inc., 4F–3, #390, Fu-Hsing S. Rd., Sec. 1, Taipei 10640, Taiwan

Han Kai Co., Ltd., 3F, #51, Alley 19, Lane 291, Sec. 5, Nanking East Road, Taipei, Taiwan

Regal Enterprise Co., Ltd., Third Fl.–1, #156, Yen Chi St., Taipei, Taiwan

Yuh Jou Co., Ltd. No. 17, Lane 39, Sec. 1, San Ho Road, San Chung City, Taipei Hsien, Taiwan

Amula's Enterprise Corp., 35 Jih Hsin St., Tucheng Hsiang, Taipei Hsien, Taiwan

Roces SRL, Via G. Ferraris, Montebeluna, Treviso, Italy

Koflach Sportgerate Gesellschaft, Alte Hauptstrabe 5–7, Koflach, Austria 8580
Sport Maska, Inc., 6375 Picard Street, Saint-Hyacinthe, QCJS21H3, Quebec, Canada
Marco Skates, 9C–D Yiko Industrial Building, 10 Ka Yip Street, Chaiwan, Hong Kong
Speedent Corporation, 38 Changsnu, 2nd Rd., Hsichih, Taipei Hsien, Taiwan
So¹-F^ffect Ent. Co., 23, Alley 29, Lane 120, Sec. 4, Nan King East Road, Taipei, Taiwan
Pai Hung Sporting Goods, Co., Ltd., 11 F., No. 7, Lane 187, Yung Chi Road, Taipei 11504, Taiwan

(c) Alesia M. Woodworth, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., room 401–O, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Commission determination not to include certain proposed respondents in this Notice of Investigation does not preclude an amendment of this Notice at a later date should sufficient additional information be obtained regarding these proposed respondents' alleged importation into the United States, sale for importation, or sale within the United States after importation of certain in-line roller skates with ventilated boots or in-line roller skates with axle aperture plugs or component parts thereof.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.21. Pursuant to §§ 210.16(d) and 210.21(a) of the Commission's Rules, 19 CFR 201.16(d) and 210.21(a), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: March 18, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–6781 Filed 3–24–93; 8:45 am]

BILLING CODE 7020–20–M

[Investigation 337–TA–337]

In the Matter of Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus; Notice of Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above captioned investigation terminating the following respondents on the basis of a settlement agreement: Winbond Electronics Corporation and Winbond Electronics North America Corporation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on March 10, 1993.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205–1802.

By order of the Commission.

Issued: March 12, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–6774 Filed 3–24–93; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–515 (Final)]

Portable Electric Typewriters from Singapore

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a final antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–515 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reasons of imports from Singapore of portable electric typewriters, provided for in subheadings 8469.10.00 and 8469.21.00 of the Harmonized Tariff Schedule of the United States (HTS).[1]

[1] For purposes of this investigation, portable electric typewriters are defined as machines that produce letters and characters in sequence directly on a piece of paper or other media from a keyboard input and meeting the following criteria. They must: (1) be easily portable, with a handle and/or carrying case, or similar mechanism to facilitate their portability; (2) be electric, regardless of source of power; (3) be comprised of a single, integrated unit (e.g., not in two or more pieces); (4) have a

Continued

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: February 8, 1993.

FOR FURTHER INFORMATION CONTACT:

Jim McClure (202–205–3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of certain portable electric typewriters from Singapore are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on April 18, 1991, by Brother industries (USA), Bartlett, TN.

Participation in the Investigation and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

keyboard embedded in the chassis or frame of the machine; (5) have a built-in printer; (6) have a platen (roller) to accommodate paper; and (7) only accommodate their own dedicated or captive software, if any. The portable electric typewriters subject to this investigation are those provided for in HTS subheading 8469.21.00 and those with text memory (automatics) provided for in HTS subheading 8469.10.00.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on June 8, 1993, and a public version will be issued thereafter, pursuant to section 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on June 25, 1993, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 17, 1993. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 18, 1993, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules. Parties are strongly encouraged to submit as early in the investigation as possible any requests to present a portion of their hearing testimony *in camera*.

Written submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.22 of the Commission's rules; the deadline for filing is June 18, 1993. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.24 of the Commission's rules. The deadline for filing posthearing briefs is July 6, 1993; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before July 6, 1993. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.20 of the Commission's rules.

Issued: March 17, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–6779 Filed 3–24–93; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–546 and 547 (Final)]

Steel Wire Rope from the Republic of Korea and Mexico

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from the Republic of Korea ("Korea") and Mexico of steel wire rope,[3]

[1] The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner's Brunsdale, Crawford, and Nuzum dissenting.

[3] The subject imported steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass plated wire. Excluded from the imports covered by these investigations is stainless steel wire rope, i.e., ropes, cables, and cordage other than stranded wire, of stainless steel, not fitted with fittings or made up into articles, provided for in subheading 7312.10.60 of the Harmonized Tariff Schedule of the United States.

provided for in subheading 7312.10.90 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective September 28, 1992, following preliminary determinations by the Department of Commerce that imports of steel wire rope from Korea and Mexico were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of November 18, 1992 (57 FR 54419). The hearing was held in Washington, DC, on February 19, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on March 15, 1993. The views of the Commission are contained in USITC Publication 2613 (March 1993), entitled "Steel Wire Rope from the Republic of Korea and Mexico: Determinations of the Commission in Investigations Nos. 731–TA–546 and 547 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: March 16, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–6778 Filed 3–24–93; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Notice of Exemption; Colorado and Wyoming Railway Co—Acquisition and Operation Exemption—Lines of the Colorado and Wyoming Railway Company

[Finance Docket No. 32263]

Colorado and Wyoming Railway Company (New C&W), a noncarrier, has filed a notice of exemption: (1) To acquire and operate approximately 1 mile of rail line, including associated feeder lines, owned by The Colorado and Wyoming Railway Company (Old C&W) located within the boundaries of the CF&I steel mill property in Pueblo, CO; and (2) to operate over the Comanche Spur, an approximately 4.5-mile line to be acquired by the Public Service Company of Colorado (PSC) from Old C&W.[1] Upon consummation New C&W will become a class III carrier. Parties expected consummation to occur on March 4, 1993.

As part of the acquisition transaction, New C&W will continue to interchange traffic with Denver and Rio Grande Western Railroad, Burlington Northern Railroad, and The Atchison, Topeka, & Santa Fe Railroad as Old C&W did in the past. Current tariff filings and revenue division agreements will be assigned to New C&W. New C&W will also continue to handle freight to, from, and within the CF&I steel mill property and to serve Old C&W customers on the line. As part of the operation transaction over the Comanche Spur, New C&W will continue to serve those customers previously served by Old C&W over the line.

Any comments must be filed with the Commission and served on Fred P. Swanson, Oregon Steel Mills, Inc., P.O. Box 2760, Portland, OR 97208.

This transaction is part of a restructuring of the holdings of Oregon Steel Mills, Inc.[2] pursuant to a plan of reorganization approved by the bankruptcy court.[3] As a condition to the use of this exemption, any employee adversely affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).[4]

This notice is filed under 49 CFR 118.20 and 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 19, 1993.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Sidney L. Strickland,

Secretary.

[FR Doc. 93–6879 Filed 3–24–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32241]

Genesee & Wyoming Industries, Inc.—Continuance in Control Exemption—Bradford Industrial Rail, Inc., Notice

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 11343–45 the continuance in control by Genesee & Wyoming Industries, Inc. (GWI), of Bradford Industrial Rail, Inc. (BIR), on the latter's becoming a rail common carrier, subject to standard labor protective conditions. GWI presently owns all the outstanding capital stock of six short-line class III rail carriers: (1) Genesee and Wyoming Railroad Company, (2) Dansville and Mount Morris R.R. Co., (3) Rochester & Southern Railroad, Inc., (4) Louisiana & Delta Railroad, (5) Buffalo & Pittsburgh Railroad, Inc., and (6) Allegheny & Eastern Railroad, Inc. BIR has filed a verified notice in Finance Docket No. 32240 to exempt its acquisition and operation of a rail line owned by Consolidated Rail Corporation.

DATES: This exemption will be effective on April 24, 1993. Petitions to stay must be filed by April 5, 1993. Petitions to reopen must be filed by April 14, 1993.

ADDRESSES: Send pleadings referring to Finance Docket No. 32241 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce

[1] On March 2, 1993, PSC filed its verified notice of exemption in Finance Docket No. 32264 to acquire the Comanche Spur from Old C&W and, concurrently, filed a motion to dismiss based on its contention that its acquisition of mere assets is not subject to Commission jurisdiction.

[2] On November 7, 1990, CF&I Steel Corporation (Old CF&I) and its subsidiaries, including Old C&W, filed for reorganization under Chapter 11 of the Bankruptcy Code. Prior to reorganization, Oregon Steel Mills, Inc. controlled Old CF&I, which in turn controlled Old C&W. Pursuant to a plan of reorganization approved by the Bankruptcy Court, a limited partnership, consisting of New CF&I, Inc. (the general partner) and the Pension Benefit Guaranty Corporation (the limited partner), will purchase certain assets of Old CF&I and all of the remaining assets of Old C&W. The New C&W will be a wholly owned subsidiary of New CF&I, which in turn will be a wholly owned subsidiary of Oregon Steel Mills, Inc.

[3] Pursuant to 49 CFR 1180 subpart B, transactions under 49 CFR 1172 involving the transfer or operation of lines of bankrupt railroads, by a noncarrier, under a plan of reorganization are governed by the procedures in 49 CFR 1150 subpart D. *See Transfer of Operation of Lines of Railroads in Reorganization, 9 I.C.C.2d 201 (1992) (Reorganization).*

[4] In these types of transactions, pursuant to 49 CFR 1180 Subpart B, the Commission is required under 11 U.S.C. 1172(c)(1) to provide affected employees with adequate protection, as set forth in 49 U.S.C. 11347, unless a need is shown for greater levels of protection. *See Reorganization, supra.*

The United Transportation Union and Transportation Communications International Union (petitioners), jointly filed on March 1, 1993, a petition to revoke, and alternative request for imposition of labor protection. Petitioners have offered no basis for their request that the exemption be revoked. In accordance with 49 CFR 1180.20(c), appropriate labor protective conditions have been imposed providing the alternative relief sought by petitioners.

Commission, Washington, DC 20423; and

(2) Petitioners' representative: Charles D. Crampton, Harter, Secrest & Emery, 700 Midtown Tower, Rochester, NY 14604.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–5610. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission, Washington, DC 20423. Telephone (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.].

Decided: March 12, 1993

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland,

Secretary.

[FR Doc. 93–6880 Filed 3–24–93; 8:45 am]

BILLING CODE 7035–01–M

NATIONAL COMMISSION ON MANUFACTURED HOUSING

Meeting; Cancellation

AGENCY: National Commission on Manufactured Housing.

ACTION: Cancellation of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 101–625, as amended, the National Commission on Manufactured Housing announces a change in the forthcoming schedule of meetings of the Commission.

DATES: The Meeting originally scheduled for April 15 and 16, 1993, (58 FR 11642, February 26, 1993) has been cancelled.

FOR FURTHER INFORMATION CONTACT: Carmelita R. Pratt, Administrative Officer, The National Commission on Manufactured Housing, (GSA) 7th & D Street, SW., 7109, Washington, DC 20407 (202) 708–5702.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 93–6838 Filed 3–24–93; 8:45 am]

BILLING CODE 6820–EA–M

NATIONAL INSTITUTE FOR LITERACY

National Institute for Literacy Advisory Board Meeting; Correction

In notice document 93–6383, which announced a closed meeting of the Institute Advisory Board on April 3 and 4, 1993, appearing on page 15167 in the issue of Friday, March 19, 1993, in the second column, under **SUPPLEMENTARY INFORMATION,** in the second paragraph, sixth line, "Institute Director of the Board." should read "Institute Director.".

Dated: March 22, 1993.

Thomas R. Hill,

Executive Officer, National Institute for Literacy.

[FR Doc. 93–6903 Filed 3–24–93; 8:45 am]

BILLING CODE 6055–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: April 12, 1993, 3 p.m. until 5 p.m.; April 13, 1993; 8:30 a.m. until 5 p.m.

Place: Room 536, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. James P. Wright, Program Director, Division of Astronomical Sciences 1800 G Street, NW., room 615, Washington, DC. Telephone: (202) 357–7304.

Purpose of Meeting: To provide advice and recommendations concerning nominations submitted to NSF for NSF Young Investigator Awards.

Agenda: To review and evaluate unsolicited nominations submitted to the Division of Astronomical Sciences.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information and personal information concerning individuals associated with the nominations. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6817 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Biochemistry and Molecular Structure and Function; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting: Advisory Panel for Biochemistry and Molecular Structure and Function in the Division of Molecular and Cellular Biosciences. (Panel B)

Date and Time: Wednesday, Thursday and Friday, April 14–16, 1993; 9 a.m. to 5 p.m.

Place: The Inn at Foggy Bottom, 824 New Hampshire Avenue, NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Robert Uffen and Dr. Todd Martensen, Program Directors, Molecular Biochemistry, room 325, Division of Molecular and Cellular Biosciences, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7945.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6814 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Biochemistry and Molecular Structure and Function; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting: Advisory Panel for Biochemistry and Molecular Structure and Function in the Division of Molecular and Cellular Biosciences.

Date and Time: Monday and Tuesday, April 12–13, 1993; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, room 540 on April 12, and room 543 on April 13, 1993.

Type of Meeting: Open.

Contact Person: Dr. Robert Uffen, Program Director Metabolic Biochemistry, room 325, Division of Molecular and Cellular Biosciences, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7945.

Purpose of Meeting: To provide advice and recommendations concerning research opportunities in microbial biology.

Agenda: To present, discuss, and evaluate research needs and opportunities in microbial biology and to draft a summary of the discussion and recommendations. Summary minutes of the presentations and discussion will be available shortly after the meeting.

Minutes: May be obtained from the contact person listed above.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6827 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Dates and Times: April 12, 1993; 8:30 a.m.–5 p.m.

Place: National Science Foundation Annex, 1110 Vermont Avenue NW., room 500A, Washington, DC.

Type of Meeting: Closed.

Contact Person: Karen Mudry, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7955.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Research Initiation proposals, Equipment proposals, Career Advancement proposals, Research Planning proposals, and Regular Research proposals in the area of Biomaterials as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6822 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: Wednesday, April 14, 1993; 8:30 a.m. to 5 p.m.

Place: Room 411, National Science Foundation, 1800 G. Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Fred Heineken, Division of Biological and Critical Systems, room 1132, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–9545.

Purpose of Meeting: To provide advice and recommendations for nominations/applications submitted to NSF for financial support.

Agenda: To review and evaluate Young Investigators nominations/applications as part of the selection process for awards.

Reason for Closing: The nominations/applications being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 U.S.C. 552 b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6833 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting: Advisory Panel for Cell Biology (Sub-Panel B).

Dates and Times: April 14–15, 1993; 8:30 a.m. to 6 p.m.

Place: 1800 G Street, NW., room 1242, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Eve Ida Barak, Program Director for Cell Biology Program (Cellular Organization), room 325, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Telephone: 202/357–7474.

Purpose of Meeting: To provide advice and recommendations concerning research proposals submitted to the Cell Biology Program of the Division of Molecular and Cellular Biosciences at NSF for financial support.

Agenda: To review and evaluate research proposals in the area of Cell Biology (Cellular Organization) as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6819 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemical and Thermal Systems; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following eight meetings:

Name: Special Emphasis Panel in Chemical and Thermal Systems.

Date and Time: April 12–13, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 1133, 1800 G Street, NW., Washington, DC; rm. 500B, 1110 Vermont Avenue, NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Research Initiation Awards Program.

Contact Persons: Drs. Edgar O'Rear & Robert Wellek, Program Directors (202) 357–9606.

Date and Time: April 13, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 1133, 1800 G Street, NW., Washington, DC 20550.

Agenda: Review and evaluate nominations for the NSF Young Investigator Awards Program.

Contact Person: Dr. Maria K. Burka, Program Director, (202) 357–9606.

Date and Time: April 16, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500E, 1110 Vermont Avenue, NW., Washington, DC. 20550

Agenda: Review and evaluate nominations for the NSF Young Investigator Awards Program.

Contact Person: Dr. Edgar O'Rear, Program Director, (202) 357–9606.

Date and Time: April 19–20, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500C, 1110 Vermont Avenue, NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Young Investigator Awards Program.

Contact Persons: Drs. Stephen Traugott & M.C. Roco, Program Directors, (202) 357–9606.

Date and Time: April 20, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500A, 1110 Vermont Avenue, NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Young Investigator Awards Program.

Contact Persons: Drs. Edgar O'Rear & Robert Wellek, Program Directors, (202) 357–9606.

Date and Time: April 26–27, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500C, 1110 Vermont Avenue, NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Research Equipment Grants Program.

Contact Persons: Drs. Stephen Traugott & M.C. Roco, Program Directors, (202) 357–9606.

Date and Time: May 4–5, 1993; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 536, 1800 G Street, NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Research Initiation Awards Program.

Contact Persons: Drs. Stephen Traugott & M.C. Roco, Program Directors, (202) 357–9606.

Date and Time: May 4–5, 1993; 8:30 a.m. to 5 p.m.

Place. NSF, rm. 500C, 1110 Vermont Avenue, NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Research Equipment Grants Program.

Contact Persons: Drs. Edgar O'Rear & Robert Welleck, Program Directors, (202) 357–9606.

Purpose of Meeting: To provide advice and recommendation to the Division of Chemical and Thermal Systems concerning proposals submitted to the Division for financial support.

Type of Meetings: Closed.

Reason for Closing: The nominations and proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations and proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6820 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemical and Thermal Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in the Division of Chemical and Thermal Systems.

Date and Time: April 13, 1993; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1133,Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Maria K. Burka, Program Director, 1800 G Street, NW., room 1133, Washington, DC 20550. Telephone: (202) 357–9606.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate "NSF Young Investigator Awards (NSF 92–116)"; and "Research Initiation Awards (NSF 92–122)" proposals submitted to NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(b) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6830 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Cross-Disciplinary Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 14, 1993; 7 p.m. to 9 p.m.; April 15, 1993; 8:30 a.m. to 5 p.m.; April 16, 1993; 8:30 a.m. to 3:30 p.m.

Place: State Plaza Hotel, 2117 E Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Gerald L. Engel, Program Director, Office of Cross-Disciplinary Activities, rm. 436, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7349.

Purpose of Meeting: To provide advice and recommendations concerning nominations submitted to NSF for financial support.

Agenda: To review and evaluate National Science Foundation Young Investigator nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6824 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Cultural Anthropology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 15 & 16, 1993; 9 a.m.–5 p.m.

Place: 1110 Vermont Avenue, room 500C, Washington, DC.

Type of Meeting: Part-Open.

Contact Person: Dr. Raymond Hames, Program Director, Cultural Anthropology, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7804.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Open session: April 16, 1993, 11 a.m.–4 p.m. Closed session: April 15, 1993, 9 a.m.–5 p.m., April 16, 1993, 9 a.m.–11 a.m. To review and evaluate Cultural Anthropology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6828 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

DOE/NSF Nuclear Science Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 13, 1993 from 1 p.m. to 5 p.m.

Place: Department of Energy, Forrestal Building, room 1E–245, 1000 Independence Ave., NW., Washington, DC 20585.

Type of Meeting: Open.

Contact Person: John W. Lightbody, Program Director for Nuclear Physics, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7992.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To advise the National Science Foundation and the Department of Energy on scientific priorities within the field of basic nuclear science research.

Agenda: Status of DOE and NSF Nuclear Physics Program, DOE Office of Energy Research—Outlook and Trends, Public Comment*.

* Persons wishing to speak should make arrangements through the Contact Person identified above.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6835 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Engineering Education and Centers; Meetings

The National Science Foundation announces the following meetings:

Name: Site Visit Subcommittees of the Special Emphasis Panel in the Engineering Education and Centers Division.

Date	Place	Time
4/13/93 ..	Morgan State University Baltimore, MD.	9–5
4/14/93 ..	Pennsylvania State University State College, PA.	9–5
4/19/93 ..	University of Washington Seattle, WA.	9–5
4/26/93 ..	University of Maryland College Park, MD.	9–5

Date	Place	Time
4/27/93 ..	Howard University Washington, D.C..	9–5
4/28/93 ..	University of Maryland College Park, MD.	9–5

Type of Meeting: Closed.
Contact: Dr. William Butcher, Senior Engineering Advisor, Directorate for Engineering, National Science Foundation, 1800 G Street, NW., room 1126, Washington, DC 20550.
Purpose of Meeting: To conduct an in-depth evaluation of the Ecsel Coalition, per the Cooperative Agreement.
Agenda: Review and evaluation of the Ecsel Coalition's Engineering Education Coalition award.
Reason for Closing: The award being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6837 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Federal Network Council Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Federal Network Council Advisory Committee.
Date and Time: April 14, 1993; 9 a.m. to 4 p.m.
Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.
Type of Meeting: Open.
Contact Person: Ms. Lynn Behnke, Executive Assistant, Federal Networking Council, 4001 N. Fairfax Drive, suite 200, Arlington, VA 22203–1614, Telephone: (703) 522–6410, Fax: (703) 522–7161. Internet: behnke@darpa.mil. Those planning to attend should contact Ms. Lynn Behnke by April 1, 1993.
Minutes: May be obtained from the contact person listed above.
Purpose of Meeting: The purpose of this meeting is to provide the Federal Networking Council (FNC) with technical, tactical, and strategic advice, concerning policies and issues raised in the implementation and deployment of the National Research and Education Network (NREN) Program.
Agenda: Overview of FNC activities, implementation of the National Information Infrastructure, internationalization, IP address space management, NSF Backbone Services Solicitation update, follow-up to last meeting.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6831 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 12–13, 1993; 8:30 a.m. to 5 p.m.
Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.
Type of Meeting: Closed.
Contact Person: Dr. Laurence Rosenberg, Deputy Division Director, Robotics and Intelligent Systems, rm. 310, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9572.
Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.
Agenda: To review and evaluate Research on Scientific Databases proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6823 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Publ. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research (DMR).
Date and Time: Friday, April 16th, 8:30 a.m.
Place: DMR Conference Room, 4th Floor, 1800 G Street, NW., Washington, DC 20550.
Type of Meeting: Closed.
Contact Person: Bruce Taggart, DMR; Jeremy Broughton, DMR.
Purpose of Meeting: To provide advice and recommendations concerning support for DMR 1993 National Young Investigator Awards Program proposals.
Agenda: Evaluation of proposals.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6836 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research (DMR).
Dates and Times: April 14, 1993, 8:15 a.m.–5:30 p.m.
Place: NSF Conference & Training Center, 1110 Vermont Avenue, NW., rooms 500 A, B, and C, Washington, DC 20550.
Type of Meeting: Closed.
Contact Person: Dr. John C. Hurt, Program Director, Materials Research Groups, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357–9791.
Purpose of Meetings: To provide advice and recommendations concerning support for the Materials Research Groups on Condensed Matter Physics.
Agenda: Examine proposals, reviewers' evaluations, and make recommendations for new and renewal awards for Materials Research Groups in FY 1993 competition.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6815 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Molecular and Cellular Biosciences; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 15–16, 1993—8:30 a.m.–5 p.m.
Place: River Inn, 924 25th Street, NW., Wash., DC.
Type of Meeting: Closed.

Contact Person: Brenda Flam, Program Manager for Special Projects, National Science Foundation, 1800 G St., NW., room 325, Washington, DC 20550. Telephone: (202) 357–9400.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate NSF Young Investigator (NYI) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6825 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biological and Critical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 16, 1993, 8:30 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1133, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Karen Mudry, Program Director, Division of Biological and Critical Systems, room 1132, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7217.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate regular research and research initiation proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6826 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Neuroscience.

Dates and Times: April 14–16, 1993; 9 a.m.–5 p.m.

Place: St. James Preferred Residences, 950 24th Street, NW., Washington, DC.

Type of Meeting: Part-Open.

Contact Person: Dr. Steven C. McLoon, Program Director, Division of Integrative Biology and Neuroscience, room 321, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7042.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Closed session April 14–15, 1993; 9–5 and April 16, 1993; 11 a.m.–5 p.m. To review and evaluate Developmental Neuroscience proposals as part of the selection process for awards.

Open Session: April 16, 1993, 9 a.m.–11 a.m. To discuss research trends and opportunities in Developmental Neuroscience.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6813 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Networking and Communications Research and Infrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Networking and Communications Research and Infrastructure.

Date and Time: April 12–13, 1993; 8:30 a.m. to 5 p.m.

Place: Room 411, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Mr. David Staudt, Networking and Communications Research Program, National Science Foundation, room 416, Washington, DC 20550 (202 357–9717).

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Research and Initiation Awards Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals.

These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6818 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Physical Anthropology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Dates and Times: April 18, 1993, 9 a.m. to 5 p.m.

Place: Toronto Hilton, 145 Richmond Street West, Toronto, Ontario, Canada M5H 2L2

Type of Meeting: Closed.

Contact Person: Jonathan Friedlaender, Program Director Physical Anthropology. National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7804 room 320.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Physical Anthropology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6821 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Physiology and Behavior; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings.

Date and Time April 28–April 30, 1993, 9 a.m. to 5 p.m.

Place: Room 540, National Science Foundation, 1800 G St. NW., Washington, DC 2055.

Type of Meeting: Part-Open.

Contact Person: Fred Stollnitz, Program Director for Animal Behavior, Division of Integrative Biology and Neuroscience, room 321, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7949.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Open session: April 30, 1993; 9:30 a.m.–12 noon. To discuss research trends and opportunities in Animal Behavior. Closed session: April 28–29, 1993; 9 a.m. to 5 p.m. and April 30, 1 p.m.–5 p.m. To review and evaluate Animal Behavior proposals as part of the selection process for awards.

Date and Time: April 12–April 14, 1993; 9 a.m. to 5 p.m

Place: River Inn Hotel, 924 Twenty-Fifth St., Washington, DC 20037.

Type of Meeting: Part—Open.

Contact Person: Vince Gutschick, Program Director for Functional/Physiology Ecology, Division of Integrative Biology and Neuroscience, room 321, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7975.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Open session: April 13, 1993 2 p.m.–3 p.m. To discuss research trends and opportunities in Functional/Physiological Ecology, Closed session: April 12–14, 1993; 9 a.m. to 5 p.m. and April 13, 9 a.m.–12 noon; 3 p.m.–5 p.m. To review and evaluate Functional/Physiological Ecology proposals as part of the selection process for awards.

Date and Time: May 3–4, 1993, 9 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G St. NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Barbara Zain, Program Director for Animal Systems Physiology, Division of Integrative Biology and Neuroscience, room 321, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone (202) 357–7975.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Closed session: May 3–4, 1993; 9 a.m. to 5 p.m. To review and evaluate Animal Systems Physiology proposals as part of the selection process for awards.

Date and Time: May 3–4, 1993, 9 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G St., NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Elvira Doman, Program Director for Endocrinology, Division of Integrative Biology and Neuroscience, room 321, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–7975.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Closed sessions: May 3–4, 1993; 9 a.m. to 5 p.m. To review and evaluate Endocrinology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6829 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Social and Economic Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 15–16, 1993, 9 a.m. to 5:30 p.m.

Place: Room 543, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Bonney H. Sheahan, Program Manager, Cross-Directorate Activities, Division of Social, Behavioral and Economic Research, room 336, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–7966.

Purpose of Meeting: To provide advice and recommendations concerning nominations submitted to NSF for special awards.

Agenda: To review and evaluate NYI nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6834 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Sociology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: April 15–16, 1993, 8:30 a.m. to 5 p.m.

Place: Room 523, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person/s: Dr. William Sims Bainbridge and/or Dr. Martin Whyte, Program Directors, Division of Social, Behavioral and Economic Research, room 336, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–7802.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–6832 Filed 3–24–93; 8:45 am]

BILLING CODE 7555–01–M

Division of Environmental Biology; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

Name: Advisory Panel for Systematic Biology.

Dates and Times: April 18–21, 1993 8 a.m. to 5 p.m.

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Contact Person: Dr. Rodney Honeycutt, rm 215, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9728.

Agenda: To review and evaluate Systematic Biology proposals as part of the selection process for awards.

Name: Advisory Panel for Population Biology.

Dates and Times: April 27–30, 1993 8 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Contact Person: Dr. Conrad A. Istock, rm 215, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9728.

Agenda: To review and evaluate Population Biology proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for

research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act

Dated: March 22, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-6816 Filed 3-24-93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (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).

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR 50.65—Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* Collection is required on a continuing basis as the information becomes available.
5. *Who will be required or asked to report:* No reporting to the NRC is required. Holders of a power plant operating license under 10 CFR 50.21(b) or 50.22 must maintain certain records or data relating to maintenance.
6. *An estimate of the total number of responses:* No responses to the NRC are required or expected. 110 nuclear power plants will be required to maintain certain records or data.
7. *An estimate of the number of hours needed annually to complete the requirement or request:* This proposed change to § 50.65 is expected to result in a savings to the licensees of approximately 150 staff hours per plant.
8. *An indication of whether section 3504(h), Public Law 96-511 applies:* Applicable.
9. *Abstract:* The Commission is proposing to amend its regulations in 10 CFR 50.65 to change the frequency for commercial nuclear power plant licensees to evaluate the effectiveness of maintenance activities for safety significant plant equipment in order to minimize the likelihood of failure and events caused by the lack of effective maintenance. The annual evaluation requirement currently in 10 CFR 50.65 is being amended from annually to once per refueling cycle but not to exceed 24 months because the Commission believes that the quantity and quality of data obtained during refueling outages would be substantially greater than that available on an annual schedule and would provide a more meaningful basis for the recognition and interpretation of trends.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street (lower level) NW., Washington, DC 20555.

Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150-0011), NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be communicated by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 17th day of March 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 93-6892 Filed 3-24-93; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published February 24, 1993 (58 FR 11258). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS and ACNW full Committee meetings designated by an asterisk (*) will be closed in whole or in part to the public. The ACRS and ACNW full Committee meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS and ACNW full Committee meetings, and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1993 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492-4600 (recording) or 301/492-7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Planning and Procedures, April 14, 1993, Bethesda, MD (3 p.m.-5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Thermal Hydraulic Phenomena, April 30, 1993, Bethesda, MD. The Subcommittee will begin its review of the Westinghouse analytical program used in support of the AP600 design certification test program.

Probabilistic Risk Assessment, May 11, 1993, Bethesda, MD. The Subcommittee will discuss the report of the PRA Working Group that summarizes activities of this Group and provides guidance for the staff regarding the application of PRA.

Joint Thermal Hydraulic Phenomena/Core Performance, May 12, 1993, Bethesda, MD. The Subcommittees will continue their review of the issues pertaining to BWR core power stability.

Planning and Procedures, May 12, 1993, Bethesda, MD (3 p.m.-5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates

nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Thermal Hydraulic Phenomena, May 26–27, 1993 (tentative), Oregon State University, Corvallis, OR. The Subcommittee will continue its review of the Westinghouse and NRC integal systems and separate effects test programs supporting the AP600 design certification effort.

ACRS Full Committee Meetings

396th ACRS Meeting, April 15–17, 1993, Bethesda, MD. During this meeting, the Committee plans to consider the following:

A. *Proposed NRC Staff Plan for Comparing Safety Goals with Regulations (Tentative)*—Review and comment on the NRC staff plan for using the Safety Goal Policy to judge the effectiveness of the NRC regulations. Representatives of the NRC staff and industry will participate.

B. *The SALP Program*—Review and comment on the overall SALP process and the changes made or proposed since the Regulatory Impact Survey that was conducted in 1989. Representatives of the industry and NRC staff will participate.

C. *Commission Paper on Safety Goals/Large Release*—Review and comment on a revised Commission paper on the definition of a large release within the context of the implementation of the Safety Goal Policy. Representatives of the NRC staff will participate.

D. *Maintenance Guidance Documents*—Review and comment on the guidance documents for Implementation of the Maintenance Rule. Representatives of the NRC staff and industry will participate.

E. *Current License Renewal Issues*—Discuss and comment on how the Maintenance Rule might be used as a means to address the activities required of licensees by the License Renewal Rule. Representatives of the industry and NRC staff will participate.

F. *Proposed Final Commission Paper on Resolved SECY–90–016 Follow-on Issues*—Review and comment on the status of the NRC staff's work on resolution of SECY–90–016 follow-on issues. Representatives of the NRC staff will participate.

G. *Regulatory Guide for Implementation of Revised 10 CFR Part 20*—Discuss and comment on the proposed final regulatory guide, DG–8006, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants." Representatives of the NRC staff will participate, as appropriate.

H. *Prioritization of Generic Issue 152, "Design Basis for Valves that Might be Subjected to Significant Blowdown Loads"*—Discuss proposed ACRS report on the proposed priority ranking of this generic issue. Representatives of the NRC staff will participate, as appropriate.

I. *Organizational Factors Research*—Discuss proposed ACRS report on the Organizational Factors Research Program. Representatives of the NRC staff and industry will participate, as appropriate.

J. *Effects of Hurricane Andrew on the Turkey Point Plant*—Hear a briefing by and hold discussions with representatives of the NRC staff regarding the effects of Hurricane Andrew on the Turkey Point Nuclear Plant. Representatives of the industry will participate, as appropriate.

L. *Meeting with the NRC Commissioners (Tentative)*—Meet with the NRC Commissioners to discuss items of mutual interest.

M. *Meeting with the Director of the Office of Policy Planning (Tentative)*—Meet with the Director of the Office of Policy Planning to discuss matters of mutual interest.

N. *Future ACRS Activities*—Discuss topics proposed for consideration by the full Committee.

O. *Resolution of ACRS Recommendations*—Discuss replies from the NRC Executive Director for Operations regarding the NRC staff reaction to recent ACRS comments and recommendations.

P. *ACRS Subcommittee Activities*—Hear reports on and hold discussions of the status of ACRS subcommittee assignments, including activities of the NRC Region II Office, Severe Accident issues for the GE ABWR, ABB–CE System 80+ control room mockup, and procedures for the conduct of ACRS business. Representatives of the NRC staff will participate, as appropriate.

* Q. *Appointment of ACRS Members*—Discuss qualifications of candidates proposed for appointment as ACRS members. Portions of this session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

R. *Miscellaneous*—Discuss miscellaneous matters related to the conduct of Committee activities and complete discussion of topics that were not completed during previous meetings as time and availability of information permit.

397th ACRS Meeting, May 13–15, 1993, Bethesda, MD. Agenda to be announced.

398th ACRS Meeting, June 10–12, 1993, Bethesda, MD. Agenda to be announced.

* Closed.

ACNW Full Committee and Working Group Meetings

Joint Meeting of the ACNW Working Group/ACRS Subcommittee on Occupational and Environmental Protection Systems, March 26, 1993, Bethesda, MD. The Working Group/Subcommittee will review the following proposed final regulatory guides related to the implementation of the revised 10 CFR Part 20: (1) DG–8006, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants," (2) DG–8009, "Acceptable Concepts, Models, Equations, and Assumptions for a Bioassay Program," and (3) DG–8013, "ALARA Levels for Effluents from Materials Facilities."

53rd ACNW Meeting, previously announced for April 28–29, 1993, is postponed to May 19–20, 1993, Bethesda, MD. Agenda to be announced.

54th ACNW Meeting is now scheduled for July 21–22, 1993, Bethesda, MD. Agenda to be announced.

Dated: March 19, 1993.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 93–6764 Filed 3–24–93; 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 February 20, 1993, through March 5, 1993. The last biweekly notice was published on March 3, 1993 (58 FR 12256).

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 P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By April 26, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room 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.

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.

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 amendment requests: August 21, 1991, as supplemented January 25, 1993

Description of amendment requests: The proposed request supplements the previous amendment request which was published in the Federal Register on November 13, 1991 (56 FR 57689), as a result of NRC inquiries regarding the Train A load and full load rejection testing. The proposed supplemental amendment would revise the kW value to be rejected and the load designation for the largest single load shed from diesel generator Train A in Technical Specification (TS) Surveillance Requirement 4.8.1.1. In addition, the supplemental amendment would incorporate diesel generator full load rejection surveillance testing and recovery surveillance testing into the TS surveillance requirement to conform with Regulatory Guide 1.108, "Periodic Testing of Diesel Generator Units Used as Onsite Electric Power Systems at Nuclear Power Plants, Revision 1, August, 1977."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis about 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 previous proposed amendment request provided details regarding diesel generator loading. This information remains valid for the purposes of this supplemental amendment request as well. The non-safety normal water chiller load is already accounted for in the PVNGS diesel load calculation 13-EC-DG-200, and therefore, during a postulated accident condition, the kW margin on the diesel remains 509 kW as discussed in the previous submittal (i.e., the postulated accident load on the diesel remains at 4991 kW, significantly below the rated load (5500kW) of the diesel).

The full load rejection test and recovery test do not change the bases or assumptions contained in the safety analysis for the diesel generator system. This additional periodic testing is intended to ensure the diesel generator system will meet its availability requirements.

As such, this supplemental amendment request 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 accident previously evaluated.

This proposed supplemental amendment request will not impact (1) the capability of the diesel generator to supply power as required, and (2) the load rejection capability of the diesel generator to reject the single largest load while maintaining voltage and frequency as required. It should be emphasized that previous diesel generator surveillance tests 73ST-XDG01 (where X designates Unit 1, 2, or 3), Class 1E Diesel Generator and Integrated Safeguards Surveillance Test-Train A, have resulted in successful load sheds in excess of the load proposed in this proposed supplemental amendment request.

* * * * *

Thus, no new failure modes will be introduced since the diesel generators have shed more than the proposed 842 kW in previous tests.

The full load rejection test and recovery test do not modify the design or operation of plant equipment or the diesel generators. This testing was initially in the PVNGS Unit 1 Technical Specifications and was performed during preoperational testing. As such, no new or different failure modes will be introduced by this testing.

Therefore, the proposed supplemental amendment request will not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

While this supplemental amendment request proposes an increase in the Technical Specification kW value to be rejected for Train A, it should be noted that the refinements within revision 6 to calculation 13-EC-DG-200 (approved April 1991), which warranted the initial amendment request, have resulted in a net increase of 147 kW to the margin for Train A diesel shown in the UFSAR.

The proposed amendment provides for additional surveillance testing to verify emergency diesel generator operation during load rejection. This surveillance testing, performed at 18-month intervals, does not involve a change to safety limits, setpoints, or design margins.

Based on the statements above, the proposed supplemental amendment request does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensees' analysis and, based on that 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: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Attorney for licensees: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072-3999

NRC Project Director: Theodore R. Quay

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendments request: December 8, 1992Description of amendments request: The proposed amendments would revise the neutron monitoring instrumentation surveillance requirements associated with existing footnote (d) to Technical Specification Tables 4.3.1-1 and 4.3.4-1 to clarify that when changing from Operational Condition 1 to Operational Condition 2 the performance of the required surveillance within 12 hours is not required if it was performed within the previous 7 days. In addition, a new footnote (i) replacing footnote (d) on the APRM upscale (fixed) trip function

channel functional test frequency would be incorporated into Table 4.3.4-1 to clarify that when changing from Operational Condition 1 to Operational Condition 2 the required surveillance shall be performed within 12 hours unless the surveillance has been performed within the previous 92 days.

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 obability or consequences of an accident previously evaluated.

The SRMs [Source Range Monitors], IRMs [Intermediate Range Monitors], and APRMs [Average Power Range Monitors] monitor the core neutron flux level and, in some cases, initiate reactor trips to protect against increases in reactor power which could potentially cause fuel damage. The proposed change does not impact the function or the trip setpoints of the neutron monitoring instrumentation. As such, the accidents evaluated in Chapter 15 of the Updated Final Analysis Report (UFSAR) are not affected by the proposed changes; therefore, this amendment request does not involve a significant increase in the probability of an accident previously evaluated.

The proposed amendments make no modifications to neutron monitoring instrumentation. In addition, the function of this instrumentation is not altered; and the trip setpoint limits for this instrumentation remain unchanged. Incorporating the additional information into footnote (d) of Tables 4.3.1-1 and 4.3.4-1 and footnote (i) of Table 4.3.4-1 will clarify the intent of the existing surveillance requirements for both the reactor protection system instrumentation and control rod withdrawal block instrumentation; however, the proposed amendments will not change the current surveillance frequencies.

As stated previously [in Enclosure 1 to the December 8, 1992, letter], the neutron monitoring system surveillance requirements are divided in two parts: the reactor protection system surveillance requirements and the control rod withdrawal block instrumentation surveillance requirements. The reactor protection system initiates a scram to preserve the cladding integrity, preserve the reactor coolant system integrity, minimize the energy which must be adsorbed following a loss-of-coolant accident, and to prevent inadvertent criticality. This amendment request would not affect the consequences associated with these accidents as discussed in Chapter 15 of the UFSAR since the surveillance requirements are not being changed; and thus, the reactor protection system scram functions are not impacted.

The control rod withdrawal block instrumentation provides the appropriate rod block signals when an out of sequence rod is selected for withdrawal when within the preset power level of the rod worth minimizer. It should be noted that this instrumentation is a backup to procedural controls. The surveillance requirements ensure that the required control rod witrawal block instrumentation channels are demonstrated operable at the frequencies shown in Table 4.3.4-1. However, since this amendment request does not change the surveillance requirements, the control rod withdrawal block instrumentation functions are not impacted. As such, the analyses and consequences of the accidents associated with control rod withdrawal errors, evaluated in Chapter 15.4 of the UFSAR (Reactivity and Power Distribution Anomalies), are not affected.

Therefore, the proposed amendments do not involve a significant increase in the consequences of any 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 instrumentation associated with this change, as discussed above, is provided to monitor the core neutron flux. The clarifications proposed for the surveillances on this instrumentation will not modify any safety-related equipment or safety functions and will not alter plant operation. Since the subject instrumentation only monitors reactor parameters and cannot initiate an accident, and this function is not being altered, the proposed amendments 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.

Neutron monitoring functions, system surveillance frequencies, and instrumentation setpoints associated with this amendment request are not being changed. The proposed amendments seek to clarify the original intent of footnote (d) to Tables 4.3.1-1 and 4.3.4-1. The intent of this footnote was to allow the surveillance tests to be performed within 12 hours after entering Operational Condition 2 from Operational Condition 1 to ensure operability of the instrumentation in Operational Condition 2 after the unit had been in Operational Condition 1 for a long period of time. The neutron monitoring instrumentation will continue to perform its intended function in the same manner as it currently does. Therefore, the proposed amendments do 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: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Jocelyn A. Mitchell, Acting Director

The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: January 19, 1993

Description of amendment request: The proposed amendment would change the submittal frequency (from semiannual to annual) for the formerly titled "Semiannual Radioactive Effluent Release Report." The proposed change eliminates inconsistencies between the present Perry Nuclear Power Plant Technical Specifications and the recently revised 10 CFR 50.36a.

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 proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change is designed to conform the PNPP Unit 1 Technical Specifications to changes in the NRC regulations (in this case 10 CFR 50.36a). The proposed change results in no changes to plant systems. The proposed change has no effect on accident conditions or assumptions. The proposed change does not affect possible initiating events for accidents previously evaluated, or any system functional requirements. As described within the discussion of the final rule, the eight proposed actions (one of which involves the frequency of radiological effluent reports) ... "will not reduce the protection of the public health and safety or the common defense and security." Hence, the proposed change is purely administrative in that it is designed to remove inconsistencies between PNPP Unit 1 Technical Specifications and 10 CFR 50.36a and does not affect plant operation in any way. Therefore, the proposed change to the subject Specifications cannot increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated above, the proposed change is administrative in nature and does not increase the possibility of any new or different kind of accident. The proposed change does not create the possibility of a new or different kind of accident since it does not affect the reactor coolant pressure boundary or any other plant systems or structures nor does it affect any system functional requirements or operability requirements and hence could not initiate any new or different kind of accident. Consequently, no new failure modes are introduced as a result of the proposed change.

3. The proposed change does not result in a significant reduction in the margin of safety.

The change does not involve a signicant reduction in the margin of safety because it is administrative in nature, and does not affect any USAR design bases, accident assumptions, or Technical Specification Bases. Therefore, the proposed change does not reduce the margin of safety as defined in the basis for any Technical Specification.

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: Perry Public Library, 3753 Main Street, Perry, Ohio 44081

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John N. Hannon

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station, Units 1 and 2, Lake County, Illinois

Date of amendment request: December 22, 1992

Description of amendment request: The proposed amendment would relocate the Fire Protection Technical Specifications requirements to an owner controlled document and reword the fire protection license condition.

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 will not result in any hardware changes. The fire protection equipment and controls are not assumed to be initiators of analyzed events. The affected fire protection equipment and controls are assumed in the mitigation of the effects of a postulated fire. The removal of the Fire Protection Technical Specifications and the addition of a control process does not degrade the requirement to maintain an adequate level of fire protection. The Fire Protection Technical Specifications will be relocated to the Fire Protection Program and controlled by the proposed fire protection license condition and 10 CFR 50.59. These control requirements ensure the level of fire protection will be maintained consistent with that currently existing. Therefore, this change is administrative in nature and 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, which involves relocation of Fire Protection Technical Specifications and the addition of a control process, 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 for the Zion Nuclear Generating Station.

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 analysis assumptions. The proposed change is administrative in nature and ensures the current level of fire protection is maintained. The relocated fire protection requirements will continue to be required to be met. Any changes to these requirements will be evaluated separately in accordance with 10 CFR 50.59 and the proposed license condition. Additionally, the 10 CFR 50.59 process used to control changes to the relocated fire protection Technical Specifications is more stringent in that more conservative questions than those asked by the 10 CFR 50.92 process must be addressed. 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 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: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

NRC Project Director: James E. Dyer

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: November 25, 1992, as supplemented on February 5, 1993.

Description of amendment request: This amendment request is an additional followup to the amendment request of May 29, 1992, published in the **Federal Register** on July 8, 1992, (57 FR 30242), which changed the Technical Specifications Section 1.0, Definitions, to accommodate a 24-month fuel cycle and which proposed the extension of the test intervals for specific surveillance tests. This amendment proposes extending the surveillance intervals to 24 months for the following additional surveillance tests:

(1) Radiation Monitor R-47, Component Cooling Loop

(2) Radiation Monitors R-41 and R-42, Containment Atmosphere

(3) Radiation Monitors R-48 and R-54, Liquid Radwaste Effluent

(4) Radiation Monitor R-49, Steam Generator Blowdown

(5) Radiation Monitor R-52, Steam Generator Blowdown Purification Cooling Water

(6) Radiation Monitor R-51, Steam Generator Blowdown after Purification

(7) Radiation Monitor R-59, Condensate Return to House Boilers

(8) Radiation Monitors R-55A, B, C and D, Steam Generator Sampling

(9) Radiation Monitors R-46 and R-53, Service Water from Containment Fan Coolers

(10) Auxiliary Feedwater System Initiating Logic

(11) Radiation Monitors R-39 and R-40, Service Water from Component Cooling Heat Exchangers

(12) Main Steam Safety Valves Setpoints

(13) Radiation Monitor R-50, Waste Gas Holdup System Noble Gas

(14) Area Radiation Monitors

(15) Toxic Gas Detection System

(16) Main Steam Line Radiation Monitors

The changes requested by the licensee are related to a 24-month fuel cycle and are in accordance with Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle."

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) Radiation Monitor R-47, Component Cooling Loop

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

The primary function of R-47 is to monitor the component cooling loop to indicate a breach of the primary system or the residual heat removal loop if it were in operation. If radioactivity was detected in the component cooling loop of sufficient magnitude, an interlock would cause valve closure in the component cooling surge tank. Although drift of this setpoint is of some concern, failure of this valve to close would not result in releases in excess of 10 CFR [Part] 20, as stated in section 4 of the FSAR [Final Safety Analysis Report]. Thus, even though excessive drift would be detected by the monthly channel test, total failure of the monitor would not significantly increase the probability or consequence of an accident.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The current setpoint is established sufficiently above background to avoid alarms in non-alarm situations. Drift is not a concern as even with total failure of the monitor to cause valve closure would not result in releases in excess of 10 CFR [Part] 20 limits.

3. There has been no reduction in the margin of safety.

Total loss of function of the monitor has been evaluated and found to have a relative[ly] insignificant impact upon safety.

(2) Radiation Monitors R-41 and R-42, Containment Atmosphere

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

These monitors do not reflect setpoints which are critical to safety. The setpoint is several decades below the allowed instantaneous release rate. This large margin offsets the lack of historical data and would also accommodate gross drift. However, instrument malfunction would be detected by daily checks and monthly tests which would detect abnormal behavior during an extended operating cycle in advance of any operating limit being exceeded. Thus it is concluded that no significant increase in the probability of an accident or consequences would result from an extended operating cycle.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The large margin between setpoint and release limit would necessitate gross drift if the release limit were to be exceeded. Abnormal behavior would be detected by daily and monthly checks in an extended operating cycle.

3. There has been no reduction in the margin of safety.

The device is expected to be a reliable device and the limited historical data supports this expectation. Due to monthly checks which would detect gross drift prior to exceedance of release limits, increasing the time interval from 18 months to 24 months would have no significant impact on safety.

(3) Radiation Monitors R-48 and R-54, Liquid Radwaste Effluent

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

These monitors provide a backup function to the grab sample and radiochemical analysis that must be performed prior to discharge of a tank's inventory to the environment. The monitors would only provide a safety function if a major violation of plant procedures occurred. Even then setpoints are established very conservatively with respect to discharge limits such that excessive drift would have to occur to even approach the discharge limit. Accordingly, extending the calibration interval by several months would have minimal impact upon the probability of discharging a tank whose radioactivity content exceeded the discharge limit.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The primary means of determining whether a tank's inventory is acceptable for discharge is by radiochemical analysis. These monitors provide a backup to the radiochemical analysis.

3. There has been no reduction in the margin of safety.

The quarterly functional tests and source check at the time of discharge assure there will be a minimal impact upon safety if the operating cycle were extended by several months.

(4) Radiation Monitor R-49, Steam Generator Blowdown

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Although, there is limited past data for this instrument, there were no unacceptable test results and the monitor is expected to be reliable. The monitor provides automatic isolation of the steam generator blowdown valves in the event of a steam generator tube leak of sufficient magnitude. However, for small leaks, the primary means of detection is the condenser off-gas radiation monitor. For larger tube leaks ranging to a tube rupture, other plant parameters would respond such as pressurizer level which would result in an overall containment isolation signal.

R-49 has a setpoint adjusted for the anticipated radioactivity level in the discharge which is considerably less than any limit. This potential drift could be accommodated before any limit would be exceeded. This drift is more than the device has exhibited to date. Malfunction of the instrument would be detected by the daily, monthly or quarterly tests. In the extreme, total failure of the monitor could be tolerated due to the alternate means of isolating blowdown discussed above.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Based upon limited past test data, and its inherent design features, R-49 has a demonstrated reliability. However, even if excessive drift did develop or the device were to totally fail, alternate means exist to achieve the discharge valve closure caused by R-49. Accordingly, the possibility of creating a new or different kind of accident has not been created.

3. There has been no reduction in the margin of safety.

R-49 is expected to be a reliable device based upon a limited past test data. This fact, together with alternate means of achieving the function provided by R-49, results in minimal impact upon safety by extending the operating cycle several months.

(5) Radiation Monitor R-52, Steam Generator Blowdown Purification Cooling Water

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Although there is limited data to support reliability of this monitor, it is expected to be a reliable device. In addition, in its application, continued operability is important relative to the drift characteristics of the instrument. As with other monitors of this type its setpoint is established sufficiently low so that a larger amount of drift can be accommodated. Should drift of this magnitude occur, the monthly channel test would detect the abnormal behavior permitting corrective action. The monthly test minimizes the risk.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The monthly channel test which would detect abnormal drift characteristics or monitor failure offsets the limited amount of past test data and provides assurance that a new or different kind of accident will not be created.

3. There has been no reduction in the margin of safety.

Due to the monthly channel test, increasing the time interval from 18 months to 24 months would have no significant impact on safety.

(6) Radiation Monitor R-51, Steam Generator Blowdown after Purification

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Limited past surveillance data indicates that this monitor is a reliable device. In addition, its setpoint is set sufficiently below discharge limits such that excessive drift would have to occur before a discharge limit was exceeded. Malfunction of the instrument would be detected by the monthly or quarterly test and the instrument declared inoperable or the monitor would be repaired. Thus extension of the operating cycle by several months would not increase the probability or consequences of an accident.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

As the setpoint level would accommodate a large degree of drift which would most likely be detected by the monthly or quarterly test permitting corrective action prior to exceeding a discharge limit, a new or different kind of accident has not been created.

3. There has been no reduction in the margin of safety.

As the monthly and quarterly test provides a means of detecting abnormal operating characteristics permitting corrective action, there is minimal impact upon safety due to an operating cycle which has been extended by several months.

(7) Radiation Monitor R-59, Condensate Return to House Boilers

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

This monitor provides no control function for mitigation of an accident. Its function is to detect any activity in the house service boiler system resulting from a breach in the boundary where this system interfaces with a system which could be potentially radioactive. For this purpose, continued operability of the monitor is important rather than its accuracy as it responds to gross radioactivity. The monthly channel test would detect an inoperable instrument during an operating cycle that is extended by several months. Thus, there is virtually no impact upon the probability or consequences of an accident due to an extended operating cycle.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Extending the surveillance interval will result in an extended operating cycle. Since a monthly channel test is conducted, a monitor which is behaving abnormally would be detected during the extended cycle permitting corrective action. Continued operability is more important to safety than the monitor's accuracy. Thus, the possibility of a new or different kind of accident has not been created.

3. There has been no reduction in the margin of safety.

As the monthly channel test provides a means of frequently monitoring the instrument's operability, increasing the time interval from 18 months to 24 months would have no significant impact on safety.

(8) Radiation Monitors R-55A, B, C, and D, Steam Generator Sampling

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

For small tube leaks, the condenser off-gas monitor is utilized as the primary means of leak detection. These monitors provide a back up means of trending activity on the secondary side of the steam generator and do not perform a safety function. Isolation of steam generator blowdown is achieved by other radiation monitors. Thus, whether the monitors did or did not continue to function over an extended operating cycle, there would be virtually no impact on the probability or consequences of an accident.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

These monitors are relatively new and there is limited data to support their projected reliability. However, these monitors provide no direct safety function. In addition, a monthly channel test is conducted which would detect abnormal behavior permitting corrective action in an operating cycle which has been extended by several months.

3. There has been no reduction in the margin of safety.

As these monitors perform no direct safety function their continued operation for an operating cycle extended several months would have minimal impact upon the margin of safety.

(9) Radiation Monitors R-46 and R-53, Service Water from Containment Fan Coolers

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

R-46 and R-53 are redundant monitors. Furthermore, no control function is derived from these monitors for the purpose of mitigating an accident. From the viewpoint of safety, detection of a containment breach is of prime importance and continued monitor operability, rather than maintaining a specific setpoint, is the key monitoring task. The setpoints are set sufficiently high (greater than background) to preclude the generation of false alarms.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Continued operability of the monitors is critical to the detection of a containment boundary breach permitting operator action to isolate the breach. This requirement is met by the provision of two monitors rather than maintaining a specific setpoint.

3. There has been no reduction in the margin of safety.

The margin of safety is maintained by the provision of two monitors. Gross drift of a setpoint is not critical from the viewpoint of safety. Drift could be experienced by the scintillator and/or photomultiplier; the remainder of the channel is digital and not subject to drift. However, during normal operation radioactivity is not present in the service water system and therefore drift is not anticipated.

(10) Auxiliary Feedwater [AFW] System Initiating Logic

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

The test results over the last four refuelings were good with only one failure. This failure would not have impaired the ability of the auxiliary feedwater system to perform its intended safety function. The auxiliary feedwater system is redundant and diverse. The failure in the turbine driven pump did not impact the motor driven pumps.

Based on the historical test data it is concluded that no significant increase in the probability or accident consequence would be incurred by extending the operating cycle due to an increased surveillance interval.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The failure noted from the past test data appears random in nature and would not have defeated the redundancy in design that exists in the AFW system. The AFW system would have been capable of performing its intended safety function and therefore a new or different kind of accident would not have been created.

3. There has been no reduction in the margin of safety.

Past historical data demonstrates that the AFW systems would perform their safety function for an extended operating cycle should the surveillance period be extended by several months.

(11) Radiation Monitors R-39 and R-40, Service Water from Component Cooling Heat Exhangers

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

R-39 and R-40 monitor service water to determine whether radioactivity has entered this system. Both monitors are used for gross indication of radioactivity. During normal operation the primary source of radioactivity would be the primary system. Leakage would initially be into the component cooling water system where it would be initially detected by a separate monitor (R-47).

There is limited historical data for these monitors. However, the data which is available indicates good past performance.

The setpoints for these devices are not critical to any safety analyses and are set at high levels to preclude false alarms. Drift could be experienced by the scintillator and/or photomultiplier; the remainder of the channel is digital. Due to the negligible level of radiation seen by this monitor the amount of degradation over time is minimal.

Under these circumstances there would be no significant increase in the probability or consequences of an accident should the operability cycle be extended several months due to an extended surveillance cycle.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

No accident analysis takes credit for these monitors. In addition, during normal plant operation leakage into the component cooling water system must initially occur. This leakage would be detected by a third independent monitor.

3. There has been no reduction in the margin of safety.

Due to the alternate means of monitoring primary leakage as well as monthly checks of these monitors, increasing the time interval from 18 months to 24 months would have no significant impact on safety.

(12) Main Steam Safety Valves Setpoints

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

As stated above the accident analysis conservatively assumes that neither the condenser or the atmospheric steam dumps are operable. In reality other means of steam dumping in addition to the steam generator safeties will most likely be available. In addition, of the eighty tests reviewed only three "as found" settings were high. A high setting does not mean loss of function as they would have provided protection, but at a higher setpoint.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

As all of the steam safety valves would have continued to perform their safety function over an 18 month (+25%) cycle as evidenced by past data, it is expected that they would also function in an acceptable manner if the operating cycle were extended by several months. Thus a new or different type of accident would not be created.

3. There has been no reduction in the margin of safety.

Past historical data provides confidence that all of the safeties would perform their intended safety function assuming an extended operating cycle. This fact, together with alternate means of heat rejection that will most likely remain available, minimize any potential reduction in the margin of safety.

(13) Radiation Monitor R-50, Waste Gas Holdup System Noble Gas

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Despite the lack of long term surveillance data, this instrument is subject to other more frequent periodic checks - daily, monthly and quarterly - when the unit is in service to determine operability.

Long term operability of the instrument is not critical to plant operation or safety. Should the instrument be inoperable, the radioactive content of the receiving gas decay tank must be determined daily by a grab sample.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The monitor is not critical to establishing the radioactive inventory of a tank. Alternate means exist and must be used on a daily basis should the monitor be inoperable. Under these circumstances extension of the operating cycle, and therefore the calibration interval, will not result in a new or different accident.

3. There has been no reduction in the margin of safety.

Since the monitor functions for the most part as an operator aid and alternate means must be utilized for determining tank radioactive inventory, increasing the time interval from 18 months to 24 months would have no significant impact on safety.

(14) Area Radiation Monitors

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

The area radiation monitors (with the exception of the CCR [Central Control Room] ventilation monitors) are not relied upon for the purpose of mitigating an accident described in the FSAR. Furthermore, they are unrelated to accident initiation. Their function is to provide an early alarm to plant personnel in the event of a radiological release within the confines of the plant. Thus, maintaining an alarm within a given setpoint tolerance is not essential; continued operability is important. The CCR monitor is surveilled on a daily and monthly basis.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

With the exception of the CCR ventilation radiation monitors, the area radiation monitors are not relied upon to detect or mitigate an accident. The setpoint for the CCR monitor is based upon exposure of plant personnel in restricted areas per 10 CFR [Part] 20.

3. There has been no reduction in the margin of safety.

All of the radiation monitors are subjected to a monthly test. In addition the CCR monitor is subjected to a daily channel check. These more frequent surveillances would detect gross monitor malfunction for the proposed longer operating cycle.

(15) Toxic Gas Detection System

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Due to the new monitoring system installation in May of 1992 there is no historical data base to project drift characteristics over a 24 month (+25%) operating cycle. However, unlike other monitors, the monthly functional tests would detect drift outside of calibration limits permitting readjustment. Therefore, extending the surveillance interval for calibration by several months has virtually no impact upon safety.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Since the monthly functional test provides the opportunity to maintain instrument calibration within specified limits, there is assurance that the toxic gas monitoring system would perform its safety function over an operating cycle extended by several months.

3. There has been no reduction in the margin of safety.

The monthly functional test provides a means of maintaining the toxic gas monitoring system within operating limits for an extended operating cycle.

(16) Main Steam Line Radiation Monitors

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

The monitors are not relied upon within the Safety Analysis for mitigation of an accident. Their function is for post accident monitoring only. In this capacity, detection of gross activity levels is important and this is a function of continued monitor operability rather than accuracy. Past historical data indicates that the devices are reliable over an 18 to 22.5 month period. It is expected that their reliability will remain essentially the same for an extended operating cycle.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The radiation monitors are not related to accident initiation or mitigation. They do provide a post accident monitoring capability to the operator. In this capacity they provide gross indication of activity. Accuracy is not important but continued function is important. Past historical data supports continued operation of the monitors for an operating cycle extended by several months.

3. There has been no reduction in the margin of safety.

As the monitors can be expected to remain operable over the extended operating cycle, the impact upon safety is minimal.

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: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Robert A. Capra

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: January 29, 1993

Description of amendment request: The proposed change will revise the Administrative Controls Section of the Technical Specifications (TS) to reflect a restructuring of the Nuclear Operations Department.

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. Will the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

This change does not affect the probability or consequences of an accident. The changes are to the administrative section of the Technical Specifications [TS] with the significant changes affecting the Plant Review Committee (PRC) composition and changing the method of independent review.

The PRC member titles will be removed from the TS to facilitate not requiring that a Technical Specification Change be submitted for NRC approval when position titles change. PRC member qualifications will still be consistent with those described for the Plant Staff and meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions as endorsed by the NRC in Standard Review Plan 13.4. The Plant Manager will be required to designate the PRC members, chairman and alternate chairman in Administrative Procedures. Appropriate authority is placed over PRC selection. Therefore, these changes will not affect the probability or consequences of an accident.

The review method of the organizational unit functioning as an independent review body (Nuclear Performance Assessment Department) [NPAD], continues to meet the requirements of ANSI N18.7-1976/ANS 3.2 but has changed in that a second level review

is no longer required. When necessary, the depth of review will be enhanced as appropriate either through the past practice of using consultants or by committee review. The independent review body staff tasked with review of the Technical Specification required functional areas will continue to meet or exceed the qualifications described in Section 4.7 of ANSI/ANS 3.1-1987 in accordance with the Standard Review Plan 13.4. This change is administrative and does not increase the probability or consequences of an accident.

Thus the changes proposed do not affect the operation or material condition of the facility. The accident analyses are not affected by this proposed change. Proper review and independent oversight by qualified personnel as recommended or required by the Standard Review Plan and Administrative Procedures will be in place. Therefore, the changes do not increase the probability or consequences of an accident.

2. Will the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The composition of the onsite PRC and the independent review group (NPAD) will be made up of qualified individuals providing functional reviews that are consistent with the Standard Review Plan and administrative program requirements. These changes are administrative in nature and do not affect the material condition, plant operation or accident analyses; and therefore, do not create the possibility of a different type of accident than previously evaluated.

3. Will the proposed change involve a significant reduction in the margin of safety?

The changes to PRC composition provide internal flexibility in changing the organization titles, but do not reduce the PRC function to provide review and advise the Plant Manager on matters of nuclear safety. The PRC will be composed of individuals from appropriate functional areas of Operations, Maintenance, Radiological Services and Engineering departments. They will be designated by the Plant Manager.

The NPAD will continue to provide an independent overview by qualified individuals, or by committee, of the functional areas delineated in the Technical Specifications. These changes are administrative in nature and do not affect the material condition or the operation of the plant, and neither the consequences of an accident nor the fission product boundaries have been affected. Therefore the margin of safety has not been 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: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201

NRC Project Director: L. B. Marsh

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 amendment request: December 21, 1992

Description of amendment request: The proposed amendments would modify Unit 1 and Unit 2 Technical Specifications 3.9.2 and Bases to provide for alternate source range monitors during refueling operations. The changes would allow the use of alternate monitors provided the required visual and audible indications are available. The changes would also allow installation of the reactor upper internals when only one monitor with continuous visual indication in the control room is available. In addition, a requirement to monitor the boron concentration in the reactor coolant system is added for conditions in which both source range monitors are inoperable or not operating.

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 following evaluation is provided for the no significant hazards consideration standards.

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment would modify Specification 3.9.2 to permit the use of alternate monitor(s) in place of inoperable source range monitor(s). The alternate monitors will be connected to provide the required indications in the control room and or containment. The alternate monitors may be either an installed spare detector or a portable monitor with the accuracy and sensitivity required to adequately monitor changes in the core reactivity levels during refueling activities. The refueling sequence may be altered slightly by placing a source-bearing assembly near the alternate detector location to ensure an adequate count rate is maintained.

The alternate monitor(s) will provide neutron flux monitoring in place of primary source range monitors thus assuring core monitoring at a level consistent with the current technical specification requirements. Therefore, there is no loss of function or need for additional compensatory actions and the refueling evolutions can be continued while relying on the alternate monitors.

Two operable monitors are required during fuel movement and evolutions that could potentially cause positive reactivity changes. Fuel movement and positive reactivity additions can significantly affect the reactivity condition of the core, therefore, two monitors are required operable during these evolutions. Redundant detectors are required to ensure that two source range neutron flux monitors are available to detect changes in core reactivity. Removal of the upper internals could affect a positive reactivity addition if a control rod drive shaft became stuck in the upper internals and was subsequently lifted which would pull the control rod from a fuel assembly. Pulling a single control rod would not cause a significant reactivity transient due to the small amount of reactivity associated with each individual control rod and the large amount of negative reactivity provided in accordance with Specification 3.9.1 where the reactor coolant system boron concentration is maintained greater than 2000 ppm. However, to assure detection of a potential criticality event in the case of a multiple control rod lift, redundant source range monitors are required to be operable. One monitor will provide continuous visual and audible indication in the containment and control room while the redundant monitor will provide continuous visual indication in the control room. These changes provide those indications consistent with the current technical specification requirements where at least two source range monitors are operating and capable of providing the required control room indications. The function of the source range monitors is to provide direct neutron flux monitoring of the core to detect changes in reactivity which would result in a loss of the required shutdown margin.

One primary or alternate monitor would be required during installation of the upper internals. Installation of the upper internals acts to reflect neutrons back into the core which is recognized as a positive reactivity addition, however, this reactivity addition is sufficiently small when compared to the negative reactivity provided by the required shutdown margin that the effect is negligible and is accounted for in the shutdown margin calculations. The shutdown margin remains essentially unchanged and will be available to preclude a criticality event during this evolution. Inadvertent control rod withdrawal is not a concern during upper internal installation, therefore, one primary or alternate source range monitor can adequately monitor the core neutron flux during this evolution.

Action "b" has been added to address the condition where both source range monitors are inoperable or not operating. This additional action is consistent with the STS [Standard Technical Specifications] and eliminates the need for an exception to Specification 3.0.3.

Bases 3/4.9.2, Instrumentation, has been revised to include the changes to Specification 3.9.2 concerning alternate source range monitors and the number of monitors required operable during Mode 6. The alternate monitors may be either installed spare detectors or portable monitors with sufficient sensitivity to adequately monitor reactivity changes in the core during refueling operations. Core alterations or positive reactivity changes which could lead to core criticality require redundant source

range monitoring to ensure adequate indication is available for the control room operators to recognize a potential event and act to mitigate the consequences. Installing the upper internals does not involve movement of fuel or represent a significant positive reactivity addition to the core. Therefore, redundant source range monitoring is not required during this evolution.

The operability requirements of Specification 3.9.2 will continue to be met when using an alternate monitor in place of a source range neutron flux monitor. No changes are being incorporated that would act to increase the probability of a positive reactivity addition event, therefore, the proposed changes will 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 function of the source range detectors is to provide direct neutron flux monitoring of the core to detect positive reactivity additions which would result in a loss of the required shutdown margin. The alternate monitors may be either an installed spare detector or a portable monitor with the accuracy and sensitivity required to adequately monitor changes in the core reactivity levels during refueling activities. The alternate monitors will be connected to provide the required indications in the control room and or containment. Therefore, there is no loss of function or need for additional compensatory actions and the refueling evolutions can be continued while relying on the alternate monitors. Redundant monitors are required operable during those evolutions which could lead to criticality. This is consistent with the current technical specification requirements since with one inoperable monitor the action statement requires suspension of all operations involving core alternations or positive reactivity changes. These changes are similar to changes incorporated by other plants and will not affect the reliability of the source range instrumentation to provide the required indications. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed changes will continue to ensure the required source range instrumentation functions are available during refueling operations. These changes will not reduce the reliability of the source range detectors to monitor the core reactivity condition and provide the appropriate control room and containment indications or affect the required shutdown margin. Plant operation will continue to be maintained within the shutdown margin requirements of Specification 3.9.1. The required visual and audible indications are still maintained in accordance with current technical specification requirements and the shutdown margin is unaffected, therefore, the proposed changes will 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: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Walter R. Butler

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 amendment request: February 19, 1993

Description of amendment request: The proposed amendments would modify Unit 1 and Unit 2 Technical Specifications and Bases to reduce the minimum required reactor coolant system (RCS) total flow rate by about 1.5 percent. This change is proposed in order to offset the increased RCS loop flow resistance which results from using mechanical plugs in selected tubes of the steam generators.

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 following evaluation is provided for the no significant hazards consideration standards.

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

An assessment of the NSSS [Nuclear Steam Supply System] primary components, including the reactor pressure vessel system, reactor coolant pump, steam generator, pressurizer, Control Rod Drive Mechanisms, and RCS piping, concluded that the integrity of the components will be unaffected by the reduction in thermal design flow. Also, evaluations of the Reactor Coolant System, Chemical and Volume Control System, Residual Heat Removal System, and Safety Injection System concluded that the reduced thermal design flow will not adversely impact the adequacy of the auxiliary systems and components. The reduction in thermal design flow does not affect any of the mechanisms postulated in the UFSAR [Updated Final Safety Analysis Report] to cause non-LOCA [loss of coolant accident] and SGTR [steam generator tube rupture] design basis events. Also, the LOCA and LOCA-related events maintain conformance with analysis acceptance criteria (10 CFR 50.46) regulations. Therefore, the probability and consequences of an accident previously analyzed in the UFSAR will not be increased. Since design requirements continue to be met and the integrity of the reactor coolant system pressure boundary is not challenged, the assumptions employed in the calculation of the offsite radiological doses remain valid and the consequences of the accidents considered in the Beaver Valley Unit 1 and 2 licensing basis remain unchanged. The proposed deletion of the RCS flow uncertainty value does not involve a significant increase in the probability or consequences of an accident previously evaluated. The RCS flow will continue to be monitored once per 12 hours in accordance with Surveillance Requirement 4.2.5.1. The required RCS total measured flow rate will be administratively controlled to ensure that the actual flow rate is above the value assumed in the safety analyses. No new performance requirements are being imposed on the RCS due to the deletion of flow uncertainty value. RCS flow is an assumed initial condition in the safety analyses and does not act as an initiator for any transient. The accident analyses are not affected by this proposed deletion and therefore no additional fuel failures or mass releases will result.

Therefore, the proposed changes do 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 reduced thermal design flow and the deletion of the flow measurement uncertainty value does not change the plant configuration in a way which introduces a new potential hazard to the plant. Since design requirements continue to be met and the integrity of the reactor coolant system pressure boundary is not challenged, no new failure mode has been created. Therefore, an accident which is different than any already evaluated in the UFSAR will not be created as a result of this change.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The margin of safety with respect to primary pressure boundary is provided, in part, by the safety factors included in the appropriate design codes. Since the components remain in compliance with the codes and standards in effect when Beaver Valley Unit 1 and 2 were originally licensed and the safety analyses acceptance criteria continue to be met, the margin of safety is not reduced by the reduction in thermal design flow.

The proposed deletion of the RCS flow uncertainty does not involve a significant reduction in the margin of safety. The current flow uncertainty value was derived from a plant specific evaluation which includes a review of calibration procedures and in-plant equipment. The flow uncertainty value will be administratively added to the proposed technical specification value. This will ensure that the actual RCS flow is at least

equal to the flow assumed in the accident analyses.

Therefore, the proposed changes do 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: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Walter R. Butler

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 22, 1993

Description of amendment request: These proposed license amendments have been developed utilizing the guidance of Generic Letter 89-01, "Implementation of Programmatic Controls for Radiological Effluent Technical Specifications" and NUREG 1301, "Offsite Dose Calculation Manual Guidance: Standard Radiological Effluent Controls for Pressurized Water Reactors." As such, the procedural details of the Radiological Effluent Technical Specifications (RETS) have been relocated to the Offsite Dose Calculation Manual (ODCM) or Process Control Program (PCP) as appropriate per the Administrative Controls section of the Technical Specifications. In addition, new programmatic controls for radioactive effluent and radiological environmental monitoring have been added to the Technical Specifications (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:

The standards used to arrive at a determination that a request for amendment involves no significant hazards consideration are included in the Commission's regulations, 10 CFR 50.92, which state that no significant hazards considerations are involved if 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. Each standard is discussed as follows:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

These Proposed License Amendments relocate the operational and surveillance requirements of the existing Technical Specifications to the Offsite Dose Calculation Manual (ODCM) and Process Control Program (PCP) as appropriate. Programmatic controls have been added to the Administrative Controls section of the Technical Specifications to ensure existing regulatory requirements for RETS are met. No physical change is being made to the facility and all aspects of the safety analysis remain unchanged. Therefore, the proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

These Proposed License Amendments are administrative in nature. No changes to operating limits or surveillance requirements have been made. No physical change is being made to the facility and all aspects of the safety analysis remain unchanged. The dose calculation methods which are being relocated by this change remain unchanged. Therefore, the proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Use of the modified specification would not involve a significant reduction in a margin of safety

These Proposed License Amendments incorporate programmatic controls in the Administrative Controls section of the Technical Specifications that satisfy the requirements of 10 CFR 20.106, 40 CFR Part 190, 10 CFR 50.36a, and Appendix I to 10 CFR Part 50. All technical content is preserved. Therefore, the proposed amendments do not involve a significant reduction in a margin of safety.

Based upon the above, we have determined that the amendment request does not (1) 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 accident previously evaluated, or (3) involve a significant reduction in a margin of safety, and therefore does not involve any significant hazards consideration.

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: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036

NRC Project Director: Herbert N. Berkow

GPU Nuclear Corporation, Docket No. 50-320, Three Mile Island Nuclear Station, Unit No. 2, (TMI-2), Dauphin County, Pennsylvania

Date of amendment request: August 1, 1991

Description of amendment request: The proposed amendment would revise TMI-2 Operating License No. DPR-72 by modifying the Appendix A Technical Specifications, removing the requirement for NRC staff preapproval of procedures associated with the disposal of accident generated water (AGW). The preapproval of procedures would be replaced with specified operating limits for the processing of the AGW that are consistent with current licensing documents. This is consistent with other technical specifications, in that system operating limits are specified in the Limiting Condition for Operation (LCO) section with a corresponding Action Statement and Surveillance Requirement.

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:

GPU Nuclear has determined that this Technical Specification Change Request involves no significant hazards consideration as defined by the NRC in 10 CFR 50.92.

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change defines system operating limits for the processing of AGW that are consistent with current licensing commitments. Processing of AGW in accordance with the limits specified in the proposed LCO [Limiting Condition for Operation] and surveillance requirements provides assurance that effluent discharges from the PWDS [Process Water Disposal System] will be well within regulatory limits. Therefore, this change does not increase the probability or occurance or the consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

Operation of the PWDS will be as described in the Technical Evaluation Report

for PWDS, which has been reviewed and approved by the NRC. This proposal does not affect any of the accident scenarios or alter the method of operation. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The activity releases resulting from PWDS processing and discharge of BASE CASE WATER are a small fraction of the releases permissible in accordance with existing regulatory requirements. The PWDS shall be operated in a manner such that the PEIS [Programmatic Environmental Impact Statement] projections of environmental impact are not exceeded. Therefore, it is concluded that operation of the facility in accordance with the proposed amendment does not involve a significant reduction in a margin of safety.

The Commission has provided guidelines on the application of the three standards by listing specific examples in 45 FR 14870. The proposed amendment is considered to be in the same category as example (i) of amendments that are considered not likely to involve significant hazards consideration in that these changes are primarily administrative in nature to reflect current licensing commitments. Thus, operation of the facility in accordance with the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee 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: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts, & Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037

NRC Project Director: Seymour H. Weiss

GPU Nuclear Corporation, Docket No. 50-320, Three Mile Island Nuclear Station, Unit No. 2, (TMI-2), Dauphin County, Pennsylvania

Date of amendment request: March 17, 1992, with Revision 1 dated June 18, 1992, and Revision 2 dated December 23, 1992.

Description of amendment request: The proposed amendment would revise TMI-2 Operating License No. DPR-72 by modifying the Appendix A and B Technical Specifications, relocating requirements related to radiological effluents to a new document called the Offsite Dose Calculation Manual (ODCM) which applies to both Three Mile Island Unit 1 (TMI-1) and TMI-2. The removal of these requirements from the Technical Specifications are in accordance with the guidance in NRC staff issued Generic Letter 89-01 dated January 31, 1989.

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:

10 CFR 50.92 provides the criteria which the Commission uses to evaluate a No Significant Hazards Consideration. 10 CFR 50.92 states that an amendment to a facility license involves No Significant Hazards if 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 proposed change to relocate the radiological effluent monitoring requirements from the TMI-2 Recovery Technical Specifications to the ODCM has no impact on the safety of the evolutions occurring at TMI-2. This proposed change adheres to the guidance provided in Generic Letter 89-01 by implementing the programmatic controls in the Tech. Specs. and relocating the procedural details to the ODCM.

The proposed change to delete the requirements for quarterly dose assessment and semi-annual radioactive effluent release reporting in favor of an annual reporting is being accomplished in accordance with the provisions of 10 CFR 50.36a(a)(2) made effective October 1, 1992. These changes simplify the radiological effluent Tech. Specs. (RETS) and meet the regulatory requirements for radioactive effluents and radiological environmental monitoring.

Therefore, the proposed changes do not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The relocation of the RETS to the ODCM does not alter the requirements currently being followed by TMI-2.

Changing the reporting requirements from quarterly and semi-annually to annually simplifies the RETS, meets the regulatory requirements for radioactive effluent and radiological environmental monitoring, and is considered a line-item improvement of the Tech. Specs. Therefore, there is no 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 relocation of the RETS to the ODCM does not alter the requirements currently being followed by TMI-2. Changing the reporting requirements from quarterly and semi-annually to annually simplifies the RETS, meets the regulatory requirements for radioactive effluent and radiological environmental monitoring, and is considered a line-item improvement of the Tech. Specs. Therefore, there is no possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety. There is no impact on any margin of safety. The relocation of the RETS to the ODCM does not alter the requirements currently being followed by TMI-2. The administrative revision of the frequency of reporting has no impact on any margin of safety.

Based on the above analysis, it is concluded that the proposed changes involve no significant hazards consideration as defined by 10 CFR 50.92.

The NRC staff has reviewed the licensee 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: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts, & Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037

NRC Project Director: Seymour H. Weiss

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: January 14, 1993

Description of amendment request: In order to support longer fuel cycle lengths and higher fuel burnups, more reactive cores are needed. However, the current refueling boron concentration minimum of 2500 ppm places a restriction on the design of the reactor core at beginning of core life. In order to support more reactive cores while maintaining the degree of subcriticality required by the technical specifications during refueling, the soluble boron concentration in the reactor coolant system (RCS) and the refueling canal needs to be increased. To accomplish this, the allowable boron concentration in the refueling water storage tank (RWST) needs to be changed. Also, the allowable boron concentration range in the safety injection (SI) accumulators should be adjusted to be consistent with

the proposed RWST boron concentration range. These increased boron concentrations require that the post-LOCA hot leg switchover time be reduced to prevent exceeding the maximum allowable boron concentration in the reactor vessel. The increased boron concentration required in the RCS during shutdown and refueling also requires an increase in the required minimum borated water volume contained in the boric acid storage system during shutdown.

The proposed change revises the minimum soluble boron concentration required in the RCS and refueling canal during refueling (Mode 6), specified in Technical Specification (TS) 3.9.1, from 2500 ppm to 2800 ppm. This change requires an increase in the RWST soluble boron concentration range specified in TS 3.1.2.5, 3.1.2.6, and 3.5.5, from a range of 2500 to 2700 ppm, to a range of 2800 to 3000 ppm. The required soluble boron concentration range specified in TS 3.5.1 for the SI accumulators would be revised from a range of 2400 to 2700 ppm, to a range of 2700 to 3000 ppm. The required minimum borated water volume contained in the boric acid storage system during shutdown specified in TS 3.1.2.5, would be increased from 2900 gallons to 3200 gallons. The associated TS Bases would also be revised to reflect these changes.

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 proposed increase in boron concentrations increases the amount of boron delivered to the reactor core under accident conditions. This will decrease the reactivity of the core and will not increase the probability or consequences of an accident previously evaluated.

The reduction in the switchover time for the post-LOCA hot leg injection will ensure that the maximum allowable boric acid concentration will not be exceeded, thus maintaining the current margin to safety.

The proposed increase in the required volume of the Boric Acid Storage Tanks is to ensure that sufficient boric acid is available to borate the reactor coolant system and the water in the refueling canal such that the criticality limit during shutdown and refueling can be met for future cores.

The increase in the required minimum boron concentration in the refueling canal in Mode 6 does not modify or replace the K_{eff} reactivity limit. The design of each reload core is checked to ensure that the refueling criticality limit is met.

Therefore, the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed increase in boron concentrations increases the amount of boron delivered to the reactor core under accident conditions. This increase in boron will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The reduction in the switchover time for the post-LOCA hot leg injection will ensure that the maximum allowable boric acid concentration will not be exceeded. This reduction in switchover time will maintain the current margin to safety. Therefore, the increase in the boron concentration will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed increase in the required volume of the Boric Acid Storage Tanks during shutdown and refueling is to ensure the reactor coolant system can be adequtely borated during shutdown. This increase in volume does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The increase in the required minimum boron concentration in the refueling canal in Mode 6 does not modify or replace the K_{eff} reactivity limit. Therefore, the increase in the boron concentration will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed increase in boron concentrations increases the amount of boron delivered to the reactor core under accident conditions. This will decrease the reactivity of the core and will not cause a decrease in a margin of safety.

The reduction in the switchover time for the post-LOCA hot leg injection will ensure that the maximum allowable boric acid concentration will not be exceeded, thus maintaining the current margin of safety.

The proposed increase in the required volume of the Boric Acid Storge Tanks is to ensure that sufficient boric acid is available to borate the water in the reactor coolant system and the refueling canal such that the criticality limit during shutdown and refueling can be met for future cores. Also, the increase in the required minimum boron concentration in the refueling canal in Mode 6 does not modify or replace the K_{eff} reactivity limit. The design of each reload core is checked to ensure that the refueling criticality limit is met. The proposed changes do not involve a change to the refueling criticality limit and serve to maintain the current margin of safety.

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 request for amendments involves no significant hazards consideration.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW, Washington, DC 20036

NRC Project Director: Suzanne C. Black

North Atlantic Energy Service Corporation, Docket No. 50-443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: January 13, 1993

Description of amendment request: The proposed amendment would revise the submittal frequency for the Radioactive Effluent Release Report from semiannually to annually, and would provide for the annual report to be submitted by June 30 of each year (Technical Specification 6.8.1.4). Other miscellaneous editorial revisions are proposed for consistency with the above-described changes (Technical Specifications 3.3.3.9, 3.3.3.10, 3.11.1.4, 3.12.1,3.12.2, 6.12, 6.13, and 6.14). Additionally, two footnotes to Technical Specification 6.8.1.4 would be removed. One footnote, applicable only to a multiple-unit station, does not apply to the Seabrook Station; the other footnote, which allows the dose calculations to be submitted in a supplement to the Radioactive Effluent Release Report 30 days later, is no longer required. The changes proposed would be consistent with 10 CFR 50.36a.

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.

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because the proposed changes merely involve an administrative requirement for report submittal. The changes do not affect the

manner by which the facility is operated and do not change any facility design feature or equipment. Since there is no change to the facility or operating procedures, there is no affect upon the probability or consequences of any accident previously analyzed.

B. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because they do not affect the manner by which the facility is operated, do not involve equipment or features which affect the operational characteristics of the facility, and do not introduce any new failure mode. The proposed amendment would merely change the frequency of report submittal to the NRC.

C. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because they do not affect the manner by which the facility is operated or involve equipment or features which affect the operational characteristics of the facility. The proposed changes involve only an administrative reporting requirement which does not define any safety margin.

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: Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

Attorney for licensee: Thomas Dignan, Esquire, Ropes & Grey, One International Place, Boston Massachusetts 02110-2624.

NRC Project Director: John F. Stolz

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: January 26, 1993

Description of amendment request: The proposed amendment would modify the operating license to remove authorization for reactor power operation and replace it with a possession-only license. The possession-only license would prohibit reactor power operations under all conditions. Issuance of the possession-only license would allow the staff to perform reviews of anticipated licensee requests to remove regulatory requirements associated with operating facilities, with the assurance that the Trojan Nuclear Plant is no longer permitted to operate. Each request for either an amendment to the license or an exemption from the regulations would be accompanied by a safety analysis and would be subject to a safety review by the staff. The staff's safety review of these licensee requests would be performed with the understanding that the facility is no longer permitted to operate and approval of the requests for relief would be predicated on the continued non-operating status of the facility.

As a holder of an operating license or a POL, the licensee may make changes, without prior NRC approval or notice, to structures systems or components under the provisions of 10 CFR 50.59 as long as these changes do not involve an unreviewed safety question or require a change to the technical specifications. Some of these changes could involve initial decommissioning activities that could disable structures, systems, or components that would be necessary for reactor power operation. The application for actual decommissioning of the Trojan Nuclear Plant will be submitted separately.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.92(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with the three factor test of 10 CFR 50.92(c), implementation of the requested license amendment is analyzed using the following standards and found not to: (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.

Conformance of the requested amendment to the standards for a determination of no significant hazards as defined in 10 CFR 50.92 is shown in the following:

1. The requested license amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The requested amendment will remove on a permanent basis PGE's authorization to operate the Trojan Nuclear Plant as a nuclear electrical generating station. The requested amendment does not modify the present plant systems or administrative controls necessary to preserve and protect the integrity of the nuclear fuel on site at Trojan. The requested amendment will not increase the probability of occurrence of previously evaluated accidents. With the reactor permanently shutdown and defueled, a number of previously evaluated accidents are no longer credible and thus the probability of their occurrence is reduced. The requested amendment in no way increases the probability of occurrence of fuel handling accidents previously evaluated, and these analyses remain valid. These analyses address the consequences of an accident while fuel is in the spent fuel pool, in the reactor vessel, or in transit during core off-load.

The probability of and consequences from a fuel handling accident remain unchanged and are bounded by the current accident analyses. Therefore, the requested change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The historical information and information no longer considered relevant deleted from Section 2C and Enclosure 1 of the Facility Operating License are considered editorial changes and do not affect the manner in which systems or components are operated or maintained. These changes do not alter the intent of the Facility Operating License and, therefore, do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The requested license amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Upon permanent shutdown and defueling under the requested amendment, PGE's authorization to resume power operation is removed on a permanent basis. Any accident associated with this requested change is bounded by current accident analyses. Existing analyses address potential accident scenarios from shutdown conditions through full power operation. There are no new accident scenarios or failure modes created by maintaining the reactor in the defueled condition. In the permanently shutdown, defueled condition with the fuel stored in the spent fuel pool, there are no new credible accident conditions that differ from those previously analyzed. Therefore, the requested change will not create the possibility of a new or different kind of accident.

The historical information and information no longer considered relevant deleted from Section 2C and Enclosure 1 of the Facility Operating License are considered editorial changes and do not affect the manner in which systems or components are operated or maintained. These editorial changes do not alter the intent of the Facility Operating License and, therefore, do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The requested license amendment does not involve a significant reduction in a margin of safety.

The requested amendment removes on a permanent basis PGE's authorization to operate the Trojan Nuclear Plant as a nuclear electrical generating station. Defueling the reactor and placing the fuel in the spent fuel pool does not adversely impact previously accepted margins of safety. Therefore, the requested change does not involve a significant reduction in a margin of safety.

The historical information and information no longer considered relevant deleted from Section 2C and Enclosure 1 of the Facility Operating License are considered editorial changes and do not affect the manner in which systems or components are operated or maintained. These editorial changes do not alter the intent of the Facility Operating License and, therefore, do not involve a significant reduction in a margin of safety.

On the basis of the preceding analysis, it is concluded that the amendment of Trojan Facility Operating License NPF-1 to a Possession Only License is acceptable and involves no significant hazards considerations as defined in 10 CFR 50.92.

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: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207.

Attorney for licensee: Leonard A. Girard, Esq., Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Project Director: Seymour H. Weiss

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: September 25, 1992

Description of amendment request: The proposed amendment to the James A. FitzPatrick Technical Specifications (TS) would remove the surveillance requirement for monitoring iodine in the drywell atmosphere by the Continuous Atmosphere Monitoring (CAM) system. The drywell CAM system is part of the reactor coolant system leakage detection system incorporating a three-channel combination monitor for counting gross particulate, iodine, and noble gas activities in the drywell atmosphere. The CAM system takes a continuous flow sample and passes it through a shielded assembly containing the detector unit before discharging back into the drywell. Measurements are taken and analyzed to determine if there is abnormal reactor coolant leakage into the drywell. The licensee concluded that monitoring iodine in the drywell atmosphere is not necessary to satisfy the criteria specified in NRC Regulatory Guide (RG) 1.45, "Reactor Coolant Pressure Boundary Leakage Detection Systems," dated May 1973. Specifically, the licensee has concluded that monitoring both particulate and gaseous radioactivity in the drywell atmosphere in conjunction with containment sump flow/level monitoring satisfies the reactor coolant pressure boundary leakage detection criteria established in RG 1.45. Therefore, the licensee proposes to delete the stated iodine analyzer from TS Table 4.6-2, "Minimum Test And Calibration Frequency For Drywell Continuous Atmosphere Radioactivity Monitoring System," and the TS Bases.

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:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes remove[s] the surveillance requirement for monitoring iodine in the drywell atmosphere from the CAM system. These changes do not reduce the CAM system detection ability below regulatory criteria in determining containment atmospheric contamination from coolant leakage. The changes do not affect the ability of the CAM system in performing its intended function. The probability of a coolant leakage is not increased and the ability of plant personnel and equipment to detect and correct such a leakage is not affected. The proposed deletion of the iodine portion of the CAM system will not introduce any additional causes for generating reactor coolant leakage.

In addition, there is no credit taken in the existing accident analyses for the use of the CAM system in detecting and preventing the occurrence of a primary coolant boundary failure or for mitigating the effects of the failure. All existing accident analyses resulting in the release of primary coolant into the drywell/suppression chamber ignore the leak before break scenario and assumes boundary failure without CAM detection. Therefore, this proposed amendment does not alter the probability or consequences of any previously evaluated accident.

2. create the possibility of a new or different kind of accident from any accident previously evaluated.

The deletion of an unnecessary instrumentation channel from the technical specification's surveillance requirements and bases will not create a new or different kind of accident. Any coolant leakage with entrained iodine would also include radioactive particulates and gases. Either of these two leakage components would be detected by the remaining CAM channels. The changes do not affect the ability of any system in performing its intended function. There are no equipment, system, or structural modifications associated with these changes. These changes, therefore, do not affect the plant accident analyses as documented in the FSAR or the NRC staff SER.

3. involve a significant reduction in a margin of safety.

The removal of an unnecessary instrument channel from the technical specification's surveillance requirements will not reduce the ability of the operators to detect and respond to a reactor coolant leakage. Monitoring iodine by the CAM system was a redundancy established by the Authority prior to finalization of reactor coolant leakage detection criteria by the NRC staff. Removing the iodine monitoring requirements will, therefore, not place FitzPatrick in a position of noncompliance. Operation of the CAM system without monitoring for iodine will not relax any controls or limitations and will still provide the same level of confidence in detecting a reactor coolant leakage.

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: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: December 18, 1992

Description of amendment request: The proposed amendment to the James A. FitzPatrick Technical Specifications would revise the surveillance requirements for control rod/control rod drive (CRD) coupling integrity. Coupling verification is performed to ensure the control rod is connected to the CRD. Although the current surveillance requirements confirm coupling integrity following a refueling outage or control rod/CRD maintenance, it does not provide for determination of coupling integrity every time the control rod is fully withdrawn. The purpose of the proposed revision is to provide additional assurance of control rod/CRD coupling by requiring a coupling check every time a control rod is fully withdrawn. Technical Specification Surveillance Requirement 4.3.B.1 and the associated Bases would be revised to reflect the improved control rod/CRD coupling integrity 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:

Operation of the FitzPatrick plant in accordance with the proposed Amendment

would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes increase the frequency but not methodology for testing control rod/CRD coupling integrity. The proposed changes involve no hardware changes, no changes to the operation of the CRD systems or method of coupling to the control rods. The proposed Technical Specification amendment does not alter the ability of the CRD system[s] in performing their intended function. Therefore, the changes have no effect on conditions that could affect the consequences of an accident. The increased testing for control rod/CRD coupling integrity will not result in an increased probability of an accident.

2. create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes will increase testing frequency. They will not require modification of test processes or of any plant structures, systems, or components. The changes will not alter the CRD system function or operability. The changes will not affect any conditions that could result in a new or different type of accident.

3. involve a significant reduction in a margin of safety.

The proposed changes will not adversely affect the margin of safety. The changes provide an increased level of confidence in control rod/CRD coupling integrity and no reduction in any margins 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: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: February 18, 1993

Description of amendment request: The licensee commenced operating on a 24-month fuel cycle, instead of the previous 18-month fuel cycle, with fuel cycle 9. Fuel cycle 9 started in August 1992. In order to accommodate operation on a 24-month cycle, the licensee requested a Technical Specifications (TS) amendment to incorporate the reactor protection system (RPS) changes listed below:

(1) The licensee proposed changing the frequency of reactor coolant loop temperature channel calibration (specified in TS Table 4.1-1) to accommodate operation on a 24-month cycle.

(2) The licensee proposed changing the frequency of reactor coolant loop flow instrumentation calibration (specified in TS Table 4.1-1) to accommodate operation on a 24-month cycle.

(3) The licensee proposed changing the frequency of 6.9 kV underfrequency relay calibration (specified in TS Table 4.1-1) to accommodate operation on a 24-month cycle. In addition, the licensee proposed increasing the minimum reactor coolant pump low frequency trip setting (specified in TS Section 2.3.1.B(6)(b)) from 55 Hz to 57.2 Hz.

(4) The licensee proposed changing the frequency of steam generator level instrumentation calibration (specified in TS Table 4.1-1) to accommodate operation on a 24-month cycle.

(5) The licensee proposed changing the frequency of reactor trip and bypass breaker testing (specified in TS Table 4.1-1) to accommodate operation on a 24-month cycle.

These proposed changes follow the guidance provided in Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle," as applicable.

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:

Consistent with the criteria of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of any accident previously evaluated?

Response:

The proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated. The proposed changes extend the calibration intervals for the reactor coolant loop narrow range and RTD [resistance temperature detectors] temperature instrumentation, the reactor coolant loop flow instrumentation, the 6.9 kV underfrequency relays, and the steam generator level transmitters. Extension of the surveillance test intervals for the reactor trip and bypass breakers is also proposed. These changes are being made to accommodate a 24 month operating cycle. Additionally, a change to Technical Specification 2.3.1.B(6)(b) is proposed, increasing the minimum reactor coolant pump low frequency trip setting to 57.2 Hz. The proposed changes are consistent with NRC guidelines published in Generic Letter 91-04.

Extension of the calibration and surveillance test intervals in question were evaluated and the results documented in the Reactor Protection System (RPS) Surveillance Test Extensions report (Reference 5) [Reference 5 is the RPS Surveillance Test Extension report]. An RPS Instrument Drift Analysis (Reference 4) [Reference 4 is NYPA document No. IP3-RPC-00357, dated November 10, 1992, Instrument Drift Analysis of Reactor Protection System] was performed to evaluate actual past and projected future instrument drift. Safety system loop accuracy/setpoint calculations, which include any additional instrument uncertainties resulting from the proposed calibration interval extensions, show that sufficient margin exists between the analytical and field trip settings for the overpower (OP) delta-T, the overtemperature (OT) delta-T, the reactor coolant (RC) low flow, the 6.9 kV underfrequency, and the steam generator (SG) low-low level trip functions. Reference 5 documents that none of the proposed extensions of calibration and surveillance test intervals degrade performance of the RPS. Additionally, a comprehensive on-line surveillance program demonstrates the operability of the RPS instrumentation and readily detects potential instrument failures.

The proposed changes to the length of the calibration intervals for the reactor coolant loop narrow range and RTD instrumentation, the reactor coolant loop flow instrumentation, and the steam generator level transmitters do not involve hardware modifications or changes to existing safety system setpoints. The changes in the length of the surveillance intervals for the reactor trip and bypass breakers do not involve hardware modifications.

The proposed change in the length of the calibration interval for the 6.9 kV underfrequency relays involves a change to the currently specified minimum trip setting. The field trip setting is 57.5 Hz while the analytical setpoint is 55 Hz. Since current Technical Specification 2.3.1.B(6)(b) specifies a minimum field trip setting equal to the analytical limit, an increase to 57.2 Hz is proposed to ensure sufficient margin is maintained to allow for instrument inaccuracies. No change is being proposed to the field trip setting. The proposed change to the minimum setting specified in the Technical Specifications does not adversely affect RPS operability. The change constitutes an additional limitation.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response:

The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated. The proposed changes extend the calibration intervals for the reactor coolant loop narrow range and RTD temperature instrumentation, the reactor coolant loop flow

instrumentation, the 6.9 kV underfrequency relays, and the steam generator level transmitters. Extension of the surveillance test intervals for the reactor trip and bypass breakers is also proposed. These changes are being made to accommodate a 24 month operating cycle. Additionally, a change to Specification 2.3.1.B(6)(b) is proposed, increasing the minimum reactor coolant pump low frequency trip setting to 57.2 Hz. The proposed changes are consistent with NRC guidelines published in Generic Letter 91-04.

Extension of the calibration and surveillance test intervals in question were evaluated and the results documented in the RPS Surveillance Test Extensions report (Reference 5). An RPS Instrument Drift Analysis (Reference 4) was performed to evaluate actual past and projected future instrument drift. Safety system loop accuracy/setpoint calculations, which include any additional instrument uncertainties resulting from the proposed calibration interval extensions, show that sufficient margin exists between the analytical and field trip settings for the OP delta-T, the OT delta-T, the RC low flow, the 6.9 kV underfrequency, and the SG low-low level trip functions. Reference 5 documents that none of the proposed extensions of calibration and surveillance test intervals degrade performance of the RPS. Additionally, a comprehensive on-line surveillance program demonstrates the operability of the RPS instrumentation and readily detects potential instrument failures.

The proposed changes to the length of the calibration intervals for the reactor coolant loop narrow range and RTD instrumentation, the RC loop flow instrumentation, and the SG level transmitters do not involve hardware modifications or changes to existing safety system setpoints. The changes in the length of the surveillance intervals for the reactor trip and bypass breakers do not involve hardware modifications.

The proposed change in the length of the calibration interval for the 6.9 kV underfrequency relays involves a change to the currently specified minimum trip setting. The field trip setting is 57.5 Hz while the analytical setpoint is 55 Hz. Since current Technical Specification 2.3.1.B(6)(b) specifies a minimum field trip setting equal to the analytical limit, an increase to 57.2 Hz is proposed to ensure sufficient margin is maintained to allow for instrument inaccuracies. No change is being proposed to the field trip setting. The proposed change to the minimum setting specified in the Technical Specifications does not adversely affect RPS operability. The change constitutes an additional limitation.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed changes extend the calibration intervals for the reactor coolant loop narrow range and RTD temperature instrumentation, the reactor coolant loop flow instrumentation, the 6.9 kV underfrequency relays, and the steam generator level transmitters. Extension of the surveillance test interval for the reactor trip and bypass breakers is also proposed. These changes are being made to accommodate a 24 month operating cycle. Additionally, a change to Specification 2.3.1.B(6)(b) is proposed, increasing the minimum reactor coolant pump low frequency trip setting to 57.2 Hz. The proposed changes are consistent with NRC guidelines published in Generic Letter 91-04.

As required by Generic Letter 91-04, loop accuracy/setpoint calculations must show that sufficient margin exists between the analytical limit and the existing field trip setting in order to be consistent with the assumptions of the safety analysis. The calculations also verify whether technical specification setpoint limits provide sufficient margin over the analytical limit to allow for instrument inaccuracies.

The calculations show that sufficient margin exists between safety system analytical setpoint limits and the field trip settings for the OP delta-T, OT delta-T, RC low flow, 6.9 kV underfrequency, and SG low-low level trip functions even when accounting for and using the conservatively postulated 30 month drift values associated with the longer cycle. Additionally, the calculations show that no changes in safety system setpoints are required for the OP delta-T, OT delta-T, RC low flow, and steam generator low-low level trip functions. Therefore, the proposed changes to extend the calibration interval for the reactor coolant loop narrow range and RTD temperature instrumentation, the reactor coolant loop flow instrumentation, and the steam generator level transmitters do not involve significant reductions in margins of safety assumed in the safety analysis.

However, the calculations show that the currently specified minimum trip setting for the 6.9 kV underfrequency relays must be increased. The field trip setting is 57.5 Hz while the analytical setpoint is 55 Hz. Since current Technical Specification 2.3.1.B(6)(b) specifies a minimum field trip setting equal to the analytical limit, an increase to 57.2 Hz is proposed to ensure sufficient margin is maintained to allow for instrument inaccuracies. No change is being proposed to the field trip setting. The proposed change to the minimum setting specified in the Technical Specifications does not adversely affect RPS operability. The change ensures sufficient margin is maintained to account for instrument inaccuracies and constitutes an additional limitation. Therefore, the proposed change to the minimum specified trip setting ensures that the proposed change to the length of the calibration interval does not involve a significant reduction in the margin of safety assumed in the safety analysis.

The proposed changes to the surveillance test intervals for the reactor trip and bypass breakers do not affect safety system setpoints, and, therefore, do not involve significant reductions in margins 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: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

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 amendment request: February 2, 1993

Description of amendment request: This amendment request would change Technical Specification (TS) Table 3.6-1, "Containment Isolation Valves", to add a note modifying the post-maintenance cycling test and verification of isolation time requirements in TS Section 3/4.6.3. The note applies to the main feedwater isolation valves and would allow a partial stroke test to satisfy the surveillance requirements of TS 3/4.6.3 after packing gland adjustments made up to the manufacturer recommended torque value (a type of maintenance) at power. A full-stroke cycling test and verification of isolation time requirements would be required the first time the Unit enters operational MODE 3 following the packing gland adjustment.

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 not involve a significant increase in the probability or consequences of an accident previously evaluated.

Packing gland adjustment is not an accident initiator; therefore the probability or consequences of an accident previously evaluated are not increased. The request does not involve an exemption from testing, but rather proposes an alternate test to verify functional operability of the components. The proposed partial stroke test will ensure no stem binding and free movement of the valve and therefore assuring functional ability of the valve to close.

2. Does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The partial stroke test will ensure that there is no stem binding and that the valve will move freely. The request does not introduce any design or physical configuration changes to the facility which could create new accident scenarios.

3. Does not involve a significant reduction in a margin of safety.

The redundancy in protection afforded by other valves in the feedwater piping loops (BF13 and BF22) assures that positive

isolation can be achieved. Additionally, PSE&G historical data from previous adjustment, supports the conclusion that adjusting the packing gland to the maximum recommended values will not exceed the required Technical Specification isolation times. Therefore the request 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 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: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502

NRC Project Director: Charles L. Miller

Tennessee Valley Authority, Docket No. 50-260, Browns Ferry Nuclear Plant, Unit 2, Limestone County, Alabama

Date of amendment request: December 23, 1992

Description of amendment request: The proposed amendment adds requirements for four new temperature switches in the Browns Ferry Nuclear Plant, Unit 2 Reactor Water Cleanup (RWCU) Heat Exchanger room. The new switches are required to mitigate postulated high energy line breaks in new RWCU piping.

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 any accident previously evaluated.

As a result of a design change to be performed for the RWCU [Reactor Water Cleanup] system, a HELB [high energy line break] analysis was performed for the reactor building which identified certain RWCU pipe breaks which could not be automatically detected and isolated in a reasonable time frame. To resolve this issue, qualified temperature detection loops are being added to the RWCU heat exchanger room. These new temperature detection loops consist of environmentally qualified RTDs [resistance thermal detectors] and IEEE Class 1E qualified ATUs [analog trip units] located to detect and isolate critical RWCU pipe breaks.

The safety function of the RTD/ATU temperature loops is to provide an isolation signal to close the RWCU suction line isolation valves (FCV-69-001 and FCV-69-002) and RWCU return line valve (FCV-69-012) on a high area temperature. This ensures RWCU pipe breaks are isolated. No other RWCU safety functions are affected by the change.

Components added by this change are qualified for the environment in which they will operate. This ensures that the system will perform its function in a post accident environment. No additional paths for the release of radiation or contamination are created. The failure modes of the RTDs and ATUs are such that any single failure will result in a gross failure alarm and/or a channel trip. Because of the redundancy, separations, and logic designed into the system, a single failure of any part of the system will not prevent isolation of the primary containment isolation valves and spurious operation is minimized. The RTDs will be located and the instrument setpoints will be set to preclude spurious trips due to ambient temperatures including localized hot areas while assuring a timely trip due to a pipe break. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of any 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.

This change is being made to improve the RWCU leak detection/isolation function of the RWCU Primary Containment Isolation System (PCIS). The PCIS will perform its intended safety function in the same manner as the previous installation. There is no effect on the function or operation of any other plant system.

Failure of the new RTD/ATU temperature loops would be no different than failure of existing temperature switches. Since environmental qualification requirements, divisional separation, single failure requirements and one-out-of-two taken twice logic requirements are maintained, the possibility of a RWCU isolation failure on a RWCU line break or of a spurious isolation is no more likely after the change than before.

In the existing design, logic relays are powered from RPS [Reactor Protection System] Bus A or B. The new design also uses RPS Bus A or B to feed the ATUs. Therefore, the consequence of a power failure is unchanged from the present design.

The seismic qualification and proper circuit coordination of the installation is maintained. The system functions and operates in the same manner as previously evaluated in the Safety Analysis Report. No new system interactions other than additional RTDs located in the heat exchanger room to input into the PCIS logic for isolation of the RWCU have been introduced by this activity. 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 the margin of safety.

The margin of safety will be enhanced by installing instruments that provide quicker response to a temperature rise indicative of a pipe break. Calculations have been performed to determine the analytical limits for the RTD/ATU temperature loops in each of the monitored areas and to determine the setpoints for the ATUs in each area. The setpoints are set above the maximum expected room temperatures to avoid spurious actuations due to ambient conditions and below the analytical limits to ensure timely detection of a pipe break. This type of design utilizing ATUs has been analyzed by the NRC (NEDO-21617, Analog Transmitter/Trip Unit System for Engineered Safeguard Sensor Trip Input) and has been found to be generically acceptable at BWR facilities. Therefore, the proposed amendment does not involve a significant reduction in any 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

Westinghouse Electric Corporation (licensee), Westinghouse Test Reactor, Waltz Mill Site, Westmoreland, Pennsylvania, Docket No. 50-22, License No. TR-2

Date of amendment request: December 8, 1992, supplemented on February 8, 1993.

Description of amendment request: The Westinghouse Test Reactor has been shut down since April 13, 1960. All fuel has been removed from the site and the facility has been partially dismantled. The license is in a possession only status which means that the licensee cannot operate this reactor. There are three soil basins on the site, included in the reactor license, that were used to process contaminated water from the reactor when the reactor was shut down. The soil basins were backfilled in 1963 with the soil which was originally excavated. The licensee is requesting that the soil basins be transferred from the reactor license, TR-2, to an existing Nuclear Regulatory Commission (NRC) Special Nuclear Material License, SNM-770, Docket No. 70-698, at the site. The soil basins and other facilities under SNM-770 are scheduled to go through an assessment and remediation of the soil and groundwater conditions on the Waltz Mill site. A transfer of the soil basins to

license SNM-770 would make the assessment and remediation process more efficient, administratively. Also, the licensee is planning to decommission the facility currently proposed under license TR-2 and to terminate the license. License SNM-770, however, covers all ongoing site activities involving radioactive materials and it is expected this license will be retained into the indefinite future.

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). A proposed amendment to an operating license for a facility involves no significant hazards consideration if 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 staff agrees with the licensee's no significant hazards consideration determination for the following reasons:

The TR-2 reactor has been shut down for 30 years and the fuel was removed from the site in 1963. The reactor facility has been partially dismantled and is in a possession only status. There is no physical relationship between the TR-2 reactor and the soil basins since the containment building which houses the remains of the TR-2 reactor is over 900 feet away from the nearest soil basin.

The action being considered is the transfer of three soil basins from one NRC license to another. The NRC requirements regarding the release of radioactivity from the soil basins will be the same as the present license and will apply under the SNM license.

Based on a review of the licensee's analysis, and on the staff's analysis detailed above, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Vincent W. Campbell, Esquire, Westinghouse Electric Corporation, Suite 140, Palladium Building, Quadrangle 4400, Alasaya Trail, Orlando, Florida 32826-2399

NRC Project Director: Seymour H. Weiss

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: May 30, 1991

Description of amendment request: The proposed amendment would revise Specifications 15.3.1.A.5 and 15.3.15 and Tables 15.4.1-1 and 15.4.1-2. The changes would specify more stringent Limiting Conditions For Operation and Surveillance Requirements for pressurizer power-operated relief valves and block valves. These changes were proposed to conform to the NRC's plan for resolution of Generic Issue 70, "Power-Operated Relief Valve and Blocking Valve Reliability," and Generic Issue 94, "Additional Low-Temperature Overpressure Protection for Light Water Reactors," as conveyed in Generic Letter 90-06.

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:

In regards to Specification l5.3.1.A.5, "Pressurizer Power-Operated Relief Valve (PORV) and PORV Block Valves," the proposed change requires no physical change to the facility or its systems, but it does require changes to operating procedures. The proposed changes to Technical Specifications specify electrical power supply requirements to PORVs and block valves while they are inoperable. These changes minimize the potential for the loss of reactor coolant through a PORV or block valve when either is inoperable. The changes also provide operators the procedural flexibility to be able to relieve excessive reactor coolant system pressure when these valves are inoperable. These changes have been made in accordance with the guidance in GL 90-06.

Because the PORV system is not being physically changed, previously analyzed accidents are not adversely affected. Similarly, an increased probability or consequences of an accident previously evaluated cannot result. Because the proposed changes do not alter the function of existing systems, but do enhance the reliability of those systems, a new or different kind of accident from any previously evaluated cannot result.

Specification l5.3.0, "Limiting Conditions of Operation," requires us to place the plant in the shutdown condition within three hours after discovering a situation that is not specified as a permissible condition of an LCO. Since our Technical Specifications do not currently address situations in which two PORVs or two block valves are inoperable, in both cases we are required to shut down the affected unit within three hours. For two inoperable PORVs or block valves, our proposed change allows one hour to restore the first valve; otherwise the unit must be shut down in the following six hours. This new time limit has been established in accordance with the guidelines of GL 90-06, and it is an aggressive limit that ensures that the plant will be kept in a safe condition. The new limit extends the amount of time allowed to restore the first valve to one hour and the amount of time for plant shutdown to six hours. The extension of the time limits results because the situation was not previously addressed. The margin of safety, therefore, is at most only minimally reduced from present levels.

In regards to Table 15.4.1-2 "Minimum Frequencies for Equipment and Sampling Tests," the proposed change requires no physical change to the facility or systems, but does require changes to operating procedures.The proposed change requires that PORVs be cycled every refueling shutdown. Additionally, PORV operating solenoid air control valves and check valves on associated air systems must also be cycled each refueling shutdown. Such surveillance requirements do not increase the probability or consequences of previously evaluated accidents, and they will not create the possibility of a new or different accident. Because the actions contained in these surveillance requirements provide assurance that the PORVs can perform their function, there is actually an increase in the margin of safety by providing additional assurance that the failure of an inoperable PORV will not result in a loss of reactor coolant.

The proposal eliminates the requirement to cycle a block valve that has been shut to isolate a PORV that is inoperable for reasons other than excessive seat leakage. Opening the block valve under these conditions is prohibited by Specification 15.3.1.A.5.a.(2). Failure to cycle the block valves while in this condition will not in crease the probability or consequences of previously evaluated accidents, and it will not create the possibility of any new or different accidents. It the block valves are not cycled, there may be a minimal reduction in the margin of safety because the operability of the block valves would be unknown. Conversely, maintaining the block valves in the closed position while the PORV is inoperable would result in an increase in the margin of safety.

The proposal also includes a position check of block valves when the OMS [overpressure mitigation system] is in operation. This check is a verification of proper system lineup. It does not affect the likelihood or severity of any accidents. Since the check does not alter the function of existing systems, a new or different kind of accident from any previously evaluated cannot result, and there is no reduction in the margin of safety.

In regards to Specification 15.3.15, "Overpressure Mitigating Systems Operations," the proposed change requires no physical change to the facility or its systems, but it does require changes to operating procedures. The proposed change reduces, from 7 days to 32 hours, the time allowed to open the reactor coolant system to atmosphere, when a PORV is inoperable and when the reactor coolant temperature is [less than or equal to] 200 F. These are

administrative changes that will put the facility in a safer condition when the PORVs are inoperable, thus reducing the likelihood of accidents. The proposed change also requires that when the reactor coolant system is open to atmosphere because of an inoperable PORV, the vent path lineup must be checked periodically. Because this check is merely a verification that the vent pathway exists, it would not affect the likelihood or severity of any accidents. Since the proposed changes do not alter the function of existing systems but do enhance the reliability of those systems, a new or different kind of accident from any previously evaluated cannot result and there is no reduction in the margin of safety. In fact, for [less than or equal to] 200 F the requirement to vent the reactor coolant system within 32 hours when a PORV is inoperable will increase the margin of safety.

Specification 15.3.15 currently states that the reactor coolant system must be vented to the pressurizer relief tank when the OMS is not functional. Our proposed change requires the reactor coolant system to be opened to atmosphere when the OMS is not functional. The term "open to atmosphere" is defined in the basis to include openings such as PORVs that are open to the pressurizer relief tank, open steam generator manways, and the top of the reactor vessel when the reactor vessel head has been unbolted or removed. This change was made because there are several different ways to adequately vent the reactor coolant system to atmosphere. It does not affect the likelihood or severity of any accidents, and there is no reduction in the margin of safety.

The proposed change also includes administrative wording changes pertaining to the OMS. Technical Specification 15.3.15.A.1.b has been reworded so that it is more understandable. Additionally, in Table 15.4.1-1 a remark has been added to Item 19 stating that the overpressure mitigation system instrument channel checks need be conducted only when the system is in operation. These changes have been proposed to clarify the wording of the pertinent sections. The changes do not change the meaning or intent of the specifications or current operational procedures. These changes, therefore, have no effect on existing or unevaluated accidents, and the margin of safety is not affected.

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: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John N. Hannon

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: October 6, 1992

Description of amendment request: The proposed amendment would revise Technical Specification Table 15.3.5-5, "Instrument Operating Conditions for Indications," and Technical Specification 15.3.10, "Control Rod and Power Distribution Limits," to reference the rod position in steps instead of inches.

Figure 15.3.10-1, "Control Bank Insertion Limits Point Beach Units 1 and 2," would be revised to reference rod position in steps instead of in percent withdrawn. It is proposed that a note be added to the figure explaining that the "fully withdrawn" parking position range can be used without violating the figure.

In the Basis for Section 15.3.10, the definition of "fully withdrawn" would be revised for clarity.

Item 2 of Section 15.3.10.A, "Bank Insertion Limits," would be revised by adding a reference to existing footnote 1. Footnote 1 includes a definition of "fully withdrawn" which is applicable to control banks.

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:

Operation of this facility under the proposed Technical Specification change will not create a significant increase in the probability or consequences of an accident previously evaluated. This proposed change simply revises all references of rod position in the Technical Specifications, to units of steps. There is a direct correlation between steps, inches, and percent withdrawn. Therefore, this is only a format change, making all references to rod position consistent throughout the Technical Specifications and with control board indications. Additionally, updating the basis of Section 15.3.10 is proposed to clarify the definition of "fully withdrawn" as it concerns Rod Cluster Control Assemblies [RCCA]. This basis change will not change the way that the plant is operated because the parking position of the shutdown and control banks will still be based upon a predetermined schedule that varies parking position on a cycle-to-cycle basis, as appropriate, to minimize RCCA wear. Each core's reload safety evaluation is also used to ensure that this parking position is adequate. There is no physical change to the facility, its systems, or its operation. Therefore, an increased probability or consequences of an accident previously evaluated cannot occur.

Operation of this facility under this proposed Technical Specification change will not create the possibility of a new or different kind of accident from any accident previously evaluated. This proposed change simply revises all references of rod position in the Technical Specifications, to units of steps. There is a direct correlation between steps, inches, and percent withdrawn. Therefore, this is only a format change, making all references to rod position consistent throughout the Technical Specifications and with control board indications. Additionally, updating the basis of Section 5.3.10 is proposed to clarify the definition of "fully withdrawn" as it concerns Rod Cluster Control Assemblies. This basis change will not change the way that the plant is operated because the parking position of the shutdown and control banks will still be based upon a predetermined schedule that varies parking position, on a cycle-to-cycle basis, as appropriate, to minimize RCCA wear. Each core's reload safety evaluation is also used to ensure that this parking position is adequate. There is no physical change to the facility, its systems, or its operation. Therefore, a new or different kind of accident cannot occur.

Operation of this facility under this proposed Technical Specification change will not create a significant reduction in a margin of safety. This proposed change simply revises all references of rod position in the Technical Specifications, to units of steps. There is a direct correlation between steps, inches, and percent withdrawn. Therefore, this is only a format change, making all references to rod position consistent throughout the Technical Specifications and with control board indications. Additionally, updating the basis of Section 15.3.10 is proposed to clarify the definition of "fully withdrawn" as it concerns Rod Cluster Control Assemblies. This basis change will not change the way that the plant is operated because the parking position of the shutdown and control banks will still be based upon a predetermined schedule that varies parking position, on a cycle-to-cycle basis, as appropriate, to minimize RCCA wear. Each core's reload safety evaluation is also used to ensure that this parking position is adequate. There is no physical change to the facility, its systems, or its operation. In fact, this change enhances the ability of the operators to safely operate the plant by presenting the operators with Technical Specification information for rod position in units consistent with existing plant instrumentation. A margin of safety may therefore increase. Therefore, a significant reduction in a margin or safety cannot occur.

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: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John N. Hannon

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: January 29, 1992, as supplemented April 16, 1992

Description of amendment request: The proposed amendments would revise Technical Specifications (TS) Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Test of Instrument Channels," to change the testing interval for reactor protection and safeguards circuits from monthly to quarterly. Other changes would be incorporated to support the requested change to quarterly test intervals. The proposed amendments would also remove the test requirement for analog rod position.

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

Operation of the Point Beach Nuclear Plant in accordance with the proposed license amendment does not result in a significant increase in the probability or consequences of an accident previously evaluated.

The change in the test frequency for Reactor Protection System and Emergency Safety Feature System instrumentation meets the criteria evaluated in WCAP 10271 and supplements. Implementation of the proposed changes is expected to result in an acceptable increase in the total Reactor Protection System yearly unavailability. This increase, due primarily to less frequent surveillance, results in a similar magnitude increase in the probability of a core melt resulting from an Anticipated Transient Without Scram (ATWS) and also results in a slight increase in the Core Damage Frequency (CDF) due to the slight increase in the Engineered Safety Feature Actuation System (ESFAS) unavailability.

Implementation of the proposed changes is expected to result in a significant reduction in probability of a core melt from inadvertent reactor trips. This reduction in inadvertent trips is primarily attributable to the less frequent surveillance.

The reduction in the core melt frequency is sufficiently large to counter the increase in the core melt probability due to an ATWS event resulting in an overall reduction in the core melt probability.

The values presented in the WCAP and supplement for the increase in CDF were verified by Brookhaven National Laboratory as part of an audit and sensitivity analysis for the NRC staff. Based on the small value of the increase as compared to the uncertainty in the CDF, the increase is considered acceptable.

The addition of separate requirements for the check, calibration, and testing of the reactor trip system interlocks and the logic for the Reactor Protection System and engineered Safety Feature Actuation System do not present new requirements. These specifically define the surveillance required that was being performed as part of the instrumentation surveillance.

Changes to the surveillance test frequencies for the reactor trip system interlocks do not represent a significant reduction in the testing. The currently specified interval, as part of the instrument surveillance, allows the surveillance requirement to be satisfied by verifying that the permissive logic is in its required state using the annunciator status light. The surveillance as currently performed addresses the status of the permissive logic and does not address verification of the channel setpoint or operability. Permissives are tested during the present monthly test only when plant conditions allow. Setpoint verification and channel operability are verified during refueling shutdowns. The requirement to verify permissive status is different than verifying the availability of trip or actuation channels which are required to change state on the occurrence of an event and for which the function availability is more dependent on the surveillance interval. Therefore, the change in the surveillance requirement to at least once every eighteen months does not represent a significant increase in the unavailability of the Reactor Protection System.

The elimination of the monthly test of the analog rod position indication cannot result in a new or different kind of accident as this indication serves no protective function. The comparison of the analog rod position and rod position bank counters is performed on a shift basis which is adequate for the detection and correction of any potential problems.

The change in the PORV [power operated relief valve] operability test interval cannot result in a significant increase in the probability or consequences of an accident. The operation of the PORV's is not changed.

The addition of specific requirements for checks, calibration and testing for the reactor trip system interlocks and for the Reactor Protection System and Emergency Safety Feature Actuation System is not a change in the present Technical Specification requirements that the surveillance be performed. Therefore, the addition of the specific requirements is not a change in the present operation of the facility and cannot result in a new or different kind of accident from any previously evaluated.

The proposed changes do not result in an increase in the severity or consequences of an accident previously evaluated. Implementation of the proposed changes affects the probability of failure of the RPS but does not alter the manner in which protection is afforded or the manner in which limiting criteria are established.

Criterion 2

The proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not result in a change in the manner in which the Reactor Protection System provides plant protection or in which the RPS and ESFAS function. The likelihood or probability of the RPS and ESFAS functioning improperly is affected as described under Criterion 1. Changing the PORV operability test to quarterly does not affect the operation of the PORV. Removing the test requirement for analog rod position also does not affect the operation of the plant.

Therefore the proposed changes do not create the possibility or probability of a new or different type of accident from any accident previously evaluated.

Criterion 3

The proposed amendments do not involve a significant reduction in a margin of safety.

The proposed changes do not alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined. The impact of reduced testing, other than as addressed above, is to allow a longer time interval over which instrument uncertainties may act.

Implementation of the proposed changes is expected to result in an overall improvement in plant safety by providing for:

a. Less frequent testing which will potentially result in fewer inadvertent reactor trips and actuation of Engineered Safety Features Actuation System components.

b. Improvements in the effectiveness of the operating staff in monitoring and controlling plant operation. This is a result of less frequent distraction of the operator and shift supervisor attending to instrumentation testing.

The explicit addition of testing requirements that are presently implied by the Technical Specification is only administrative in nature and cannot reduce a margin of safety.

This analysis demonstrates that the proposed amendments to the Point Beach Nuclear Plant Technical Specifications do not involve a significant increase in the probability or consequences of a previously evaluated accident, do not create the possibility of a new or different type of accident than any accident previously evaluated and do not involve a significant reduction in a margin of safety. Therefore, operation of the Point Beach Nuclear Plant in accordance with the proposed amendment 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: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and

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NRC Project Director: John N. Hannon

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: December 10, 1992

Description of amendment request: The proposed amendment would make extensive additions to various tables in Sections 15.3.5, "Instrumentation System," and 15.4.1, "Operational Safety Review," and reformat Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Test of Instrument Channels." Section 15.3.5, "Instrumentation System," contains requirements for the instrumentation and safety circuits required to ensure reactor safety and provide for the automatic initiation of the Engineered Safety Features. The tables included in this section are:

Table 15.3.5-1, "Engineered Safety Features Initiation Instrument Setting Limits"

Table 15.3.5-2, "Instrument Operation Conditions for Reactor Trip"

Table 15.3.5-3, "Emergency Cooling"

Table 15.3.5-4, "Instrument Operating Conditions for Isolation Functions"

Table 15.3.5-5, "Instrument Operating Conditions for Indications" Section 15.4.1, "Operational Safety Review" specifies the surveillance requirements for items directly related to safety limits and limiting conditions for operation. The tables included in this section are:

Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Test of Instrument Channels"

Table 15.4.1-2, "Minimum Frequencies for Equipment and Sampling Tests"

The proposed amendment would modify Sections 15.3.5 and 15.4.1 to incorporate items identified by comparing the safety analyses in the Point Beach Nuclear Plant Final Safety Analysis Report (FSAR) and the Limiting Conditions for Operation (LCO) and surveillance sections of the current Technical Specifications. Items would be added which are required by the safety analyses for indication or proper functioning of systems for accident mitigation, but are not currently included in the Point Beach Technical Specifications. The proposed changes are as follows:

1. Modifications to Tables 15.3.5-2, 15.3.5-3, and 15.3.5-4 are proposed to remove Column 4, "Minimum Degree of Redundancy" from the tables. Additionally, the definition of degrees of redundancy in Specification 15.1.C.1, as well as the reference to minimum degree of redundancy in Specification 15.3.5.C, would also be removed since they would no longer be applicable. To ensure that the minimum degree of redundancy is maintained should an instrument channel be declared inoperable, the following endnote would be added to the three tables:

If a channel is determined to be inoperable, resulting in one less than the total number of channels being operable, power operation may continue if the following conditions are met:

1. The minimum number of operable channels is still satisfied.

2. The affected channel is placed in trip within 1 hour."

2. Modifications to the operator action column of Tables 15.3.5-2, 15.3.5-3, and 15.3.5-4 are proposed. This column currently requires the operator, in most cases, to "Maintain hot shutdown" or "Maintain [less than] 50% of rated power." The proposed revision of this column would provide more specific direction to the operator. The column would be modified to read, "Be in hot shutdown in 8 hours" or "Be [less than] 50% of rated power within 4 hours."

3. Additions to Table 15.3.5-2, "Instrument Operation Conditions for Reactor Trip," are proposed. The turbine autostop oil pressure, turbine stop valve position, reactor coolant pump breaker open, and Safety Injection reactor trip features would be added to ensure that the table contains all the features installed at Point Beach that actuate a reactor trip. Surveillance requirements for these four items are also proposed for addition to Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Tests of Instrument Channels."

4. The channel requirements, bypass conditions, and associated operator actions for the reactor trip breakers are proposed for addition to Table 15.3.5-2. The proposed bypass conditions and required operator actions are as follows:

"When at power, one channel may be bypassed for up to 8 hours provided that the other channel is operable. When the plant is shutdown and rod withdrawal is possible, restore the inoperable channel to operable status within 48 hours or open the Reactor Trip Breakers within 1 hour."

5. A change to the title of Table 15.3.5-3 is proposed. The title would be changed from "Emergency Cooling" to "Engineered Safety Features."

6. Item 3.b of Table 15.3.5-3, "Trip of Both Main Feedpumps Starts Motor Driven Pumps," is one of the Anticipated Transient Without Scram Mitigating System Actuation Circuitry (AMSAC) features installed at Point Beach. The proposed amendment would remove this item from the Technical Specifications.

7. Additions to Table 15.3.5-4, "Instrument Operating Conditions for Isolation Functions," are proposed. Instrument operating conditions for high steam generator water level and safety injection are being added.

A surveillance to test the logic for high steam generator level is also proposed for addition as part of note 17 in Table 15.4.1-1.

8. A change to the title of Table 15.3.5-5 is proposed. The title would be changed from "Instrument Operating Conditions for Indications" to "Instrument Operating Conditions for Post-Accident Monitoring Instrumentation."

9. The addition of the following explanatory note to Table 15.3.5-5 is proposed:

"The channel requirements in this table refer only to that portion of the instrument channel required for post-accident monitoring. The applicable channels are listed in FSAR Table 7.7-2."

10. The removal of Item 6 in Table 15.3.5-5, "Control Rod Misalignment as Monitored by On-line Computer," and subsequent placement of it in Item 19 of Table 15.4.1-1, "Analog Rod Position," is proposed.

11. The addition of the instrument operating conditions for the following post-accident monitoring instrumentation to Table 15.3.5-5 is proposed: refueling water storage tank level; RCS wide and narrow range pressure; RCS hot and cold leg temperature; pressurizer level; containment wide, intermediate, and low range pressure; condensate storage tank level; steam generator wide and narrow range level; steam generator pressure; and containment isolation valve position indication. Additionally, item 5 of Table 15.3.5-5, "Auxiliary Feedwater Flowrate," would be split into two items, "AFW Pump Discharge Flowrate," and "AFW to Steam Generator Flowrate."

12. Modification of Items 3 and 4 of Table 15.3.5-5, "Safety Valve Position Indicator," and "Reactor Coolant System Subcooling," respectively, is proposed. Column 1 of Table 15.3.5-5 for Items 3 and 4 would be amended to list two channels per valve and two channels, respectively.

13. Reformatting Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Tests of Instrument Channels," is proposed. The new table would remove the remarks column from the body of the table and place the

information within the channel description column or at the end of the table in the form of end notes. These end notes would be referenced within the body of the table by their associated surveillances. The new table would also have a column titled "Plant Conditions When Required" that lists all of the plant conditions during which a given surveillance requirement is applicable.

14. The addition of calibration requirements to Items 1, 2, and 3 of Table 15.4.1-1 is proposed. These calibrations would be performed on the source range, intermediate range, and power range nuclear instruments.

15. The addition of surveillance requirements to test the ability to isolate the feedwater system following a safety injection is proposed. The proposed additions to Item 17 of Table 15.4.1-1 would require these functions to be tested every refueling interval.

16. The clarification of the calibration and test requirements for the different turbine overspeed trip functions is proposed. The proposed revision to Item 43 of Table 15.4.1-1 would list each trip function separately for completeness.

17. A new Item 24 would be added to Table 15.4.1-1. This addition would consist of a check each shift and a refueling interval calibration requirement for the level instrumentation. The calibration would also be performed on the low level alarm associated with this instrumentation.

18. The addition of a weekly requirement to verify proper breaker alignment and that the 120 Vac instrument buses are energized is being proposed. This requirement would be included as Item 14 of Table 15.4.1-1.

19. The addition of Note (8) to Item 19 of Table 15.4.1-1 is proposed. This note would state, "Verify that the associated rod insertion limit is not being violated at least once per 4 hours whenever the rod insertion limit alarm for a control bank is inoperable."

20. A modification is proposed to require surveillance each shift of the source and intermediate range nuclear instrument channels to be performed whenever the instrumentation is not blocked. The source range nuclear instrument channels are blocked when 1 of 2 intermediate range channels exceed 10^{-10} amperes. The intermediate range nuclear instrument channels are blocked when 2 of 4 power range channels exceed 10% of full power.

21. Item 1 of Table 15.4.1-1, "Nuclear Power Range," currently specifies a monthly check and quarterly calibration requirement to "Compare incore and excore axial flux difference. Recalibrate if the absolute difference is greater than or equal to 3 percent" and "upper and lower chambers for axial offset." A revision is proposed to clarify these surveillance requirements. The proposed specification would require a monthly check be performed, during power operation, to "Compare the results of the incore detector measurements to NIS axial flux difference." This comparison would be performed using the moveable incore detector system. This specification would additionally require a calibration be performed if the absolute difference is [greater than or equal to] 3 percent.

22. Table 15.4.1-1 currently contains a surveillance interval of "Prior to each startup if not done previous week." It is proposed that this be revised to read, "Prior to reactor criticality if not performed during the previous week."

23. Table 15.4.1-1 currently contains a note that states, "Not required during periods of refueling shutdown, but must be performed prior to starting up if it has not been performed during the previous surveillance period." It is proposed that this be revised to read, "Not required during periods of refueling shutdown, but must be performed prior to reactor criticality if it has not been performed during the previous surveillance period."

24. Table 15.4.1-1 currently contains a note that states, "Not required during periods of refueling shutdown, but must be performed prior to starting up if it has not been performed during the previous surveillance period. Tests of the permissive and low power trip bistable setpoints which cannot be done during power operations shall be conducted prior to startup if not done in the previous two weeks." It is proposed that this be revised to read, "Tests of permissive and low power trip bistable setpoints which cannot be done during power operations shall be conducted prior to reactor criticality if not done in the previous two weeks."

25. Item 32 of Table 15.4.1-1 currently requires the overpressure mitigating system to be checked on a shift basis. The addition of a note to the "Check" column for this item is proposed which would state, "a Shift check is required when the reactor coolant system is not open to the atmosphere and the reactor coolant system temperature is less than the minimum temperature for the in-service pressure test as specified in TS Figure 15.3.1-1."

26. Item 20 of Table 15.4.1-1, "Auxiliary Feedwater Flow Rate," currently requires the flowrate indication to be checked at each unit startup and shutdown. A modification to the check requirement for this item is proposed. The new requirement would state, "An AFW flow path to each steam generator shall be demonstrated operable, following each cold shutdown of greater than 30 days, prior to entering power operation, by verifying AFW flow to each steam generator."

27. Section 15.5.4 of the Technical Specifications requires that the spent fuel storage pool be filled with borated water at a concentration of at least 1800 ppm. There is currently no surveillance requirement for level verification. Therefore, the addition of a weekly requirement to physically verify water level is proposed. This requirement would be added to Item 7 of Table 15.4.1-2, "Minimum Frequencies for Equipment and Sampling Tests."

28. In order to ensure that sufficient shutdown margin exists prior to commencing power operation following a refueling shutdown, the addition of a requirement to perform a measurement of control rod worth is proposed. This requirement would be added to Item 10 of Table 15.4.1-2 and would be required to be performed following each refueling shutdown prior to commencing power operation.

29. A requirement to cycle each atmospheric steam dump on a quarterly basis is proposed to be added as Item 28 of Table 15.4.1-2.

30. A requirement to verify the operability of each crossover steam dump valve by performing a complete valve cycle on a quarterly basis is proposed to be added as Item 29 of Table 15.4.1-2.

31. Section 15.3.1.A.6 of the Technical Specifications requires that at least 100KW of pressurizer heaters be available to ensure operability of the pressurizer during steady state power operation. A quarterly requirement to verify that at least 100KW of heaters are available is proposed to be added as Item 30 of Table 15.4.1

32. A quarterly requirement to verify the operability of the charging pumps is proposed to be added as Item 31 of Table 15.4.1-2.

33. A requirement to verify the operability of the potential-dilution-in-progress alarm prior to placing the plant in a cold shutdown condition is proposed to be added as Item 32 of Table 15.4.1-2.

34. Item 10 of Table 15.4.1-2 requires the partial movement of all rods every two weeks, except during periods of refueling shutdown. A change to this requirement is proposed to require the partial movement of all rods to be performed every two weeks except when the reactor is subcritical.

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. Operation of this facility under the proposed Technical Specification changes will not create a significant increase in the probability or consequences of an accident previously evaluated. These proposed changes will make additions to various tables in Sections 15.3.5 and 15.4.1, and reformat Table 15.4.1-1. These proposed changes will add additional requirements to the Technical Specifications, making the document more restrictive. The majority of the items being added to the Technical Specifications are already being performed at Point Beach. They are being made Technical Specification requirements because of their safety significance. Therefore, the addition of these items will not change the operation of Point Beach. It will, however, put more stringent controls in place to ensure that the associated requirements are met.

This change also proposes to add requirements to the Technical Specifications that are not currently being performed at Point Beach. Their addition can only improve the overall operation of Point Beach. The surveillances and surveillance frequencies for these additional items are consistent with requirements existing in the Standard Technical Specifications or existing Point Beach Technical Specifications.

This change also proposes removing the operating conditions for the motor-driven AFW pump actuation following the trip of both main feed pumps from Table 15.3.5-3. This AMSAC (ATWS Mitigating System Actuation Circuitry) feature is being removed because it does not provide a safety-related function. This system is required by 10 CFR 50.62. Administrative controls will be put in place prior to the implementation of this change to ensure that the requirements for AMSAC are maintained. This change also proposes to reduce the surveillance frequency for verification of AFW flowrate. The current surveillance requires AFW flowrate to be verified during each unit startup and shutdown. The proposed requirement would require this flowrate verification to be performed prior to entering power operation, following each cold shutdown of greater than 30 days. Although this proposed surveillance interval is less frequent than what is currently required, it is consistent with Standard Technical Specification requirements.

The remaining changes are all administrative in nature. The only significant administrative item is the reformatting of Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Tests of Instrument Channels." The reformatting of Table 15.4.1-1 will not modify any existing surveillance requirements. However, it will revise the table to make it more user friendly and easier to read. This will enhance the useability of this table and ensure that all of the required surveillances are clearly identified.

There is no physical change to the facility, its systems, or its operation. Thus, an increased probability or consequences of an accident previously evaluated cannot occur.

2. Operation of this facility under the proposed Technical Specification changes will not create the possibility of a new or different kind of accident from any accident previously evaluated. These proposed changes will make additions to various tables in Sections 15.3.5 and 15.4.1, and reformat Table 15.4.1-1. These proposed changes will add additional requirements to the Technical Specifications, making the document more restrictive. The majority of the items being added to the Technical Specifications are already being performed at Point Beach. They are being made Technical Specification requirements because of their safety significance. Therefore, the addition of these items will not change the way Point Beach is operated. It will, however, place more stringent controls in place to ensure that the associated requirements are met.

This change also proposes to add requirements to the Technical Specifications that are not currently being performed at Point Beach. Their addition can only improve the overall operation of Point Beach. The surveillances and surveillance frequencies for these items are consistent with requirements existing in the Standard Technical Specifications or existing Point Beach Technical Specifications.

This change also proposes removing the operating conditions for the motor-driven AFW pump actuation following the trip of both main feed pumps from Table 15.3.5-3. This AMSAC (ATWS Mitigating System Actuation Circuitry) feature is being removed because it does not provide a safety-related function. This system is required by 10 CFR 50.62. Administrative controls will be put in place prior to the implementation of this change to ensure that the requirements for AMSAC are maintained. This change also proposes to reduce the surveillance frequency for verification of AFW flowrate. The current surveillance requires AFW flowrate to be verified during each unit startup and shutdown. The proposed requirement would require this flowrate verification to be performed prior to entering power operation, following each cold shutdown of greater than 30 days. Although this proposed surveillance interval is less frequent than what is currently required, it is consistent with Standard Technical Specification requirements.

The remaining changes are all administrative in nature. The only significant administrative item is the reformatting of Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Tests of Instrument Channels." The reformatting of Table 15.4.1-1 will not modify any existing surveillance requirements. It will revise the table to make it more user friendly and easier to read. This will enhance the use- ability of this table and ensure that all of the required surveillances are clearly identified.

There is no physical change to the facility, its systems, or its operation. Thus, a new or different kind of accident cannot occur.

3. Operation of this facility under the proposed Technical Specification changes will not create a significant reduction in a margin of safety. These proposed changes will make additions to various tables in Sections 15.3.5 and 15.4.1, and reformat Table 15.4.1-1. These proposed changes will add additional requirements to the Technical Specifications, making the document more restrictive. The majority of the items being added to the Technical Specifications are already being performed at Point Beach. They are being made Technical Specification requirements because of their safety significance. Therefore, the addition of these items will not change the overall operation of Point Beach. It will, however, place more stringent controls in place to ensure that the associated requirements are met.

This change also proposes to add requirements to the Technical Specifications that are not currently being performed at Point Beach. Their addition can only improve the overall operation of Point Beach. The surveillances and surveillance frequencies for these items are consistent with requirements existing in the Standard Technical Specifications or existing Point Beach Technical Specification requirements.

This change also proposes removing the operating conditions for the motor-driven AFW pump actuation following the trip of both main feed pumps from Table 15.3.5-3. This AMSAC (ATWS Mitigating System Actuation Circuitry) feature is being removed because it does not provide a safety-related function. This system is required by 10 CFR 50.62. Administrative controls will be put in place prior to the implementation of this change to ensure that the requirements for AMSAC are maintained. This change also proposes to reduce the surveillance frequency for verification of AFW flowrate. The current surveillance requires AFW flowrate to be verified during each unit startup and shutdown. The proposed requirement would require this flowrate verification to be performed prior to entering power operation, following each cold shutdown of greater than 30 days. Although this proposed surveillance interval is less frequent than what is currently required, it is consistent with Standard Technical Specification requirements.

The remaining changes are all administrative in nature. The only significant administrative item is the reformatting of Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations, and Tests of Instrument Channels." The reformatting of Table 15.4.1-1 will not modify any existing surveillance requirements. It will revise the table to make it more user friendly and easier to read. This will enhance the useability of this table and ensure that all of the required surveillances are clearly identified.

There is no physical change to the facility, its systems, or its operation. Thus, a significant reduction in a margin of safety cannot occur. In fact, the proposed additions may result in an increased 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: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

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.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendments request: January 12, 1993, as supplemented February 8, and March 1, 1993.

Brief description of amendments request: The amendment request proposes five changes to Technical Specification (TS) Section 3/4.3.5.5, Chlorine Detection System, Section 3/4.7.2, Control Room Emergency Filtration System, and their associated Bases sections, to reflect changes made to the actuation logic in the control building emergency ventilation system (CBEVS) chlorine detection logic to revise the present fail-safe design to a single-failure proof design. The modification of the logic requires revision of the Limiting Condition for Operation and Action statements and Surveillance Requirements in the TS to reflect the increased number of detectors being installed in each detection trip system of the CBEVS and the new type of detection equipment. Additionally, deficiencies in the Applicability requirements, as well as a lack of requirements for the radiation protection and smoke protection instrumentation in the CBEVS, are corrected.

Also included is a correction to page 3/4 3-34, issued as Amendment No. 191 to Facility Operating License No. DPR-62 (Unit 2) on February 3, 1993. The page was inadvertently issued misnumbered as page 3/4 3-38. No other changes were made to this page.

Date of publication of individual notice in **Federal Register:** February 11, 1993 (58 FR 8068).

Expiration date of individual notice: March 13, 1993

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

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 amendment request: December 15, 1992, as revised February 5, 1993

Description of amendment request: The proposed amendments would revise the Technical Specifications as required for the operation of Catawba Unit 2 Cycle 6 after the partial reload of the reactor core with 76 fresh fuel assemblies supplied by the Babcock & Wilcox Fuel Company.

Date of publication of individual notice in **Federal Register:** February 24, 1993 (58 FR 11260)

Expiration date of individual notice: March 26, 1993

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

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: February 17, 1993

Description of amendment request: The proposed amendment modifies the Clinton Power Station Technical Specifications in order for the Clinton Power Station Radiation Protection Program to incorporate the new requirements of title 10 Code of Federal Regulations Part 20.

Date of publication of individual notice in **Federal Register:** February 24, 1993 (58 FR 11264)

Expiration date of individual notice: March 26, 1993

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: February 8, 1993

Brief description of amendment request: The amendment would provide interim alternate plugging criteria for the Kewaunee steam generators based on eddy current test indications in the tube support plate regions.

Date of individual notice in **Federal Register:** February 19, 1993 (58 FR 9224)

Expiration date of individual notice: March 22, 1993

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

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. No request for a hearing or petition for leave to intervene was filed following this notice.

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, and at the local public document rooms for the particular facilities 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 application for amendment: April 2, 1992, as supplemented October 14 and December 21, 1992.

Brief description of amendment: The amendment revises Instrumentation Technical Specifications (TS) 3.3.2, 3.3.3.1, and 3.3.3.6 to include editorial corrections, clarify wording and/or simplify the presentation of the requirements. The Action Requirements of TS 3.3.3.1 have also been revised to be consistent with associated TS 3.9.12

Date of issuance: March 3, 1993

Effective date: March 3, 1993

Amendment No.: 35

Facility Operating License No. NPF-63: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** June 24, 1992 (57 FR 28197) The October 14 and December 21, 1992, supplements submitted some changes of an editorial nature to the proposed TS pages submitted on April 2, 1992, and did not change the initial determination of no significant hazards consideration as published in the **Federal Register.** The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 3, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Commonwealth Edison Company, Docket No. 50-373, LaSalle County Station, Unit 1, LaSalle County, Illinois

Date of application for amendment: June 5, 1992, as supplemented July 7, July 20, and November 4, 1992.

Brief description of amendment: The amendment would revise Technical Specification 5.6, "Fuel Storage," to permit the storage of up to 3986 fuel assemblies in the Unit 1 spent fuel pool.

Date of issuance: February 24, 1993

Effective date: February 24, 1993

Amendment No.: 90

Facility Operating License No. NPF-11. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 6, 1993 (58 FR 606) The July 7, July 20, and November 4, 1992, submittals provided additional clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in an Environmental Assessment dated February 12, 1993, and in a Safety Evaluation dated February 24 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

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 15, 1992, as supplemented on October 2 and 16, 1992

Brief description of amendments: The amendments revise the license condition and the Technical Specifications to increase the spent fuel pool storage capacity from 2112 to 3012 storage cells.

Date of issuance: February 23, 1993

Effective date: February 23, 1993

Amendment Nos.: 142 and 131

Facility Operating License Nos. DPR-39 and DPR-48. The amendments revise a license condition and the Technical Specifications.

Date of initial notice in **Federal Register:** June 19, 1992 (57 FR 27482) The October 2 and 16, 1992, submittals provided additional clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in an Environmental Assessment dated January 25, 1993, and in a Safety Evaluation dated February 23, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: November 12, 1993, as supplemented on January 25, 1993.

Brief description of amendment: TS 4.12, Shock Supressors (Snubbers), to specify a snubber visual inspection schedule which is in accordance with the guidance provided in Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions." The amendment also clarifies a previous administrative correction to TS 4.12.

Date of issuance: February 23, 1993

Effective date: February 23, 1993

Amendment No.: 161

Facility Operating License No. DPR-26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 23, 1992 (57 FR 61110) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 23, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: December 11 and 18, 1992

Brief description of amendment: The amendment revised the Technical Specifications to allow continued operation for 72 hours with more than one full-length or part-length Control Element Assembly (CEA) inoperable due to electronic or electrical problems in the Control Element Drive Mechanism Control System (CEDMCS), provided that all affected CEAs remain trippable.

Date of issuance: February 24, 1993

Effective date: February 24, 1993

Amendment No.: 81

Facility Operating License No. NPF-38. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 23, 1993 (58 FR 5431) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: December 22, 1992

Brief description of amendment: The amendment revised Technical Specification Table 4.4-2, "Steam Generator Tube Inspection," to allow Arkansas Nuclear One, Unit 2, to continue operating with two

uninspected tubes in the "B" steam generator until the next planned steam generator tube inspection.

Date of issuance: February 23, 1993
Effective date: February 23, 1993
Amendment No.: 143
Facility Operating License No. NFF-6. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** January 21, 1993 (58 FR 5430) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 23, 1993. No significant hazards consideration comments received: No.
Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-321, Edwin I. Hatch Nuclear Plant, Unit 1, Appling County, Georgia

Date of application for amendment: December 21, 1992
Brief description of amendment: The amendment deletes two primary containment isolation valves associated with the residual heat removal head spray mode from Hatch Unit 1 Technical Specification Tables 3.7-1, 4.2-1, and 3.7-4. In addition, Table 3.7-3 will be revised to identify Penetration X-17 as a spare.
Date of issuance: March 1, 1993
Effective date: March 1, 1993
Amendment Nos.: 184
Facility Operating License Nos. DPR-57 and NPF-5. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 3, 1993 (58 FR 6997) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 1, 1993.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: November 18, 1991, as supplemented March 2, 1992
Brief description of amendments: The amendments revise the TS in response to Generic Letter 90-06, "Resolution of Generic Issue 70, 'Power-Operated Relief Valve and Block Valve Reliability,' and Generic Issue 94, 'Additional Low-Temperature Overpressure Protection for Light-Water Reactors,' Pursuant to 10 CFR 50.54(f)," which was issued by the NRC on June 25, 1990.
Date of issuance: February 19, 1993
Effective date: February 19, 1993
Amendment Nos.: 56 and 35
Facility Operating License Nos. NPF-68 and NPF-81: Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** 57 FR 34585 and 57 FR 34587 both dated August 5, 1992. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 19, 1993. No significant hazards consideration comments received: No.
Local Public Document Room location: Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830

GPU Nuclear Corporation, et al., Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: August 12, 1992
Brief description of amendment: The amendment revises the low condenser vacuum reactor scram function in Technical Specification (TS) Table 3.1.1, Function A.6, to represent the as-built condenser vacuum trip system.
Date of issuance: March 4, 1993
Effective date: March 4, 1993
Amendment No.: 162
Facility Operating License No. DPR-16. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** September 16, 1992 (57 FR 42775) The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 4, 1993. No significant hazards consideration comments received: No.
Local Public Document Room location: Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of application for amendment: July 22, 1992
Brief description of amendment: The amendment change would revise Technical Specification Section 6.3, Unit Staff Qualifications, to incorporate requirements prescribed by 10 CFR Part 55.
Date of issuance: February 19, 1993
Effective date: February 19, 1993
Amendment No.: 171
Facility Operating License No. DPR-50. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 14, 1992 (57 FR 47138) The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated February 19, 1993. No significant hazards consideration comments received: No.
Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: December 15, 1992
Brief description of amendment: This amendment revises Technical Specification (TS) 4.6.A.2.f and its Acceptance Criteria by rewording and incorporating Condition 1, and deleting Conditions 2 and 3. Condition 4 is reworded and incorporated into the Remedial Action for TS 3.19.A.4. The Basis of TS 3.19.A.4 and 4.6 also is revised to delete reference to the previous operating position of low pressure injection motor operated valves LSI-M-11, 21, and 31, and their use as pressure isolation barriers. (Note that "Remedial Action" is an administrative correction of "Exception".) Finally, the Exception to TS 4.6.A.1.b is deleted and a typographical error is corrected on Page 4.6-3.
Date of issuance: February 23, 1993
Effective date: February 23, 1993
Amendment No.: 137
Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** January 21, 1993 (58 FR 5433) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 23, 1993. No significant hazards consideration comments received: No
Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: May 4, 1992, as supplemented by letters dated October 15, 1992, and January 13, February 12, and February 24, 1993
Brief description of amendment: The proposed changes removed the Main Steam Line Radiation Monitor reactor scram and Group I Containment Isolation functions, and modified the

Technical Specifications for Cooper Nuclear Station accordingly.

Date of issuance: March 2, 1993
Effective date: March 2, 1993
Amendment No.: 158
Facility Operating License No. DPR-46. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** July 8, 1992 (57 FR 30252) The additional information contained in the supplemental letters dated October 15, 1992, and January 13, February 12, and February 24, 1993, was clarifying in nature and thus within the scope of the initial notice and did not affect the staff's proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1993. No significant hazards consideration comments received: No.
Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

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: December 4, 1992, as supplemented February 12, 1993, and February 17, 1993.
Brief description of amendment: The amendment revises TS 3.6.2, 4.6.2, 3.6.11, and 4.6.11 and associated Bases to increase the surveillance test intervals and add allowable out-of-service times for various instruments. The changes are in accordance with General Electric Company Licensing Topical Reports which have been previously reviewed and approved by the NRC staff. The allowable out-of-service times are consistent with the provisions of NUREG-1433, "Improved Standard Technical Specifications." The changes permit specified instrument channel functional tests to be performed quarterly rather than weekly or monthly. The amendment also makes editorial corrections on TS pages 192, 199, and 210.
Date of issuance: February 24, 1993
Effective date: February 24, 1993
Amendment No.: 139
Facility Operating License No. DPR-63: Amendment revises the Technical Specifications.
Date of initial notice in **Federal Register:** December 23, 1992 (57 FR 61117) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 1993. 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, Docket No. 50-245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of application for amendment: January 12, 1993, as supplemented January 19, 1993. The January 19, 1993, submittal provided clarifying information that did not change the initial proposed no significant hazards consideration determination.
Brief description of amendment: The amendment allows for temporarily bypassing the Main Steam Line Radiation Monitor (MSLRM) trip function (which results in a reactor scram and Group I isolation), for a period not to exceed 2 hours, in order to allow condensate demineralizers to be returned to service, thereby eliminating the possibility of an inadvertent initiation of the MSLRM trip function.
Date of issuance: February 19, 1993
Effective date: February 19, 1993
Amendment No.: 61
Facility Operating License No. DPR-21. Amendment revised the Technical Specifications.Public comments requested as to proposed no significant hazards consideration: Yes. (58 FR 6023 dated January 25, 1993). That notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided for an opportunity to request a hearing by February 24, 1993, 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, finding of exigent circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated February 19, 1993.
Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

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: October 30, 1992 (Ref. LAR 92-07)
Brief description of amendments: The amendments revise the combined Technical Specifications 3.8.1, "AC Sources," for the Diablo Canyon Power Plant Units 1 and 2 to allow for a one-time extension of the 7-day allowed outage time for Emergency Diesel Generator (EDG) 1-3. This one time extension allowing EDG 1-3 to be inoperable for up to 14 days allows for the completion of modifications and associated testing to support installation of a new sixth EDG, implementation of Appendix R modifications, and the performance of preplanned maintenance/testing during the Unit 2 fifth refueling outage.
Date of issuance: March 2, 1993
Effective date: March 2, 1993
Amendment Nos.: 76 and 75
Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** December 9, 1992 (57 FR 58247) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 2, 1993. 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.

Pennsylvania Power and Light Company, Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of application for amendment: November 30, 1992
Brief description of amendment: This amendment revised the Technical Specifications to authorize operation of the Reactor Water Cleanup (RWCU) System in the current fuel cycle with the non-regenerative heat exchanger discharge high temperature channel substituting for the inoperable 'B' RWCU high flow isolation trip channel.
Date of issuance: March 2, 1993
Effective date: March 2, 1993
Amendment No.: 93
Facility Operating License No. NPF-22. This amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** December 15, 1992 (57 FR 59363) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1993. No significant hazards consideration comments received: No
Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South

Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: September 25, 1992

Brief description of amendment: The amendment revises Table 3.2-1, "Instrumentation that Initiates Primary Containment Isolation," to reflect a plant modification which installed two additional temperature elements, associated cabling, temperature switches, and circuitry in the area of the Reactor Water Cleanup (RWCU) pump suction primary containment penetration.

The FitzPatrick equipment qualification program postulated a high energy line break (HELB) in a 19-foot section of RWCU pipe that runs between the containment penetration and the RWCU "A" pump room. As a result, two new temperature instrument channels were added to isolate the RWCU system from the reactor vessel in the event of a line break in this area. Six existing temperature instrument channels monitor other RWCU system areas.

Table 3.2-1 of the FitzPatrick Technical Specifications previously listed six RWCU area high temperature instrument channels when eight channels were installed in the plant. This amendment adds these two new channels to correct Table 3.2-1 and to reflect the modification.

Date of issuance: February 18, 1993

Effective date: February 18, 1993

Amendment No.: 185

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 9, 1992 (57 FR 58249) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 18, 1993. 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.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: September 25, 1992

Brief description of amendment: The amendment adds operability and surveillance requirements to Tables 3.12.1, "Water Spray/Sprinkler Protected Areas," and 4.12.1, "Water Spray/Sprinkler System Tests," to reflect a plant modification that will improve fire protection at the FitzPatrick plant. The modification installed an automatic fire suppression system in the battery room corridor. The new suppression system is a wet pipe design with fusible link sprinklers that are heat actuated to allow for sectionalized fire suppression capability.

Date of issuance: February 19, 1993

Effective date: February 19, 1993

Amendment No.: 186

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 9, 1992 (57 FR 58249) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1993. 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.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: August 10, 1992

Brief description of amendment: The amendment to the James A. FitzPatrick Radiological Effluent Technical Specifications changes the offgas system steam dilution flow isolation setpoints. The changes increase the offgas dilution steam low flow and high flow isolation setpoints to 6300 pounds per hour and 7900 pounds per hour, respectively. The steam dilution low setpoint is designed to ensure adequate steam flow through the recombiner during normal plant operation to prevent overheating or ignition of the catalyst. The steam dilution high setpoint is designed to provide recombiner isolation in the event of a break as described in the Final Safety Analysis Report (FSAR). The associated Bases are also revised to describe more accurately the offgas steam dilution function.

Date of issuance: February 23, 1993

Effective date: February 23, 1993

Amendment No.: 187

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 16, 1992 (57 FR 42779) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 23, 1993. 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.

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 4, 1991, as supplemented November 13, 1992, and February 10, 1993.

Brief description of amendment: The amendment changes the Technical Specifications (TS) to modify TS 3/4.7.1.1, Turbine Cycle Safety Valves, to increase the setpoint tolerance on the four highest-set main steam safety valves, to remove provisions for use in two loop operation, and to add a footnote to bring the TS into conformance with the new Standard Technical Specifications.

Date of issuance: February 25, 1993

Effective date: February 25, 1993

Amendment No.: 109

Facility Operating License No. NPF-12. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** March 6, 1991 (56 FR 9386) The November 13, 1992, supplement added a footnote that would bring this specification into conformance with the new Standard Technical Specifications, and did not change the staff's finding of no significant hazards considerations. The February 10, 1993 supplement merely forwarded TS pages and contained no changes to the requested amendment. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1992. No significant hazards consideration comments received: No

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: November 18, 1992

Brief description of amendment: The amendment changes Technical Specifications 6.9.1.8, "Semiannual Radioactive Effluents Release Report,"

and 6.14, "Offsite Dose Calculation Manual," to extend the Radioactive Effluent Releases Report submittal frequency from semiannual to annual.

Date of issuance: February 17, 1993

Effective date: No later than 30 days from date of issuance

Amendment No.: 153

Facility Operating License No. DPR-13: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 23, 1992(57 FR 61121) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 17, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: June 16, 1992

Brief description of amendment: The amendment revised Technical Specification 4.6.1.2.a and its associated Bases to allow the third Type A Containment Leakage Rate Tests within the first 10-year service period to be conducted during the Cycle 7 refueling outage.

Date of issuance: February 22, 1993

Effective date: February 22, 1993

Amendment No.: 77

Facility Operating License No. NPF-30. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 16, 1992 (57 FR 42780) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 22, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: March 8, 1990, as clarified by letter dated August 8, 1991

Brief description of amendment: The amendment revised Technical Specifications 4.0.3, 4.0.4 and their associated Bases to incorporate changes recommended in Generic Letter 87-09, "SECTIONS 3.0 AND 4.0 OF THE STANDARD TECHNICAL SPECIFICATIONS (STS) ON THE APPLICABILITY OF LIMITNG CONDITIONS FOR OPERATION AND SUREVEILLANCE REQUIREMENTS," dated June 4, 1990.

Date of issuance: February 25, 1993

Effective date: February 25, 1993

Amendment No.: 78

Facility Operating License No. NPF-30. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 13, 1990 (55 FR 24007) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1993. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: September 22, 1992

Brief description of amendment: The amendment revises Technical Specification Section 6 to reflect changes to the Wolf Creek Nuclear Operating Corporation organization and titles.

Date of issuance: February 26, 1993

Effective date: February 26, 1993

Amendment No.: Amendment No. 58

Facility Operating License No. NPF-42. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 12, 1992 (57 FR 53790). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 26, 1993. No significant hazards consideration comments received: No.

Local Public Document Room Locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Yankee Atomic Electric Company, Docket No. 50-029, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of application for amendment: September 16, 1992

Brief description of amendment: This amendment deletes: (1) the Main Coolant System water chemistry limits and surveillances, (2) the secondary water chemistry monitoring program, and (3) the requirements for oxygen monitoring of the Waste Gas Holdup System. These changes reflect the permanently shut down and defueled status of the plant.

Date of issuance: February 19, 1993

Effective date: February 19, 1993

Amendment No.: 143

Possession Only License No. DPR-3: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 14, 1992, (57 FR 47142). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1993. No significant hazards consideration comments received: No

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

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 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 April 26, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room 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).

Florida Power and Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of application for amendment: February 16, 1993

Brief description of amendment: This amendment excludes penetrations that are inside containment from surveillance requirements of Technical Specification 4.6.1.1.a.1 for the balance of fuel cycle 11. A Temporary Waiver of Compliance was verbally granted on February 12, 1993, followed by a confirmatory letter dated February 16, 1993.

Date of issuance: February 23, 1993

Effective date: February 23, 1993

Amendment No.: 119

Facility Operating License No. DPR-67: 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 is contained in a Safety Evaluated dated February 23, 1993.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L St. N.W., Washington DC 20036.

NRC Project Director: Herbert N. Berkow

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

For the Nuclear Regulatory Commission

Carol A. Harris,

Acting Deputy Director, Division of Information and Publications Services, Office of Administration

[Doc. 93-6893 Filed 3-24-93; 8:45 am]

BILLING CODE 7590-01-F

[Docket No. 50-458]

Gulf States Utilities; Consideration of Transfer of Control of Ownership of Licensee and Opportunity for Public Comment on Antitrust Issues

Notice is hereby given that the United States Nuclear Regulatory Commission (Commission) is considering approval under 10 CFR 50.80 of the transfer of ownership of Gulf States Utilities (GSU), a partial owner and the operator of the NRC licensed River Bend Station, from its present stockholders to the Entergy Corporation. GSU, a current licensee, owns a 70% undivided interest in River Bend with Cajun Electric Power Cooperative, Inc. owning a 30% undivided interest. By letter dated January 13, 1993, GSU submitted its request to transfer, pursuant to 10 CFR 50.80, the ownership of GSU to the Entergy Corporation. Under the proposed transfer, GSU will become a subsidiary of Entergy Corporation, which will own 100% of the common stock of GSU.

By letters dated January 13, 1993, GSU requested amendments to the River Bend license that would recognize the change in ownership of GSU as to permit it to become a subsidiary of Entergy, and to provide that Entergy Operations, Inc. will become a licensee of River Bend with authority to operate the facility on behalf of its owners but without any ownership interest in the River Bend Station. The requests for license amendments to allow the change of operating authority to Entergy Operations, Inc. will be the subject of a separate Federal Register notice.

Pursuant to 10 CFR 50.80 the Commission may approve the transfer of control of a license, after notice to interested persons, upon the Commission's determination that the one to have control is qualified to have control of the license and the transfer of the control is otherwise consistent with applicable provisions of law, regulations and orders of the Commission.

By this notice, the Commission is seeking public comment on this proposed transfer of control of ownership. Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, between 7:30 a.m. and 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

Antitrust Issues

Pursuant to 10 CFR 2.101 of the Commission's regulations, the staff is publishing receipt of GSU's request to transfer the above described control of ownership of GSU.

Any person who wishes to submit comments or information relating to any antitrust issues believed to be raised by this transfer request should submit said comments or information within 30 days of the initial publication of this notice in the Federal Register to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Inspection and Licensing Policy Branch, Office of Nuclear Reactor Regulation. The Director of the Office of Nuclear Reactor Regulation will issue a finding whether significant changes in the licensees' activities or proposed activities have occurred since the completion of the previous antitrust review.

Although the staff is providing the opportunity for comments concerning the competitive aspects of the proposed transfer, the staff notes that it is aware of and is closely following the proceeding at the Federal Energy Regulatory Commission (FERC). The NRC will consider the FERC proceeding to the maximum extent possible in resolving issues brought before the NRC.

For further details with respect to the subject transfer, see the request for transfer of control dated January 13, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Rockville, Maryland this 18th day of March, 1993.

For the Nuclear Regulatory Commission.

William D. Reckley,

Acting Director, Project Directorate IV-2, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93-6891 Filed 3-24-93; 8:45 am]

BILLING CODE 7590-01-M

Union Electric Co.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

[Docket No. 50–483]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–30 issued to Union Electric Company (the licensee) for operation of the Callaway Plant, Unit 1, located in Callaway County, Missouri.

The proposed amendment would revise Technical Specification 3/4.7.8, Surveillance Requirement 4.7.8.d, to allow a one-time schedule extension from the snubber transient event inspection requirement. The snubber is located in the alternate charging line portion of the Chemical and Volume Control System. The inspection is required to be performed by April 30, 1993 (6 months from October 30, 1992) because the alternate charging line experienced an unexpected transient on October 30, 1992. This extension beyond April 30, 1993, is required because the alternate charging line is located within the confines of the bioshield wall and, therefore, is inaccessible during power operation.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided its analysis of the issue of no significant hazards consideration as required by 10 CFR 50.91(a). The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The staff's review is presented below:

(1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The Callaway FSAR Chapter 15 analysis has been reviewed and has been found to be unaffected by this proposed change. Extending the snubber transient event inspection surveillance interval for the alternate charging line portion of the Chemical and Volume Control system will not increase the probability or consequences of any accident or malfunction of equipment. The alternate charging line is not required in any FSAR Chapter 15 analysis.

(2) The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated. There is no new type of accident or malfunction created and the method and manner of plant operation will not change. The extension to the snubber inspection surveillance only affects the alternate charging line and is not used during normal plant operation. The alternate charging line is not used during normal plant operation. The alternate charging line will remain isolated unless a malfunction occurs in the normal charging line.

(3) The proposed change does not involve a significant reduction in a margin of safety. The margin of safety remains unaffected since no design change is made and plant operation remains the same. As discussed above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated or create the possibility of a new or different kind of accident from any previously evaluated. This change does not result in a significant reduction in a 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.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 26, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons

why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition and 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 John N. Hannon: 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 Gerald Charnoff, Esq. and Thomas A. Baxter, Esq. Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, 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).

For further details with respect to this action, see the application for amendment dated March 5, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Dated at Rockville, Maryland, this 19th day of March 1993.

For the Nuclear Regulatory Commission.

L. Raynard Wharton,

Project Manager, Project Directorate III–3, Division of Reactor Projects III/IV&V, Office of Nuclear Reactor Regulation.

[FR Doc. 93–6890 Filed 3–24–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

Dated: March 18, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: None.

Title: Transmittal Sheet for Phase 2 Cellular Applications for Unserved Areas.

Form Number: FCC 464–A.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 10,000 responses; .166 hours average burden per response; 1,660 hours total annual burden.

Needs and Uses

FCC Form 464–A is a cover sheet to be used to transmit Phase 2 unserved areas applications by those seeking authority to operate a cellular radio station. The applicant must certify on the form that the application is complete and contains all information required by the Commission's Rules. FCC Form 464–A will assist Commission staff in processing cellular applications expeditiously.

Federal Communications Commission.
Donna R. Searcy,
Secretary.
[FR Doc. 93-6841 Filed 3-24-93; 8:45 am]
BILLING CODE 6712-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Modification of Sanctions With Respect to the European Community Pursuant to Title VII of the Omnibus Trade and Competitiveness Act of 1988

AGENCY: Office of the United States Trade Representative.

ACTION: Postponement of implementation of prohibition of awards of contracts by federal agencies for products and services from Member States of the European Community until April 1, 1993.

SUMMARY: On March 19, 1993, the United States Trade Representative announced that the effective date of the prohibitions of awards of contracts by federal agencies for products and services of some or all member states of the European Community, scheduled to go into effect on March 22, 1993, was being postponed until April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Mark Linscott, Office of GATT Affairs (202-395-3063), or Laura B. Sherman, Office of the General Counsel (202-395-7203), Office of the United States Trade Representative, 600 Seventeenth Street, NW., Washington, DC 20506.

Frederick L. Montgomery,
Chairman, Trade Policy Staff Committee.
[FR Doc. 93-6911 Filed 3-24-93; 8:45 am]
BILLING CODE 3190-01-M

PRESIDENT'S COMMISSION ON MODEL STATE DRUG LAWS

Public Hearing of the President's Commission on Model State Drug Laws

AGENCY: Executive Office of the President.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a public hearing of The President's Commission on Model State Drug Laws. The hearing is open to the public.

DATES: The hearing is scheduled for March 31, 1993 from 9:15 a.m. until 4:30 p.m., e.s.t. The hearing will be held in Washington, DC.

ADDRESSES: The March 31 hearing will be held at the Shiloh Family Life Center, 1510 9th Street, NW., Washington, DC 20001 (next door to the Shiloh Baptist Church).

FOR FURTHER INFORMATION CONTACT: David Osborne, The President's Commission on Model State Drug Laws, 800 Connecticut Avenue, NW., Suite 210, Washington, DC 20006, (202) 467-9640.

SUPPLEMENTARY INFORMATION: As mandated by the Anti-Drug Abuse Act of 1988 (P.L. 100-690), the President appointed the 24-member President's Commission on Model State Drug Laws in November 1992. The mission of the bipartisan commission is to develop comprehensive model state laws to significantly reduce, with the goal to eliminate, illicit drug use in America through effective use and coordination of prevention, education, treatment, enforcement, and corrections. The Commission is currently reviewing model legislation developed to address the spectrum of drug issues at the state and local level.

It is holding a series of public hearings around the country, focusing on the following issues: economic remedies against drug traffickers (January 6); community mobilization and coordinated state drug-planning mechanisms (January 27); crimes code enforcement as a weapon against drug offenders (February 16); drug and alcohol treatment (March 10), and; drug-free workplaces, schools, and families (March 31).

Based on testimony and information gathered during the public hearing process, the Commission will develop a body of recommended state legislation. The Commission will submit a final report, including the recommended legislation, by the end of May 1993. This report will be sent to the governors of all fifty states and disseminated widely through professional conferences and organizations in the prevention, education, treatment, law enforcement, and corrections fields.

The Commission is vice-chaired by Indianapolis Mayor Stephen Goldsmith. Its Commissioners, half Democrats and half Republicans, are: Kent B. Amos, Ramona L. Barnes, Ralph R. Brown, Ronald D. Castille, Kay B. Cobb, Shirley D. Coletti, Sylvester Daughtry, David A. Dean, Stephen Goldsmith, Daniel S. Heit, Judge Rose Hom, Richard P. Ieyoub, Keith M. Kaneshiro, Vincent Lane, Daniel E. Lungren, Robert H. Macy, N. Hector McGeachy, Jr., Edwin L. Miller, Jr., Michael Moore, John D. O'Hair, Jack M. O'Malley, Ruben B. Ortega, and Robert T. Thompson, Jr.

The public hearing in Washington, DC on March 31 will focus on developing and maintaining drug-free families, schools, and workplaces. It will specifically address the impact of drug and alcohol abuse on the family, funding drug-free family initiatives, school-based preventive education, and creating and sustaining drug-free workplaces. Those wishing to submit written testimony to the Commission should contact David Osborne by March 31, 1993. For his name, address, and telephone number, see the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice. All oral testimony slots at the hearing have been filled. The hearing is open to the public but attendance is limited to the space available on a first-come basis.

Garold Tannis,
Executive Director, The President's Commission on Model State Drug Laws.
[FR Doc. 93-6877 Filed 3-24-93; 8:45 am]
BILLING CODE 3180-02-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-32016; International Series Release No. 526; File No. SR-NASD-91-5]

Self-Regulatory Organizations; Filing of Amendment to Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Operation of the PORTAL Market

March 19, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),[1] notice is hereby given that on January 29, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change to Schedule I to the NASD By-Laws ("PORTAL Rules" or "PORTAL Market Rules"),[2] which governs the operation of the PORTAL Market and any trading effected in PORTAL securities. On March 10, 1993, the NASD submitted an amendment to the proposed rule change. This

[1] 15 U.S.C. 78s(b)(1) (1990).

[2] The NASD has filed six amendments to the proposed rule change, dated June 14, 1991, September 30, 1991, November 1, 1991, February 19, 1992, March 14, 1992, and March 10, 1993, respectively. No amendment to the rule language of the PORTAL Market Rules was made in Amendment No. 2 and Amendment No. 5 completely replaced Amendment No. 4. The proposed rule change incorporates the changes originally proposed in File No. SR-NASD-90-49, which would delete the requirements restricting the exit of PORTAL securities from the PORTAL Market to non-PORTAL accounts. See Securities Exchange Act Release No. 28429 (September 12, 1990), 55 FR 38623.

amendment is described in items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from Interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PORTAL Market was established to provide a marketplace for primary distributions and secondary trading meeting the requirements of rule 144A under the Securities Act of 1933 ("Securities Act").[3] Rule 144A provides an exemption from the registration and prospectus delivery requirements of the Securities Act.

The NASD is filing this Amendment No. 6 to SR–NASD–91–05 to modify the proposed rule change as a result of comments received in response to the SEC's publication for comment of the proposed rule change[4] and the comments of SEC staff on January 27, 1993. The SEC received six comment letters with respect to the proposed rule change.[5] The NASD submitted correspondence dated September 11, 1992 responding to the comments.[6]

Description of Proposed Rule Change

In the Proposing Release, the SEC identified four controls that were proposed as alternative safeguards to limit the leakage of restricted securities into the retail market. The controls are:

(1) Requiring that all NASD members report all trades in PORTAL securities to the NASD;

(2) Limiting the dissemination of trade reports to Rule 144A transactions;

(3) Requiring that all securities included in the system be assigned CUSIP numbers, or other widely accepted identification numbers, that are different from any identification number assigned to any unrestricted securities of the same class; and

(4) Permitting only restricted securities to be quoted in the PORTAL Market.

As a result of the comments received, the NASD has proposed modifications to the controls to facilitate secondary market trading in PORTAL securities while retaining a structure that will continue to limit the leakage of restricted securities into the retail market.

Trade Reporting

The Proposing Release included the proposal of the NASD that members be required to report all transactions in PORTAL securities to the NASD, including transactions in reliance on Rule 144 and sales to, or purchases from, a non-U.S. securities market. The NASD is proposing to amend this requirement with respect to the manner of reporting and certain of the information reported.

PORTAL Market information. The NASD is proposing to delete the requirement that the obligation to report transactions to the PORTAL Market depends on whether the member relies on PORTAL Market information in executing the transaction. Instead, all members of the NASD will be obligated to report transactions in PORTAL securities regardless of whether the transaction was in reliance on information in the PORTAL Market. In this manner, the PORTAL Market will operate like other computer-based market systems of the NASD.

Reporting obligations. The NASD is proposing to modify the information required to be included in the PORTAL transaction report to clarify that the requirement to provide the identity of the account where the transaction will settle is only imposed with respect to transactions that are submitted through the PORTAL Market to the PORTAL clearance and settlement system.[7] Further, the PORTAL transaction report will only require the identity of the contra-party to the transaction where the contra-party is an NASD member.[8] It is normal practice for trade reports to include the identity of both members, if the transaction is between two member firms. The NASD is not requiring that the identity of a member's client be included in the PORTAL transaction report, except, as set forth above, if necessary for clearance and settlement purposes.

The NASD is retaining the requirement that PORTAL dealers and PORTAL brokers submit a PORTAL transaction report with respect to each transaction in a PORTAL security through the PORTAL Market system within 15 minutes after execution of the transaction.[9]

The NASD is proposing to modify the requirement that members that are not participants in the PORTAL Market submit a weekly PORTAL transaction report. Instead, a member that is not a PORTAL dealer or PORTAL broker[10] would be required to submit a PORTAL non-participant report to the Market Surveillance Department of the NASD on a monthly basis. The PORTAL non-participant report will include the same information required for the PORTAL transaction report.[11]

The Proposing Release stated that the PORTAL transaction report must include a representation as to whether the transaction is being made in reliance on Rule 144A and, if the transaction is not in reliance on Rule 144A, whether the buyer is a qualified institutional

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[3] The PORTAL Market was approved by the Commission on April 27, 1990. Securities Exchange Act Release No. 27956 (April 27, 1990), 55 FR 18781.

[4] Securities Exchange Act Release No. 30508 (March 24, 1992), 57 F.R. 10933 (March 31, 1992) ("Proposing Release").

[5] See Letter from Dr. W. Judson King, Chairman, Sunshine Securities Corporation, to Kathryn V. Natale, Assistant Director, Division of Market Regulation, SEC (June 10, 1992); Letter from Robin Shelby, Director-Legal Affairs and Assistant General Counsel, First Boston Corporation, to Margaret H. McFarland, Deputy Secretary, SEC (May 19, 1992); Letter from Pamela P. Root, Goldman Sachs, to Johnathan G. Katz, Secretary, SEC (May 18, 1992); Letter from Sullivan & Cromwell, to Margaret H. McFarland, Deputy Secretary, SEC (May 18, 1992); Letter from Robert S. Trefny, Davis Polk & Wardwell, to Jonathan G. Katz, Secretary, SEC (May 18, 1992); Letter from Edmund H. Schenck, Senior Vice President, NationsBank Corporation, to Jonathan G. Katz, Secretary, SEC (April 20, 1992).

[6] Letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Elizabeth H. MacGregor, Branch Chief, Division of Market Regulation, SEC (September 11, 1992).

[7] The Depository Trust Company has been approved as a PORTAL depository and clearing organization. The PORTAL Market includes a feature that permits a PORTAL dealer or PORTAL broker to direct its trade report through the PORTAL Market system to The Depository Trust Company for clearance and settlement. Currently, the PORTAL Rules make settlement through the PORTAL Market system mandatory. The NASD has proposed, however, that the use of this feature be optional. PORTAL dealers and PORTAL brokers may, therefore, transmit settlement instructions to The Depository Trust Company in a separate action from the entering of the trade report of the transaction into the PORTAL Market system and need not provide settlement details (such as the identity of the account where the transaction will settle) to the PORTAL Market. The NASD continues to believe, however, that the availability of automatic clearance and settlement as a result of entering a PORTAL transaction report is a significant step forward in facilitating securities transactions.

[8] The NASD had not intended to require, as several comment letters indicated, that members provide the identity of their customer in the PORTAL transaction report.

[9] Where each party in a transaction is either a PORTAL dealer or a PORTAL broker, the seller is obligated to submit a PORTAL transaction report. Where only one party to the transaction is a PORTAL dealer or a PORTAL broker, that member is required to submit the PORTAL transaction report.

[10] The amended language of the proposed rule change makes clear that a member would have to register as a PORTAL dealer if it wishes to register as a PORTAL qualified investor.

[11] Where both parties in a transaction are members but are neither a PORTAL dealer nor a PORTAL broker, the seller is obligated to submit the PORTAL non-participant report. Where only one member is a party to the transaction, that member is required to submit the PORTAL non-participant report. As set forth supra, where one member that is a party to the transaction is a PORTAL dealer or a PORTAL broker, it is the obligation of the PORTAL dealer or PORTAL broker to submit a PORTAL transaction report. The PORTAL non-participant report is required to be submitted no later than the fifth day of the month following any month in which the member has effected transactions in PORTAL securities.

buyer ("QIB") under Rule 144A, a non-QIB institution, or a non-QIB individual investor. In response to a number of comments opposing this requirement, the NASD is proposing to adopt a new reporting requirement that the PORTAL dealer or PORTAL broker responsible for submitting a PORTAL transaction report also submit to the Market Surveillance Department of the NASD a PORTAL surveillance report by the fifth day of each month with respect to transactions in the prior month that includes the information in the PORTAL transaction report and a representation as to whether the buyer is a QIB, a non-QIB institution, or an individual investor. The NASD is also proposing that the PORTAL non-participant report include the same representation.[12]

Reporting of primary offering transactions. The NASD is proposing to except from the reporting obligations of a PORTAL dealer or PORTAL broker the requirement to include in the PORTAL transaction report transactions that are part of the primary offering [13] by or on behalf of the issuer or an affiliate thereof.[14] This amendment clarifies that it had not been the intention of the NASD that the PORTAL transaction report requirements apply to the primary offering of an issuer's securities; as a result, only secondary market transactions in PORTAL securities will be required to be reported to the NASD in the PORTAL transaction reports. Such primary offering transactions are, however, proposed to be required to be reported to the NASD in the monthly PORTAL surveillance reports.[15]

Dissemination of Trade Reports

The Proposing Release provided that price and volume information disseminated through the PORTAL Market System would include only trades made in reliance on Rule 144A. A number of the commenters stated that this limitation on last sale price and volume display could unnecessarily distort market information to the detriment of investors. The amendment to the proposed rule change addresses the comments by providing that the last sale price and volume display will include information from all PORTAL transaction reports submitted to the PORTAL Market System.

Security Designation

The Proposing Release provided that the criteria for eligibility as a PORTAL security will apply at the time of initial designation and will constitute continuing requirements for designation as a PORTAL security. It was proposed that one requirement for initial and continued designation as PORTAL security would be that the security remain a restricted security, even though it may be eligible to be resold pursuant to the provisions of Rule 144, including Rule 144(k), but has not been so resold. Another requirement was that the security be assigned a CUSIP or CINS (CUSIP International Numbering System) security identification number that is different from any identification number assigned to any unrestricted securities of the same class.[16] The NASD is proposing to retain these proposed requirements as included in the Proposing Release [17] and to establish additional and alternative criteria.

A new provision is proposed to provide an alternative qualification criteria to the requirement that a PORTAL security be a "restricted security." The alternative criteria would permit a security to be designated as a PORTAL security if the security upon issuance and continually thereafter only can be sold pursuant to Regulation S under the Securities Act, Rule 144A, or Rule 144 under the Securities Act, or in a transaction exempt from the registration requirements of the Securities Act pursuant to section 4 of the Securities Act and not involving any public offering ("contractual limitations").[18] This alternative contractual limitation criteria would permit a security that otherwise does not come within the definition of a "restricted security" under Rule 144(a)(3) to be eligible for designation in the PORTAL Market if the security by its terms is subject to limitations placed on the resale of the security by the issuer thereof.[19] Such limitations on resale would only permit resale of the security into an offshore securities market under Regulation S, or into the U.S. private market under Rule 144A or in what is colloquially known as a transaction exempt under "Section 4(1–½)" of the Securities Act, or into the U.S. public market under Rule 144.

It is also proposed that the security that is being considered for PORTAL designation is a depositary receipt, the security underlying that depositary receipt must either be a restricted security or be subject to the contractual limitations on resale.

A new provision is also proposed to clarify that if a PORTAL security is sold pursuant to the provisions of Rule 144 (i.e., into the U.S. public market), the security issued in the public market must be assigned a CUSIP or CINS security identification number that is different from the identification number assigned to a PORTAL security of the same class.

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[12] Members that are not PORTAL dealers or PORTAL brokers are, therefore, only required to submit one report per month which contains all of the trade report information and the buyer qualification representations with respect to each transaction during the prior month. The obligation to submit a PORTAL surveillance report is only applicable to PORTAL dealers and PORTAL brokers that were obligated to submit a PORTAL transaction report. Both the PORTAL non-participant report and the PORTAL surveillance report are required to be submitted to the Market Surveillance Department of the NASD no later than the fifth day of each month. It is anticipated that the PORTAL surveillance report will be submitted either through the PORTAL Market system or through a computer-to-computer interface ("CTCI") between the member and the NASD. It is anticipated that the PORTAL non-participant report will be submitted in manual form, through the PORTAL Market system, or by CTCI.

[13] The PORTAL Market includes a feature that permits PORTAL dealers and PORTAL brokers to distribute an offering through the PORTAL Market using screens that provide for information regarding the offering, permit PORTAL participants (PORTAL dealers, PORTAL brokers, and PORTAL qualified investors) to submit indications of interest, and allow the manager of the offering to confirm the final allocation of securities out of the offering.

[14] This modification is being made as a result of a number of comments that the fifteen minute reporting deadline for the entry of PORTAL transaction reports in the PORTAL Market System would be difficult to meet. Further discussion with the commenters indicated that the focus of their concern, at least in part, was on the primary distribution period in comparison to secondary market trading in the security.

[15] Similarly, the monthly PORTAL non-participant report would include both primary offering and secondary trading transactions in PORTAL securities.

[16] Alternatively, if the security is issued to investors only in physical form, the security must have a legend placed on each certificate stating that the securities have not been registered under the Securities Act, and cannot be resold without registration under the Securities Act or an exemption therefrom.

[17] The NASD is proposing to modify the language of the requirement that a security be a "restricted security" to clarify that the security must meet the definition of that term in Rule 144(a)(3) of the Securities Act of 1933.

[18] This modification is proposed, in part, to address the comments pointing out that certain of the securities that are part of a class of securities that have a CUSIP number different from the number assigned to unrestricted securities of the same class may not—in fact—meet the definition of being a "restricted security" under Rule 144(a)(3). It was stated that a portion of the American Depositary Receipts in the PORTAL Market were sold pursuant to Regulation S and, therefore, are not "restricted securities" within the meaning of rule 144(a)(3).

[19] Such contractual limitations on the resale of securities into the U.S. are a common feature of Global Depositary Receipt offering structures. The new criteria would also permit an issuer to make an offering offshore of securities that include the required contractual limitations in order to permit the offshore securities to be eligible for designation in the PORTAL Market before and after the expiration of the offshore restricted period mandated by Regulation S.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purposes of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Because the NASD originally submitted the PORTAL Market Rules to the Commission before the Commission's adoption of Rule 144A, the current PORTAL Market Rules reflect certain expectations that the NASD had about the final version of Rule 144A. The version of Rule 144A that was adopted by the Commission differed from the proposed versions released for comment and from what the NASD had anticipated. The NASD has, therefore, submitted fairly comprehensive changes to the PORTAL Market Rules so that the rules will more closely reflect the adopted version of Rule 144A. The effect of these changes will be that PORTAL participants will no longer be assured of compliance with Rule 144A merely because they have complied with the PORTAL Market Rules. PORTAL participants, themselves, will be responsible for ensuring that the transactions comply with the requirements of Rule 144A.

The NASD believes that the PORTAL Market imposes significantly greater limitations on the resale of securities than does Rule 144A and that many institutional investors, who are unaccustomed to the exposure of their securities transactions, find the continuing oversight provided by the PORTAL Market more intrusive than desired.[20] The NASD is, therefore, proposing to amend the PORTAL Market Rules so that they more closely track the requirements of Rule 144A.

The NASD believes that the new structure will replace the segregated PORTAL account structure with other systems controls that will prevent restricted securities from flowing into the public markets, absent registration under the Securities Act or an appropriate exemption from registration. Moreover, the NASD believes that the restrictions will ensure that investors are not confused as to whether they hold a restricted or unrestricted security.

In its submission, the NASD stated that currently the PORTAL Market is unable to provide the regulatory oversight of PORTAL securities transactions that it had originally anticipated. The NASD believes this is because the current reporting requirements presuppose that the securities that are the subject of the transaction are deposited or will be deposited in a segregated PORTAL account. Most of these securities, however, have been traded outside such accounts. Nevertheless, the NASD believes that the PORTAL Market will perform a vital role in providing a quotation system for Rule 144A securities and in expanding oversight of the market in PORTAL securities through the significantly expanded reporting requirements that the NASD has proposed. The NASD believes that significantly greater information on transactions in restricted PORTAL securities will be available if the amendments are approved.

Effective Date

The NASD will file an amendment to the proposed rule change prior to SEC approval to request a delayed effective date with respect to the proposed revised reporting requirements. The NASD anticipates that such an effective date will be a date announced by the NASD within a stated period after SEC approval in order to permit members to modify their internal procedures to comply with the new PORTAL reporting requirements. The NASD believes that all other aspects of the proposed rule change may, without a negative impact on the membership, become effective on the date of SEC approval.

(b) The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Exchange Act because the proposed rule change is designed to promote just and equitable principles of trade and to remove impediments to, and perfect the mechanisms of, a free and open market. The NASD also believes the proposed rule change is consistent with the provisions of Section 11A(a)(2) of the Exchange Act as it applies to a trading system "for particular types of securities with unique trading characteristics."

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The SEC published the proposed rule change for comment in Securities Exchange Act Release No. 30508 (March 24, 1992), 57 FR 10933. The SEC received six comment letters with respect to the proposed rule change from Davis, Polk & Wardwell, The First Boston Corporation, Goldman, Sachs & Co., NationsBank, Sullivan & Cromwell, and Sunshine Securities Corporation. The NASD submitted correspondence dated September 11, 1992 responding to the comments.[21]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[20] See Letter from Pamela P. Root, Vice President and Associate General Counsel, Goldman, Sachs & Co., to Brandon Becker, Deputy Director, Division of Market Regulation, SEC, (July 13, 1990), commenting on File No. SR-DTC-90-6. Brandon Becker, Deputy Director, Division of Market Regulation, SEC, (July 13, 1990), commenting on File No. SR-DTC-90-6.

[21] Letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Elizabeth H. MacGregor, Branch Chief, Division of Market Regulation, SEC (September 11, 1992).

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 15, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-6873 Filed 3-24-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32017; File No. SR-PTC-92-17]

Self-Regulatory Organizations; Participants Trust Company; Notice of Filing of a Proposed Rule Change Relating to Accounting Procedures for Repurchase Transactions

March 19, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on January 4, 1993, Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would eliminate the requirement that a reason be given by the participant purchasing securities in a repurchase transaction (sometimes referred to as "repo") when it closes out its position in PTC's repurchase accounting records.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) PTC provides its participants with a repo accounting service to facilitate the transfer of securities between the parties to a repurchase agreement. Under this repo accounting facility, the seller of securities in a repurchase transaction ("repo seller") is credited with a repo out position, and the securities purchaser ("repo buyer") is credited with a repo in position to reflect the obligation of the repo seller to repurchase the securities and the repo buyer's corresponding obligation to resell the securities. In addition, PTC disburses the equivalent of principal and interest attributable to the underlying securities to the repo seller, which has the repo out position, to reflect the terms of the standard repurchase agreement contract that provides for the repo seller to receive the principal and interest. Of course, PTC's participant with a repo in position or its participant with a repo out position or both may be acting as a custodian for a nonparticipant party to the repurchase transaction.

In August 1991, it was recognized that there was a misunderstanding among PTC participants of the procedure to be followed to close out a repo accounting position when the repo buyer is entitled to close out the repurchase agreement prior to performing its obligation to resell to the repo seller. This could occur, for example, because the repo seller has defaulted under the terms of the repurchase agreement. In order to clarify the apparent misunderstanding, PTC distributed a notice advising its participants that PTC would eliminate repo out and repo in positions upon receipt of a representation from the repo buyer stating, in essence, that the repo buyer has the legal right to close out the repurchase transaction.

This notice and Form of Representation was filed with the Commission and approved on August 27, 1991,[2] for a period of four months with the understanding that PTC would file a rule change clarifying the specific provisions of its Rules governing repurchase transactions to eliminate any ambiguity as to the method for closing out a repo position. The required rule change was filed on November 1, 1991.[3] That rule change modified PTC Rules, article III, rule 1, section 1(b) to provide that the repo positions will be closed out upon receipt of a representation from the repo buyer stating, in effect, that it has the legal right to close out the repurchase transaction.

Since that proposed rule change, the subject of closing out repo accounting positions has been discussed extensively at PTC's Operations Committee meetings and at the Public Securities Association. These discussions have led to a consensus that article III, rule 1, section 1(b) should be further modified to permit the repo buyer to close out the repo in and repo out positions in PTC's repurchase accounting service without requiring such repo buyer to give any reason for such action. This would, therefore, eliminate from PTC's Rules the present requirement that the repo buyer certify that it is no longer required under the repurchase agreement to resell the subject securities to the repo seller.

PTC will be making corresponding changes in its Participant's Operating Guide to describe this repo in/repo out close out mechanism and to require that the repo buyer's close out instruction to PTC state that the repo buyer has notified its repurchase agreement counterparty, and that party's participant custodian if the counterparty is not a PTC participant, of the action. In the ordinary course of business, PTC will notify the participant holding the repo out position of PTC's actions as described.

(b) Since the proposed rule change provides for the prompt and accurate clearance and settlement of securities transactions, it is consistent with section 17A of the Act and the rules and regulations thereunder applicable to PTC.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

PTC has not solicited and does not intend to solicit comments on this proposed rule change. PTC has not received any unsolicited written

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[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 29617 (August 27, 1991), 56 FR 43827 [File No. SR-PTC-91-12] (order granting accelerated approval of the proposed rule change).

[3] Securities Exchange Act Release No. 30137 (December 31, 1991), 57 FR 947 [File No. SR-PTC-91-13] (notice of filing and order granting accelerated approval of the proposed rule change).

comments from participants or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to such period that the self-regulatory consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to File No. SR–PTC–92–17 and should be submitted by April 15, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–6872 Filed 3–24–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25763]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 19, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 12, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

National Fuel Gas Company, et al. (70–8143)

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, and its wholly owned subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply"), Seneca Resources Corporation ("Seneca"), Penn-York Energy Corporation ("Penn-York"), Empire Exploration, Inc. ("Empire") and Utility Constructors, Inc. ("Constructors") (collectively, "Subsidiaries"), all located at 10 Lafayette Square, Buffalo, New York 14203, have filed an application-declaration under Sections 6(a), 7, 9(a), 10 and 12(b) of the Act and Rules 45, 50 and 50(a) thereunder.

National proposes to issue and sell, through December 31, 1994, in one or more transactions, up to an aggregate principal amount of $350 million in any combination of (a) debentures ("Debentures") and (b) medium-term notes ("MTNs"), such MTNs and Debentures to mature in not more than forty years. National requests authority to issue the Debentures pursuant to the competitive bidding requirements of Rule 50. National also requests authority to issue the Debentures and the MTNs pursuant to an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5). National further requests authority to begin negotiations with underwriters with respect to the issuance and sale of the MTNs and the Debentures. It may do so.

National would not issue MTNs at rates in excess of those generally obtained at the time of pricing for sales of medium-term notes having the same maturity, issued by companies of comparable credit quality and having similar terms, conditions and features. Further, National would not issue the Debentures at rates in excess of 200 basis points above the rate for Treasury obligations having comparable maturities. The complete terms of the Debentures and the MTNs shall be determined when the agreement to sell is made or at the time of delivery.

The Debentures and/or the MTNs will be issued under an Indenture dated as of October 15, 1974, as supplemented, and as it will be supplemented by one or more supplemental indentures. The supplemental indentures which provide for the issuance of the Debentures and/or the MTNs may include provisions for redemption prior to maturity at various percentages of the principal amount and may include restrictions on optional redemption for a given number of years up to the term of the Debentures and/or MTNs.

National proposes to lend from the proposed financing, in exchange for unsecured notes ("Notes"), up to (a) $250 million to Distribution, (b) $150 million to Supply, (c) $100 million to Seneca, (d) $50 million to Penn-York, (e) $40 million to Empire and (f) $15 million to Constructors. Additionally, should Penn-York and Supply complete a planned merger before December 1994, the total amount lent by National to the surviving corporation, together with the amount lent to Penn-York and Supply before the merger, would not exceed $200 million. The total amount lent by National to its Subsidiaries will not exceed the proceeds received by National from the issuance of the Debentures and/or MTNs.

The Notes to be issued by the Subsidiaries will bear interest at the effective interest cost of the principal amount of the Debentures and/or MTNs, in each case rounded to the next highest 1/100th of 1%. The Subsidiaries will use the proceeds from the Notes (i) to reduce their outstanding short-term borrowings under certain lines of credit, (ii) to repay notes issued to National in connection with the sale by National of certain debentures and medium-term notes, (iii) to enter into certain turn-key construction projects, (iv) to invest in the storage and production of natural

gas and (v) for other construction programs and general corporate purposes.

National Fuel Gas Company (70–8153)

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, located at 10 Lafayette Square, Buffalo, New York 14203, has filed a declaration under Sections 6(a), 7 and 12(b) of the Act and Rules 45, 50 and 50(a)(5) thereunder.

National proposes to issue and sell, through March 31, 1995, in one or more transactions an aggregate of not to exceed 2.5 million authorized but unissued shares of its common stock, $1.00 par value ("Additional Common Stock"). National proposes to sell the Additional Common Stock pursuant to the competitive bidding requirements of Rule 50 or in a negotiated sale or sales with an underwriter or underwriters pursuant to an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5). National has requested that it be authorized to begin negotiations with an underwriter to sell the Additional Common Stock. It may do so.

National further seeks authority through March 31, 1995 to contribute up to the following percent of the net proceeds of such sale or sales ("Stock Proceeds") to the following subsidiaries: (a) 100% to National Fuel Gas Distribution Corporation ("Distribution"), (b) 100% to National Fuel Gas Supply Corporation ("Supply"), (c) 50% to Seneca Resources Corporation ("Seneca"), (d) 50% to Penn-York Energy Corporation ("Penn-York"), and (e) 50% to Utility Constructors, Inc. ("Constructors") (collectively, "Subsidiaries"); provided, however, that the total amount contributed to each of the Subsidiaries requested herein would not exceed the total amount of Stock Proceeds.

Also, National has proposed in a Form U–1 Application and Declaration (File No. 70–8143) to loan proceeds from the sale of certain medium-term notes and debentures ("Debt Proceeds") to certain subsidiaries pursuant to the terms described therein. However, the combination of the Stock Proceeds contributed by National and of the Debt Proceeds loaned by National to the Subsidiaries would not exceed (a) $325 million to Distribution, (b) $150 million to Supply, (c) $100 million in the case of Seneca, (d) $50 million to Penn-York and (e) $15 million to Constructors.

The proceeds of the capital contributions would be used by the Subsidiaries (a) to reduce outstanding short-term debt levels, (b) for exploration, development and/or construction programs, and/or (c) for general corporate purposes.

Ohio Power Company (70–8155)

Ohio Power Company ("Ohio Power"), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric public-utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application under Sections 9(a), 10 and 12(c) of the Act and Rule 42 thereunder.

As permitted under Rule 52, Ohio Power plans to issue and sell, in one or more series, from time to time through December 31, 1993, up to $30 million aggregate par value of cumulative preferred stock ("Preferred"), at a par value of $25 and/or $100 per share. Ohio Power proposes to include in the terms of the Preferred an optional redemption provision and/or a mandatory sinking fund provision. Ohio Power also proposes to amend its Articles of Incorporation setting forth the terms of the Preferred.

An optional redemption provision may provide for redemption of shares of the Preferred at the option of Ohio Power at a price equal initially to the par value of the Preferred plus the annual dividend per share, which redemption price would then decline to par value not later than the year in which such shares would be retired pursuant to a mandatory sinking fund requirement. The redemption terms of the Preferred may also provide that none of the Preferred may be redeemed pursuant to such redemption terms during the first five years if accomplished through a borrowing or stock issuance at a lower effective cost less than the effective dividend cost of the Preferred.

The terms of the Preferred may also include a sinking fund provision. Under such provision, Ohio Power annually would redeem at a price per share equal to the par value, together with accrued and unpaid dividends, a number of shares of the Preferred equal to between 5% and 20% of the number of shares of the Preferred initially issued. Ohio Power also may, at its option, redeem on an annual basis an additional equivalent amount of the Preferred so retired. Additionally, any such sinking fund provision may give Ohio Power the option to credit against any sinking fund requirement any of the Preferred theretofore purchased or otherwise acquired by Ohio Power and not previously credited against any sinking fund requirement.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–6871 Filed 3–24–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2636]

Florida (and Contiguous Counties in Georgia); Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on March 13, 1993, I find that the Counties of Alachua, Citrus, Columbia, Dade, Duval, Hamilton, Hendry, Hernando, Hillsborough, Lake, Levy, Manatee, Marion, Martin, Pasco, Pinellas, Polk, Putnam, Sarasota, Taylor, and Volusia in the State of Florida constitute a disaster area as a result of damages caused by excessive rainfall, tornadoes, and flooding which occurred on March 12 and 13, 1993 and continuing. Applications for loans for physical damage may be filed until the close of business on May 12, 1993, and for loans for economic injury until the close of business on December 13, 1993, at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, suite 300, Atlanta, Georgia 30308, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous Counties of Baker, Bradford, Brevard, Broward, Charlotte, Clay, Collier, DeSoto, Dixie, Flagler, Gilcrest, Glades, Hardee, Highlands, Jefferson, Lafayette, Lee, Madison, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Seminole, St. Lucie, St. Johns, Sumter, Suwannee, and Union in the State of Florida and Clinch, Echols, and Lowndes Counties in the State of Georgia may be filed until the specified date at the above location.

The interest rates are:

	Percent
For physical damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.625

	Percent
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 263612 and for economic injury the numbers are 787700 for Florida and 787800 for Georgia.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 18, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93–6849 Filed 3–24–93; 8:45 am]

BILLING CODE 8025–01–M

Center City Mesbic, Inc.; (License Number 05/05–5153); Filing of an Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.601 of the Regulations governing Small Business Investment Companies (13 CFR 107.601) for the transfer of ownership and control of Center City Mesbic, Inc. (the Licensee), 8 North Main Street, Dayton, Ohio 45402–1916, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661, *et seq.*). The proposed transfer of control of Center City Mesbic, Inc., which was licensed on July 29, 1981, is subject to the prior written approval of SBA.

At the present time, the control of the Licensee is changing as a result of a proposed stock offering. Currently, all the outstanding common stock of the Licensee is voting stock and is held by 26 different shareholders. As a result of the Amendment of the Articles of Incorporation and sale of the additional stock, the existing stock will convert to non-voting stock, held by 32 different shareholders, and all voting stock will be sold to CityWide Development Corporation (CDC). CDC, the current full-time manager of the Licensee, is a private, non-profit full service development company.

The proposed officers, directors, and shareholders owning 10 or more percent of the common stock of the Licensee will be as follows:

Name	Title	Percent shares owned
Charles Hall, Professional Therapeutic Services, Inc., 45 Riverside Drive, Dayton, Ohio 45405.	Board Chairman/Director.	
Steven J. Budd, CityWide Development Corp., 8 North Main Street, Dayton, Ohio 45402.	President/Director.	
Thomas Graeff, Graeff Hardware, P.O. Box 1598, Dayton, Ohio 45401.	Vice President/Director.	
J. Stephen Herbert, Coolidge, Wall, Womsley & Lombard, 600 IBM Bldg., 33 W. First Street, Dayton, Ohio 45402.	Secretary/Director.	
Edward B. Reilly, First National Bank, Dayton, 6 North Main Street, Dayton, Ohio 45402.	Treasurer/Director.	
Richard T. Flaute, Supply Dayton Corporation, 210 Wayne Avenue, Dayton, Ohio 45402.	Director.	
Mark Beeson, Deloitte & Touche, 1700 Courthouse Plaza, N.E., Dayton, Ohio 45402.	Director.	
Donald McLaurin, Southwest Business Assn. of Dayton, c/o D'Laurin Electric, 2781 Wentworth, Dayton, Ohio 45406.	Director.	
Dr. John Weller, Minority Business, Development Center, University of Dayton, Center for Business and Economic Research, 300 College Park Drive, Dayton, Ohio 45402.	Director.	
Gary Roan, Society Bank, N.A., 34 N. Main Street, Dayton, Ohio 45402.	Director.	
Sandra Pierce, Bank One, Dayton NA, Kettering Tower, Dayton, Ohio 45401.	Director.	
CityWide Development Corporation, 8 North Main Street, Gem Plaza, 2nd Floor, Dayton, Ohio 45402.	Manager	14
Bank One, Dayton, N.A., Kettering Tower, 40 N. Main Street, Dayton, Ohio 45401.	.....	11

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed transfer of ownership and control. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dayton, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–6850 Filed 3–24–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 1780]

Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission; Partially Closed Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet on May 4, 1993, at the Scripps Institute of Oceanography, Martin Johnson House (T–29), 8602 La Jolla Shores Drive, La Jolla, California. This session will discuss the 1992 fishing

year, the status of the tuna and dolphin stocks of the eastern Pacific Ocean, and developments affecting the fishery since the last annual meeting of the Commission. The morning session will be open to the public.

The Advisory Committee will also meet in an afternoon session on May 4, 1993. This session will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the Annual Meeting of the Inter-American Tropical Tuna Commission to be held in Port Villa, Vanuatu, June 8–10, 1993. The members of the Advisory Committee will examine various options for the negotiating position at the Special Meeting, and these considerations must necessarily involve review of classified matters. Accordingly, the determination has been made to close the afternoon session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, section 19(d) and 5 U.S.C. 552b(c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Mr. Brian S. Hallman, Deputy Director, Office of Fisheries Affairs (OES/OFA), room 5806, U.S. Department of State, Washington, DC 20520–7818. Mr. Hallman can be reached by telephone on (202) 647–2335.

Dated: March 9, 1993.

David A. Colson,

Deputy Assistant Secretary, Oceans and Fisheries Affairs.

[FR Doc. 93–6756 Filed 3–24–93; 8:45 am]

BILLING CODE 4710–09–M

[Public Notice 1781]

Shipping Coordinating Committee (Maritime Safety Committee and Associated Bodies); Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Wednesday, May 19, 1993, in room 2415, at US Coast Guard Headquarters, 2100 Second Street SW., Washington, DC to finalize preparations for the 62nd Session of the Maritime Safety Committee (MSC–62) and associated bodies of the International Maritime Organization (IMO) which is scheduled for May 24–28, 1993 at the IMO Headquarters in London. At the meeting papers received and the draft US positions will be discussed.

Among other things, the items of particular interest are:

a. Role of the human element in maritime casualties;

b. Prevention and abatement of marine pollution incidents;

c. Piracy and armed robbery against ships;

d. Reports of various Subcommittees (Stability, Load Lines and Fishing Vessels Safety; Radiocommunications; Containers and Cargoes; Life-Saving, Search and Rescue; Ship Design and Equipment; Training and Watchkeeping; Flag State Implementation.

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing to Mr. Gene F. Hammel, US Coast Guard (G–CI), room 2114, 2100 Second Street SW., Washington, DC 20593–0001 or by calling (202) 267–2280.

Dated: March 5, 1993.

Bruce Carter,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 93–6755 Filed 3–24–93; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 1782]

Shipping Coordination Committee International Maritime Organization (IMO)/United Nations Conference on Trade and Development (UNCTAD) Diplomatic Conference); Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open public meeting at 10 a.m., on Thursday, April 15, 1993, in room 6103 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this meeting is to prepare for the IMO/UNCTAD Diplomatic Conference on Maritime Liens and Mortgages, which will be held in Geneva, April 19 through May 7, 1993. The meeting will review the various papers that will be presented at the Diplomatic Conference and solicit public comment on the papers.

The views of the public, and particularly those of affected maritime commercial and environmental interests, are requested. The views of the public and affected interests are requested.

Copies of relevant documents will be distributed prior to the meeting as soon as they are available.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room.

For further information or to submit views, contact Captain David J. Kantor or Lieutenant Commander Mark J. Yost, U.S. Coast Guard (G-LMI), 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267–1527, telefax (202) 267–4496.

Dated: March 16, 1993.

Bruce Carter,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 93–6757 Filed 3–24–93; 8:45 am]

BILLING CODE 4710–07–M

TENNESSEE VALLEY AUTHORITY

Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99–591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (MR 2F), Chattanooga, TN 37402–2801; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: TVA Procurement Documents, including Invitation to Bid, Request for Proposal, Request for Quotation, and other related Procurement or Sales Documents.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 73,500.

Estimated Total Annual Burden Hours: 130,975.

Estimated Average Burden Hours Per Response: 1.78.

Need For and Use of Information: TVA procures goods and services to fulfill its statutory obligations and sells

surplus items to recover a portion of its investment costs. This activity must be conducted in compliance with a variety of applicable laws, regulations, and Executive Orders. Vendors and purchasers who voluntarily seek to contract with TVA are affected.

John J. O'Donnell,

Vice President, Facilities Services.

[FR Doc. 93–6861 Filed 3–24–93; 8:45 am]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Aviation Sales, Inc.

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 93–3–25, Order to Show Cause

SUMMARY: The Department of Transportation is proposing to find Aviation Sales, Inc., fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than April 6, 1993.

FOR FURTHER INFORMATION CONTACT: Carol Woods, Air Carrier Fitness Division (P-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2340.

Dated: March 22, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–6847 Filed 3–24–93; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement: Kitsap County, WA

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 project to improve transportation access from the vicinity of the railroad bridge near Gorst to downtown Bremerton in the vicinity of the ferry terminal.

FOR FURTHER INFORMATION CONTACT: Barry F. Morehead, Division Administrator, Federal Highway Administration, 711 South Capitol Way, suite 501, Olympia, WA 98501, telephone: (206) 753–9555; or Gary Demich, District Administrator, District 3, Washington State Department of Transportation, PO Box 9327, Olympia, WA 98504, telephone: (206) 357–2605; or Dan Eisses, Engineer, City of Bremerton, 239 4th Street, Bremerton, WA 98310, telephone: (206) 478–5272.

SUPPLEMENTARY INFORMATION: The FHWA, the Washington State Department of Transportation, and the City of Bremerton, in cooperation with Kitsap county, U.S. Department of Defense, and Kitsap Transit will prepare an environmental impact statement (EIS) on a proposal to improve transportation access from the Gorst vicinity to (and through) Bremerton in Kitsap County, Washington. The proposed improvement would involve adding lanes to SR3 along Sinclair Inlet. The project would also include the improvement of traffic flow within the City of Bremerton from the vicinity of Cambrian Avenue to the ferry terminal; this could be achieved through the elimination of on-street parking, the creation of one-way streets, or a combination of both. A final element in this project would be the replacement of the Gorst railroad bridge with a longer span.

The primary purpose of the project is to improve transportation access to and through downtown Bremerton. The downtown area includes the Puget Sound Naval Shipyard and the State ferry terminal, both major regional destinations. The project should relieve traffic congestion on SR 3 and SR 304. It should also improve the movement of traffic on Burwell and/or 6th Street, as well as in the vicinity of the ferry terminal. A third objective of the project would be to encourage the use of high occupancy vehicles (HOV's) and public transit. These improvements are considered necessary to provide both for the existing and projected future traffic demand.

Possible alternatives under consideration include (1) taking no action; (2) widening SR 3 along Sinclair Inlet from the existing four-lane highway to six or eight lanes either adjacent to the existing roadway or with the lanes in one direction added on a separate grade above the existing roadway. Under the eight lane option, the seventh and eighth lanes would be used as HOV lanes. The widened SR 304 would be connected with one-way couplets or a four-lane, two-way traffic flow through Bremerton to the ferry terminal. For purposes of the EIS, the project is subdivided into three geographic segments: (a) Gorst railroad bridge to SR 3/SR 304 interchange, (b) SR 3/SR 304 interchange to the Missouri Gate of the Puget Sound Naval Shipyard, and (c) from the Missouri Gate through the City of Bremerton to the ferry terminal. The (b) segment will include an option to facilitate the flow of traffic southbound to eastbound at the SR 3/SR 304 interchange. Incorporated into and studied with the various build alternatives for all segments will be design variations of lane separation, grade and alignment. Provisions for high occupancy vehicles (HOV) will be considered in all of the build alternatives.

An engineering and environmental feasibility study is currently taking place that looks at the north-south transportation corridors in the central Kitsap area. The project evaluated by the EIS does not conflict with that study and does not preclude the regional transportation corridor alternatives being considered. The proposed project from Gorst to downtown Bremerton addresses existing local transportation needs that would not be addressed by the alternatives being considered in the north-south transportation corridor study.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, affected Indian tribes, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held between November 1992 and May 1993. In addition, a public hearing will be held. Public notice will be given of the time and place of the various meetings. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. 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 the intergovernmental consultation

on Federal programs and activities apply to this program.]

Issued on: March 17, 1993.

Richard C. Schimelfenyg,

Area Engineer, Federal Highway Administration, Washington Division.

[FR Doc. 93-6858 Filed 3-24-93; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Bradford County, PA

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 the proposed Central Bradford County Traffic Improvement Project in North Towanda Township, Towanda Township, and Towanda Borough, Bradford County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Philibert A. Ouellet, District Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108-1086, Telephone: (717) 782-4422, or Leon J. Liggitt, Project Manager, Pennsylvania Department of Transportation, District 3-0, 715 Jordan Avenue, Montoursville, Pennsylvania 17754-0218, Telephone: (717) 368-4390.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will prepare an Environmental Impact Statement (EIS) on a proposal to improve the highway system in Central Bradford County. The proposed project would involve the construction of a relief traffic route through Towanda Borough and North Towanda Township for the following reasons: to improve access to the U.S. Route 220 Bypass west of Towanda, to relieve current congestion, to accommodate projected traffic demands, to improve safety and to enhance natural features of the Towanda area. Alternatives under consideration include: Improving the existing half interchange on the Route 220 Bypass to allow full directional travel, connecting the Route 220 Bypass Access Road at Route 6 with the River Street area near Memorial Hospital, improving River Street along the Towanda Riverfront, and connecting Front Street with the Route 6 Bridge over the Susquehanna River. Also included will be a No-Build Alternative and a Transportation System Management Alternative.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and individuals who have previously expressed, or are known to have, an interest in the proposal.

Upon concurrence by the agencies of the project needs analysis, to be presented at a Transportation Project Development Interagency Committee Meeting (TPDICM) in early 1993, an initial public meeting will be scheduled, and additional public meetings will be held throughout the EIS development. The Draft EIS will be available for public and agency review and comment prior to the public hearing. Public notices will be provided for the dates, times, and locations of these meetings and of the Public Hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or the Pennsylvania Department of Transportation at the addresses 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: March 10, 1993.

George L. Hannon,

Assistant Division Administrator, Federal Highway Administration.

[FR Doc. 93-6854 Filed 3-24-93; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. 93-19; Notice 1]

Suzuki Motor Corporation, Inc. Receipt of Petition for Determination of Inconsequential Noncompliance

The Suzuki Motor Corporation (Suzuki) has determined that some of its replacement seat belts fail to comply with 49 CFR 571.209, Federal Motor Safety Standard No. 209, "Seat Belt Assemblies," and has filed an appropriate report pursuant to 49 CFR part 573. Suzuki has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Between August 1979 and the present, Suzuki produced and distributed approximately 12,000 replacement seat belts which did not include the installation and maintenance instructions required by Standard No. 209.

Standard No. 209, Section S4.1(k) requires that "[a] seat belt assembly or retractor shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle except for a seat belt assembly installed in a motor vehicle by an automobile manufacturer. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles * * *." In addition, section S4.1(l) requires that "[a] seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened." The instructions pertaining to threading and nonlocking retractors do not apply to Suzuki's belt designs.

Suzuki supports its petition for inconsequential noncompliance with the following:

1. It Is Highly Unlikely That a Replacement Seat Belt Assembly Will Be Installed in the Wrong Vehicle or Wrong Seating Position

Suzuki dealers use a parts ordering system which makes it highly unlikely that an incorrect seat belt assembly would be ordered. To order a replacement seat belt assembly, a dealer must first identify the specific model/model year vehicle that the replacement belt is to be installed in. The dealer then uses the parts catalog or parts microfiche for the specific vehicle model/model year to find an enlarged view of the seat belt assembly and to find the specific part number which corresponds to the specific seating position and trim color (if applicable) of the vehicle. The replacement part that the dealer receives is individually packaged and clearly labeled with its part number so that the dealer can verify

that [the] part received matches the part that was ordered.

Even if an incorrect seat belt assembly were ordered, it is highly unlikely that it would be installed in the wrong vehicle or seating position. There are a number of physical differences among seat belt assemblies for different vehicle models and seating positions which would make it readily apparent to the installer that the seat belt assembly to be installed is not identical to the seat belt assembly being replaced. Among the physical differences are differences in belt type, mounting configuration and location, buckle/buckle latch plate configuration, retractor cover size and shape, color availability for different vehicle models, etc.

2. It Is Highly Unlikely That a Replacement Seat Belt Assembly Will Be Improperly Installed

Suzuki believes that it is highly unlikely that failure to include installation instructions in a replacement seat belt assembly package will result in improper installation of the seat belt assembly. Seat belt installation instructions are contained in Suzuki's service manuals which are provided to all Suzuki dealers and are widely available to independent repair shops and individuals.

Seat belt replacement is typically done at dealerships and independent repair shops; these facilities typically have installation instructions available and the work is usually done by mechanics who have experience doing this kind of job. Regardless of who is doing the work and whether that person is using instructions, the usual procedure for installing a replacement seat belt assembly is for the installer to first remove the seat belt assembly that must be replaced and then to install the new seat belt assembly by reversing the steps used for removal. The process itself, of removing and reinstalling in the same manner, helps ensure that the replacement seat belt will be properly installed.

3. It Is Highly Unlikely That a Person Exists who Must Install a Replacement Seat Belt Assembly and has not Already Been Exposed to or [has] Available Information Concerning Proper Usage and Maintenance of Seat Belts

Information concerning the proper usage and maintenance of seat belts is widely available to the public. The information is provided in owner's manuals for all Suzuki vehicles, owner's manuals for other manufacturer's vehicles, and in publicly available information from a variety of sources. It is highly unlikely that a motorist exists who has not been exposed to or [has] available this information. Even more remote is the possibility that such a person exists and that that person must install a replacement assembly.

Interested persons are invited to submit written data, views, and arguments on the petition of Suzuki, described above. Comments should refer to the docket 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 six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 26, 1993.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: March 19, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93-6848 Filed 3-24-93; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

[Notice 93-12]

RSPA Form 41 Financial Schedules; Voluntary Automated Reporting on Diskette or Magnetic Tape/Cartridge

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces that the Research and Special Programs Administration's (RSPA's) Office of Airline Statistics (OAS) will accept U.S. air carriers' submission of Form 41 Schedules B-1, B-1.1, P-1.1, P-1.2, P-5.1, P-5.2, P-6 and P-7 on automated media, either diskette or magnetic tape/cartridge, in lieu of hard-copy reports. Carriers not wishing to take advantage of automated reporting have the option to continue hard-copy submissions. Concurrent with this notice, OAS is issuing Accounting and Reporting Directive No. 165 (Attachment A), which establishes the procedures for automated submissions.

DATES: This action is effective on January 1, 1993, and authorizes automated submission beginning with the applicable Form 41 financial schedules for the first quarter of 1993.

ADDRESSES: Comments and questions should be directed to the Office of Airline Statistics, DAI-10, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus or Richard Strite, Office of Airline Statistics, DAI-10, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, 20590 (202) 366-4387 or 366-4373, respectively.

SUPPLEMENTARY INFORMATION: Current regulations in 14 CFR part 241, *Uniform System of Accounts and Reports for Large Certificated Air Carriers*, require U.S. air carriers to file financial information with the Department. Sections 21, 22, 23 and 24 of this part specifically require this information to be submitted on hard-copy schedules. This notice advises carriers that, in lieu of the hard-copy schedules, RSPA will permit carriers to file the financial data for Schedules B-1 or B-1.1 *Balance Sheet*, P-1.1 or P-1.2 *Statement of Operations*, P-5.1 or P-5.2 *Aircraft Operating Expenses*, P-6 *Operating Expenses By Objective Groupings*, and P-7 *Operating Expenses By Functional Groupings—Group III Air Carriers* on automated media.

Submission of the financial data on automated media will expedite transmission of the data to the users while reducing transcription and other errors. The data elements on the financial schedules, as defined in 14 CFR part 241, will not change, except that system totals and 12-month-ended data will no longer be needed with the automated submission of Schedules P-1.1 and P-1.2. This will eliminate the reporting burden for this portion of Schedules P-1.1 or P-1.2.

RSPA will make personal computer software available to air carriers for Form 41 reporting. Use of the software package is at the option of the carriers. Carriers may elect to use their own automated systems or the RSPA-provided software. RSPA's objective is to facilitate automated reporting without imposing significant burdens on carriers. This action is being taken under authority delegated in 14 CFR 385.27(b) of the Department's regulations.

The reporting and recordkeeping requirements associated with this notice and Form 41 are being sent to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35

under OMB NO: 2138–0013. Initially, there will be no measurable change in carriers' reporting burdens. Carriers, that volunteer to submit their financial reports via automated media, will expend limited time in familiarizing themselves with RSPA's software. For those carriers using their own automated systems, there will be little if any additional burden. The initial burden experienced by the volunteer carriers will be offset by a burden reduction from the elimination of system reports (Schedule P–1.2) and 12-month data (Schedules P–1.1 and P–1.2). Also, volunteer carriers will not have to type hard-copy schedules, and the RSPA software program will save them time on data review. Once the automated data processing systems are in place, there should be a burden reduction of at least five hours per carrier per year. For further information contact: The Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, (202) 366–4735. Carriers wishing to comment on this action are encouraged to submit their views to the Transportation Desk Officer, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503. It is requested that copies of any comments also be sent to DOT—RSPA, Director of Airline Statistics, DAI–1, Washington DC 20590–0001.

Richard R. John,

Acting Associate Administrator for Research, Technology and Analysis, Research and Special Programs Administration.

Attachment A—Accounting and Reporting Directive

No. 165. Issue Date: March 19, 1993.
Effective Date: January 1, 1993.
Part: 14 CFR Part 241.
Sections: 21 through 24.

RSPA Form 41 Financial Schedules—Voluntary Automated Reporting on Diskette or Magnetic Tape/Cartridge

(Schedules B–1, B–1.1, P–1.1, P–1.2, P–5.1, P–5.2, P–6, and P–7)

Research and Special Programs Administration (RSPA) will begin accepting Form 41. Financial Schedule information on diskette, or magnetic tape/cartridge starting with the first quarter 1993 submissions which are due May 10, 1993.

This directive establishes procedures for the physical change-over from hard copy to diskette or magnetic tape/cartridge, and does not affect the data elements as currently defined in 14 CFR part 241, except to the extent that system totals and 12-month-to-date figures are no longer needed with the automated submission of Schedules P–1.1 or P–1.2. This directive applies to eight schedules: B–1, B–1.1, P–1.1, P–1.2, P–5.1, P–5.2, P–6, and P–7, only three, four or five of which are required from the respective carrier groups. The remaining financial schedules B–7, B–12, B–43, P–1(a), P–2, P–10, P–12(a) shall remain as hard-copy submissions for the time being.

RSPA's objective is to facilitate automated reporting. However, changing established procedures requires some initial effort on each carrier's part, and it may conflict with other priorities. Therefore, the change from hard copy to automated reporting is voluntary.

There are several benefits to be derived by carriers who voluntarily submit automated data: (1) system totals and 12-month-to-date figures are no longer needed (Schedules P–1.1 and P–1.2); (2) the corresponding hard-copy schedule itself is not needed—carriers submit diskette or ADP tape/cartridge only, thus eliminating transcription errors; and (3) RSPA will provide carriers with personal computer software specifically designed to handle input and editing as well as diskette creation. RSPA software will prompt users and give "Help" when necessary—which means that carriers will spend less time on data preparation, proofreading and correction of schedules.

RSPA has received informal requests from several carriers, asking that it consider furnishing personal computer (PC) software for entering and editing financial schedule information, similar in concept to that in use for the T–100 Traffic and Capacity System. The carriers explained that it would be easier for them and would also improve the quality of carriers' data. To satisfy these requests and to assure standardization and consistent quality control, RSPA will provide all carriers with free PC software.

Air carriers presently using proven automated systems for preparing the applicable hard-copy Form 41 Schedules need not use the RSPA software. These carriers may still take advantage of the burden reduction in automated reporting by simply adding a diskette creation step to their existing procedures. This step would create an ASCII diskette file (see record layout under Option 2 below) on their personal computers, or a magnetic tape/cartridge (Option 3 below) for those carriers using mainframe or mini-computers.

There are four options for reporting the applicable schedule information, three of which are for automation, while the fourth is for continued submission of hard-copy schedules, which requires no change in current procedures. Carriers choosing to stay with hard-copy schedules, including computer-generated schedules, later may decide to take advantage of automated submission.

The advantages of using the RSPA software for automated reporting are that it provides user-friendly data entry screens, automatic editing, a useful audit trail, and an efficient record-retention system. This software may be especially appealing to carriers that have been preparing their schedules manually. It will eliminate the time required for typing hard-copy schedules, and it gives carriers the opportunity to move toward full office automation with little direct expense, since the software and complete documentation will be provided free of charge.

Options for Form 41 Financial Schedule Automated Submissions

Option 1—Automated Reporting Using Software Furnished by RSPA

RSPA will furnish a complete software package. The software will run on IBM and compatible personal computers. It will be sent along with this directive to all air carriers currently filing Form 41 Financial Schedules. The package includes executable programs, a "User Manual," and a "Reference Manual" which covers the existing rules and regulations for filing the applicable schedules.

The software included with this directive is user-friendly, intelligent and thoroughly tested. It contains the following features:

1. In addition to the data entry for the applicable schedules, the user may print out hard copies of the schedules on either dot matrix or laser printers.

2. Data entry is controlled by carrier group. Each carrier is given access to only those schedules applicable to its "Group." For example, Schedule P–7 is required by Group III carriers only.

3. Line items which are not applicable according to a carrier's "Group" are protected. For example: Lines 10 through 16 on Schedule P–5.1 should not be filed by Group I carriers with $20 million or more in gross revenues.

4. Data entry of sub-totals is unnecessary. The automatic calculation of sub-totals and totals by the software guarantees that the individual accounts will accurately balance.

5. Although the electronic filing of the data is to be submitted as debits and credits, the data entry software is designed to be done in "financial statement presentation" format (i.e.,

liabilities and revenues are entered as positive amounts).

6. System totals are automatically calculated as a sum of the entities and can be displayed at any time by using a function key.

7. "Total All Equipment Types" is also calculated automatically as a sum of the detail equipment types.

8. Prior to creating the floppy diskette for filing with RSPA, the user may invoke a "Cross-Schedule Validation" function which checks to verify that amounts which should agree between schedules are actually in agreement. Out-of-balance conditions are displayed on the screen designating the schedules, lines/accounts and amounts which do not agree.

9. Equipment types and configurations to be filed are selected from a menu which eliminates many problems associated with the use of incorrect aircraft type codes or nomenclature.

10. Previous filings will be retained and may be retrieved by the data entry software for the purpose of revising a submission by entering only those amounts which must be changed.

The features mentioned here and several others not mentioned have been designed into the software to facilitate data entry and to ensure compliance with reporting requirements. Special effort has been made to strengthen situations which have been continual problems in past reporting. For example: Use of the software assures that carriers will report correct schedules and correct lines/accounts on those schedules. Air carriers choosing to voluntarily use the software will find it easier and more accurate to prepare their quarterly submissions. The voluntary submission of automated data means that this information will be available in a more timely manner for use by the Department and for dissemination to the public.

Option 2—Automated Reporting Using RSPA Diskette Format and Carriers' Own PC Program

Diskette Specifications—Use either 3.5 inch or 5.25 inch diskettes, formatted for IBM and compatible computers.

File Name: F41RSPA.DEL

The data file should be in ASCII delimited format, where each alphanumeric field is enclosed by double quote marks (") and separated by a comma (,), and each numeric field is separated by a comma (,) without surrounding quotes. The required sequence of data elements is as follows:

RECORD LAYOUT FOR DISKETTE

Field No.	Description
1	*Form 41 Carrier Identification.* Alphanumeric, "CCE", Where "CC" is the two-letter carrier code AA = American, etc., may be expanded to accommodate three-letter carrier codes where necessary, followed by the Carrier Entity Indicator as follows: D = Domestic, A = Atlantic, L = Latin American, P = Pacific, I = International, and S = System—for Group I carriers filing semi-annually and having both domestic and international entities.
2	*Form 41 Schedule Identification.* Alphanumeric. One of the following: "B1", "B1.1", "P1.1", "P1.2", "P5.1", "P5.2", "P6", "P7".
3	*Reporting Period.* Alphanumeric, "YYMM", where "YY" = Report Year, and "MM" = Report Month. This is the ending month of the period being reported. (9303 = March 1993 etc.)
4	*Report Frequency.* Alphanumeric, "2" = Quarterly Reporting, and "3" = Semi-annual Reporting.
5	*Account or Line Number.* Alphanumeric, "NNNNS", Where N = Account Number for Schedules B–1, P–1.2, P–5.2, or a Line Number for Schedules B–1.1, P–1.1, P–5.1, P–6, and P–7, and S = Sub-account designator, this is a zero when unused.
6	*Aircraft Type Code.* Alphanumeric, "TTTC", Where "TTT" = Aircraft Type Code and "C" = Cabin Configuration, where 1 = Regular Passenger/Cargo configuration, 2 = All Cargo (Freighter) configuration, and 3 = Mixed configuration (Passengers and Cargo) share divided main deck), same format as Form 41 Traffic and Capacity Reporting. Used for P–5.1 and P–5.2, otherwise leave blank. Continue to use "9999" for the "Total All Types" column.
7	*Dollar Amount.* Numeric, Amounts represent whole dollars (not rounded to ($000)). Debits are Positive and Credits are Negative. Also used for "Number of Shares" on B–1 or B–1.1. Identify the Number of Shares value by entering the applicable Account No. or Line No. with Sub-account designator = "A" in Field No. 5. (See General Note number 2 below for an explanation of how to report "Number of Employees" on Schedules P–1.1 or P–1.2, when applicable.)

Option 3—Automated Reporting on Magnetic Tape or Cartridge Using Mainframe or Mini-Computer

This option is included to accommodate carriers who are currently processing these data on a mainframe or mini-computer. It may be easier to modify their existing procedures than it would be to adopt the RSPA software. Carriers may simply add a routine to their programs that will create the tape/cartridge file based on the specifications provided below.

File Specifications:

—Header Labels Standard, Value of Identification "J3.J3PFXXXX.F41"
—Record Format, Fixed Length Records, Blocked
—Record Length, 38 Bytes
—Block Length, 7600 Bytes
—Recording Density, 6250 bpi for tape, 38k bpi for Cartridge
—Data Format, Extended Binary Coded Decimal (EBCDIC), Character (CH) and Zoned Decimal (ZD).

RECORD LAYOUT FOR MAGNETIC TAPE/CARTRIDGE

Field name	Start	Length	Format	Description
1. Carrier Entity Code ...	1	5	CH	This is the same five-digit code used in the Form 41 Traffic and Capacity reporting. Note: For carriers reporting the quarterly B–1 use Domestic Entity Code.
2. Schedule Ident.	6	4	CH	Schedule Identification. Alphanumeric, Schedule and Value in Field 2.

RECORD LAYOUT FOR MAGNETIC TAPE/CARTRIDGE—Continued

Field name	Start	Length	Format	Description
				B–1 "BO10" B–1.1 "BO11" P–1.1 "PO11" P–1.2 "PO12" P–5.1 "PO51" P–5.2 "PO52" P–6 "PO60" P–7 "PO70"
3. Reporting Period	10	4	CH	Reporting Period. Alphanumeric, "YYMM", Where "YY" = Report Year, and "MM" = Report Month. This is the ending month of the period being reported. (9303 = March 1993 etc.)
4. Frequency	14	1	CH	Report Frequency. Alphanumeric, "2" = Quarterly Reporting, and "3" = Semi-annual Reporting.
5. Account or Line No.	15	5	CH	Account or Line Number. Alphanumeric, "NNNNS", Where N = Account Number for Schedules B–1, P–1.2, P–5.2, or a Line Number for Schedules B–1.1, P–1.1, P–5.1, P–6, and P–7, (Enter high-order zeroes where applicable), and S = Sub-account designator, this is a zero when unused.
6. Reserved	20	1	CH	Filler Space.
7. Aircraft Type Code	21	4	CH	Aircraft Type Code. Alphanumeric, "TTTC", Where "TTT" = Aircraft Type Code and "C" = Cabin Configuration, where 1 = Regular Passenger/Cargo configuration, 2 = All Cargo (Freighter) configuration, and 3 = Mixed configuration (Passengers and Cargo share divided main deck), same format as Form 41 Traffic and Capacity Reporting. Used for P–5.1 and P–5.2 otherwise leave blank (spaces). Continue to use "9999" for the "Total All Types" column.
8. Filler	25	2	CH	Always Spaces. (Reserved)
9. Dollar Amount	27	12	ZD	Dollar Amount. Numeric, rounded to nearest whole dollar and appropriately signed. Debits are Positive and Credits are Negative. Also used for "Number of Shares" on B–1 or B–1.1, identify the Number of Shares by entering the applicable Account No. or Line Number with Subaccount "A" in the field number 5. (See General Note number 2 below for an explanation of how to report "Number of Employees" on Schedules P–1.1 or P–1.2, when applicable.

General Notes:

1. Carriers may wish to submit these data in an automated format other than as specified in this directive. RSPA will attempt to accommodate any reasonable request for alternative automated reporting. Call or write to the Office of Airline Statistics to work out the details.

2. Reporting Number of Employees. Any Group I (under $20 million) air carrier that does not file Schedule P–1(a) in accordance with the filing option described in section 22 General Reporting Instructions (14 CFR Part 241) shall for the sixth month of any semi-annual period for which the option is exercised, enter as a part of the data for this statement of operations the *total number of full-time employees* using Line Number "9900" and Subaccount Designator "7" and the *total number of part-time employees* using Line Number "9900" and Subaccount Designator "8". This information was formerly typed in the bottom margin of P–1.1.

Any Group III, II, or Group I (over $20 million) air carrier that does not file Schedule P–1(a) in accordance with the filing option described in section 22 General Reporting Instructions (14 CFR Part 241) shall for the third month of any quarterly period which the option is exercised, enter as a part of the data for this statement of operations the *total number of full-time employees* using Account Number "9900" and Subaccount Designator "7", and the *total number of part-time employees* using Account Number "9900" and Subaccount Designator "8". This information was formerly typed in the bottom margin of P–1.2.

3. Schedule B–1—Balance Sheet, reported by Group III, Group II, and those carriers in Group I with more than $20 million in Operating Revenue.

4. Schedule B–1.1—Balance Sheet, filed by Group I carriers with less than $20 million in Operating Revenue.

5. Schedule P–1.1—Statement of Operations, filed by Group I carriers with less than $20 million in Operating Revenue.

6. Schedule P–1.2—Statement of Operations, filed by Group III, Group II, and those carriers in Group I with more than $20 million in Operating Revenue.

7. Schedule P–5.1—Aircraft Operating Expenses, filed by all Group I carriers.

8. Schedule P–5.2—Aircraft Operating Expenses, filed by Group III and Group II carriers.

9. Schedule P–6—Operating Expenses by Objective Groupings, filed by Group III, Group II, and those carriers in Group I with more than $20 million in Operating Revenue.

10. Schedule P–7—Operating Expenses by Functional Groupings, filed by Group III carriers only.

If you have any questions concerning this Directive, please call the Office of Airline Statistics—Mr. Bernie Stankus (202)366–4387 or Mr. Richard Strite on (202) 366–4373.

[FR Doc. 93–6846 Filed 3–22–93; 1:11 pm]

BILLING CODE 4910–62–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 19, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1081
Form Number: IRS Form 8809
Type of Review: Revision
Title: Request for Extension of Time to File Information Returns
Description: Form 8809 is used to request an extension of time to file certain information returns. It will be used by IRS to process requests

expeditiously and to track from year to year those who repeatedly ask for an extension.

Respondents: Individuals or households, State or local governments, farms, businesses or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations

Estimated Number of Respondents/ Recordkeepers: 50,000

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—31 minutes

Learning about the law or the form—14 minutes

Preparing the form—51 minutes

Copying, assembling, and sending the form to the IRS—26 minutes

Frequency of Response: On occasion

Estimated Total Reporting/ Recordkeeping Burden: 119,000 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) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–6798 Filed 3–24–93; 8:45 am]

BILLING CODE 4830–01–M

[Treasury Directive: 16–51]

Relief for Treasury Obligations

March 18, 1993.

1. *Delegation.* By virtue of the authority vested in the Secretary of the Treasury under 31 U.S.C. 321(b), and by virtue of the authority delegated to the Fiscal Assistant Secretary by Treasury Order (TO) 101–05, I hereby delegate to the Commissioner of the Public Debt the authority prescribed under 31 U.S.C. 3125 to:

a. Provide relief for the loss, theft, destruction, mutilation, or defacement of an obligation identified by number and description;

b. Prescribe the form, amount, and surety or security requirements for an indemnity bond required as a condition of relief if the obligation is payable to bearer or assigned so as to become payable to bearer and is not proven clearly to have been destroyed; and

c. Provide relief for interest coupons claimed to have been attached to an obligation upon a determination that the coupons have not been paid and have been destroyed or will not become the basis of a valid claim against the Government.

2. *Redelegation.* The authority delegated above to the Commissioner of the Public Debt may be redelegated to subordinate officials.

3. *Cancellation.* Treasury Directive 16–51, "Relief for Treasury Obligations," dated September 22, 1986, is superseded.

4. *Authority.* TO 101–05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

5. *Reference.* 31 CFR part 306, subpart N.

6. *Office of Primary Interest.* Office of the Fiscal Assistant Secretary.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 93–6797 Filed 3–24–93; 8:45 am]

BILLING CODE 4810–25–M

[Treasury Directive: 16–52]

Determinations of Liability for Losses, U.S. Savings Bonds and Notes

Date: March 18, 1993.

1. *Delegation.* By virtue of the authority vested in the Secretary of the Treasury under 31 U.S.C. 321(b), and by virtue of the authority delegated to the Fiscal Assistant Secretary by Treasury Order (TO) 101–05, I hereby delegate to the Commissioner of the Public Debt the authority prescribed under 31 U.S.C. 3126 to make determination of losses and relief from liability related to redeeming United States Savings Bonds and Notes.

2. *Redelegation.* The authority delegated above to the Commissioner of the Public Debt may be redelegated to subordinate officials.

3. *Cancellation.* Treasury Directive 16–52, "Determinations of Liability for Losses, U.S. Savings Bonds and Notes," dated September 22, 1986, is superseded.

4. *Authority.* TO 101–05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

5. *Reference.* 31 CFR part 321, subpart E.

6. *Office of Primary Interest.* Office of the Fiscal Assistant Secretary.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 93–6851 Filed 3–24–93; 8:45 am]

BILLING CODE 4810–25–M

PRESIDENT'S TASK FORCE ON NATIONAL HEALTH CARE REFORM

Notice of Hearing

As previously announced in the **Federal Register**, the President's Task Force on National Health Care Reform will hold a public hearing on Monday, March 29, 1993, at which testimony on health care reform will be solicited from consumer groups, insurers, health care providers, small and large business interests, labor, and other interested parties. The meeting will be held at the George Washington University, Charles E. Smith Center, 600 Twenty-second Street, NW., Washington, DC. The meeting will commence at 8 a.m.

Dated: March 24, 1993.

Michael Lux,

Special Assistant to the President for Public Liaison.

[FR Doc. 93–7114 Filed 3–24–93; 12:08 am]

BILLING CODE 3195–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 56
Thursday, March 25, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:26 a.m. on Tuesday, March 23, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the probable failure of a certain insured bank.

In calling the meeting, the Board determined, on motion of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(8), (c)(9)(A)(ii), and 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: March 23, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93-7036 Filed 3-23-93; 3:18 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:00 a.m. on Tuesday, March 23, 1993, the Corporation's Board of Directors determined, on motion of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required the addition to the agenda for consideration at the meeting on less than seven days' notice to the public, of a memorandum and resolution regarding an extension of the comment period for requesting public comment on cost, feasibility, and privacy implications of tracking deposits.

By the same majority vote, the Board further determined that no earlier notice of the change in the subject matter of the meeting was practicable.

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC

Dated: March 23, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93-7037 Filed 3-23-93; 3:18 pm]

BILLING CODE 6714-01-M

FEEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 30, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Wednesday, March 31, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor)

STATUS: This oral hearing will be open to the public.

MATTER BEFORE THE COMMISSION:

Public Hearing on Best Efforts.

DATE AND TIME: Thursday, April 1, 1993 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Title 26 Certification Matters.

Advisory Opinion 1993-3: B. Holly Schadler on behalf of Democrats 2000.

Transfers of Funds from State to Federal Campaigns; Announcement of Effective Date.

Administrative Matters.

DATE AND TIME: Thursday, April 1, 1993 at 2:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor)

STATUS: This oral hearing will be open to the public.

MATTER BEFORE THE COMMISSION:

Proposed Revisions to the Interim Ex Parte Communications Rules.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219-4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 93-6995 Filed 3-23-93; 1:10 pm]

BILLING CODE 6715-01-M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 3:00 p.m., April 26, 1993.

PLACE: On board MISSISSIPPI V at City Front, New Madrid, MO.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 93-6952 Filed 3-23-93; 9:16 am]

BILLING CODE 3710-GX-M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., April 27, 1993.

PLACE: On board MISSISSIPPI V at City Front, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from

members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 93–6953 Filed 3–23–93; 9:16 am]

BILLING CODE 3710–GX–M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., April 28, 1993.

PLACE: On board MISSISSIPPI V at City Front, Greenville, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 93–6954 Filed 3–23–93; 9:16 am]

BILLING CODE 3710–GX–M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., April 30, 1993.

PLACE: On board MISSISSIPPI V at foot of Prytania Street, New Orleans, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 93–6955 Filed 3–23–93; 9:16 am]

BILLING CODE 3710–GX–M

SECURITIES AND EXCHANGE COMMISSION.

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission held the following meeting during the week of March 22, 1993.

A closed meeting was held on Monday, March 22, 1993, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries attended the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled on Monday, March 22, 1993, at 2:30 p.m., were:

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Formal order of investigation.

Settlement of injunctive actions.

Institution of injunctive actions.

Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Rosenblum (202) 272–2300.

Dated: March 23, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–7053 Filed 3–23–93; 4:00 pm]

BILLING CODE 8010–01–M

federal register

Thursday
March 25, 1993

Part II

Department of Energy

10 CFR Part 834
Radiation Protection of the Public and the Environment; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 834

[Docket No. EH–RM–93–834]

Radiation Protection of the Public and the Environment

AGENCY: U.S. Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The U.S. Department of Energy (DOE) is proposing its primary standards for the protection of the public and environment against radiation. The requirements would be applicable to the control of radiation exposures to the public and to the environment from normal operations under the control of DOE and DOE contractor personnel.

This proposed rule covers four basic areas relating to radiation protection of the public and the environment. It establishes dose limits for exposure of members of the public to radiation and requires the reporting of doses above specified levels. In addition, it requires the assessment of all releases of radioactive material and all doses and potential doses to the public from DOE activities to ensure that they are managed in accordance with the Department's "as low as is reasonably achievable" (ALARA) policy. It provides requirements for the management of radioactive materials in liquid waste discharges, in soil columns, and in selected solid waste containing radioactive materials and requires sites to establish ground water protection programs. It provides requirements for decontamination, survey, management, storage, disposal, and release of buildings, land, equipment, personal property containing residual radioactive material. It requires an Environmental Radiological Protection Program (ERPP) for each DOE activity to set forth the program, plans, and other processes to protect the public from exposures to radiation. In particular, it requires effluent monitoring and environmental surveillance programs as part of the ERPP.

DATES: Written comments (10 copies) should be submitted to the address listed below by June 22, 1993. A hearing will be held on May 13, 1993, beginning at 9 a.m. Requests to speak at the hearing must be submitted on or before May 10, 1993.

ADDRESSES: Written comments (10 copies) and requests to speak at the hearing should be addressed to: Ben McRae, U.S. Department of Energy, Office of General Counsel, GC–31, Docket No. EH–RM–93–834, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–3012.

A hearing will be held at 9 a.m. on May 13, 1993 at: U.S. Department of Energy, Germantown, Auditorium Building, 19901 Germantown Road (Route 118), Germantown, MD 20874.

Written comments and the hearing transcript may be examined between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays, in the U.S. Department of Energy, Freedom of Information Reading Room, room 1E–190, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6020.

FOR FURTHER INFORMATION CONTACT: For legal questions, contact: Ben McRae, U.S. Department of Energy, GC–31, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6975.

For technical questions, contact: Andrew Wallo III, or Harold T. Peterson, Jr., U.S. Department of Energy, EH–232 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2409.

For procedural questions concerning participation in the public hearing or submission of written comments, contact: Andi Kasarsky at (202) 586–3012.

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I. Background

The DOE owns numerous facilities where production, research, development, and other operations and activities involving radioactive material and radiation are carried out. Radiation protection requirements for these facilities and operations are, for the most part, established through DOE Orders under the authority of the Atomic Energy Act of 1954, as amended (Pub. L. 83–703).

Recently, the DOE has undertaken a thorough review of operations at its nuclear facilities. In particular, the DOE has been examining the performance of its contractors in achieving the goals of protecting the public health and safety and the environment. As a result of its review, the DOE is taking steps to improve its ability to enforce its nuclear safety and radiation protection requirements.

It is DOE's objective to operate its facilities and to conduct its activities so that radiation exposures to members of the public are maintained within acceptable limits and to control

exposures to residual radioactive material through the management of real and personal property. Moreover, DOE strives to operate its facilities in a manner that limits exposures to members of the public so that resultant doses are as far below the limits as is reasonably achievable and that DOE facilities have the capabilities, consistent with the types of operations conducted, to monitor routine and non-routine releases, and to assess doses and potential health impacts to members of the public from such releases.

In addition to providing protection to members of the public, it is DOE's objective to protect the environment from residual radioactive material to the extent practical so that ecosystems and national resources will be protected for future generations.

On February 8, 1990, the DOE issued the Order DOE 5400.5, "Radiation Protection of the Public and the Environment." Order DOE 5400.5 superseded those portions of Order DOE 5480.1A, "Environmental Protection, Safety, and Health Program for DOE Operations" of 8–31–81, chapter XI, that addressed public and environmental radiation protection standards and control practices. The DOE is proposing to promulgate, through this rulemaking, its primary standards for protection of the public and the environment against radiation which are presently found in DOE 5400.5. The proposed rule differs from DOE 5400.5 essentially in format rather than substance. Certain elements of Order DOE 5400.1, "General Environmental Protection Program," applicable to radiation protection, have also been included in the proposed rule.

System of Dose Limitations

A significant element of the Order DOE 5400.5 is the implementation of the recommendations of the International Commission on Radiological Protection (ICRP) contained in ICRP Publications 26 and the recommended dosimetric models and data base contained in ICRP Publication 30. In these reports and related guidance, the ICRP recommended a system of dose limitations that has been adopted and implemented by essentially all countries with nuclear programs. A significant feature of the ICRP dose limitation system is that compliance with the specified dose limits is not, by itself, satisfactory. The doses to workers and to the public must also be kept as low as is reasonably achievable (ALARA).

The dose calculation method is based on the recognition of two basic types of radiation-induced health effects—"non-stochastic" (or "deterministic") and "stochastic" (or "probabilistic"). Non-stochastic health-effects do not occur unless a threshold dose is exceeded. Such health-effects include cataracts, ablation of the thyroid, and sterility. One objective of the radiation protection system is to prevent these health-effects by limiting the radiation dose to less than the threshold dose level associated with these effects. The ICRP stated in Publication 26: "* * * non-stochastic effects will be prevented by applying a dose equivalent limit of 50 rem (0.5 Sv) in a year to all tissues except the lens, for which the Commission recommends a limit of 30 rem (0.3 Sv) in a year." In both the Order on radiation protection of the public and the environment (DOE 5400.5) and this proposed rule, there is no need to provide requirements for protection of the public from non-stochastic health-effects because the DOE has set limits for protection of the public against stochastic effects that are well below the threshold for non-stochastic health-effects. As long as this dose limit is not exceeded, there should be no non-stochastic health-effects.

Stochastic health-effects are probabilistic; the likelihood of their occurrence is assumed to be proportional to the radiation dose, and the severity of the effect is not dose-dependent. For example, cancer is considered to be the predominant stochastic health-effect of radiation exposure, and it is assumed that the greater the dose, the greater the risk (probability) of developing cancer. There is considerable uncertainty in estimating the probability of radiation-induced cancer, owing to the dearth of information on the induction of health-effects in humans exposed to low doses and low dose rates. Since epidemiological data cannot exclude the existence of a threshold for stochastic effects, such as cancer, the possibility that there may be no risk at low dose levels cannot be ruled out.

Notwithstanding the possibility of a threshold effect, in order to ensure the protection of the public and the environment and in setting the radiation protection standards in this proposed rule, the Department assumes that the severity of each type of stochastic (random) health effect, e.g., cancer and genetic disease, is independent of dose and that within the range of exposures normally encountered by the public, the relationship between dose and the probability of a stochastic health effect is without threshold (i.e., it is assumed that any exposure, no matter how low, can cause health effects). On the basis of these assumptions, DOE is requiring that the ALARA process be employed at its facilities. DOE and DOE contractor operations will be conducted in a manner that will ensure that doses to members of the general public and releases of radioactive material to the environment will be ALARA and do not exceed established dose or release limits.

In recommending an annual effective dose equivalent (EDE) limit of 100 mrem (1 mSv), the ICRP concluded that risks associated with this limit were within the public's general "level of acceptance" for everyday risks which was in the range of 10^{-6} to 10^{-5} per year (ICRP 1977). The risk of stochastic effects to workers and to members of the public are further reduced by restricting doses to levels that are as low as is reasonably achievable (ALARA) below the dose limits. Data from DOE operating experience verifies that the maximum doses to members of the public living near facilities which are operated with ALARA considerations, are consistently a small fraction of the 100 mrem (1 mSv) annual limit.

DOE is aware that the ICRP has recently revised the recommendations of ICRP Publication 26 and issued them in ICRP Publication 60. The Department believes it is neither prudent nor necessary to consider these recommendations in this proposal. The recommendations contained in ICRP Publication 60 for protection of the public are not significantly different from those in ICRP Publication 26. The recommended allowable dose for a member of the public in ICRP Publication 60 is expressed in terms of a 5 year increment (i.e., 500 mrem (5 mSv) in 5 years) which is effectively equivalent to the 100 mrem (1 mSv) in a year dose recommended in ICRP Publication 26. However, there are differences in the methods used to calculate dose. It is anticipated that these recommendations will be considered by an interagency committee. It would therefore be premature for DOE to unilaterally consider them at this time. DOE intends to evaluate the recommendations contained in ICRP Publication 60 and to consider possible adjustments in its radiation protection standards following the completion of the interagency review.

Public Dose Limits

The primary public dose limits include consideration of all exposure modes from all routine DOE activities (including remedial actions). The dose limit is expressed as an effective dose equivalent (EDE), a term developed by the ICRP for their risk-based radiation protection system, which requires the risk-based weighted summation of doses

and dose commitments to various organs of the body. The dose limit and other limitations do not include dose received from background radiation or radiation dose received by a patient from diagnostic or therapy treatment.

The DOE is not alone in its effort to update its radiation protection standard. The NRC has adopted the ICRP system of dose limitations and has promulgated revisions of its standards for protection against radiation (10 CFR part 20) to reflect the ICRP recommendations. The EPA utilized elements of the ICRP system in its Federal Guidance "Radiation Protection Guidance to Federal Agencies for Occupational Exposures" of January 1987, Federal Guidance Report No. 11 "Limiting Values of Radionuclide Intake and Air Concentration and Dose Conversion Factors for Inhalation, Submersion, and Ingestion" of September 1988, and in the subpart of its 40 CFR part 61 dealing with emissions of radionuclides under the National Air Emissions Standards for Hazardous Air Pollutants (NESHAPs) published December 1989. It also permitted use of the system as an alternative to its standards in subpart A of 40 CFR part 191. Thus, this proposed rule is consistent with DOE Orders as well as regulations of other Federal agencies in adopting and implementing the ICRP recommendations with respect to the system of dose limitations.

Ground Water Protection and Control of Effluents

The U.S. General Accounting Office (GAO) issued a report titled "Nuclear Energy: Environmental Issues at DOE's Nuclear Defense Facilities," GAO/RCED–86–192, September 8, 1986. The report contained a recommendation that the DOE "* * * establish a ground water and soil protection strategy. Such a strategy should reflect DOE policy on the extent ground water and soil can become contaminated and include specific guidelines, to the extent practical, to protect ground water and soil around DOE facilities." In response to this recommendation, Order DOE 5400.1, November 9, 1988, required each DOE field organization to prepare a ground water protection management plan, and Order DOE 5400.5, February 8, 1990, included requirements for DOE facilities to establish Best Available Technology (BAT) programs for the treatment of waste streams prior to release as liquid effluents and to phase out the use of soil columns which retain suspended or dissolved radionuclides from radioactive liquid waste streams. These requirements have been retained in this proposed rule.

Environmental Monitoring

Another GAO report ("Environment, Safety, and Health: Environment and Workers Could be Better Protected at Ohio Defense Plants," GAO/RCED–86–61, December 13, 1985) recommended that DOE establish "mandatory" monitoring guidelines for all DOE facilities. Order DOE 5400.1 provides general guidance for the establishment of environmental monitoring programs including effluent monitoring and environmental surveillance for radiological and non-radiological constituents of all media and meteorological monitoring. The Order also requires the establishment of quality assurance and data verification programs and requires each facility to prepare an Environmental Monitoring Plan by November 1991. These requirements, as they apply to radiological monitoring, are included in this proposed rule. In addition, guidance issued January 1991, "DOE Environmental Regulatory Guide for Radiological Effluent Monitoring and Environmental Surveillance" supporting DOE 5400.5 and the similar requirements contained in this proposed rule, contains more definitive radiological monitoring specifications for the facility environmental radiological monitoring programs.

Remedial Activities

A major activity at many DOE facilities involves the radiological decontamination of facilities, property, and equipment previously used for nuclear operations. DOE 5400.5 contains general requirements for the radiological decontamination and the release of such material and property, and includes some specific minimum requirements with the primary goal being to reduce all exposures and potential exposures of the general public to levels that are as low as is reasonably achievable. This proposed rule contains criteria for the release of such materials and property, and includes some specific minimum requirements with the primary goal being to reduce all exposures and potential exposures of the general public to levels that are as low as is reasonably achievable.

II. Nature of Proposed Rule and Rationale

A. Radiation Protection Principles and Dose Limitation

General

Subpart B of the proposed rule contains requirements for a system of dose limitation that is consistent with the recommendations contained in ICRP Publications 26 and 30 for members of the general public. The proposed system continues the use of DOE requirements for the application of the ALARA process to activities involving exposures to radioactive material and radiation. The ALARA process is also a principal element of the ICRP dose limitation system.

The proposed rule includes the requirement that radiation exposures to individuals in the general public from all radiation sources and exposure pathways combined from routine DOE activities would not exceed an EDE of 100 mrem (1 mSv) in a year (§ 834.101(a)(2)). This dose limit is significantly lower than the 500 mrem (5 mSv) in a year whole body dose equivalent limit contained in the current Federal guidance for protection of the public.[1] Because this primary dose limit applies to all radiation sources and pathways combined (other than background sources) and the DOE ALARA process applies (§ 834.101(a)(1)), the Department expects doses from its operation to be no more than a small fraction of the 100 mrem (1 mSv) in a year EDE limit. Current monitoring programs have demonstrated the success of the ALARA process in lowering doses to levels that are well below the dose limit. The estimated maximum EDE to any individual member of the public for 1988, from DOE activities, was less than 10 mrem (0.1 mSv). Furthermore, data indicated that for most sites (29 of 35) the maximum estimated doses to individuals were less than 1 mrem (0.01mSv). EPA also evaluated air emissions from DOE operations when it promulgated its National Air Emission Standards for Hazardous Air Pollutants (NESHAPs) for radionuclides emissions from DOE facilities (40 CFR part 61, subpart H) on December 15, 1989. After reviewing data on emissions from DOE facilities during 1986, EPA concluded that DOE facilities were controlling air emissions to levels that limited maximum annual individual doses below 10 mrem (0.1 mSv) EDE and that this dose level provided an ample margin of safety for release to the air pathway. EPA concluded that risks of radiation-induced fatal cancer to 98% of

[1] On May 13, 1960 (25 FR 4402), and September 26, 1961 (25 FR 9057), the former Federal Radiation Council (FRC) guidance to Federal agencies for protection of the public and workers were issued. New recommendations for protection of workers, adopting ICRP–26 recommendations, were developed through EPA and approved by the President on January 27, 1987 (52 FR 28822). The FRC guidance for the general public has not yet been updated.

the individuals in the general public within 50 miles (80 km) of the sites were less than 1 in 1,000,000. The DOE believes that recent data from its operating facilities, such as those cited above, demonstrate that the dose limitation system in this proposed rule represents an effective method of regulating radiation exposures to the public and to the environment from its facilities.

The public dose limits in § 834.101 apply to doses from exposures to radiation sources from routine DOE activities, including doses that occur during the conduct of remedial actions. Radionuclides, including source, byproduct, and special nuclear material and naturally occurring and accelerator produced radioactive material (NARM) used at DOE facilities are subject to these limitations. The dose limits also apply to the doses to individuals who are exposed to radiation or contamination by radionuclides at properties subsequent to remedial action and release of the property. Radioactive waste-handling operations, including disposal, storage, transport, and packaging, are subject to the requirements of the proposed rule. DOE facilities and operations, in some instances, are subject to the regulatory requirements of the NRC and the EPA (e.g., 10 CFR parts 60 [high-level waste repository] and 72 [spent-fuel storage] and 40 CFR parts 61 [all DOE facilities], 191 [disposal of high-level waste], and 192 [UMTRA sites]). The Waste Isolation Pilot Plant, for purposes of this part, is considered to be a disposal facility subject to this part and 40 CFR part 191. It is Departmental policy that DOE facilities and operations will comply fully with the requirements of those and other applicable regulatory requirements.

In addition to the general reporting requirements (e.g., annual environmental reports), the proposed rule contains a requirement (§ 834.7) for notification to DOE Headquarters, in particular DOE–EH, if combined annual releases from any facility are causing, or might cause, doses to individual members of the general public to exceed 10 mrem (0.1 mSv) EDE in a year. This reporting requirement is not intended as a limit, but rather an action level that will act to alert DOE to activities that might cause doses that are a significant fraction of the overall dose limit. It will provide a mechanism by which DOE can identify and resolve potential problems in a timely manner to ensure that the dose to any member of the public is ALARA. Similarly, a reporting value for collective dose of 100 person-rem (1 person-Sv) is proposed to provide a timely notification before collective doses become substantial. Such notifications would be made in a timely manner, but within one month of determination of the occurrence, in any case. All reports, notifications, and records developed pursuant to this proposed rule would present data in the units used, or required, in the applicable regulation or DOE Directive. Conventional units would be presented, with appropriate Standard Internationale (SI) units in parentheses following the conventional units.

The ALARA process is required for situations that have potential doses below these reporting levels. The reporting level is the level at which DOE will take special or additional actions to review. The reporting level of 10 mrem (0.1 mSv) EDE in a year was selected because it represents a small fraction (e.g., 10%) of the primary EDE limit for essentially all radiation sources. Intrinsically, the uncertainties in dose estimates are high for doses an order of magnitude below the EDE limit. The uncertainties increase greatly for dose estimates on the order of 1 mrem (0.01 mSv) in a year. Thus, 1 mrem (0.01 mSv) in a year would not be appropriate for the reporting level because it would require considerably more frequent reporting for doses which have greater uncertainties and thereby diluting DOE oversight resources. DOE believes that the routine audit and oversight activity is adequate for doses two orders of magnitude below (e.g., 1% of) the primary EDE limit.

The collective dose reporting requirement was similarly selected. At annual collective dose below 100 person-rem (1 person-Sv) in a year, DOE believes that routine oversight activities are adequate, but above 100 person-rem (1 person-Sv) in a year, special oversight might be useful.

Neither the reporting level of 10 mrem (0.1 mSv) in a year for individuals, nor the 100 person-rem (1 person-Sv) in a year for collective dose, should be confused with "below regulatory concern" (BRC) considerations. DOE has not addressed the use of the BRC concept in this proposed rule. The BRC concept establishes levels of radiation that are associated with such small health risk that further regulatory efforts to reduce these levels are unwarranted because the diversion of associated resources from more critical public protection issues alone exceed the benefits to public health achieved by further regulation and the cost of the regulatory effort. In this proposed rule DOE requires that all releases and doses be reviewed and assessed under the ALARA process.

For purposes of determining compliance with the reporting requirements of 40 CFR parts 302 and 355, releases of source, by-product, and special nuclear material which occur from DOE activities are considered to be "Federally permitted" releases if they do not exceed the limits specified in this part and the operations and releases are in compliance with DOE policies, guidelines, and requirements specified in plans prepared and approved in accordance with this part.

Temporary increases. Situations could occur that would require (for short periods of time) exposure of individual members of the general public in excess of the 100 mrem (1 mSv) EDE in a year limit, but not more than 500 mrem (5 mSv) EDE in the year. Provisions for such a situation are contained in the proposed rule (§ 834.101(b)). If the need can be justified, DOE may approve a temporary higher limit than the 100 mrem (1 mSv) EDE annual limit. An example of such a situation would be a remedial action project which, in the long term, will benefit the general public in the area, but which, in the short term (during remedial action), might cause unavoidable higher doses to individuals. The Department expects requests for increases to the primary dose limit to be rare. The actions must be clearly justified and still would be subject to the ALARA process.

Other limits. In addition to the primary dose limit and requirements for the ALARA process, DOE proposes several pathway and source-specific limits. These include: 10 mrem (0.1 mSv) in a year from airborne effluent (§ 834.102(a)(2)); 25 mrem (0.25 mSv) in a year from all waste handling, storage, and disposal activities (§ 834.109(a)(2)); and radon flux 20 pCi (0.7 Bq)/m^2-sec where radium-226 residues are accepted for storage or disposal, 3 pCi(0.1 Bq)/L at a facility where sources of radon are handled, and concentration of 0.5 pCi/L (0.02 Bq/L) at boundary of the site (§ 834.102(a) (3),(4), and (5)). In general, these additional requirements are consistent with other Federal requirements. In addition, limits for radon and its decay products in air are provided in terms of Working Levels (WL) and concentrations in air rather than dose limits and are addressed independently.

DOE has adopted the public community drinking water standards in 40 CFR part 141, "Interim Primary Drinking Water Regulations, Promulgation of Regulations on Radionuclides," (Safe Drinking Water Act), for DOE drinking water systems (§ 834.103(a) (2),(3), and (4)). It is DOE

policy that the level of protection provided to persons consuming water from a public drinking water supply operated by DOE directly or through a contractor, be equivalent to that provided to the public for non-DOE operated systems. The proposed rule would require that liquid effluents from DOE activities be controlled to ensure that public or private drinking water systems downstream of DOE facilities are not caused to exceed the dose limits in 40 CFR part 141, as a result of DOE operations (§ 834.103(a)(5)).

Implementation

All DOE operations, with the exception of those under the jurisdiction of the Director of Naval Nuclear Propulsion Programs (who is also the Deputy Assistant Secretary for Naval Reactors within DOE), would be required to comply with the dose limits and ALARA requirements of this proposed rule. Section 309 of the Department of Energy Organization Act (Public Law 95–91), Executive Order 12344, and Public Law 98–525 establish the responsibilities and authority of the Director, Naval Nuclear Propulsion Program over all facilities and activities which comprise the Program, a joint Navy-DOE organization solely responsible for military application of nuclear energy in connection with naval warship propulsion. Pursuant to the purpose and direction of these actions, the standards, regulations, and requirements prescribed by the Director continue to apply to Program facilities and activities in lieu of this proposed rule.

DOE facilities will be designed and operated so that doses to members of the public do not exceed the dose limits and other requirements of the proposed rule. However, compliance with these limits is not sufficient to comply with the proposed rule because doses must be reduced as far below these limits as is practicable through the ALARA process. Selected limits and reporting levels in the proposed rule are summarized in Table 1 of this preamble. Compliance with the dose limits will be verified and demonstrated through a combination of measurements, monitoring and calculations to evaluate doses. The proposed rule requires reporting of these data each year in the Annual Environmental Report. While the standards in this proposed rule are not intended to apply to accidents with regard to planning or the design of facilities or their control systems, doses from accidental releases at a subject facility are to be included in that facilities dose assessments for the purpose of evaluating and assessing compliance with this proposed rule and would be reported in the Annual Environmental Reports.

Interim strategy. If the DOE activity cannot comply with the rule within 180 days of the effective date of the rule, an interim strategy to implement the rule requirements to the extent practicable and to provide a plan and schedule for achieving compliance would be required. These items would be submitted to DOE for approval and incorporated into the ERPP. The interim strategy would be required to:

(1) Document the reasons compliance cannot be achieved within the 180 days;

(2) Evaluate and alternative measures which might be taken;

(3) Analyze the effects of non-compliance on members of the public and the environment; and

(4) Provide an interim strategy and schedule for compliance.

Dose evaluations. Data developed to demonstrate that DOE operations comply with applicable standards and requirements should be correct and representative. Accordingly, this proposed rule requires that calculations of dose to the public from exposures resulting from both routine and unplanned activities be performed using standard EPA or DOE dose conversion factors or analytical models prescribed in regulations applicable to DOE operations. Doses to members of the public in the vicinity of DOE activities would be evaluated and documented to demonstrate compliance with the dose limits of this rule and to assess exposures of the public from unplanned events. Collective doses to the public within 50 miles (80 km) of the site boundary would be evaluated and documented at least annually.

Analytical models used for dose evaluations would be appropriate for characteristics of emissions (e.g., gas, liquid, or particle; depositing or non-depositing; buoyant or non-buoyant); mode of release (e.g., stack or vent; crib or pond; surface water or sewer; continuous or intermittent); environmental transport medium (e.g., air or water); and exposure pathway (e.g., inhalation; ingestion of food, water, or milk; direct radiation). Information on dispersion (transport and diffusion) in the environment, demography, land use (including the location and number of dairy and slaughter animals), food supplies, and exposure pathways used in the dose calculations would be appropriate to evaluate actual and potential doses in the environs of DOE facilities. Such information would be updated as necessary to document significant changes that could affect dose evaluations. Dose evaluation models that are codified, approved, or accepted by regulatory or other authorities, such as those codes approved for demonstrating compliance with 40 CFR part 61, subpart H, would be used where appropriate.

Committed dose conversion factors. Radionuclides taken into the body, generally by exposure modes whereby the radionuclide is ingested or inhaled, will continue to irradiate the body as long as they exist and are retained by the body. The dose delivered to a body over the lifetime of the individual from a single intake of a radionuclide is the committed dose. Tables of committed dose conversion factors would be used, as appropriate, based upon the ICRP reference man model, and the committed dose is the dose integrated over an interval of 50 years.

External dose conversion factors. The doses from exposure to external radiation from radionuclide concentrations in air and in water that result from submersion or from exposure to contaminated plane surfaces would be estimated, using the ICRP reference man model and appropriate dosimetry factors. However, for demonstrating compliance with DOE dose limits, external doses may be determined using data from direct measurements with appropriate instrumentation if doses obtained with the direct measurements are found to be at least as accurate as those determined by analytical model evaluations.

Derived concentration guides (DCG). DCG values are presented as reference values in appendix A for each of three exposure modes: inhalation of air containing the radionuclide; submersion in a semi-infinite cloud of air containing the radionuclide; and ingestion of water containing the radionuclide. The DCG tables may be used to evaluate only the three exposure modes upon which they are based.

Other methods and alternatives. Methods and alternatives other than those discussed above and as prescribed in applicable regulations would be submitted to DOE for approval. DOE may approve the alternative method, if appropriate.

Parametric considerations. Dose limits for members of the general public, from routine operation of a DOE activity, would be expressed as a dose received by the individuals during the year (if, for example, the exposure is external to the body) or the committed dose received by the individual over a period of 50 years from radionuclides taken into the body during the year. The limits should not be interpreted as dose

rates per se, especially not in the sense of instantaneous dose rates.

Calculated doses should be as realistic as practicable. Consequently, the individuals subject to the greatest exposure would be identified, to the extent practicable, so that the highest dose might be determined. Dose limits apply to actual or committed doses to real individuals. Consequently, all factors germane to dose determination should be applied. Alternatively, if available data are not sufficient to evaluate these factors, the assumed parametric values would be sufficiently conservative so that it is unlikely that individuals would actually receive a dose that would exceed the dose calculated using the values assumed. Parametric values used in performing dose calculations would be recorded and included with the calculations.

Collective public dose in the environs of a site with multiple emission points may be estimated using the assumption that all emissions occur from a single point centrally located on the site.

The assumption of a single point of emission may be used to calculate public dose for the maximally exposed individuals if the emission points can be combined in accordance with EPA guidance. This assumption may be used provided the procedures do not result in significant underestimates of doses and that the locations of the emission points are close to one another relative to the location of the receptor. Otherwise, the public dose to the maximally exposed individuals should be determined taking into consideration the actual locations of emissions on the site with respect to the offsite locations.

Demonstration of Compliance With the Dose Limits

The proposed rule would require the submission to and the approval by DOE of an Environmental Radiation Protection Plan (ERPP) for a DOE activity. DOE activities will be conducted in compliance with the specifications in these approved site-specific plans. These site-specific specifications will be used to determine when compliance is achieved. Compliance with the dose limits of the proposed, and concentration limits in specific plans, would be demonstrated by documentation of an appropriate combination of measurements and calculations to evaluate potential doses and releases. These data and results of evaluations would be presented in the Annual Environmental Report. The Annual Environmental Report also will contain the status of compliance with other requirements of this rule.

Supplemental documents. The dose conversion factors and derived concentrations needed to make dose evaluations to meet DOE requirements are provided in the proposed rule and in three supplemental documents: EPA–520/1–88–020, Federal Guidance Report No. 11, "Limiting Values of Radionuclide Intake and Air Concentration Factors for Inhalation, Submersion, and Ingestion;" DOE/EH–0070, "External Dose-Rate Conversion Factors for Calculation of Dose to the Public" and DOE/EH–0071, "Internal Dose Conversion Factors for Calculation of Dose to the Public." The dose conversion factors in these documents provide the primary basis for determining compliance with this proposed rule. Compared to previous DOE DCG tables, the table of DCGs in the proposed rule has been expanded considerably to present all classes of uptake and retention.

EPA models. The use of AIRDOS/RADRISK, CAP–88, or AIRDOS-PC models is prescribed by EPA in 40 CFR part 61, subpart H, to evaluate potential doses from airborne releases. In some instances, other models may be deemed more appropriate (e.g., predicts more realistic dose values) for estimating doses from DOE operations. Thus, two evaluations of doses from airborne pathways could be required: One to satisfy 40 CFR part 61 requirements and one for DOE purposes using contemporary dosimetry and site-specific parameters. However, wherever possible, DOE elements should minimize such duplicative analyses. If an alternative model or approach is necessary to develop the required data for demonstrating compliance with 40 CFR part 61, the operator of the DOE facilities should obtain EPA approval for use of the appropriate alternatives.

B. Liquid Waste

General

In addition to the dose limitation system for members of the public established in subpart B of the proposed rule, controls on the release of liquid wastes are imposed in subpart C to reduce the potential for radiological contamination of natural resources such as land, ground and surface water, and ecosystems. The proposed rule would require that the Best Available Technology (BAT) be used for selected liquid waste discharges (§§ 834.201(a)(2) and 834.203(a)(2)).

Section 301(b) of the Clean Water Act (CWA) states * * * for pollutants identified in subparagraphs (C), (D), and (F) of this paragraph effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which shall require application of the best available technology economically achievable (BAT) for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act * * *. This statement is the basis for requiring BAT under the CWA. Section 304(b)(2) of the CWA further states that a discharger must identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources * * *; and * * * specify factors to be taken into account in determining the best measures and practices available to comply * * * Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate * * *.

On the basis of section 304 of the CWA, the EPA established regulations (40 CFR part 125) which require the incorporation of Best Available Technology (BAT) control into National Pollutant Discharge Elimination System (NPDES) Permits required for a facility to discharge into public waters.

The NPDES "permitting system," with its requirement of the application of BAT, applies to DOE facilities discharging nonradioactive pollutants or pollutants with a nonradioactive component into public waters. Since DOE has the responsibility for regulating the discharge of radioactive pollutants into public waters, DOE determined that it was appropriate to have an equivalent requirement of the application of BAT to the discharge of radioactive pollutants into public waters.

Additional limitations. To protect aquatic animal organisms, § 834.205 of the proposed rule includes a dose limit of 1 rad/day (0.01 Gray/day), based on recommendations of the NCRP (NCRP Report No. 109, 1991). As an added

protection to ensure that discharges to public waters do not contain insoluble quantities that might settle in sediment in waterways, the proposed rule would require that concentrations of alpha and beta-gamma emitting radionuclides in settleable solids be less than 5 pCi/gram (0.2 Bq/gram) and 50 pCi/gram (2 Bq/gram), respectively (§ 834.201(a)(3) (i) and (ii)). The ALARA provisions of the proposed rule would be applicable to all discharges and concentrations and settleable solids would be as low as is practicable.

Implementation. Standards for liquid effluents are driven by the DOE ALARA policy and the objective to minimize contamination in the environment to the extent practicable. The proposed rule adopts the BAT as the appropriate level of treatment for liquid wastes containing radioactive material and provides that the use of soil columns be phased out at the earliest practicable time (§ 834.202(a)). Technical and economic considerations are included in determining the BAT. Radioactive waste streams that would otherwise contain radionuclide concentrations of more than the derived concentration guide (DCG) reference values at the point of discharge to a surface waterway are required to implement BAT treatment to further reduce the concentration. BAT treatment also may be required for waste streams with concentrations of radionuclides that are less than the DCGs, if they do not conform to other requirements of the proposed rule. BAT treatment is provided to protect ground water and to prevent radionuclide buildup in soil. DCG values in Appendix A of the proposed rule are not necessarily considered "acceptable" discharge limits. They are provided for the purposes of addressing the need to conduct BAT analyses and to aid in performing dose estimates. The ALARA provisions of this proposed rule are applicable to all liquid discharges containing radioactive material derived from DOE operations, including those that are less than the DCG values and meet BAT requirements.

The operating organization subject to the rule will submit to DOE for approval, within 90 days of the effective date of this rule, a plan and schedule to install waste treatment systems in existing facilities, if justified by a BAT analysis, to permit compliance at the earliest practicable time. The plan will include an ALARA section on tritium, if that isotope is a component of the effluent stream. DOE may make modifications of the proposed BAT plan and schedule or may direct the operating organization to make such modifications, or appropriate, updates. BAT plans will be incorporated into the Environmental Radiological Protection Program (ERPP) (see § 834.401). If the operation of the facility:

(1) Exceeds the reporting requirements specified in § 834.201(2) (e.g., doses to the public exceed 10 mrem (0.1 mSv)/year) and the water pathway is a significant contributor to that dose; or

(2) Does not conform to the ground-water protection requirements in § 834.210, BAT analyses would be conducted.

DCGs are used only as screening values (not discharge limits) for considering BAT requirements for these discharges. In all cases, the ALARA provisions of this part are applicable to all discharges and potential doses to the public.

Phaseout of soil columns. The use of soil columns to retain, by sorption or ion exchange, suspended or dissolved radionuclides from liquid waste streams would be discontinued in favor of an acceptable alternative disposal means (§ 834.202(a)). DOE activities that currently discharge liquids containing radioactive materials to soil columns, would have or develop a DOE approved plan and schedule for implementing acceptable alternate disposal to allow phase out of the soil columns. Interim strategies that include continued use of soil columns may be approved by DOE if alternatives to the use of soil columns would, on balance, be detrimental to the environment or the health and safety of the public. The BAT selection process would be applied to all those processes that will continue, as an interim control measure, to discharged liquid wastes containing process-derived radionuclides to soil columns for indefinite periods. These requirements are intended to prevent the buildup of contamination in soils and ground water and to protect the environment from the spread of contamination from burial trenches and pits.

New or increased discharges of radionuclides in liquid waste to inactive receptors would not be permitted. Contaminated soil columns, drainage systems, and ground water to which contaminated liquid discharges have been discontinued would be managed or decontaminated in accordance with the requirements in the proposed rule and other applicable regulations. Liquid discharges, even though uncontaminated, are prohibited in inactive release areas to prevent the further spread of radionuclides previously deposited.

Tritium. There is no practicable control technology available for removing tritium from dilute liquid waste streams. Therefore this proposed rule does not require that BAT be applied to the control of tritium in liquid effluents. Rather, process alternatives that reduce the amount of tritium entering the liquid waste streams would be identified and evaluated in accordance with the DOE ALARA policy (§ 834.215). Tritium decay in transit in confined ground water may be an acceptable alternative to direct release to the atmosphere or to surface waters. The proposed rule requires operating organizations, within 180 days of the effective date of the final rule, to develop a description and summary of the alternatives considered in the control of tritium releases and to submit it to DOE for approval. The plan may be incorporated into documentation necessary to fulfill waste management planning requirements for the specific facility (e.g., the Ground-Water Protection Management Plan), and reevaluated annually and updated as necessary.

Discharges to sanitary sewers. Provisions in the proposed rule for regulating the releases of liquid wastes to public sanitary sewer systems (§ 834.203) are designed to be generally consistent with requirements imposed by the NRC on its licensees. The BAT selection process would be implemented to reduce discharge concentrations if liquid wastes discharged from DOE activities into sanitary sewerage contain radionuclides at concentrations which, averaged monthly, would otherwise be greater than five times the DCG values for liquids at the point of discharge. When more than one radionuclide is present, the total ratio (sum of the fractions) of the average concentrations for each radionuclide to its respective DCG value would otherwise exceed five. Neither the DCG concentrations in appendix A nor the above five-times DCG concentration limit noted above are necessarily considered acceptable discharge limits. All discharges would be evaluated in accordance with the ALARA process and meet the other criteria and requirements including those stated below. The proposed rule also would require operators to ensure that the total annual discharge of residual radioactive material associated with DOE operations to the sanitary sewer system will not cause exposures to members of the general public that will result in doses that exceed a small fraction of the basic annual dose limit (§ 834.203(a)(4)). Further, the total quantity of radionuclides which may be released in a year to a public sewer system, from a DOE activity, is limited

to 5 Ci (185 GBq) of tritium, 1 Ci (37 GBq) of carbon-14, and 1 Ci (37 GBq) of all other radionuclides (§ 834.203(a)(3)). Discharges to public sewers would be coordinated with the operators of the waste water treatment works.

Discharges of radionuclides to government-owned sewer systems are not subject to the annual quantity limits or the concentration limits which are applicable when the discharge is to a public sewer system, but ALARA considerations still would be required (§ 834.203(b)). Liquid wastes containing concentrations or quantities of radioactive materials that, when averaged monthly, are greater than the limits for discharge into public sewer systems may be discharged into a chemical or sanitary sewerage system (e.g., systems with drain fields excepted) if the system is owned by the Federal Government. However, ALARA process requirements are applicable. Such a sewerage system would provide liquid waste treatment prior to discharge to surface waters in accordance with the requirements of proposed § 834.201(a). Sludge containing radioactive material from the operation of the government-owned sewerage system would be disposed in accordance with the appropriate requirements for solid waste (§ 834.203(b)(2)).

Demonstration of Compliance—Liquid Waste

The selection of the BAT treatment would be based on a BAT analysis prepared by the site operator. The specific plans and schedules for preparing BAT analyses and submitting them to DOE for approval is required will be documented in the BAT plan. The final analyses would be completed in accordance with the schedule in the BAT plan. To ensure that BAT analyses are of good quality and generally consistent in content, a "Guidance Manual for Implementing BAT Analyses" required under the proposed rule has been prepared and is provided as supplementary guidance. The final BAT analysis and selected BAT alternative would require approval by DOE. The BAT treatment alternative selected as a result of the analyses would be designed and operated in accordance with approved designed specification and plans.

Plans for the phaseout of soil columns would be incorporated into waste management plans for the site, or its equivalent, and would be part of the ERPP. The phaseout should be completed at the earliest practical time, and the schedule would require the approval of Program Offices. Phaseout plans would be included in the waste management plans prepared for the site and would be reviewed and updated annually.

Data would be collected and calculations completed to demonstrate that sites are complying with the dose limit for native aquatic animal organisms. These data would be reported in the site Annual Environmental Reports required by the proposed rule. Similarly, data to demonstrate that the sedimentation concentration limits are being achieved would be reported in the Annual Environmental Reports. It is expected that the quantity of radionuclides and settleable solids in effluent streams at most DOE facilities will be very small. If settleable solids are so low that the levels are below detection, periodic environmental sampling would be conducted to ensure that current operations are not contributing significantly to the buildup of residual radioactive material in sediment.

The Department considers protection of the ground water an important element of environmental protection and radiation protection programs. The proposed rule would require each site to prepare a Ground Water Protection Management Plan (§ 834.401(e)) and to implement ground water protection programs in compliance with these plans. The plans should be consistent with applicable Federal and State requirements and must be approved by DOE.

C. Residual Radioactive Material

Releases and Evaluations

Subpart D of the proposed rule contains DOE requirements for the release of property containing residual radioactive material. The proposed rule includes criteria that property containing residual radioactive material from DOE activities must meet if it is to be released from DOE control. These criteria are consistent with the dose limitation system established in the proposed rule. The criteria require that current and future use of the property be assessed and evaluated; authorized limits be established for release actions or remedial actions; and any releases of property be documented.

ALARA. The proposed rule would require that doses to the public from residual radioactive material must be as low as is reasonably achievable below the primary dose limits. A remedial action goal should be to return the levels of residual radioactive material to near-background levels. The Department realizes that in certain cases this may not be practical or even possible. The proposed rule would require that all releases of property be assessed and the ALARA process applied no matter how small the dose. DOE, as with the general dose limitation system, has established a graded level of control and oversight to ensure that doses to the public are low.

The proposed rule would require that assessments of potential doses associated with releases be specific to the particular release being considered. While the proposed rule is limited to regulation of radionuclides, responsible persons should be aware of coincident non-radioactive contaminants and their possible impacts. When non-radioactive contaminants are present coincident with residual radioactive material, decontamination or remedial measures should be rational and effective considering the hazards of both materials and in compliance with other applicable regulations governing such material.

Limits for Residual Radioactive Material

Authorized limits and, where appropriate, supplemental limits would be required to be developed for the release of property. DOE must review and approve authorized limits before properties with residual radioactive material are released to members of the general public for unrestricted use. Supplemental guidance for derivation and selection of these limits would be provided by DOE. The limits would be selected to ensure that doses to individuals using the property under "actual" and "likely use" scenarios[2] will be well below the primary dose limit specified in proposed 834.101(a)(2) and should be on the order of a few mrem in a year, or less, for continuous exposure. To the extent practicable, property to be released for use where close contact is likely, would have no measurable contamination.

The evaluation also would consider the "worst plausible" use[3] of the property over the long term. Allowable doses for release of the properties calculated under this type of scenarios may be a relatively large fraction of the general dose limit if the probability of

[2] *Actual* and *likely use* scenarios are those that have a fairly high probability of occurring. These represent expected use of the property. As a general guide, it should include scenarios that are plausible, unlikely to substantially underestimate the dose, and have a reasonable chance of occurring within at least the first 50 years. Scenarios that are not expected to occur for at least 100 years after release of the property normally need not be considered as likely use.

[3] The *worst plausible use* represents a scenario that is credible over the long term. The period of assessment may extend beyond several hundred years and the probability of the scenario ever occurring must be considered in the review.

the scenario occurring is relatively low. In cases where the probability of the worst plausible scenario is high and reasonably certain, potential doses associated with the release would be limited to a relatively small fraction of the 100 mrem (1 mSv) in a year dose limit.

Specific assessments would estimate collective dose to the public when such doses are potentially significant. In such situations, collective doses also would be considered under the ALARA process and in the establishment of authorized limits.

Documentation. Persons responsible for the decontamination and release of property with residual radioactive material subject to this proposed rule would ensure that the property to be released has been assessed and potential impacts are appropriately documented. The proposed rule would require evaluation of the historical use of property (including land, structures, equipment and recyclable material) prior to release to determine if it has been subjected to radiological contamination. The required documentation would include a description of the property; a description of the survey characterizing the property and the results, its radiological condition; and the quantity and disposition of the waste resulting from the decontamination effort. The documentation would also include the date of the last radiation survey; the identity of the organization and the individual who performed the monitoring operation; the type and identification number of monitoring instruments; the results of the monitoring operation; and the identity of the recipient of the released property. Documentation would be submitted to DOE for review and approval. DOE would ensure that information regarding the release of property is made available to interested parties and archived, as appropriate. Copies of these records would be made available for public review and would be archived in accordance with applicable records management directives.

Surface and volume activity in property. Specific requirements for volumes and surfaces (except for soil contamination) are not delineated in the proposed rule. DOE is presently considering in coordination with other agencies, additional requirements and may propose such requirements in the future. However, the requirements in subpart D are applicable to such material.

The proposed rule would require that property, including equipment, structures, and recyclable material contaminated or potentially having contaminated or potentially contaminated surfaces (e.g., radioactivity per unit surface area) or contaminated in depth, such as activated material or smelted contaminated metals (e.g., radioactivity per unit volume or per unit of mass) be surveyed to characterize the surface or mass concentration of radioactive material present in the material and evaluated in accordance with the ALARA criteria. Such materials may be released only if the authorized limits established for release of the material and survey techniques used to characterize the property are approved by DOE. Non-recyclable materials would be subject to the same requirements; however, development of authorized limits through the ALARA process would consider appropriate pathways based on expected fate of the material. The assessment of individual doses and collective doses would be conducted with appropriate models and dose conversion factors consistent with the requirements of this part and with associated guidance documents.

Soil. Authorized limits for radionuclides in soil will be developed by using survey data to characterize the site, and calculations and models will be used to predict potential doses to the users. Consistent with the general principles provided in proposed subpart D, the concentrations permitted by the authorized limits should ensure that doses to the general public are only a small fraction of the primary dose limit. The Department has developed a model, (the computer code RESRAD), and guidance manual ("A Manual for Implementing Residual Radioactive Material Guidelines," DOE/CH/8901, June 1989), for deriving soil criteria, conducting decontamination efforts, and applying the ALARA process. While other models and approaches are permitted, field elements would identify the differences and rationale for using other approaches in their analyses. The subject model and RESRAD code only consider individual dose; collective dose estimates must be developed using other procedures.

Experience to date indicates that potential doses from release of properties under these criteria, derived authorized limits, and procedures have resulted in low potential doses to the public. Cleanup of 47 properties in New York State by the DOE Formerly Utilized Sites Remedial Action Program (FUSRAP) has been reviewed. The procedures used in the RESRAD Code and associated implementation manual were employed to derive a soil concentration for depleted uranium that would produce a worst case dose of 100 mrem (1 mSv) in a year. It was estimated that this concentration was approximately 120 pCi (4.4 Bq) of uranium/gram of soil. DOE worked with the State and EPA and determined, on the basis of ALARA, that an acceptable authorized limit would be:

(1) Average soil concentrations over any 10 meter by 10 meter area should not exceed 35 pCi (1.3 Bq) of depleted uranium/g of soil; and

(2) 100 pCi/g (4 Bq/g) should not be exceeded over any 1 square meter area.

The cleanup of 47 properties accomplished under this standard were evaluated. The average maximum potential dose from post-remedial action use of the subject properties was less than 1 mrem (0.01 mSv) per year (less than 0.3% of the typical background dose received by someone living in the United States).

The proposed rule would adopt the soil criteria for radium which is provided in 40 CFR part 192 as limits for remedial actions at properties having soil contaminated with these materials. The 40 CFR part 192 standards were derived for the cleanup of properties in the vicinity of uranium mill tailings piles; EPA developed them consistent with the ALARA process. Therefore, when they are applied to the cleanup of uranium mill tailing sites, the requirement for applying the ALARA process during planning or development of the authorized limit already has been achieved. The ALARA process has many site-specific elements, so when these limits are applied to other uses, the ALARA process must be considered in the establishment of the authorized limits and during the implementation of the action. The Department considered requiring the derivation of soil limits for residual radium or thorium consistent with the process required for all other radionuclides, but opted to be consistent with the EPA guidelines and require an additional measure of protection by making the ALARA process applicable. DOE is requesting comments on the continued use of the concentration limits in 40 CFR part 192 with the added requirement for the ALARA process. Field verification of radon emanation rates would be in accordance with the requirements of 40 CFR part 61.

Indoor radon-222. The proposed rule would require that the objective of remedial actions conducted on any occupied or habitable structures would be to make a reasonable effort to reduce residual radioactive material levels such that an annual average (or equivalent) radon decay product concentration would not exceed 0.02 WL, including

background, in the structure. In any case, the radon decay product concentration would not exceed 0.03 WL, including background, in such structures as a result of residual radioactive material.

The requirements of proposed subpart D apply to both DOE-owned facilities and to private properties that are being prepared by DOE for release. Real properties owned by DOE are subject to the requirements of section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, concerning hazardous substances, and to any other applicable Federal, State, and local requirements. The requirements of 40 CFR part 192 are applicable to properties remediated by DOE under Title I of the Uranium Mill Tailings Radiation Control Act (UMTRA).

Specific Numerical Limits for Surface Activity

Both DOE 5400.5, February 8, 1990, and the "DOE Guidelines for Residual Radioactive Material," March 1987, utilized the values listed in Table 2 of this preamble for maximum contamination levels permitted for release of property having residual radioactive material on its surface. The values were used as "upper limit" standards for the unrestricted release of structures, equipment, personal property and recyclable material. These values were selected to be consistent with the requirements of the NRC guidance in its publications "Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Licenses for Byproduct, Source or Special Nuclear Material," July 1982, and with NRC Regulatory Guide 1.86, "Termination of Operating Licenses for Nuclear Reactors," June 1974. In addition to the requirements to meet these maximum contamination levels, the DOE guidance required that the ALARA process be used to bring the concentrations as far below these levels as is practical.

The Department has not included the values in Table 2 in this proposed rule. DOE and other Federal agencies are presently investigating alternatives to Table 2. The Department believes that potential doses associated with release of material at these levels are low, as are assumed risks, especially when the ALARA process is applied in addition to the contamination limits, as DOE has required in its existing Order, DOE 5400.5. However, the values in Table 2 are not internally consistent. They provide levels of protection that vary by orders of magnitude even among radionuclides in a category. Consequently, DOE is seeking comments on the continued use of the values in this table or alternative approaches. The Department, with NRC and EPA, is investigating risk-based approaches to surface contamination limits. The approach in the proposed rule would require the derivation of authorized limits for the release of property that will ensure potential doses to users of the property are low. If risk-based levels are established, should the limits be provided by radionuclide or in categories such as those provided in Table 2? Should separate limits be provided for removable and fixed contamination? What time periods are appropriate for assessing impacts for exposures associated with contaminated building or equipment surfaces?

DOE is seeking comments on mass contamination limits for structures, equipment, and recyclable material. The current DOE requirements and the proposed rule would require reviews of the action, including application of the ALARA process to establish authorized limits for release. DOE is requesting comments on the following: Should DOE establish tables of maximum concentrations (i.e., upper limits) that must not be exceeded or generic release limits that could apply to all sites? Or should the final rule and DOE guidance provide requirements, including scenarios, and parameters that each facility must use to derive authorized limits similar to what is provided in the proposed rule for soil contamination?

The proposed rule would require that all sub-surface contamination, such as contamination in depth (i.e., mass contamination), be assessed and authorized limits be determined, consistent with the principles set forth in proposed subpart D. Comments are requested on the DOE policy, in general, on the release for unrestricted use of personal property containing residual radioactive material (e.g., office furniture, tools, and other reusable items).

Supplemental Limits

Unrestricted use. If special specific property circumstances indicate that the criteria in proposed § 834.305 or authorized limits established for a given property are not appropriate for any portion of that property, then a request may be made to apply supplemental limits. Any supplemental limits would achieve the criteria set forth in proposed § 834.301 for both current and potential unrestricted uses of a property. Supplemental limits may be applied to any portion of a property if, on the basis of a specific property analysis, it is demonstrated that certain aspects of the property were not considered in the development of the established authorized limits for the entire property; and as a result, the established limits either do not provide adequate protection or are unnecessarily restrictive and costly.

The responsible operating organization would document the decision that the subject guidelines or authorized limits are not appropriate and that the alternative action selected will provide adequate protection and allow unrestricted use of the site giving due consideration to health and safety, the environment, costs, and public policy considerations. Prior to release, the approval for specific supplemental limits would be obtained from DOE as specified in proposed § 834.310. The request for supplemental limits must be accompanied by those materials required for the justification as specified in this section. DOE also would be responsible for coordination with the State and local government regarding the limits or exceptions and associated restrictions as appropriate.

Restricted use. Supplemental limits with restrictions on the use may be applied to any portion of the property when it is established that the authorized limits cannot reasonably be achieved and that restrictions on use of the property are necessary. It would be demonstrated that the supplemental limit is justified and that the restrictions will protect members of the public within the basic dose limits of the proposed rule and will comply with the requirements for control of residual radioactive material. Such supplemental limits must be approved by DOE prior to release. The operator and DOE would be responsible for implementing the administrative controls and the cognizant Federal, State, or local authorities should be responsible for enforcing them. The administrative controls include, but are not limited to, periodic monitoring as appropriate; appropriate shielding; physical barriers to prevent access; and appropriate radiological safety measures during maintenance, renovation, demolition, or other activities that might disturb the residual radioactive material or cause it to migrate.

Justification for Supplemental Limits

Documentation of need. The proposed rule would permit the use of supplemental limits when the specific criteria specified in § 834.310 are met. The need for supplemental limits would be documented by the contractor on a case-by-case basis using specific property data. Every reasonable effort

would be made to minimize the use of supplemental limits.

Reporting Level

Approval of authorized limits, survey procedures, certification of radiological condition of released property and oversight of the ALARA process are the responsibility of DOE. DOE, through its audit program, will overview all of these activities. The proposed rule would require notification to DOE if any authorized limits will potentially cause an EDE to exceed 10 mrem (0.1 mSv) in a year or collective dose to exceed 100 person-rem (1 person Sv) in a year. These values represent neither acceptable nor unacceptable doses. They are simply reporting limits that will help DOE concentrate its regulatory and oversight resources on activities of interest, and respond in a timely manner.

Control of Residual Radioactive Material

Property containing residual radioactive material not releasable and residues resulting from the decontamination of property would be managed in accordance with proposed subpart D and with appropriate DOE waste management regulation and directives. Additional requirements for disposal and storage of remedial action residues, primarily those where radium-226 and its decay products represent the significant mode of exposure of the public, are provided below. The disposition of residues from remedial actions associated with inactive uranium mill tailings sites implemented by DOE under Public Law 95–604 is subject to the requirements of 40 CFR part 192. The requirements in § 834.411 are included in the proposed rule to ensure that management of similar materials not subject to 40 CFR part 192 provide equal or greater levels of protection. They include requirements for interim storage, interim management and disposal of such materials.

Storage and disposal of residual radioactive material. Wastes resulting from decontamination projects or containing residual radioactive material may be disposed or stored at existing DOE waste disposal and storage facilities. These facilities are regulated under specific DOE requirements and, in some cases, by EPA or NRC regulations. If residual radioactive material from activities governed by this proposed rule is disposed or stored at such facilities, it will be regulated under the requirements of regulations applicable to the sites and any applicable section of this proposed rule.

The proposed rule includes specific requirements for storage and disposal of radium and thorium residues from decontamination and remedial actions. These requirements are consistent with requirements in 40 CFR part 192 for the management of radium residues from remedial actions at uranium mill tailings sites. In addition to the radon flux limits contained in 40 CFR part 192 and subpart Q of 40 CFR part 61, this proposed rule includes radon concentration limits. These limits are provided to be consistent with past practices of the Department in regulating radon exposures and to provide further assurance that doses associated with radon releases will be minimized. The proposed rule provides requirements for assessing potential effects over the long term (greater than 1,000 years) and to provide special protection against intrusion for residues with unusually high concentrations of radium. Reviewers are requested to comment on the need for such additional limits considering that EPA has reviewed radon-220 emissions from DOE storage and disposal sites under the Clean Air Act (CAA) and has determined that a flux rate of 20 pCi (0.7 Bq)m²sec provides adequate protection with an ample margin of safety.

D. Environmental Radiological Protection Program

All DOE activities would be managed in accordance with an Environmental Radiological Protection Program (ERPP) for the operation. An ERPP would be comprised of the plans, programs, and other procedures or processes by which the DOE activity will protect the general public and the environment. An ERPP would include:

a. ALARA Program;
b. BAT Plan;
c. Ground-Water Protection Management Plan;
d. Environmental Monitoring Plan, including:
(1) Effluent monitoring;
(2) Environmental surveillance;
(3) Meteorological data; and
(4) Preoperational study;
e. Waste Plan; and
f. Quality Assurance Program.

An ERPP would be submitted to DOE for review and approval within 90 days of the effective date of the final rule and updated annually or sooner if there is a change in the activity or operation. The rule would require that the submitted ERPP be approved, revised, or rejected by DOE within 180 days of the effective date of the final rule.

ALARA program. An ALARA program would address the potential radiological impact of the operation on the public and the environment and be approved by DOE. The approved program would include requirements for contractors or DOE personnel to implement the ALARA process for all DOE activities and facilities that cause public doses and releases to the environment. An ALARA program would include requirements for documenting ALARA decisions as well as implementing the ALARA process. ALARA requirements in the proposed rule are for protection of the public and environment; application of the ALARA process for the limitation of occupational exposures at DOE operations are addressed in proposed 10 CFR part 835 (56 FR 64334).

In addition to the considerations discussed below, the ALARA process and associated decisions conducted for the protection of the public and environment should consider the impact on workers. It is not appropriate to ignore large increases in occupational doses in order to achieve small potential reductions in public exposures and visa versa. Both individual exposures and collective exposures over time must be considered. A quantitative cost-benefit analysis (e.g., optimization) could be performed, given the results of the considerations required by the proposed rule. However, the parameters needed to evaluate the cost-benefit analyses are difficult to quantify, and evaluations themselves can be expensive. Furthermore, the evaluations include many additional assumptions, judgments, and limitations that are often difficult to reflect as uncertainties in the analyses. Therefore, considering that most analyses for DOE operations that evaluate potential exposures of the public involve low radiation dose increments (i.e., levels that represent a small fraction of the dose limits and assumed small fraction of acceptable risks), qualitative and semi-quantitstive analyses are often acceptable bases for ALARA judgments. The bases for such judgments would be documented in accordance with the requirements of the approved ALARA program. More detailed analyses should be considered if the decisions might result in doses that approach or are a significant fraction of the dose limit. Quantitative analyses also may be necessary if other regulations or statutes, such as the National Environmental Policy Act, require them.

An ERPP would be required to contain an ALARA Program to control releases of radioactive materials and exposures to radiation at levels as low as is reasonably achievable. The extent of the ALARA efforts and evaluations should reflect the magnitude of the potential doses to the maximum dose exposed individual member of the

public and the collective dose to all persons within 50 miles of the site of the DOE activity. An ALARA Program would include, as appropriate:

(1) A statement of commitment to use the ALARA process;

(2) A description of the means to be used to implement the ALARA process;

(3) A process for documenting ALARA decisions;

(4) A training program for the staff on implementation of the ALARA process; and

(5) A listing and evaluation of specific factors considered in arriving at ALARA position, including, as appropriate:

(i) The maximum dose to members of the public;

(ii) The collective dose to the population;

(iii) Applicable alternative processes, such as alternative treatments of discharge streams, operating methods, or controls;

(iv) Doses for each alternative evaluated;

(v) Cost for each of the alternatives evaluated;

(vi) An examination of the changes in cost among alternatives; and

(vi) Changes in societal impact associated with process alternatives, e.g., differential doses from various pathways of exposure.

Interim guidance "DOE Guidance on the Procedures in Applying the ALARA Process for Compliance with DOE 5400.5" was distributed March 8, 1990. The interim guidance is equally applicable for the proposed rule to assist those who must prepare an ALARA Program. The guidance suggests a step-by-step logical procedure to arrive at ALARA judgments.

BAT plan. An ERPP would contain a BAT Plan for those activities conducted at a site for which the proposed rule requires a determination whether to use the BAT for processing liquid waste. A BAT Plan would:

(1) Document the analysis of whether the BAT is required and, if required,

(2) Document the BAT results of (or schedule for) the selection process; and

(3) (Where selected) set forth the schedule for installing the BAT.

BAT selection. Selection of the BAT for a specific application will be made from among candidate alternative treatment technologies which are identified by an evaluation process that includes factors related to technology, economics, and public policy considerations. Factors that are to be considered in selecting BAT, at a minimum, will include: The age of equipment and facilities involved; the process employed; the engineering aspects of the application of various types of control techniques; process changes; the cost of achieving such effluent reduction; non-water quality environmental impact (including energy requirements); safety considerations; and policy considerations. BAT analyses are difficult to express quantitatively because the factors do not have a common denominator. However, consideration of these factors should permit qualitative evaluations which will support judgments. A report "Best Available Technology (BAT) Guidance Manual, Application of BAT for Liquid Effluent Releases at Department of Energy Facilities," is being drafted and will be available for those who are responsible for making BAT decisions.

Ground-water protection management plan. Each DOE operation would implement a ground-water protection program and would describe the program in a Ground-water Protection Management Plan. This proposed rule would require Ground Water Protection Management Program to be developed and implemented. While the requirements of this proposed rule are generally limited to the control, measurement, and evaluation of radionuclides and radioactive material, it is not appropriate or effective to separate radiological and non-radiological elements of the management programs for ground water protection. Therefore, to the extent possible, the Ground Water Protection Management Plan should address both. However, only the radiation-related portion of the plan is subject to this proposed rule. Each plan would be reviewed and approved by DOE. The plan must consider relevant Federal and State requirements and must include a monitoring program to characterize ground water at DOE sites. The proposed rule would require that the ERPP contain a Ground-Water Protection Management Plan that would:

(1) Address the potential for radiological and, where appropriate, non-radiological contamination of the ground water by a DOE activity;

(2) Document the quality and quantity of ground water;

(3) Identify possible sources of contamination;

(4) Describe strategies for controlling contamination, including preventive and remediation measures to comply with applicable Federal environmental laws and regulations; and

(5) Describe measures for monitoring the ground-water.

Environmental monitoring plan (EMP). Demonstrations of compliance with requirements of this proposed rule generally will be based upon calculations that make use of information obtained from monitoring and surveillance programs. Subpart E of the proposed rule delineates the requirements of the EMP. The abilities to detect, quantify, and adequately respond to unplanned releases of radioactive material to the environment also rely on in-place effluent monitoring, monitoring of environmental transport and dispersal conditions, and assessment capabilities. This will enable DOE to develop useful data and to collect and analyze pertinent information on unplanned releases in a timely manner. It is the intent of DOE that the monitoring and surveillance programs for the DOE activities, facilities, and locations be of high quality. Although some differences result from specific site or specific activity conditions, uniformity in the methods and performance criteria used to obtain the information will be achieved to the extent practicable.

To ensure that the effluent monitoring and environmental surveillance programs are of good quality at all DOE facilities and sites, requirements and recommendations are provided in the proposed rule and in supplemental guidance for implementation of effluent and environmental monitoring programs. The ERPP would be required to contain an EMP that provides for effluent monitoring to obtain representative measurements of the quantities and concentrations of pollutants in liquid and airborne discharges and environmental surveillance to monitor the effects, if any, of a DOE activity on members of the public, the environment and natural resources.

An EMP would be required to set forth:

(1) The elements of the plan to determine compliance with the requirements of the proposed rule and other applicable Federal environmental laws and regulations;

(2) The rationale and design criteria for each element;

(3) The extent and frequency of monitoring and measurements;

(4) Procedures for laboratory analyses;

(5) Implementation procedures;

(6) Meteorological data; and

(7) For a new facility or new activity at an existing facility, a preoperational study.

Effluent monitoring, in an ERPP, would be required to:

(1) Measure quantities and concentrations of pollutants in liquid and airborne discharges from a DOE activity;

(2) Collect samples in a manner and frequency sufficient to characterize the effluent streams from a DOE activity; and

(3) Analyze samples to the extent necessary.

Environmental surveillance, in an ERPP, would be required to:

(1) Establish background levels of pollutants;

(2) Determine the location and magnitude of concentrations of pollutants from a DOE activity;

(3) Evaluate the effects on the public and the environment of pollutants from a DOE activity;

(4) Utilize monitoring stations on the basis of the type of emission, meteorology, climatology, topography, geography, population distribution, land use, and other relevant considerations;

(5) Collect and analyze samples in a manner and frequency sufficient to characterize the emissions from a DOE activity and their effects; and

(6) Verify whether any unexpected or undetected releases occur.

Meteorological data, collected in accordance with an EMP, would be required to:

(1) Characterize atmospheric transport and dispersion conditions in the vicinity of a DOE activity;

(2) Describe meteorological conditions including precipitation, temperature, wind speed, wind direction, and atmospheric stability that are important to surveillance; and

(3) Support assessment of routine and non-routine emissions.

Preoperational study. A preoperational study would be required to:

(1) Begin at least one year prior to the start-up of a new activity;

(2) Characterize existing physical, chemical, and biological conditions that could be affected;

(3) Establish background levels of radioactive and, as appropriate, chemical components;

(4) Characterize pertinent environment and ecological parameters; and

(5) Identify potential pathways for human exposure or environmental impact.

Waste plan. An ERPP would be required to contain a Waste Plan to manage, dispose, and store radioactive waste, including low-level waste, high-level waste, transuranic waste, spent nuclear fuel, and residual radioactive material.

A Waste Plan for a DOE activity would be required by the proposed rule to:

(1) Provide for controls to ensure compliance with this part and applicable Federal statutes and regulations;

(2) Describe the means used to limit access to waste;

(3) Describe the interim and long-term strategies for dealing with waste;

(4) Describe the administrative safeguards; and

(5) Describe the mechanism for cooperating with State and local officials.

(6) Describe the process for releasing property contaminated or potentially contaminated with residual radioactive material.

Quality assurance program. An ERPP would be required by the proposed rule to contain a Quality Assurance Program that includes:

(1) Organizational responsibility;

(2) Program design;

(3) Procedures;

(4) Field quality design;

(5) Laboratory quality control;

(6) Human factors;

(7) Recordkeeping;

(8) Chain-of-custody procedures;

(9) Audits;

(10) Performance reporting; and

(11) Independent data verification.

TABLE 1.—DOSE AND CONCENTRATION LIMITS [1] AND REPORTING LEVELS

Reference	Limiting value	Exposure mode	Comment
834.101(b) Primary dose (EDE) limit.	100 mrem in a year	Exposed individual, all sources and pathways.	Excludes background and medical exposures.
834.7 Reporting requirement	10 mrem in a year	Exposed individual, all DOE sources and pathways.	Doses and collective doses exceeding these value must be reported to DOE–EH.
	100 person-rem in a year	All DOE sources, pathways, and exposures to persons within 80-km.	
834.101(b) Temporary exemption, maximum EDE.	500 mrem in a year	Exposed individual, all DOE sources and pathways.	Exemption from primary limit only permitted under special circumstances, justified, and approved by DOE–EH.
834.102(a)(2) Air pathway only EDE limit.	10 mrem in a year	Exposed individual, DOE sources only through air pathway.	Excludes radon.
834.102(a) Radon limits	20 pCi $m^{-2}sec^{-1}$	Average flux rate over area of disposal or storage site.	As an alternative, compliance may be demonstrated by showing EDE ≤10 mrem in a year EDE to the exposed individual.
	3 pCi l^{-1}	Maximum concentration at any point on boundary.	
	0.5 pCi l^{-1}	Average concentration at site boundary or beyond.	
834.103(a) Drinking water EDE limit.	4 mrem in a year	From drinking water at the tap.	
	Ra-226 and Ra-228 5×10^{-9} µCi ml^{-1} and gross alpha, excluding uranium, 1.5×10^{-8} µCi ml^{-1}.		
834.110(a) Waste management EDE limits.	25 mrem in a year	Exposed individual, all pathways associated with waste management.	Radon regulated separately, see 834.102, 834.306, and 834.311.

TABLE 1.—DOSE AND CONCENTRATION LIMITS[1] AND REPORTING LEVELS—Continued

Reference	Limiting value	Exposure mode	Comment
834.201(a) Liquid waste controls ..	All discharges controlled by ALARA and if >DCGs, must be reduced by BAT.	Liquid discharges at release point.	
834.201(a)(3) Settleable solids	5 pCi y^{-1} alpha, 50 pCi y^{-1} beta-gamma.	Settleable solids in effluent at discharge point.	
834.203(a) Sanitary sewerage limits.	5xDCG and annual total of 5 Ci H–3, 1 Ci C–14, 1 Ci others combined.	Discharges to sewer	Potential doses must be a small fraction of the primary EDE limit.
834.205 Aquatic animal organisms	1 rad day^{-1}	Limit applies to water on-site as well as water off-site.	

[1] All doses must be as far below the applicable limits as is reasonably achievable.

TABLE 2.—SURFACE CONTAMINATION GUIDELINES

Radionuclides[2]	Allowable total residual surface contamination (dpm/100 cm^2)[1]		
	Average[3,4]	Maximum[4,5]	Removable[4,6]
Transuranics, I–125, I–129, Ra-226, Ac-227, Ra-228, Th-228, Th-230, Pa-231	100	300	20
Th-Natural, Sr-90, I–126, I–131, I–133, Ra-223, Ra-224, U–232, Th-232	1,000	3,000	200
U-Natural, U–235, U–238, and associated decay product, alpha emitters	5,000	15,000	1,000
Beta-gamma emitters (radionuclides with decay modes other than alpha emission or spontaneous fission) except Sr-90 and others noted above.[7]	5,000	15,000	1,000

[1] As used in this table, dpm (disintegrations per minute) means the rate of emission by radioactive material as determined by correcting the counts per minute measured by an appropriate detector for background, efficiency, and geometric factors associated with the instrumentation.

[2] Where surface contamination by both alpha- and beta-gamma-emitting radionuclides exists, the limits established for alpha- and beta-gamma-emitting radionuclides should apply independently.

[3] Measurements of average contamination should not be averaged over an area of more than 1 m^2. For objects of less surface area, the average should be derived for each such object.

[4] The average and maximum dose rates associated with surface contamination resulting from beta-gamma emitters should not exceed 0.2 mrad/h and 1.0 mrad/h, respectively, at 1 cm.

[5] The maximum contamination level applies to an area of not more than 100 cm^2.

[6] The amount of removable material per 100 cm^2 of surface area should be determined by wiping an area of that size with dry filter or soft absorbent paper, applying moderate pressure, and measuring the amount of radioactive material on the wiping with an appropriate instrument of known efficiency. When removable contamination on objects of surface area less than 100 cm^2 is determined, the activity per unit area, should be based on the actual area and the entire surface should be wiped. It is not necessary to use wiping techniques to measure removable contamination levels if direct scan surveys indicate that the total residual surface contamination levels are within the limits for removable contamination.

[7] This category of radionuclides includes mixed fission products, including the Sr-90 which is present in them. It does not apply to Sr-90 which has been separated from the other fission products or mixtures where the Sr-90 has been enriched.

III. Procedural Requirements

A. Review Under Executive Order 12291

Executive Order 12291, entitled "Federal Regulation," requires that rules be reviewed to determine whether they are "major rules." DOE has determined that this notice does not involve a major rule and does not require a Regulatory Impact Analysis statement because its promulgation will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in the costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

(3) A significant, adverse effect on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete in domestic or export markets.

Although not a major rule, DOE has considered the benefits and costs associated with the proposed rule. The proposed rule provides a base for the establishment of radiation protection programs for the public and the environment. The proposed rule is a regulatory base upon which DOE will build a program of compliance, inspection, and enforcement. DOE believes it will greatly enhance the Department's ability to carry out the mandate of the Price-Anderson Ammendments Act of 1988 (PAAA) and the Atomic Energy Act of 1954 (AEA), as amended. It will provide a set of requirements that have been promulgated by law, thereby permitting enforcement under Federal statutes.

Most of the requirements contained in this proposed rule are the same as those contained in Department Orders, including DOE 5400.5 and DOE 5400.1, which were issued February 1990 and November 1988, respectively. Contractors already are required to comply with most of the requirements of this proposed rule under those Orders. Therefore, compliance with the proposed rule is not expected to have any significant incremental cost over current costs.

The promulgation of the proposed rule does have implicit additional costs for the establishment of a radiation protection enforcement program. It is expected that costs, as associated with this proposed rule, will represent only marginal additional overall cost to the current oversight and inspection programs.

The Department was unable to arrive at any alternatives to this action that could achieve the same regulatory goal at lower cost. Therefore, no alternatives were considered.

Pursuant to section 3(c) of E.O. 12291, this rule was submitted to the Director of the Office of Management and Budget. The Director has concluded his review under that Executive Order.

B. Review Under the Regulatory Flexibility Act

This proposed rule was reviewed under the "Regulatory Flexibility Act of 1980," Public Law 96–354, which

requires a regulatory flexibility analysis for any rule that is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, no analysis has been prepared.

C. Review Under the Paperwork Reduction Act

The proposed information and reporting requirements in part 834 are not substantially different from existing reporting requirements contained in DOE directives and required by DOE contracts with prime contractors covered by this proposed rule. DOE will submit the collection of any new information requests concerning the proposed rule to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and the procedures implementing that Act, 5 CFR part 1320 *et seq.*

D. Review Under the National Environmental Policy Act

The DOE has reviewed the promulgation of 10 CFR part 384 under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and the Council on Environmental Quality regulations for implementing NEPA. The Department has completed an Environmental Assessment and, on the basis of that information, has made a finding of no significant impact for this proposed rule. Copies of the Environmental Assessment are available for review at the DOE Freedom of Information Reading Room, the location of which is given in the **ADDRESSES** section of this notice. Comments on this finding of no significant impact should be provided to DOE at the address above.

E. Review Under Executive Order 12612

Executive Order 12612, 52 FR 41685 (October 30, 1987) requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the Federal government and the States, or in the distribution of power and responsibilities among the various levels of government. If there are any substantial direct effects, then the Executive Order requires the preparation of a federalism assessment. This proposed rule, when promulgated, will not have a substantial direct effect on the institutional interests or traditional functions of States.

IV. Public Comment Procedures

A. Written Comments

Interested persons are invited to participate by submitting data, views, or arguments with respect to all or any portion of this proposed rule. Ten copies of written comments should be submitted to the address indicated in the "**ADDRESSES**" section of this notice. All public comments received will be available for inspection in the DOE Freedom of Information Reading Room, room 1E–190, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays. All written comments received by June 22, 1993 will be considered prior to publication of the final rule. Any information considered to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to its determination.

DOE is interested in comments concerning the potential costs and benefits of this regulation, either to the general public, DOE contractors, or DOE. DOE is particularly interested in comments that discuss whether or not DOE may be subjecting its contractors to additional costs that are not contemplated by existing contractual relations or the PAAA. Comments concerning this subject should address the specific nature and scope of additional costs to which contractors will be subjected and explain why these concerns are not already addressed in the current contractual relationship or PAAA. Furthermore, DOE is interested in any comments which address the overall cost-effectiveness of the measures mandated in this proposal.

B. Public Hearing

1. Requests to speak at the hearing (May 13, 1993) must be submitted to the address or phone number indicated in the **ADDRESSES** section of this notice and received by DOE by May 10, 1993. Requests for oral presentations should contain a telephone number where the requestor may be contacted prior to the hearing. Speakers are requested to bring 10 copies of their statement to the DOE hearing.

2. Oral comments presented at the hearing will be limited to 10 minutes. A longer statement may be submitted for inclusion in the record. To the extent practicable, an oral presentation should summarize the views anticipated to be set forth in the written comments on the proposed rule and, in particular, should indicate what, if any, changes should be made in the proposed rule.

3. Conduct of the hearing. DOE reserves the right to select the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation is limited to 10 minutes. The hearing begins at 9 a.m.

A DOE official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing.

Any additional procedural rules will be announced at the hearing. The entire record of the rulemaking, including the transcript, will be retained by DOE and made available for inspection in the DOE Freedom of Information Reading Room, 1E–190, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Transcripts may be purchased from the court reporter.

List of Subjects in 10 CFR Part 834

Radiation protection, Nuclear safety, Health and safety, Radioactive material, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, title 10, chapter III, of the Code of Federal Regulations is proposed to be amended by adding a new part 834 as set forth below.

Issued in Washington, DC, on March 10, 1993.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety, and Health.

PART 834—RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT

Subpart A—General Provisions

Sec.

834.1 Scope.
834.2 Definitions.
834.3 General rule.
834.4 Enforcement.
834.5 Environmental Radiological Protection Program.
834.6 Interim strategy.
834.7 Reporting.
834.8 Records.
834.9 Accidents.
834.10 Dose evaluations.
834.11 ALARA compliance.

Subpart B—Radiation Dose and Concentration Limits and Reporting Levels for Protection of the Public and the Environment

834.101 Public dose and concentration limits.
834.102 Airborne emissions only, all DOE sources of radionuclides.
834.103 Drinking water.
834.104 [Reserved]
834.105 [Reserved]
834.106 [Reserved]
834.107 [Reserved]
834.108 [Reserved]
834.109 Radioactive waste.

Subpart C—Control of Liquid Discharges Containing Radioactive Material

834.201 Liquid discharge.
834.202 Discharges of liquid waste to aquifers and phaseout of soil columns.
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Appendix A to Part 834—Derived Concentration Guides for Air and Water

Table A–1a Derived Concentration Guides (DCGs) for Members of the Public from Ingested Water and Inhalation Resulting in an EDE of 100 mrem/yr. [μCi]
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Table A–2 Alternative Absorption Factors and Lung Retention Classes for Specific Compounds.
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Authority: 42 U.S.C. 2201, 7191.

Subpart A—General Provisions

§ 834.1 Scope.

(a) *General.* The requirements in this part govern activities conducted by, or for, DOE that might result in the release of radioactive material, the exposure of members of the public to radiation, or contamination of the environment with radionuclides from DOE activities.

(b) *Exclusions.* The requirements in this part do not apply to:

(1) Activities that are regulated through a license by the U.S. Nuclear Regulatory Commission (NRC), or by a State under an Agreement with the NRC; or

(2) Activities conducted under the authority of the Director, Office of Naval Reactors, as described in Public Law 98–525.

§ 834.2 Definitions.

(a) As used in this part:

Act means the Atomic Energy Act, as amended.

ALARA means "As Low As is Reasonably Achievable" which is an approach to radiation protection to manage and control exposures (both individual and collective) to the work force and to the general public, and releases of radioactive material to the environment at levels as low as is practicable, taking into account social, technical, economic, practical, and public policy considerations. As used in this part, ALARA is not a dose limit, but rather a process which has the objective of attaining doses as far below the applicable limit of this part as is reasonably achievable.

ALARA Process means a logical procedure for evaluating alternative operations, processes, and other measures, taking into account factors that relate to societal, technological, economic, practical, and public policy considerations in order to make a judgment with respect to what constitutes ALARA.

Background means:

(1) Naturally occurring radioactive materials;

(2) Cosmic and natural terrestrial radiation;

(3) Global fallout;

(4) Radon in concentrations or levels commonly found in buildings or the environment, independent of regulated activities; and

(5) Radiation from consumer products containing nominal amounts of radioactive material.

Best Available Technology (BAT) means the preferred technology for a particular activity, selected from among others after taking into account factors related to technology, economics, public policy, and other parameters. As used in this part, the BAT is not a specific level of treatment, but is the conclusion of a selection process that includes several alternatives.

BAT Selection Process means the evaluation of candidate alternative technologies in order to select the BAT after considering: technology; economics; the age of equipment and facilities involved; the process employed; the engineering aspects of the application of various types of control techniques; process changes; other quality environmental impact (including energy requirements); safety considerations; and policy considerations.

Derived Concentration Guide (DCG) means the concentration of a radionuclide in air or water that, under conditions of continuous exposure for one year by one exposure mode (i.e., ingestion of water, submersion in air, or inhalation), would result in an effective dose equivalent of 100 mrem, 0.1 rem (1 mSv) to reference man. DCGs do not consider decay products when the parent radionuclide is the cause of the exposure.

DOE Activity means an activity taken for, or by, DOE that has the potential to release radioactive material to the environment and result in the exposure of members of the public or the environment to radiation or radioactive material. The activity may be, but is not limited to, design, construction, operation, or decommissioning. To the extent appropriate, the activity may involve a single DOE facility, or a combination of facilities and operations, possibly including an entire site.

Effluent Monitoring means the collection and analysis of samples or measurements of liquid and gaseous effluent for purposes of characterizing and quantifying contaminants, assessing radiation exposures of members of the public, and demonstrating compliance with applicable standards.

Environmental Surveillance means the collection and analysis of samples of air, water, soil, foodstuffs, biota, and other media from DOE sites and their environs and the measurement of external radiation for purposes of demonstrating compliance with applicable standards, assessing radiation exposures to members of the public, and assessing effects, if any, on the local environment.

Members of the Public means persons who are not occupationally associated with a DOE activity.

Nonstochastic (or deterministic) Effects means biological effects, the severity of which, in affected

individuals, varies with the magnitude of the dose above a threshold value.

Person means any individual; corporation; partnership; firm; association; trust; estate; public or private institution; group; Government Agency; any State or political subdivision of, or any political entity within a State; any foreign government or nation or other entity and any legal successor, representative, agent or agency of the foregoing; provided that person does not include the Department of Energy.

Protective Action Guides (PAG) means projected numerical dose values established by EPA, DOE, or States for individuals in the population. These values may trigger protective actions that would reduce or avoid the projected dose.

Radioactivity means the property or characteristic of radioactive material to spontaneously "disintegrate" with the emission of energy in the form of radiation. The unit of radioactivity is the curie (or becquerel).

Reference Man means a hypothetical aggregation of human (male and female) physical and physiological characteristics arrived at by international consensus (ICRP Publication 23). These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult from ionizing radiation to a common base. The "reference man" is assumed to inhale 8400 cubic meters of air in a year and to ingest 730 liters of water in a year for the derivation of DCGs.

Remedial Action means those actions consistent with a permanent remedy taken instead of, or in addition to, removal action in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances.

Residual Radioactive Material means any radioactive material which is in or on soil, air, water, equipment, or structures as a consequence of past operations or activities.

Settleable Solids means those solids suspended in waste water that are determined to be settleable using standard methods for examination of water and waste water.

Sewage means waste matter that passes through sewers.

Sewer means an artificial conduit, usually underground, for carrying off waste water and refuse.

Sewerage means a system of sewers.

Soil Column means an in situ volume of soil down through which liquid wastes percolate from ponds, cribs, seepage basins, or trenches.

Stochastic Effects means biological effects, the probability, rather than the severity, of which is a function of the magnitude of the radiation dose without threshold; i.e., stochastic effects are random in nature.

(b) As used in this part to describe various aspects of radiation dose:

Absorbed Dose means the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest in that material. The absorbed dose is expressed in units of rad (or gray). (1 rad=0.01 gray.)

Collective Dose Equivalent and Collective Effective Dose Equivalent mean the sums of the dose equivalents or effective dose equivalents of all individuals in a specified population. Collective dose equivalent and collective effective dose equivalent are expressed in units of person-rem (or person-sievert). For purposes of this part, the collective dose equivalent and collective effective dose equivalent refer to the population within 50 miles (80 km) of the site boundary.

Committed Dose Equivalent means the predicted dose equivalent to a tissue or organ over a 50-year period after an intake of a radionuclide into the body. It does not include dose contributions from radiation sources external to the body. Committed dose equivalent is expressed in units of rem (or sievert). (1 rem=0.01 Sv.)

Committed Effective Dose Equivalent means the sum of the committed dose equivalents to various organs or tissues in the body from an intake of a radionuclide into the body, each multiplied by the appropriate weighting factor. Committed effective dose equivalent is expressed in units of rem (or sievert).

Deep Dose Equivalent means the dose equivalent at a depth of 1 cm, in tissue, from external exposure.

Dose Equivalent means the product of absorbed dose in rad (or gray) in tissue, a quality factor, and all other modifying factors at the location of interest. Dose equivalent is expressed in units of rem (or sievert).

Effective Dose Equivalent (EDE) means the sum of the products of the dose equivalent received by specified tissues of the body and a tissue-specific weighting factor. The total EDE is the sum of the EDE (or deep dose equivalent, if dosimeter data are used) from exposures to radiation sources external to the body during the year plus the committed EDE from radionuclides taken into the body during the year. For purposes of this rule, a 50-year time interval may be assumed for determining committed dose. Effective dose equivalent is expressed in units of rem (or sievert).

Public Dose means the dose received by member(s) of the public from exposure to radiation and to radioactive material released by a DOE facility or operation, whether the exposure is within a DOE site boundary or offsite. It does not include doses received from occupational exposures, doses received from "background" radiation, doses received as a patient from medical practices, or doses received from consumer products.

Quality Factor means the principal modifying factor used to calculate the dose equivalent from the absorbed dose (the absorbed dose is multiplied by the appropriate quality factor). Typical quality factors for various types of radiation are:

Radiation type	Quality factor
X-rays, gamma rays, beta particles, positrons, and electrons (including tritium)	1
Neutrons, <10 keV	3
Neutrons, >10 keV	10
Protons and other single-charged particles of unknown energy with rest-mass > one atomic mass unit	10
Alpha particles and other multiple-charged particles (and particles of unknown charge) of unknown energy	20

Weighting Factor means tissue-specific factor representing the fraction of the total health risk resulting from uniform, whole-body irradiation attributable to that particular tissue. Weighting factors are given below by organ or tissue type:

Organ or tissue	Weighting factor
Gonads	0.25
Breasts	0.15
Red Bone Marrow	0.12
Lungs	0.12
Thyroid	0.03
Bone Surfaces	0.03
Remainder[1]	0.30

[1] "Remainder" means the five other organs with the highest dose (e.g., liver, kidney, spleen, thymus, adrenal, pancreas, stomach, small intestine, or upper and lower large intestine, but excluding skin, lens of the eye, and extremities). The weighting factor for each of these organs is 0.06. A weighting factor of 0.01 shall be used for skin.

Working Level (WL) means the potential alpha energy concentrations of radon decay products in 1 liter of air, without regard to the degree of equilibrium, that will result in the

eventual emission of 1.3×10^5 MeV of alpha particle energy.

(c) Terms defined in the Act and not defined in this part are used consistent with the meanings given in the Act.

(d) As used in this part, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may be.

§ 834.3 General rule.

(a) No person or DOE personnel shall take, or cause to be taken, any action inconsistent with the requirements of:

(1) This part;

(2) Any program, plan, schedule, or other process established by this part; or

(3) Any applicable Federal statute or regulation concerning the exposure of members of the public to radiation or contaminating the environment with radioactive material.

(b) With respect to a particular DOE activity, the person in charge of the activity shall be responsible for implementation of, and compliance with, the requirements of this part.

(c) Where there is no contractor in charge of a DOE activity, DOE shall act to ensure implementation of, and compliance with, the requirements of this part.

(d) Nothing in this part shall be construed as limiting actions that may be necessary to protect health and safety.

§ 834.4 Enforcement.

The requirements in this part are subject to enforcement by all appropriate means, including the imposition of civil and criminal penalties in accordance with the provisions of proposed rule 10 CFR part 820.

§ 834.5 Environmental Radiological Protection Program.

A DOE activity shall be conducted in accordance with the Environmental Radiological Protection Program (ERPP) for the activity, as prepared and approved pursuant to subpart E of this part, including any modifications made or directed by DOE.

§ 834.6 Interim strategy.

(a) If the person in charge of a DOE activity cannot comply with a requirement of this part within [180 DAYS OF THE EFFECTIVE DATE OF THE FINAL RULE], the person shall submit to DOE an interim strategy for implementing the requirement to the extent practicable and a plan and schedule for achieving compliance with the requirement.

(b) An interim strategy shall:

(1) Document the reasons compliance cannot be achieved;

(2) Evaluate any alternative interim measures; and

(3) Analyze the effects of non-compliance on members of the public and the environment.

(c) An interim strategy, plan, and schedule for complying with a requirement shall:

(1) Be submitted to DOE within [90 DAYS OF THE EFFECTIVE DATE OF THE FINAL RULE];

(2) Be considered approved 120 days after its submission unless approved or rejected by DOE at an earlier date; and

(3) Include any modifications made or directed by DOE.

§ 834.7 Reporting.

(a) A person in charge of a DOE activity shall submit to DOE:

(1) An annual environmental report that sets forth actual levels of releases of radioactive materials and exposures to radiation for which this part establishes requirements;

(2) A report that sets forth any release of radioactive materials or exposure to radiation that exceeds or potentially exceeds the limits established by this part, within one month of determination of the occurrence; and

(3) A report that sets forth any occurrence (including the release of property) that contributes, or potentially contributes, an annual EDE greater than 10 mrem or a collective EDE greater than 100 person-rem, within one month of determination of the occurrence; and

(b) The person in charge of a DOE activity shall identify potential sources of man-made radiation other than the DOE activity and shall report to DOE if the annual combined EDE from the DOE activity and other sources does, or could exceed 100 mrem (1 mSv).

§ 834.8 Records.

Complete and accurate records as necessary to substantiate compliance with the requirements of this part shall be maintained for each DOE activity.

§ 834.9 Accidents.

(a) Actual releases and associated doses due to accidents, or other unanticipated causes, from a DOE activity shall be included in dose assessments to evaluate and demonstrate compliance of that activity with this part.

(b) Dose limits in this part are not applicable to planning and design activities related to accident conditions, where controls of exposures cannot be maintained.

§ 834.10 Dose evaluations.

(a) In calculating dose to the public from exposures resulting from both routine and unplanned activities:

(1) Standard EPA or DOE dose conversion factors or analytical models prescribed in statutes or regulations applicable to a DOE activity or direct measurements shall be used;

(2) Estimates of doses to members of the public in the vicinity of DOE activities shall be evaluated and documented to demonstrate compliance with the dose limits of this part and to assess exposures of the public from unplanned events;

(3) Estimates of collective doses to the public within 50 miles (80 km) of the site boundary shall be evaluated and documented at least annually;

(4) Analytical models used for dose evaluations shall be appropriate for characteristics of emissions (e.g., gas, liquid, or particle; depositing or non-depositing; buoyant or non-buoyant); mode of release (e.g., stack or vent; crib or pond; surface water or sewer; continuous or intermittent); environmental transport medium (e.g., air or water); and exposure pathway (e.g., inhalation; ingestion of food, water, or milk; direct radiation);

(5) Information on dispersion (transport and diffusion) in the environment, demography, land use (including the location and number of dairy and slaughter animals), food supplies, and exposure pathways used in the dose calculations shall be appropriate to evaluate actual and potential doses in the environs of DOE facilities; and

(6) Information shall be updated as necessary to document significant changes that could affect dose evaluations.

(b) In determining compliance with dose limits for members of the general public from routine operation of a DOE activity:

(1) Dose shall be expressed as an EDE received by the individuals during the year for external exposures and as the committed dose (EDE) received by the individual over a period of 50 years from radionuclides taken into the body during the year;

(2) Dose estimates shall be as realistic as practicable;

(3) To the extent practicable, individuals subject to the greatest exposure shall be identified so that the maximum dose might be evaluated; and

(4) All factors germane to dose determination shall be applied.

(c) If available data are not sufficient to evaluate the factors important to performing dose estimates:

(1) The assumed parametric values shall be sufficiently conservative so that it is unlikely that individuals would actually receive a dose that would exceed the dose calculated using the values assumed; and

(2) Parametric values used in performing dose calculations shall be recorded and included with the calculations.

(d)(1) To demonstrate compliance with the requirements of this part:

(i) Tables of committed dose conversion factors shall be used, as appropriate, based upon the reference man model, and the committed dose is the dose integrated over an interval of 50 years;

(ii) Doses from exposure to external radiation from radionuclide concentrations in air and in water that result from submersion or from exposure to contaminated plane surfaces shall be estimated, using the reference man model and appropriate dosimetry factors;

(iii) External doses may be determined using data from direct measurements with appropriate instrumentation if doses obtained with the direct measurements are found to be at least as accurate as those determined by analytical model evaluations;

(iv) Derived Concentration Guides (DCG) values in appendix A of this part for each of three exposure modes (inhalation of air containing the radionuclide; submersion in a semi-infinite cloud of air containing the radionuclide; and ingestion of water containing the radionuclide) shall be used to evaluate only the three exposure modes upon which they are based.

(2) Methods and alternatives other than those discussed in paragraph (d)(1) of this section or prescribed in applicable statutes or regulations shall be submitted to DOE for approval.

§ 834.11 ALARA compliance.

Exposure to radiation, release of radioactive material, and other radiological contamination from a DOE activity shall be deemed to comply with ALARA if the activity is:

(a) Evaluated pursuant to an ALARA program: and

(b) Conducted in accordance with the ALARA program for the activity, as approved and modified by DOE.

Subpart B—Radiation Dose and Concentration Limits and Reporting Levels for Protection of the Public and the Environment

§ 834.101 Public dose and concentration limits.

(a) *Primary dose limit.* A DOE activity shall be conducted in a manner such that the exposure of members of the public to radiation shall:

(1) Comply with ALARA; and

(2) Not cause an effective dose equivalent (EDE) greater than 100 mrem (1 mSv) from all sources and pathways of the activity and in combination with reasonably expected exposures from all other sources—excluding dose from radon and its decay products, dose received by a patient from medical sources of radiation used for diagnostic or therapeutic purposes, dose from consumer products, and dose from background radiation.

(b) *Higher limits.* DOE may authorize temporary dose limits for members of the public in excess of (EDE) 100 mrem (1 mSv) in a year, but not in excess of (EDE) 500 mrem (5 mSv). A request for a temporary authorization shall:

(1) Be submitted as soon as practicable when the need is recognized and, where possible, before the dose limit is exceeded;

(2) Document the need, discuss the alternatives considered, provide an ALARA evaluation, and demonstrate a reasonable assurance the increase will be short-term in nature; and

(3) Show that the annual average lifetime exposure to any member of the public will be less than 100 mrem (1 mSv), evaluated under reasonable exposure scenarios—excluding dose from radon and its decay products, dose received by a patient from medical sources of radiation used for diagnostic or therapeutic purposes, dose from background radiation.

§ 834.102 Airborne emissions only, all DOE sources of radionuclides.

(a) A DOE activity shall be conducted in a manner such that the release to the atmosphere of radioactive materials from the activity or in combination with other DOE activities shall:

(1) Comply with ALARA; and

(2) Not cause an EDE in excess of 10 mrem (0.1 mSv) in a year—excluding dose from radon and its decay products and from background;

(3) Not cause average radon-222 flux rates to exceed 20 pCi (0.7 Bq)/m^2/sec where radium-226 residues are accepted for storage or disposal;

(4) Not cause outdoor boundary concentrations of radon to exceed 3 pCi (0.1 Bq)/L above background at a facility where significant sources of radon are handled; and

(5) Not cause average radon concentration at outdoor boundary of a facility or any offsite location to exceed 0.5 pCi (0.02 Bq)/L above background.

(b) Reserved.

§ 834.103 Drinking water.

(a) The drinking water system for a DOE activity shall be managed in a manner that:

(1) Complies with ALARA;

(2) Shall not cause a person consuming the water to receive an EDE greater than 4 mrem (0.04 mSv) in a year;

(3) Shall not cause combined radium-226 and radium-228 to exceed 5×10^{-9} µCi (1.5×10^{-4} Bq)/mL;

(4) Shall not cause gross alpha activity (including radium-226 but excluding radon and uranium) to exceed 1.5×10^{-8} µCi (5.6×10^{-4} Bq)/mL; and

(5) Shall not cause private or public drinking water systems downstream of the facility discharge to exceed the drinking water radiological limits in 40 CFR part 141.

(b) Reserved.

§ 834.104 [Reserved]

§ 834.105 [Reserved]

§ 834.106 [Reserved]

§ 834.107 [Reserved]

§ 834.108 [Reserved]

§ 834.109 Radioactive waste.

(a) A DOE activity shall be conducted in a manner such that exposure of any member of the public to radiation or radioactive waste from the handling, disposal, storage, transport, and packaging of low-level waste, high-level waste, transuranic waste, spent nuclear fuel, naturally occurring or activated radioactive material (NARM), and residual radioactive material:

(1) Complies with ALARA; and

(2) Does not exceed an EDE of 25 mrem (0.25 mSv) in a year from all pathways.

(b) Reserved.

Subpart C—Control of Liquid Discharges Containing Radioactive Material

§ 834.201 Liquid discharge.

(a) A DOE activity shall be managed in a manner such that liquid release of radioactive materials from the activity shall:

(1) Comply with ALARA; and

(2) Be treated by the BAT if:

(i) The surface waters otherwise would contain, at the point of discharge to surface waters and prior to dilution, annual average concentrations of radioactive material greater than the DCG values in liquids in appendix A to this part; or

(ii) The total annual EDE to the public would otherwise exceed 10 mrem (0.1 mSv) and the liquid discharge

contributes a significant portion of that dose; or

(iii) The activity does not operate in conformance with the ground-water protection plan for the activity.

(3) Not result in the release of settleable solids to natural waterways if the concentration of radioactive material in the solids in the waste stream exceeds:

(i) 5 pCi (0.2 Bq) per gram of settleable solids for alpha-emitting radionuclides; or

(ii) 50 pCi (2 Bq) per gram of settleable solids for beta-gamma-emitting radionuclides.

(b) For purposes of this section, if more than one type of radionuclide A, B, ...N are present in concentrations C_A, C_B, ...C_N, and if the applicable DCG's are DCG_A, DCG_B, ...DCG_N respectively, then the concentration shall be limited so that the following relationship exists:

$(C_A/DCG_A)+(C_B/DCG_B)+...+(C_N/DCG_N)\leq 1$

where: DCG_i is the derived concentration guide value for radionuclide i.

(c) Selected BAT alternatives shall be implemented in accordance with the approved schedules in the BAT Plan.

(d) The BAT process shall be used in the design and construction of new facilities and activities.

§ 834.202 Discharges of liquid waste to aquifers and phaseout of soil columns.

(a) The use of soil columns in connection with a DOE activity to retain, by absorption or ion exchange, suspended or dissolved radionuclides from liquid waste streams shall be discontinued as soon as practicable and no new or increased discharges to active or virgin soil columns shall be permitted.

(b) Soil columns, drainage systems, ground water, and any other areas to which releases of radioactive material in liquids from a DOE activity has been discontinued, shall be managed or decontaminated in a manner that:

(1) Complies with ALARA; and

(2) Prohibits any liquid discharges, including uncontaminated liquids, that could further spread previously deposited radioactive material through the soil column or directly impact ground water.

§ 834.203 Discharges to sanitary sewerage.

(a) A DOE activity shall be conducted in a manner such that the concentration of radionuclides in liquid wastes discharged from the activity into sanitary sewerage shall:

(1) Comply with ALARA;

(2) Be treated by the BAT to reduce the concentration level to less than five times the DCG values for liquids (appendix A to this part) if the average monthly level otherwise would be greater than five times the DCG value at the point of discharge; and

(3) Not result in an annual discharge (above background) into public sewers in excess of:

(i) 5 Ci (200 GBq) of hydrogen-3;

(ii) 1 Ci (37 GBq) of carbon-14; and

(iii) 1 Ci (37 GBq) of all other radionuclides.

(4) Be evaluated through pathway analyses or environmental surveillance to verify that the total annual discharge of radioactive material to the sanitary sewer system will not cause members of the public to receive incremental doses from that source more than a few mrem in a year.

(b) The discharge liquid wastes from a DOE activity into a chemical or sanitary sewerage system owned by the Federal Government shall not be subject to the requirements of § 834.203(a) (2) and (3) of this part if:

(1) The system provides treatment in accordance with an approved interim strategy prior to discharge of liquid wastes to surface waters; and

(2) Sludge from the system is disposed in accordance with all applicable Federal regulations.

(c) A discharge from a DOE activity to a public sewer shall be coordinated with the operators of the waste water treatment works.

§ 834.204 [Reserved]

§ 834.205 Native aquatic animal organisms.

A DOE activity shall be conducted in such a manner that the absorbed dose to a native aquatic animal organism (e.g., fish, crustaceans, mollusks, and benthic invertebrates) shall not exceed 1 rad (0.01 gray) per day from exposure to radioactive material in liquid wastes discharged to natural waterways.

§ 834.206 [Reserved]

§ 834.207 [Reserved]

§ 834.208 [Reserved]

§ 834.209 [Reserved]

§ 834.210 Ground water protection.

(a) A DOE activity shall be conducted in a manner that:

(1) Radiological contamination of the ground water complies with ALARA; and

(2) Protects the ground water from radiological and non-radiological contamination in accordance with the Ground Water Protection Management Plan applicable to the activity.

(b) Reserved.

§ 834.211 [Reserved]

§ 834.212 [Reserved]

§ 834.213 [Reserved]

§ 834.214 [Reserved]

§ 834.215 Tritium.

(a) A DOE activity shall be conducted in a manner that releases of tritium from the facility to the environment by application of the ALARA process to ensure that doses are as low as is reasonably achievable.

(b) Releases of tritium shall not be considered in determining whether a BAT is required by this subpart or in applying the BAT selection process.

Subpart D—Release of Property Having Residual Radioactive Material

§ 834.301 Release of property containing residual radioactive material.

(a) No property contaminated, or potentially contaminated, with residual radioactive material shall be released from a DOE facility unless:

(1) The property is assessed to demonstrate that doses to the public from use of the property will comply with ALARA;

(2) Doses to the public from exposures to the property will not exceed the primary or supplemental limits authorized by DOE pursuant to this subpart;

(3) The property is surveyed to determine mass contamination, removable surface radioactive material, and total surface radioactive material (including contamination present on and under any coating); and

(4) DOE approves documentation that:

(i) Describes the item;

(ii) Describes its radiological history;

(iii) States the DOE-approved criteria for release of the property;

(iv) Describes the survey of the item, including the date, the identity of the surveyor, the type and identification number of the instruments used, and the results of the survey;

(v) Indicates the radiological condition of the property;

(vi) Indicates the quantity and disposition of the waste resulting from any decontamination effort; and

(vii) Identifies the recipient of the property.

(b) Reserved.

§ 834.302 Authorized limits.

(a) DOE may authorize limits for the release of property containing residual radioactive material.

(b) In evaluating and approving authorized limits, DOE shall consider:

(1) The nature of the property and its potential use;

(2) The potential dose to an individual in:

(i) The actual and likely use scenario to ensure that potential doses are not likely to exceed a small fraction of the applicable dose limits in this part; and

(ii) The worst plausible use scenario to ensure that potential doses are not likely to exceed the applicable dose limits in this part;

(3) The collective dose to the affected population; and

(4) Where close contact is likely, the ability and need to decontaminate the property to ensure that there is no measurable contamination.

§ 834.303 [Reserved]

§ 834.304 [Reserved]

§ 834.305 Soil.

(a) Authorized limits for radium-226 and radium-228 shall be less than 5 pCi/gram (0.2 Bq/gram) in the first 15 cm of the surface layer and 15 pCi/gram (0.56 Bq/gram) in any subsequent 15 cm subsurface layer.

(b) Authorized limits for all other radionuclides in soil shall be derived using approved models in accordance with the requirements of this subpart.

§ 834.306 Radon.

(a) Remedial actions shall be conducted on habitable and occupied structures with the objective to reduce residual radioactive material levels such that an annual average radon-222 decay product concentration will not exceed 0.02 WL, including background, in the structure.

(b) In any case, the radon decay product shall not exceed 0.03 WL, including background, in such structures as a result of residual radioactive material.

§ 834.307 [Reserved]

§ 834.308 [Reserved]

§ 834.309 [Reserved]

§ 834.310 Supplemental limits.

(a) DOE may authorize, for a particular DOE activity, supplemental limits for the release of property containing residual radioactive material in lieu of any general limits authorized under this subpart, if:

(1) Remedial action consistent with authorized limits would pose a clear and present risk of injury to workers or members of the public, notwithstanding reasonable measures to avoid or reduce risk;

(2) Remedial action consistent with authorized limits, even after all reasonable mitigative measures have been taken, would produce environmental harm that is clearly excessive compared to the health benefits to persons living on or near affected properties, now or in the future;

(3) It is determined that the scenarios or assumptions used to establish the authorized limits do not apply to the property or portion of the property identified, or where more appropriate scenarios or assumptions indicate that other limits are applicable or appropriate for protection of the public and the environment;

(4) The cost of remedial action for contaminated soil is unreasonably high relative to long-term benefits and where the residual material does not pose a clear present or future risk after taking necessary control measures; or

(5) There is no feasible remedial action that can achieve the authorized limits.

(b) A supplemental limit shall achieve the dose and ALARA requirements of this part for any current or future use of the property and shall contain any restriction necessary to achieve the objectives of this part.

§ 834.311 Control of residual radioactive material.

(a) Control and stabilization features for the interim storage of residual radioactive material shall be designed to meet the applicable dose limits for an effective life of 25 years at a minimum and, to the extent practicable, 50 years. Where applicable, the control shall limit radon-222 concentrations in the atmosphere above facility surfaces or openings to levels that will not exceed:

(1) An annual average concentration of 30 pCi(1 Bq)/L over the facility or site;

(2) An annual average concentration of 0.5 pCi(0.02 Bq)/L above background at or beyond the boundary of the facility or site; 3 pCi(0.1 Bq)/L at or above any single location accessible by the public, as a result of material stored on the site; and

(3) Flux rates from the storage of radon-producing wastes of 20 pCi(0.7 Bq)/m^2/sec, averaged over the storage unit.

(b) A property may be maintained under an interim management arrangement when the residual radioactive material exceeds authorized limits developed for unrestricted release if:

(1) The residual radioactive material is in inaccessible locations;

(2) The residual contamination would be unreasonably costly to remove; and

(3) When needed, administrative controls are instituted by the operating organization to protect members of the public.

(c)(1) Appropriate administrative and physical controls for the management of storage or disposal activities shall be developed and implemented to limit access and use of onsite material contaminated by residual radioactive material. Requirements for such controls shall be appropriately documented.

(2) Controls shall be designed such that concentrations of radionuclides in the groundwater and quantities of residual radioactive material will not cause the requirements of this part to be exceeded.

(d)(1) Long-term management of residual radioactive material residue from a DOE activity shall be in accordance with this section and DOE approved plans.

(2) Control and stabilization features for uranium, thorium, and their decay products shall be designed, to the extent reasonably achievable, to:

(i) Provide an effective life of 1,000 years with a minimum life of at least 200 years;

(ii) Limit radon-222 emanation to the atmosphere from the wastes to less than an annual average release rate of 20 pCi(0.7 Bq)/m^2/sec; and

(iii) Prevent increases in the annual average radon-222 concentration at or above any location outside the boundary of the controlled area by more than 0.5 pCi(0.02 Bq)/L.

(3) In the development of controls and waste management plans, the impacts of various disposal modes should be addressed beyond the 1,000-year period design requirement.

(4) For wastes containing significant concentrations of radium and thorium, special considerations must be given to intruder prevention.

(5) Before any potentially biodegradable contaminated wastes are placed in a long-term management facility, such wastes shall be properly conditioned so that the generation and escape of biogenic gases will not cause the emission or dose limits to be exceeded and that biodegradation within the facility will not result in premature structural failure.

Subpart E—Environmental Radiological Protection Program

§ 834.401 Composition of the Environmental Radiological Protection Program (ERPP).

(a) The contents of an ERPP shall be commensurate with the nature of the DOE activity and the potential risk to the public and the environment from the DOE activity.

(b) With respect to each requirement in this part relating to the permissible levels for releases of radioactive

material, exposures to radiation, and other radioactive contamination, an ERPP shall indicate:

(1) What, if any, existing or anticipated activities are subject to the requirement;

(2) The measures to be used in implementing the requirement; and

(3) The methods to be used in monitoring, reporting, and recording compliance with the requirement.

(c) An ERPP shall contain an ALARA Program to control releases of radioactive materials and exposures to radiation at levels as low as reasonably achievable. An ALARA Program shall include:

(1) A statement of commitment to use the ALARA process;

(2) A description of the means to be used to implement the ALARA process;

(3) A process for documenting ALARA decisions;

(4) A training program for the staff on implementation of the ALARA process; and

(5) A listing and evaluation of specific societal, technological, economic, and public policy factors considered in arriving at ALARA decision, including, as appropriate:

(i) The maximum dose to members of the public;

(ii) The collective dose to the population;

(iii) Applicable alternative processes, such as alternative treatments of discharge streams, operating methods, or controls;

(iv) Doses for each alternative evaluated;

(v) Cost for each of the alternatives evaluated;

(vi) An examination of the changes in cost among alternatives; and

(vii) Societal impact associated with alternatives.

(d) An ERPP shall contain a BAT Plan for each activity for which this part requires a determination whether to use the BAT for processing liquid waste. A BAT Plan shall:

(1) Document the analysis of whether the BAT is required and, if required,

(2) Document the BAT selection process; and

(3) Set forth the schedule for installing the BAT.

(e) An ERPP shall contain a Ground-Water Protection Management Plan that shall:

(1) Address the potential for radiological and, where appropriate, non-radiological contamination of the ground water by a DOE activity;

(2) Document the quality and quantity of ground water;

(3) Identify possible sources of contamination;

(4) Describe strategies for controlling contamination, including preventive and remediation measures to comply with applicable Federal environmental laws and regulations; and

(5) Describe measures for monitoring the ground-water.

(f) An ERPP shall contain an Environmental Monitoring Plan (EMP) that provides for effluent monitoring to obtain representative measurements of the quantities and concentrations of pollutants in liquid and airborne discharges and environmental surveillance to monitor the effects, if any, of a DOE activity on members of the public, the environment and natural resources. The EMP shall set forth:

(1) The elements of the plan to determine compliance with the requirements of this part and other applicable Federal environmental laws and regulations;

(2) The rationale and design criteria for each element;

(3) The extent and frequency of monitoring and measurements;

(4) Procedures for laboratory analyses;

(5) Implementation procedures;

(6) Meteorological data; and

(7) For a new facility or new activity at an existing facility, a preoperational study.

(g) Effluent monitoring, in an EMP, shall:

(1) Measure quantities and concentrations of pollutants in liquid and airborne discharges from a DOE activity;

(2) Collect samples in a manner and frequency sufficient to characterize the effluent streams from a DOE activity; and

(3) Analyze samples to the extent necessary.

(h) Environmental surveillance, in an EMP, shall:

(1) Establish background levels of pollutants;

(2) Determine the location and magnitude of concentrations of pollutants from a DOE activity;

(3) Evaluate the effects on the public and the environment of pollutants from a DOE activity;

(4) Utilize monitoring stations on the basis of the type of emission, meteorology, climatology, topography, geography, population distribution, land use, and other relevant considerations;

(5) Collect and analyze samples in a manner and frequency sufficient to characterize the emissions from a DOE activity and their effects; and

(6) Verify whether any unexpected or undetected releases occur.

(i) Meteorological data, collected in accordance with an EMP, shall:

(1) Characterize atmospheric transport and dispersion conditions in the vicinity of a DOE activity;

(2) Describe meteorological conditions including precipitation, temperature, wind speed, wind direction, and atmospheric stability that are important to surveillance; and

(3) Support assessment of routine and non-routine emissions.

(j) A Preoperational Study, in an EMP, shall:

(1) Begin at least one year prior to the start-up of a new activity;

(2) Characterize existing physical, chemical, and biological conditions that could be affected;

(3) Establish background levels of radioactive and, as appropriate, chemical components;

(4) Characterize pertinent environment and ecological parameters; and

(5) Identify potential pathways for human exposure or environmental impact.

(k) An ERPP shall contain a Waste Plan to manage, dispose, and store radioactive waste, including low-level waste, high-level waste, transuranic waste, spent nuclear fuel, and residual radioactive material. The Waste Plan for a DOE activity shall:

(1) Provide for controls to ensure compliance this part and applicable Federal statutes and regulations;

(2) Describe the means used to limit access to waste;

(3) Describe the interim and long-term strategies for dealing with waste;

(4) Describe the administrative safeguards;

(5) Describe the mechanism for cooperating with State and local officials; and

(6) Document any plan for the release of property contaminated, or potentially contaminated, with residual radioactive material, including limits authorized by DOE and the process for ensuring compliance with the plan.

(l) An ERPP shall contain a Quality Assurance Program that includes:

(1) Organizational responsibility;

(2) Program design;

(3) Procedures;

(4) Field quality design;

(5) Laboratory quality control;

(6) Human factors;

(7) Recordkeeping;

(8) Chain-of-custody procedures;

(9) Audits;

(10) Performance reporting; and

(11) Independent data verification.

(m)(1) An ERPP for an existing DOE activity shall be submitted to DOE within [90 DAYS OF THE EFFECTIVE DATE OF THE FINAL RULE].

(2) An ERPP for a new DOE activity shall be submitted to DOE prior to the

initiation of the activity. An update of an existing ERPP may be submitted if the new activity can be integrated into the existing ERPP.

(3) An update of an ERPP shall be submitted to DOE:

(i) Annually;

(ii) Whenever there is a change or addition to the ERPP;

(iii) Within 90 days of the effective date of any modification to this part that should be reflected in the ERPP; or

(iv) Prior to the modification of a DOE activity that is not reflected in the ERPP for that activity.

(4) The initial ERPP or an update shall be considered approved 180 days after its submission, including any modifications made or directed by DOE, unless approved or rejected by DOE at an earlier date.

Appendix A to Part 834—Derived Concentration Guides for Air and Water

1. *Purpose.* The Derived Concentration Guide (DCG) values listed in this appendix are provided as reference values for conducting radiological environmental protection programs at operational DOE facilities and sites. The DCG values in this appendix are not concentration limits or levels of acceptable concentrations for release to the environment. Rather, the concentration values are provided as a tool for estimating potential dose and for determining compliance with other requirements of 10 CFR part 834.

2. *Basis.* The DCG values are presented for each of three exposure modes: (1) Ingestion of water; (2) inhalation of air; and (3) immersion in a semi-infinite cloud of uniform concentration. The DCG values for internal exposure are listed, in the special units of μCi/mL, in Table A-1a (Derived Concentration Guides [DCGs] for Members of the Public from Ingested Water and Inhalation Resulting in an EDE of 100 mrem/yr). The DCGs values are also given in Table A-1b (Derived Concentration Guides [DCGs] for Members of the Public from Ingested Water and Inhalation Resulting in an EDE of 1 mSv/yr) in the SI units of Bq/L for ingestion of water and Bq/m^3 for inhalation of air. The values in these two tables are based on a committed effective dose equivalent (EDE) of 100 mrem (1 mSv) for the radionuclide taken into the body by ingestion or inhalation during one year.

Alternative gastrointestinal-tract (GI-tract) absorption factors (f_1) and lung retention classes (noted as D, W, or Y in the Task Group Lung Model used to produce the inhalation dose factors reported in ICRP Publication 30) are listed for specific compounds, by element, in Table A-2 (Alternative Absorption Factors and Lung Retention Classes for Specific Compounds) for cross-referencing with the internal DCGs in Tables A-1a and A-1b. The data in Table A-2 are listed in alphabetical order, by element name. Removal half-times assigned to the compounds with lung retention classes D, W, and Y are 0.5, 50, and 500 days, respectively. The air immersion DCG values shown in Table A-3 (Derived Concentration Guides [DCGs] for Members of the Public for External Exposure During Immersion in an Infinite Hemispherical Cloud of Uniform Concentration Resulting in an EDE of 100 mrem/yr [1 mSv/yr]) are given in both special (μCi/mL) and SI (Bq/m^3) units and are based on an effective dose equivalent of 100 mrem (1 mSv) from exposure during one year.

Tables A-1a and A-1b each contain six columns of information: Radionuclide/ Chemical Form/Isomer Half-Life; f_1 Value (GI-tract absorption); Ingested Water DCG; Inhaled Air DCG for Lung Retention Class D and Inhaled Air DCG for Lung Retention Class W and Inhaled Air DCG for Lung Retention Class Y. Table A-2 contains five columns of information: Element/Symbol; Atomic Number; compound; f_1 value; and Lung Retention Class. Table A-3 contains four columns of information: Radionuclide; Half-life in units of seconds (s), minutes (min), hours (h), days (d), or years (yr); Air Immersion DCG in units of μCi/mL; Air Immersion DCG in units of Bq/m^3.

a. *Exposure Conditions for Ingestion of Water and Inhalation.* Under conditions of continuous exposure, 24 hours per day, 365 days per year, members of the public are assumed to ingest 730 liters of drinking water (2 Liters per day), and to inhale 8400 cubic meters of air (23 cubic meters per day), as given for the "reference man" in ICRP Publication 23. Only single modes of exposure were considered in the calculation of the DCGs—that is, they apply to either inhalation *or* ingestion, not to a combination of both. For ingestion, DCG values are tabulated for all values of f_1, for each radionuclide given in ICRP Publication 30, Parts 1 through 4 and ICRP 48. For inhalation, DCG values are given for all combinations of f_1 and lung retention class (D, W, or Y) given by the ICRP, as tabulated in Table A–2. For radionuclides with multiple f_1 listings, where specific data for an airborne or liquid release are lacking, the f_1 value that results in the most restrictive DCG for ingested water or inhaled air should be used.

b. *Exposure Conditions for Air Immersion.* The air immersion DCGs were for a continuous, unshielded exposure via immersion in a semi-infinite atmospheric cloud. Exposures of members of the general public to concentrations of radionuclides in air are constrained, by consideration of potential stochastic radiation effects (such as, cancer and hereditary effects), to levels that preclude the occurrence of non-stochastic radiation effects (such as, cataracts in the eye and depression of bone marrow activity) which only occur at radiation doses that are factors of 100 or more times the value of 100 mrem/yr associated with the DCGs listed here.

For most of the radionuclides listed in Table A–3, the DCG value is determined by the limit on annual effective dose equivalent. Thus, the few cases where the DCG value is determined by the limit on annual dose equivalent to skin are indicated in the table by an appropriate footnote. Again, the DCGs listed in Table A–3 account only for immersion in a semi-infinite cloud and do not account for inhalation or ingestion exposures. Three classes of radionuclides are included in the air immersion DCGs given in Table A–3, as described below.

(1) *Class 1.* The first class of radionuclides includes selected noble gases and short-lived activation products that occur in gaseous form. For these radionuclides, inhalation doses are negligible compared to the external dose from immersion in an atmospheric cloud.

(2) *Class 2.* The second class of radionuclides includes those for which a DCG value for inhalation has been calculated (using the ICRP inhalation dose equivalent factors), but for which the DCG value for external exposure to a contaminated atmospheric cloud is more restrictive (i.e., results in a lower DCG value). These radionuclides generally have half-lives of a few hours or less, or are eliminated from the body following inhalation sufficiently rapidly to limit the inhalation dose.

(3) *Class 3.* The third class of radionuclides includes selected isotopes with relatively short half-lives that were not considered in ICRP Publication 30. These radionuclides typically have half-lives that are less than 10 minutes, they do not occur as a decay product of a longer-lived radionuclide, or they lack sufficient decay data to permit internal dose calculations. These radionuclides are also typified by a radioactive emission of highly intense, high-energy photons and rapid removal from the body following inhalation.

c. *Application to Mixtures of Radionuclides.* The DCG values are given for individual radionuclides. For known mixtures of radionuclides, the sum of the ratios of the observed concentration of each radionuclide to its corresponding DCG must not exceed 1.0.

3. *Limitations.* The values given in Tables A–1a, A–1b and A–3 account for only three exposure pathways (ingested water or inhaled air or air immersion) and do not include other potentially significant pathways. When more complex environmental pathways are involved, a more complete pathway analysis is required for calculating public radiation doses resulting from the operation of DOE facilities.

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
H-3 (Water)		2.E–03	(−1)	1.E–07 [2]	
H-3 (Elemental)				2.E–02 [2]	
Be-7	5.E–03	1.E–03		5.E–08	4.E–08
Be-10	5.E–03	3.E–05		4.E–10	3.E–11
C-11 (org)		1.E–02		1.E–06	
C-11 (CO)			3.E–06		
C-11 (CO_2)			2.E–06		
C-14 (org)		7.E–05		6.E–09	
C-14 (CO)			4.E–06		
C-14 (CO_2)			5.E–07		
F-18	1.E+00	1.E–03	2.E–07	2.E–07	2.E–07
Na-22	1.E+00	1.E–05	2.E–09		
Na-24	1.E+00	1.E–04	1.E–08		
Mg-28	5.E–01	2.E–05	4.E–09	3.E–09	
Al-26	1.E–02	1.E–05	1.E–10	2.E–10	
Si-31	1.E–02	3.E–04	6.E–08	7.E–08	6.E–08
Si-32	1.E–02	8.E–05	6.E–10	3.E–10	1.E–11
P-32	8.E–01	2.E–05	2.E–09	9.E–10	
P-33	8.E–01	2.E–04	2.E–08	6.E–09	
S-35	8.E–01	3.E–04	4.E–08	5.E–09	
	1.E–01	2.E–04			
S-35 (Gas)			3.E–08		
Cl-36	1.E+00	5.E–05	6.E–09	6.E–10	
Cl-38	1.E+00	7.E–04	1.E–07	1.E–07	
Cl-39	1.E+00	1.E–03	1.E–07	1.E–07	
K-40	1.E+00	7.E–06	9.E–10		
K-42	1.E+00	1.E–04	1.E–08		
K-43	1.E+00	2.E–04	2.E–08		
K-44	1.E+00	9.E–04	2.E–07		
K-45	1.E+00	2.E–03	3.E–07		
Ca-41	3.E–01	1.E–04		9.E–09	
Ca-45	3.E–01	5.E–05		2.E–09	
Ca-47	3.E–01	2.E–05		2.E–09	
Sc-43	1.E–04	2.E–04			5.E–08
Sc-44m	1.E–04	1.E–05			2.E–09
Sc-44	1.E–04	1.E–04			3.E–08
Sc-46	1.E–04	2.E–05			6.E–10
Sc-47	1.E–04	7.E–05			7.E–09
Sc-48	1.E–04	2.E–05			3.E–09
Sc-49	1.E–04	6.E–04			1.E–07
Ti-44	1.E–02	7.E–06	3.E–11	7.E–11	1.E–11
Ti-45	1.E–02	2.E–04	6.E–08	8.E–08	7.E–08
V-47	1.E–02	9.E–04	2.E–07	2.E–07	
V-48	1.E–02	2.E–05	3.E–09	2.E–09	
V-49	1.E–02	2.E–03	8.E–08	4.E–08	
Cr-48	1.E–01	2.E–04	3.E–08	2.E–08	2.E–08
	1.E–02	2.E–04			
Cr-49	1.E–01	8.E–04	2.E–07	2.E–07	2.E–07
	1.E–02	8.E–04			
Cr-51	1.E–01	1.E–03	1.E–07	6.E–08	5.E–08
	1.E–02	1.E–03			
Mn-51	1.E–01	5.E–04	1.E–07	1.E–07	
Mn-52m	1.E–01	9.E–04	2.E–07	2.E–07	
Mn-52	1.E–01	2.E–05	3.E–09	2.E–09	
Mn-53	1.E–01	1.E–03	6.E–08	3.E–08	
Mn-54	1.E–01	5.E–05	2.E–09	2.E–09	
Mn-56	1.E–01	1.E–04	4.E–08	5.E–08	
Fe-52	1.E–01	3.E–05	7.E–09	6.E–09	
Fe-55	1.E–01	2.E–04	5.E–09	1.E–08	
Fe-59	1.E–01	2.E–05	8.E–10	1.E–09	
Fe-60	1.E–01	9.E–07	2.E–11	4.E–11	
Co-55	5.E–02	3.E–05		7.E–09	6.E–09
	3.E–01	4.E–05			
Co-56	5.E–02	1.E–05		7.E–10	5.E–10
	3.E–01	1.E–05			
Co-57	5.E–02	2.E–04		7.E–09	2.E–09
	3.E–01	1.E–04			
Co-58m	5.E–02	2.E–03		2.E–07	2.E–07

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
	3.E–01	2.E–03			
Co-58	5.E–02	5.E–05		3.E–09	2.E–09
	3.E–01	4.E–05			
Co-60m	5.E–02	4.E–02		9.E–06	6.E–06
	3.E–01	4.E–02			
Co-60	5.E–02	1.E–05		4.E–10	8.E–11
	3.E–01	5.E–06			
Co-61	5.E–02	5.E–04		2.E–07	1.E–07
	3.E–01	6.E–04			
Co-62m	5.E–02	1.E–03		4.E–07	4.E–07
	3.E–01	1.E–03			
Ni-56	5.E–02	4.E–05	5.E–09	3.E–09	
Ni-56 (Vapor)			3.E–09		
Ni-57	5.E–02	4.E–05	1.E–08	7.E–09	
Ni-57 (Vapor)			1.E–08		
Ni-59	5.E–02	7.E–04	9.E–09	2.E–08	
Ni-59 (Vapor)			4.E–09		
Ni-63	5.E–02	3.E–04	4.E–09	6.E–09	
Ni-63 (Vapor)			2.E–09		
Ni-65	5.E–02	2.E–04	6.E–08	7.E–08	
Ni-65 (Vapor)			4.E–08		
Ni-66	5.E–02	1.E–05	4.E–09	2.E–09	
Ni-66 (Vapor)			7.E–09		
Cu-60	5.E–01	8.E–04	2.E–07	3.E–07	2.E–07
Cu-61	5.E–01	3.E–04	7.E–08	1.E–07	8.E–08
Cu-64	5.E–01	3.E–04	7.E–08	6.E–08	5.E–08
Cu-67	5.E–01	1.E–04	2.E–08	1.E–08	1.E–08
Zn-62	5.E–01	4.E–05			7.E–09
Zn-63	5.E–01	7.E–04			2.E–07
Zn-65	5.E–01	9.E–06			6.E–10
Zn-69m	5.E–01	1.E–04			2.E–08
Zn-69	5.E–01	2.E–03			3.E–07
Zn-71m	5.E–01	2.E–04			4.E–08
Zn-72	5.E–01	3.E–05			3.E–09
Ga-65	1.E–03	2.E–03	4.E–07	5.E–07	
Ga-66	1.E–03	3.E–05	8.E–09	7.E–09	
Ga-67	1.E–03	2.E–04	3.E–08	3.E–08	
Ga-68	1.E–03	4.E–04	1.E–07	1.E–07	
Ga-70	1.E–03	2.E–03	4.E–07	5.E–07	
Ga-72	1.E–03	3.E–05	8.E–09	7.E–09	
Ga-73	1.E–03	1.E–04	4.E–08	4.E–08	
Ge-66	1.E+00	7.E–04	6.E–08	5.E–08	
Ge-67	1.E+00	1.E–03	2.E–07	2.E–07	
Ge-68	1.E+00	1.E–04	9.E–09	2.E–10	
Ge-69	1.E+00	4.E–04	4.E–08	2.E–08	
Ge-71	1.E+00	1.E–02	1.E–06	1.E–07	
Ge-75	1.E+00	2.E–03	2.E–07	2.E–07	
Ge-77	1.E+00	2.E–04	2.E–08	1.E–08	
Ge-78	1.E+00	7.E–04	5.E–08	5.E–08	
As-69	5.E–01	1.E–03		3.E–07	
As-70	5.E–01	4.E–04		1.E–07	
As-71	5.E–01	1.E–04		1.E–08	
As-72	5.E–01	2.E–05		3.E–09	
As-73	5.E–01	2.E–04		4.E–09	
As-74	5.E–01	4.E–05		2.E–09	
As-76	5.E–01	3.E–05		4.E–09	
As-77	5.E–01	1.E–04		1.E–08	
As-78	5.E–01	2.E–04		5.E–08	
Se-70	8.E–01	4.E–04	9.E–08	1.E–07	
	5.E–02	3.E–04			
Se-73m	8.E–01	2.E–03	4.E–07	3.E–07	
	5.E–02	9.E–04			
Se-73	8.E–01	2.E–04	3.E–08	4.E–08	
	5.E–02	9.E–05			
Se-75	8.E–01	2.E–05	2.E–09	1.E–09	
	5.E–02	8.E–05			
Se-79	8.E–01	2.E–05	2.E–09	1.E–09	
	5.E–02	1.E–04			

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Se-81m	8.E–01	1.E–03	2.E–07	2.E–07	
	5.E–02	7.E–04			
Se-81	8.E–01	2.E–03	5.E–07	6.E–07	
	5.E–02	2.E–03			
Se-83	8.E–01	1.E–03	3.E–07	3.E–07	
	5.E–02	9.E–04			
Br-74m	1.E+00	6.E–04	9.E–08	1.E–07	
Br-74	1.E+00	1.E–03	2.E–07	2.E–07	
Br-75	1.E+00	1.E–03	1.E–07	1.E–07	
Br-76	1.E+00	1.E–04	1.E–08	1.E–08	
Br-77	1.E+00	4.E–04	6.E–08	5.E–08	
Br-80m	1.E+00	6.E–04	4.E–08	3.E–08	
Br-80	1.E+00	2.E–03	4.E–07	5.E–07	
Br-82	1.E+00	8.E–05	1.E–08	9.E–09	
Br-83	1.E+00	2.E–03	2.E–07	2.E–07	
Br-84	1.E+00	9.E–04	1.E–07	2.E–07	
Rb-79	1.E+00	2.E–03	3.E–07		
Rb-81m	1.E+00	7.E–03	8.E–07		
Rb-81	1.E+00	1.E–03	1.E–07		
Rb-82m	1.E+00	3.E–04	4.E–08		
Rb-83	1.E+00	2.E–05	2.E–09		
Rb-84	1.E+00	1.E–05	2.E–09		
Rb-86	1.E+00	1.E–05	2.E–09		
Rb-87	1.E+00	3.E–05	4.E–09		
Rb-88	1.E+00	8.E–04	2.E–07		
Rb-89	1.E+00	2.E–03	3.E–07		
Sr-80	3.E–01	1.E–04	3.E–08		
	1.E–02	1.E–04			3.E–08
Sr-81	3.E–01	7.E–04	2.E–07		
	1.E–02	6.E–04			2.E–07
Sr-82	3.E–01	7.E–06	7.E–10		
	1.E–02	6.E–06			2.E–10
Sr-83	3.E–01	8.E–05	2.E–08		
	1.E–02	6.E–05			8.E–09
Sr-85m	3.E–01	6.E–03	2.E–06		
	1.E–02	6.E–03			2.E–06
Sr-85	3.E–01	7.E–05	6.E–09		
	1.E–02	1.E–04			4.E–09
Sr-87m	3.E–01	1.E–03	3.E–07		
	1.E–02	1.E–03			4.E–07
Sr-89	3.E–01	2.E–05	2.E–09		
	1.E–02	2.E–05			3.E–10
Sr-90	3.E–01	1.E–06	5.E–11		
	1.E–02	1.E–05			9.E–12
Sr-91	3.E–01	6.E–05	1.E–08		
	1.E–02	5.E–05			8.E–09
Sr-92	3.E–01	9.E–05	2.E–08		
	1.E–02	7.E–05			1.E–08
Y-86m	1.E–04	6.E–04		1.E–07	1.E–07
Y-86	1.E–04	3.E–05		8.E–09	7.E–09
Y-87	1.E–04	6.E–05		8.E–09	7.E–09
Y-88	1.E–04	3.E–05		6.E–10	6.E–10
Y-90m	1.E–04	2.E–04		3.E–08	3.E–08
Y-90	1.E–04	1.E–05		2.E–09	1.E–09
Y-91m	1.E–04	4.E–03		6.E–07	4.E–07
Y-91	1.E–04	1.E–05		4.E–10	3.E–10
Y-92	1.E–04	7.E–05		2.E–08	2.E–08
Y-93	1.E–04	3.E–05		7.E–09	6.E–09
Y-94	1.E–04	8.E–04		2.E–07	2.E–07
Y-95	1.E–04	1.E–03		4.E–07	3.E–07
Zr-86	2.E–03	4.E–05	9.E–09	6.E–09	6.E–09
Zr-88	2.E–03	1.E–04	5.E–10	1.E–09	7.E–10
Zr-89	2.E–03	4.E–05	8.E–09	6.E–09	6.E–09
Zr-93	2.E–03	9.E–05	4.E–11	1.E–10	2.E–10
Zr-95	2.E–03	4.E–05	6.E–10	9.E–10	6.E–10
Zr-97	2.E–03	2.E–05	5.E–09	3.E–09	3.E–09
Nb-88	1.E–02	2.E–03		5.E–07	5.E–07
Nb-89 (66 min)	1.E–02	3.E–04		1.E–07	9.E–08

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Nb-89 (122 min)	1.E–02	1.E–04		4.E–08	4.E–08
Nb-90	1.E–02	3.E–05		6.E–09	6.E–09
Nb-93m	1.E–02	5.E–03		3.E–08	4.E–09
Nb-94	1.E–02	3.E–05		5.E–10	4.E–11
Nb-95m	1.E–02	7.E–05		6.E–09	5.E–09
Nb-95	1.E–02	6.E–05		3.E–09	3.E–09
Nb-96	1.E–02	3.E–05		6.E–09	6.E–09
Nb-97	1.E–02	6.E–04		2.E–07	2.E–07
Nb-98	1.E–02	4.E–04		1.E–07	1.E–07
Mo-90	8.E–01	1.E–04	2.E–08		
	5.E–02	6.E–05			1.E–08
Mo-93m	8.E–01	3.E–04	4.E–08		
	5.E–02	1.E–04			3.E–08
Mo-93	8.E–01	1.E–04	1.E–08		
	5.E–02	6.E–04			4.E–10
Mo-99	8.E–01	5.E–05	6.E–09		
	5.E–02	3.E–05			3.E–09
Mo-101	8.E–01	2.E–03	3.E–07		
	5.E–02	2.E–03			4.E–07
Tc-93m	8.E–01	2.E–03	4.E–07	7.E–07	
Tc-93	8.E–01	9.E–04	2.E–07	2.E–07	
Tc-94m	8.E–01	5.E–04	1.E–07	1.E–07	
Tc-94	8.E–01	2.E–04	4.E–08	6.E–08	
Tc-95m	8.E–01	1.E–04	1.E–08	5.E–09	
Tc-95	8.E–01	3.E–04	5.E–08	5.E–08	
Tc-96m	8.E–01	4.E–03	7.E–07	6.E–07	
Tc-96	8.E–01	5.E–05	7.E–09	5.E–09	
Tc-97m	8.E–01	1.E–04	2.E–08	3.E–09	
Tc-97	8.E–01	9.E–04	1.E–07	1.E–08	
Tc-98	8.E–01	3.E–05	4.E–09	7.E–10	
Tc-99m	8.E–01	2.E–03	4.E–07	6.E–07	
Tc-99	8.E–01	1.E–04	1.E–08	2.E–09	
Tc-101	8.E–01	4.E–03	8.E–07	9.E–07	
Tc-104	8.E–01	8.E–04	2.E–07	2.E–07	
Ru-94	5.E–02	4.E–04	1.E–07	2.E–07	1.E–07
Ru-97	5.E–02	2.E–04	5.E–08	3.E–08	3.E–08
Ru-103	5.E–02	5.E–05	4.E–09	2.E–09	2.E–09
Ru-105	5.E–02	1.E–04	3.E–08	3.E–08	3.E–08
Ru-106	5.E–02	6.E–06	2.E–10	1.E–10	3.E–11
Rh-99m	5.E–02	5.E–04	1.E–07	2.E–07	2.E–07
Rh-99	5.E–02	7.E–05	7.E–09	5.E–09	5.E–09
Rh-100	5.E–02	5.E–05	1.E–08	9.E–09	9.E–09
Rh-101m	5.E–02	2.E–04	3.E–08	2.E–08	2.E–08
Rh-101	5.E–02	6.E–05	1.E–09	2.E–09	4.E–10
Rh-102m	5.E–02	4.E–05	1.E–09	9.E–10	3.E–10
Rh-102	5.E–02	2.E–05	2.E–10	4.E–10	1.E–10
Rh-103m	5.E–02	1.E–02	3.E–06	3.E–06	3.E–06
Rh-105	5.E–02	1.E–04	3.E–08	1.E–08	1.E–08
Rh-106m	5.E–02	2.E–04	6.E–08	9.E–08	8.E–08
Rh-107	5.E–02	2.E–03	6.E–07	6.E–07	6.E–07
Pd-100	5.E–03	4.E–05	4.E–09	3.E–09	4.E–09
Pd-101	5.E–03	4.E–04	7.E–08	8.E–08	7.E–08
Pd-103	5.E–03	2.E–04	1.E–08	1.E–08	8.E–09
Pd-107	5.E–03	1.E–03	5.E–08	2.E–08	9.E–10
Pd-109	5.E–03	6.E–05	1.E–08	1.E–08	1.E–08
Ag-102	5.E–02	2.E–03	4.E–07	5.E–07	5.E–07
Ag-103	5.E–02	1.E–03	2.E–07	3.E–07	3.E–07
Ag-104m	5.E–02	9.E–04	2.E–07	3.E–07	3.E–07
Ag-104	5.E–02	6.E–04	2.E–07	3.E–07	3.E–07
Ag-105	5.E–02	7.E–05	2.E–09	4.E–09	4.E–09
Ag-106m	5.E–02	2.E–05	2.E–09	2.E–09	2.E–09
Ag-106	5.E–02	2.E–03	4.E–07	5.E–07	4.E–07
Ag-108m	5.E–02	2.E–05	4.E–10	6.E–10	6.E–11
Ag-110m	5.E–02	1.E–05	3.E–10	4.E–10	2.E–10
Ag-111	5.E–02	3.E–05	4.E–09	2.E–09	2.E–09
Ag-112	5.E–02	9.E–05	2.E–08	2.E–08	2.E–08
Ag-115	5.E–02	9.E–04	2.E–07	2.E–07	2.E–07
Cd-104	5.E–02	6.E–04	2.E–07	3.E–07	3.E–07

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Cd-107	5.E–02	6.E–04	1.E–07	1.E–07	1.E–07
Cd-109	5.E–02	1.E–05	1.E–10	3.E–10	3.E–10
Cd-113m	5.E–02	9.E–07	8.E–12	3.E–11	3.E–11
Cd-113	5.E–02	8.E–07	8.E–12	3.E–11	3.E–11
Cd-115m	5.E–02	9.E–06	2.E–10	3.E–10	3.E–10
Cd-115	5.E–02	3.E–05	3.E–09	3.E–09	3.E–09
Cd-117m	5.E–02	1.E–04	3.E–08	4.E–08	3.E–08
Cd-117	5.E–02	1.E–04	3.E–08	4.E–08	3.E–08
In-109	2.E–02	5.E–04	1.E–07	2.E–07	
In-110 (69 min)	2.E–02	4.E–04	1.E–07	1.E–07	
In-110 (5 h)	2.E–02	1.E–04	4.E–08	5.E–08	
In-111	2.E–02	1.E–04	1.E–08	2.E–08	
In-112	2.E–02	6.E–03	2.E–06	2.E–06	
In-113m	2.E–02	1.E–03	3.E–07	5.E–07	
In-114m	2.E–02	9.E–06	1.E–10	2.E–10	
In-115m	2.E–02	4.E–04	1.E–07	1.E–07	
In-115	2.E–02	1.E–06	3.E–12	1.E–11	
In-116m	2.E–02	7.E–04	2.E–07	3.E–07	
In-117m	2.E–02	3.E–04	8.E–08	1.E–07	
In-117	2.E–02	2.E–03	4.E–07	5.E–07	
In-119m	2.E–02	1.E–03	3.E–07	3.E–07	
Sn-110	2.E–02	9.E–05	3.E–08	3.E–08	
Sn-111	2.E–02	2.E–03	5.E–07	6.E–07	
Sn-113	2.E–02	5.E–05	3.E–09	1.E–09	
Sn-117m	2.E–02	5.E–05	5.E–09	3.E–09	
Sn-119m	2.E–02	1.E–04	6.E–09	2.E–09	
Sn-121m	2.E–02	1.E–04	2.E–09	1.E–09	
Sn-121	2.E–02	2.E–04	4.E–08	3.E–08	
Sn-123m	2.E–02	1.E–03	3.E–07	3.E–07	
Sn-123	2.E–02	2.E–05	2.E–09	4.E–10	
Sn-125	2.E–02	1.E–05	2.E–09	8.E–10	
Sn-126	2.E–02	8.E–06	1.E–10	2.E–10	
Sn-127	2.E–02	2.E–04	5.E–08	4.E–08	
Sn-128	2.E–02	3.E–04	6.E–08	9.E–08	
Sb-115	1.E–01	2.E–03	6.E–07		
	1.E–02	2.E–03		7.E–07	
Sb-116m	1.E–01	6.E–04	2.E–07		
	1.E–02	6.E–04		3.E–07	
Sb-116	1.E–01	2.E–03	7.E–07		
	1.E–02	2.E–03		8.E–07	
Sb-117	1.E–01	2.E–03	5.E–07		
	1.E–02	2.E–03		7.E–07	
Sb-118m	1.E–01	2.E–04	5.E–08		
	1.E–02	2.E–04		5.E–08	
Sb-119	1.E–01	4.E–04	1.E–07		
	1.E–02	4.E–04		6.E–08	
Sb-120 (16 min)	1.E–01	5.E–03	1.E–06		
	1.E–02	5.E–03		1.E–06	
Sb-120 (6 d)	1.E–01	3.E–05	5.E–09		
	1.E–02	2.E–05		3.E–09	
Sb-122	1.E–01	2.E–05	5.E–09		
	1.E–02	2.E–05		2.E–09	
Sb-124m	1.E–01	7.E–03	2.E–06		
	1.E–02	7.E–03		1.E–06	
Sb-124	1.E–01	2.E–05	2.E–09		
	1.E–02	1.E–05		6.E–10	
Sb-125	1.E–01	6.E–05	6.E–09		
	1.E–02	5.E–05		1.E–09	
Sb-126m	1.E–01	2.E–03	4.E–07		
	1.E–02	2.E–03		5.E–07	
Sb-126	1.E–01	1.E–05	3.E–09		
	1.E–02	1.E–05		1.E–09	
Sb-127	1.E–01	2.E–05	5.E–09		
	1.E–02	2.E–05		2.E–09	
Sb-128 (9 h)	1.E–01	3.E–05	1.E–08		
	1.E–02	3.E–05		8.E–09	
Sb-128 (10 min)	1.E–01	3.E–03	9.E–07		
	1.E–02	3.E–03		1.E–06	

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Sb-129	1.E–01	8.E–05	2.E–08		
	1.E–02	8.E–05		2.E–08	
Sb-130	1.E–01	5.E–04	2.E–07		
	1.E–02	5.E–04		2.E–07	
Sb-131	1.E–01	5.E–04	9.E–08		
	1.E–02	5.E–04		1.E–07	
Te-116	2.E–01	2.E–04	5.E–08	7.E–08	
Te-121m	2.E–01	2.E–05	9.E–10	1.E–09	
Te-121	2.E–01	9.E–05	1.E–08	7.E–09	
Te-123m	2.E–01	3.E–05	1.E–09	1.E–09	
Te-123	2.E–01	3.E–05	1.E–09	3.E–09	
Te-125m	2.E–01	4.E–05	2.E–09	2.E–09	
Te-127m	2.E–01	2.E–05	1.E–09	6.E–10	
Te-127	2.E–01	2.E–04	5.E–08	4.E–08	
Te-129m	2.E–01	1.E–05	2.E–09	6.E–10	
Te-129	2.E–01	7.E–04	2.E–07	2.E–07	
Te-131m	2.E–01	2.E–05	3.E–09	2.E–09	
Te-131	2.E–01	2.E–04	3.E–08	3.E–08	
Te-132	2.E–01	2.E–05	2.E–09	2.E–09	
Te-133m	2.E–01	2.E–04	3.E–08	3.E–08	
Te-133	2.E–01	9.E–04	1.E–07	1.E–07	
Te-134	2.E–01	7.E–04	1.E–07	1.E–07	
I-120m	1.E+00	3.E–04	5.E–08		
I-120	1.E+00	2.E–04	3.E–08		
I-121	1.E+00	8.E–04	1.E–07		
I-123	1.E+00	3.E–04	4.E–08		
I-124	1.E+00	4.E–06	6.E–10		
I-125	1.E+00	4.E–06	5.E–10		
I-126	1.E+00	2.E–06	3.E–10		
I-128	1.E+00	2.E–03	3.E–07		
I-129	1.E+00	5.E–07	7.E–11		
I-130	1.E+00	3.E–05	5.E–09		
I-131	1.E+00	3.E–06	4.E–10		
I-132m	1.E+00	3.E–04	5.E–08		
I-132	1.E+00	2.E–04	4.E–08		
I-133	1.E+00	1.E–05	2.E–09		
I-134	1.E+00	7.E–04	1.E–07		
I-1353	1.E+00	7.E–05	1.E–08		
Cs-125	1.E+00	2.E–03	3.E–07		
Cs-127	1.E+00	2.E–03	2.E–07		
Cs-129	1.E+00	6.E–04	8.E–08		
Cs-130	1.E+00	3.E–03	4.E–07		
Cs-131	1.E+00	6.E–04	7.E–08		
Cs-132	1.E+00	7.E–05	9.E–09		
Cs-134m	1.E+00	3.E–03	3.E–07		
Cs-134	1.E+00	2.E–06	2.E–10		
Cs-135m	1.E+00	3.E–03	5.E–07		
Cs-135	1.E+00	2.E–05	3.E–09		
Cs-136	1.E+00	1.E–05	2.E–09		
Cs-137	1.E+00	3.E–06	4.E–10		
Cs-138	1.E+00	9.E–04	1.E–07		
Ba-126	1.E–01	2.E–04	4.E–08		
Ba-128	1.E–01	1.E–05	4.E–09		
Ba-131m	1.E–01	1.E–02	3.E–06		
Ba-131	1.E–01	8.E–05	2.E–08		
Ba-133m	1.E–01	7.E–05	2.E–08		
Ba-133	1.E–01	4.E–05	2.E–09		
Ba-135m	1.E–01	9.E–05	3.E–08		
Ba-139	1.E–01	3.E–04	7.E–08		
Ba-140	1.E–01	2.E–05	3.E–09		
Ba-141	1.E–01	7.E–04	2.E–07		
Ba-142	1.E–01	1.E–03	3.E–07		
La-131	1.E–03	1.E–03	3.E–07	4.E–07	
La-132	1.E–03	9.E–05	2.E–08	3.E–08	
La-135	1.E–03	1.E–03	2.E–07	2.E–07	
La-137	1.E–03	3.E–04	2.E–10	6.E–10	
La-138	1.E–03	2.E–05	8.E–12	3.E–11	
La-140	1.E–03	2.E–05	4.E–09	3.E–09	

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
La-141	1.E–03	1.E–04	2.E–08	3.E–08	
La-142	1.E–03	2.E–04	5.E–08	8.E–08	
La-143	1.E–03	1.E–03	2.E–07	2.E–07	
Ce-134	3.E–04	1.E–05		2.E–09	2.E–09
Ce-135	3.E–04	4.E–05		9.E–09	8.E–09
Ce-137m	3.E–04	7.E–05		1.E–08	9.E–09
Ce-137	3.E–04	1.E–03		3.E–07	3.E–07
Ce-139	3.E–04	1.E–04		2.E–09	2.E–09
Ce-141	3.E–04	5.E–05		2.E–09	1.E–09
Ce-143	3.E–04	3.E–05		4.E–09	4.E–09
Ce-144	3.E–04	7.E–06		6.E–11	3.E–11
Pr-136	3.E–04	2.E–03		6.E–07	5.E–07
Pr-137	3.E–04	1.E–03		4.E–07	3.E–07
Pr-138m	3.E–04	3.E–04		1.E–07	1.E–07
Pr-139	3.E–04	1.E–03		3.E–07	2.E–07
Pr-142m	3.E–04	2.E–03		4.E–07	3.E–07
Pr-142	3.E–04	3.E–05		5.E–09	4.E–09
Pr-143	3.E–04	3.E–05		2.E–09	2.E–09
Pr-144	3.E–04	1.E–03		3.E–07	3.E–07
Pr-145	3.E–04	9.E–05		2.E–08	2.E–08
Pr-147	3.E–04	2.E–03		5.E–07	4.E–07
Nd-136	3.E–04	4.E–04		1.E–07	1.E–07
Nd-138	3.E–04	5.E–05		1.E–08	1.E–08
Nd-139m	3.E–04	1.E–04		4.E–08	3.E–08
Nd-139	3.E–04	2.E–03		8.E–07	7.E–07
Nd-141	3.E–04	4.E–03		2.E–06	1.E–06
Nd-147	3.E–04	4.E–05		2.E–09	2.E–09
Nd-149	3.E–04	3.E–04		6.E–08	6.E–08
Nd-151	3.E–04	2.E–03		5.E–07	4.E–07
Pm-141	3.E–04	2.E–03		4.E–07	4.E–07
Pm-143	3.E–04	1.E–04		1.E–09	2.E–09
Pm-144	3.E–04	4.E–05		3.E–10	3.E–10
Pm-145	3.E–04	3.E–04		5.E–10	4.E–10
Pm-146	3.E–04	4.E–05		1.E–10	1.E–10
Pm-147	3.E–04	1.E–04		5.E–10	4.E–10
Pm-148m	3.E–04	2.E–05		7.E–10	7.E–10
Pm-148	3.E–04	1.E–05		1.E–09	1.E–09
Pm-149	3.E–04	4.E–05		5.E–09	4.E–09
Pm-150	3.E–04	1.E–04		5.E–08	4.E–08
Pm-151	3.E–04	5.E–05		8.E–09	7.E–09
Sm-141m	3.E–04	8.E–04		2.E–07	
Sm-141	3.E–04	2.E–03		4.E–07	
Sm-142	3.E–04	2.E–04		6.E–08	
Sm-145	3.E–04	2.E–04		1.E–09	
Sm-146	3.E–04	7.E–07		1.E–13	
Sm-147	3.E–04	8.E–07		2.E–13	
Sm-151	3.E–04	4.E–04		4.E–10	
Sm-153	3.E–04	5.E–05		7.E–09	
Sm-155	3.E–04	2.E–03		5.E–07	
Sm-156	3.E–04	1.E–04		2.E–08	
Eu-145	1.E–03	4.E–05		5.E–09	
Eu-146	1.E–03	3.E–05		3.E–09	
Eu-147	1.E–03	8.E–05		4.E–09	
Eu-148	1.E–03	3.E–05		8.E–10	
Eu-149	1.E–03	3.E–04		7.E–09	
Eu-150 (12 h)	1.E–03	9.E–05		2.E–08	
Eu-150 (34 yr)	1.E–03	2.E–05		4.E–11	
Eu-152m	1.E–03	7.E–05		2.E–08	
Eu-152	1.E–03	2.E–05		6.E–11	
Eu-154	1.E–03	1.E–05		5.E–11	
Eu-155	1.E–03	1.E–04		3.E–10	
Eu-156	1.E–03	2.E–05		1.E–09	
Eu-157	1.E–03	6.E–05		1.E–08	
Eu-158	1.E–03	5.E–04		1.E–07	
Gd-145	3.E–04	1.E–03	4.E–07	4.E–07	
Gd-146	3.E–04	4.E–05	3.E–10	7.E–10	
Gd-147	3.E–04	5.E–05	1.E–08	8.E–09	
Gd-148	3.E–04	7.E–07	4.E–14	1.E–13	

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Gd-149	3.E–04	8.E–05	5.E–09	6.E–09	
Gd-151	3.E–04	2.E–04	2.E–09	3.E–09	
Gd-152	3.E–04	9.E–07	5.E–14	2.E–13	
Gd-153	3.E–04	1.E–04	6.E–10	1.E–09	
Gd-159	3.E–04	7.E–05	2.E–08	1.E–08	
Tb-147	3.E–04	2.E–04		8.E–08	
Tb-149	3.E–04	1.E–04		2.E–09	
Tb-150	3.E–04	1.E–04		5.E–08	
Tb-151	3.E–04	1.E–04		2.E–08	
Tb-153	3.E–04	1.E–04		2.E–08	
Tb-154	3.E–04	5.E–05		1.E–08	
Tb-155	3.E–04	2.E–04		2.E–08	
Tb-156m (24 h)	3.E–04	2.E–04		2.E–08	
Tb-156m (5 h)	3.E–04	4.E–04		6.E–08	
Tb-156	3.E–04	3.E–05		3.E–09	
Tb-157	3.E–04	1.E–03		1.E–09	
Tb-158	3.E–04	3.E–05		5.E–11	
Tb-160	3.E–04	2.E–05		5.E–10	
Tb-161	3.E–04	5.E–05		4.E–09	
Dy-155	3.E–04	2.E–04		6.E–08	
Dy-157	3.E–04	5.E–04		2.E–07	
Dy-159	3.E–04	3.E–04		6.E–09	
Dy-165	3.E–04	4.E–04		1.E–07	
Dy-166	3.E–04	2.E–05		2.E–09	
Ho-155	3.E–04	1.E–03		4.E–07	
Ho-157	3.E–04	7.E–03		3.E–06	
Ho-159	3.E–04	6.E–03		2.E–06	
Ho-161	3.E–04	3.E–03		1.E–06	
Ho-162m	3.E–04	2.E–03		6.E–07	
Ho-162	3.E–04	2.E–02		6.E–06	
Ho-164m	3.E–04	3.E–03		7.E–07	
Ho-164	3.E–04	6.E–03		2.E–06	
Ho-166m	3.E–04	2.E–05		2.E–11	
Ho-166	3.E–04	2.E–05		4.E–09	
Ho-167	3.E–04	4.E–04		1.E–07	
Er-161	3.E–04	4.E–04		2.E–07	
Er-165	3.E–04	2.E–03		4.E–07	
Er-169	3.E–04	1.E–04		6.E–09	
Er-171	3.E–04	1.E–04		2.E–08	
Er-172	3.E–04	4.E–05		3.E–09	
Tm-162	3.E–04	2.E–03		7.E–07	
Tm-166	3.E–04	1.E–04		3.E–08	
Tm-167	3.E–04	7.E–05		5.E–09	
Tm-170	3.E–04	3.E–05		5.E–10	
Tm-171	3.E–04	3.E–04		1.E–09	
Tm-172	3.E–04	2.E–05		3.E–09	
Tm-173	3.E–04	1.E–04		3.E–08	
Tm-175	3.E–04	2.E–03		6.E–07	
Yb-162	3.E–04	2.E–03		7.E–07	7.E–07
Yb-166	3.E–04	4.E–05		5.E–09	4.E–09
Yb-167	3.E–04	8.E–03		2.E–06	2.E–06
Yb-169	3.E–04	5.E–05		2.E–09	2.E–09
Yb-175	3.E–04	9.E–05		8.E–09	8.E–09
Yb-177	3.E–04	4.E–04		1.E–07	1.E–07
Yb-178	3.E–04	3.E–04		9.E–08	9.E–08
Lu-169	3.E–04	7.E–05		1.E–08	1.E–08
Lu-170	3.E–04	3.E–05		5.E–09	5.E–09
Lu-171	3.E–04	5.E–05		4.E–09	5.E–09
Lu-172	3.E–04	3.E–05		3.E–09	3.E–09
Lu-173	3.E–04	1.E–04		1.E–09	6.E–10
Lu-174m	3.E–04	8.E–05		8.E–10	5.E–10
Lu-174	3.E–04	1.E–04		5.E–10	4.E–10
Lu-176m	3.E–04	2.E–04		6.E–08	5.E–08
Lu-176	3.E–04	2.E–05		3.E–11	2.E–11
Lu-177m	3.E–04	2.E–05		3.E–10	2.E–10
Lu-177	3.E–04	7.E–05		5.E–09	5.E–09
Lu-178m	3.E–04	2.E–03		4.E–07	4.E–07
Lu-178	3.E–04	1.E–03		3.E–07	3.E–07

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Lu-179	3.E–04	2.E–04		4.E–08	4.E–08
Hf-170	2.E–03	7.E–05	1.E–08	1.E–08	
Hf-172	2.E–03	3.E–05	4.E–11	1.E–10	
Hf-173	2.E–03	1.E–04	3.E–08	3.E–08	
Hf-175	2.E–03	8.E–05	2.E–09	3.E–09	
Hf-177m	2.E–03	5.E–04	1.E–07	2.E–07	
Hf-178m	2.E–03	7.E–06	6.E–12	2.E–11	
Hf-179m	2.E–03	3.E–05	1.E–09	1.E–09	
Hf-180m	2.E–03	2.E–04	5.E–08	6.E–08	
Hf-181	2.E–03	3.E–05	9.E–10	1.E–09	
Hf-182m	2.E–03	1.E–03	2.E–07	3.E–07	
Hf-182	2.E–03	1.E–05	4.E–12	2.E–11	
Hf-183	2.E–03	5.E–04	1.E–07	1.E–07	
Hf-184	2.E–03	7.E–05	2.E–08	1.E–08	
Ta-172	1.E–03	1.E–03		3.E–07	2.E–07
Ta-173	1.E–03	2.E–04		5.E–08	4.E–08
Ta-174	1.E–03	7.E–04		2.E–07	2.E–07
Ta-175	1.E–03	2.E–04		4.E–08	3.E–08
Ta-176	1.E–03	1.E–04		3.E–08	3.E–08
Ta-177	1.E–03	3.E–04		5.E–08	4.E–08
Ta-178	1.E–03	5.E–04		2.E–07	2.E–07
Ta-179	1.E–03	6.E–04		1.E–08	2.E–09
Ta-180m	1.E–03	6.E–04		2.E–07	1.E–07
Ta-180	1.E–03	4.E–05		1.E–09	6.E–11
Ta-182m	1.E–03	6.E–03		1.E–06	1.E–06
Ta-182	1.E–03	2.E–05		8.E–10	3.E–10
Ta-183	1.E–03	3.E–05		3.E–09	2.E–09
Ta-184	1.E–03	5.E–05		1.E–08	1.E–08
Ta-185	1.E–03	7.E–04		2.E–07	2.E–07
Ta-186	1.E–03	2.E–03		5.E–07	5.E–07
W-176	1.E–02	3.E–04			
	3.E–01	4.E–04	1.E–07		
W-177	1.E–02	6.E–04			
	3.E–01	7.E–04	2.E–07		
W-178	1.E–02	2.E–04			
	3.E–01	2.E–04	5.E–08		
W-179	13.E–02	1.E–02			
	3.E–01	2.E–02	4.E–06		
W-181	1.E–02	4.E–04			
	3.E–01	5.E–04	8.E–08		
W-185	1.E–02	7.E–05			
	3.E–01	1.E–04	2.E–08		
W-187	1.E–02	5.E–05			
	3.E–01	7.E–05	2.E–08		
W-188	1.E–02	1.E–05			
	3.E–01	2.E–05	3.E–09		
Re-177	8.E–01	3.E–03	6.E–07	8.E–07	
Re-178	8.E–01	3.E–03	6.E–07	7.E–07	
Re-181	8.E–01	1.E–04	2.E–08	2.E–08	
Re-182 (64 h)	8.E–01	4.E–05	6.E–09	5.E–09	
Re-182 (12 h)	8.E–01	2.E–04	3.E–08	4.E–08	
Re-184m	8.E–01	6.E–05	7.E–09	1.E–09	
Re-184	8.E–01	6.E–05	8.E–09	3.E–09	
Re-186m	8.E–01	4.E–05	5.E–09	4.E–10	
Re-186	8.E–01	5.E–05	7.E–09	4.E–09	
Re-187	8.E–01	2.E–02	2.E–06	2.E–07	
Re-188m	8.E–01	2.E–03	3.E–07	3.E–07	
Re-188	8.E–01	5.E–05	7.E–09	7.E–09	
Re-189	8.E–01	9.E–05	1.E–08	1.E–08	
Os-180	1.E–02	3.E–03	9.E–07	1.E–06	1.E–06
Os-181	1.E–02	4.E–04	1.E–07	1.E–07	1.E–07
Os-182	1.E–02	6.E–05	1.E–08	1.E–08	9.E–09
Os-185	1.E–02	7.E–05	1.E–09	2.E–09	2.E–09
Os-189m	1.E–02	2.E–03	5.E–07	5.E–07	4.E–07
Os-191m	1.E–02	4.E–04	7.E–08	5.E–08	4.E–08
Os-191	1.E–02	7.E–05	5.E–09	4.E–09	3.E–09
Os-193	1.E–02	4.E–05	1.E–08	7.E–09	6.E–09
Os-194	1.E–02	1.E–05	1.E–10	1.E–10	2.E–11

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Ir-182	1.E−02	1.E−03	3.E−07	4.E−07	3.E−07
Ir-184	1.E−02	2.E−04	6.E−08	8.E−08	6.E−08
Ir-185	1.E−02	1.E−04	3.E−08	3.E−08	2.E−08
Ir-186	1.E−02	7.E−05	2.E−08	1.E−08	1.E−08
Ir-187	1.E−02	3.E−04	7.E−08	7.E−08	6.E−08
Ir-188	1.E−02	5.E−05	1.E−08	8.E−09	8.E−09
Ir-189	1.E−02	2.E−04	1.E−08	9.E−09	9.E−09
Ir-190m	1.E−02	5.E−03	5.E−07	5.E−07	4.E−07
Ir-190	1.E−02	3.E−05	2.E−09	2.E−09	2.E−09
Ir-192m	1.E−02	9.E−05	2.E−10	5.E−10	4.E−11
Ir-192	1.E−02	3.E−05	6.E−10	9.E−10	5.E−10
Ir-194m	1.E−02	2.E−05	2.E−10	4.E−10	2.E−10
Ir-194	1.E−02	3.E−05	7.E−09	5.E−09	4.E−09
Ir-195m	1.E−02	2.E−04	6.E−08	7.E−08	5.E−08
Ir-195	1.E−02	4.E−04	1.E−07	1.E−07	1.E−07
Pt-186	1.E−02	4.E−04	9.E−08		
Pt-188	1.E−02	5.E−05	4.E−09		
Pt-189	1.E−02	3.E−04	7.E−08		
Pt-191	1.E−02	1.E−04	2.E−08		
Pt-193m	1.E−02	8.E−05	1.E−08		
Pt-193	1.E−02	1.E−03	6.E−08		
Pt-195m	1.E−02	6.E−05	1.E−08		
Pt-197m	1.E−02	4.E−04	1.E−07		
Pt-197	1.E−02	9.E−05	2.E−08		
Pt-199	1.E−02	1.E−03	3.E−07		
Pt-200	1.E−02	3.E−05	8.E−09		
Au-193	1.E−01	3.E−04	6.E−08	5.E−08	4.E−08
Au-194	1.E−01	8.E−05	2.E−08	1.E−08	1.E−08
Au-195	1.E−01	1.E−04	3.E−08	3.E−09	1.E−09
Au-198m	1.E−01	3.E−05	6.E−09	3.E−09	3.E−09
Au-198	1.E−01	3.E−05	9.E−09	4.E−09	4.E−09
Au-199	1.E−01	9.E−05	2.E−08	9.E−09	9.E−09
Au-200m	1.E−01	3.E−05	8.E−09	7.E−09	6.E−09
Au-200	1.E−01	7.E−04	2.E−07	2.E−07	2.E−07
Au-201	1.E−01	2.E−03	5.E−07	6.E−07	5.E−07
Hg-193m (Org)	1.E+00	3.E−04	3.E−08		
	4.E−01	1.E−04			
Hg-193m	2.E−02	9.E−05	2.E−08	2.E−08	
Hg-193m (Vapor)			2.E−08		
Hg-193 (Org)	1.E+00	1.E−03	2.E−07		
	4.E−01	5.E−04			
Hg-193	2.E−02	4.E−04	1.E−07	1.E−07	
Hg-193 (Vapor)			7.E−08		
Hg-194 (Org)	1.E+00	5.E−07	7.E−11		
	4.E−01	1.E−06			
Hg-194	2.E−02	2.E−05	1.E−10	3.E−10	
Hg-194 (Vapor)			7.E−11		
Hg-195m (Org)	1.E+00	1.E−04	1.E−08		
	4.E−01	8.E−05			
Hg-195m	2.E−02	6.E−05	1.E−08	9.E−09	
Hg-195m (Vapor)			9.E−09		
Hg-195 (Org)	1.E+00	1.E−03	1.E−07		
	4.E−01	5.E−04			
Hg-195	2.E−02	4.E−04	8.E−08	8.E−08	
Hg-195 (Vapor)			7.E−08		
Hg-197m (Org)	1.E+00	2.E−04	2.E−08		
	4.E−01	1.E−04			
Hg-197m	2.E−02	8.E−05	2.E−08	1.E−08	
Hg-197m (Vapor)			1.E−08		
Hg-197 (Org)	1.E+00	3.E−04	3.E−08		
	4.E−01	2.E−04			
Hg-197	2.E−02	2.E−04	3.E−08	2.E−08	
Hg-197 (Vapor)			2.E−08		
Hg-199m (Org)	1.E+00	3.E−03	4.E−07		
	4.E−01	2.E−03			
Hg-199m	2.E−02	2.E−03	3.E−07	4.E−07	
Hg-199m (Vapor)			2.E−07		
Hg-203 (Org)	1.E+00	1.E−05	2.E−09		

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
	4.E–01	2.E–05			
Hg-203	2.E–02	7.E–05	3.E–09	3.E–09	
Hg-203 (Vapor)			2.E–09		
Tl-194m	1.E+00	2.E–03	4.E–07		
Tl-194	1.E+00	7.E–03	1.E–06		
Tl-195	1.E+00	2.E–03	3.E–07		
Tl-197	1.E+00	2.E–03	3.E–07		
Tl-198m	1.E+00	8.E–04	1.E–07		
Tl-198	1.E+00	5.E–04	7.E–08		
Tl-199	1.E+00	2.E–03	2.E–07		
Tl-200	1.E+00	2.E–04	3.E–08		
Tl-201	1.E+00	5.E–04	5.E–08		
Tl-202	1.E+00	9.E–05	1.E–08		
Tl-204	1.E+00	4.E–05	5.E–09		
Pb-195m	2.E–01	2.E–03	5.E–07		
Pb-198	2.E–01	9.E–04	2.E–07		
Pb-199	2.E–01	6.E–04	2.E–07		
Pb-200	2.E–01	9.E–05	1.E–08		
Pb-201	2.E–01	2.E–04	5.E–08		
Pb-202m	2.E–01	3.E–04	7.E–08		
Pb-202	2.E–01	4.E–06	1.E–10		
Pb-203	2.E–01	1.E–04	2.E–08		
Pb-205	2.E–01	9.E–05	3.E–09		
Pb-209	2.E–01	7.E–04	1.E–07		
Pb-210	2.E–01	3.E–08	9.E–13		
Pb-211	2.E–01	3.E–04	2.E–09		
Pb-212	2.E–01	3.E–06	8.E–11		
Pb-214	2.E–01	2.E–04	2.E–09		
Bi-200	5.E–02	8.E–04	2.E–07	2.E–07	
Bi-201	5.E–02	3.E–04	7.E–08	9.E–08	
Bi-202	5.E–02	4.E–04	9.E–08	2.E–07	
Bi-203	5.E–02	7.E–05	2.E–08	1.E–08	
Bi-205	5.E–02	4.E–05	6.E–09	3.E–09	
Bi-206	5.E–02	2.E–05	3.E–09	2.E–09	
Bi-207	5.E–02	3.E–05	4.E–09	8.E–10	
Bi-210m	5.E–02	2.E–06	1.E–11	2.E–12	
Bi-210	5.E–02	2.E–05	9.E–10	6.E–11	
Bi-212	5.E–02	1.E–04	6.E–10	7.E–10	
Bi-213	5.E–02	2.E–04	7.E–10	8.E–10	
Bi-214	5.E–02	6.E–04	2.E–09	2.E–09	
Po-203	1.E–01	7.E–04	2.E–07	2.E–07	
Po-205	1.E–01	6.E–04	9.E–08	2.E–07	
Po-207	1.E–01	2.E–04	6.E–08	7.E–08	
Po-210	1.E–01	8.E–08	1.E–12	1.E–12	
At-207	1.E+00	2.E–04	6.E–09	5.E–09	
At-211	1.E+00	3.E–06	2.E–10	1.E–10	
Rn-220		[3]	[3]	[3]	[3]
Rn-222		[4]	[4]	[4]	[4]
Fr-222	1.E+00	6.E–05	1.E–09		
Fr-223	1.E+00	2.E–05	2.E–09		
Ra-223	2.E–01	2.E–07		2.E–12	
Ra-224	2.E–01	4.E–07		4.E–12	
Ra-225	2.E–01	4.E–07		2.E–12	
Ra-226	2.E–01	1.E–07		1.E–12	
Ra-227	2.E–01	6.E–04		4.E–08	
Ra-228	2.E–01	1.E–07		3.E–12	
Ac-224	1.E–03	5.E–05	9.E–11	1.E–10	1.E–10
Ac-225	1.E–03	1.E–06	1.E–12	2.E–12	1.E–12
Ac-226	1.E–03	4.E–06	9.E–12	1.E–11	1.E–11
Ac-227	1.E–03	1.E–08	2.E–15	7.E–15	1.E–14
Ac-228	1.E–03	6.E–05	4.E–11	1.E–10	1.E–10
Th-226	2.E–04	2.E–04		4.E–10	3.E–10
Th-227	2.E–04	4.E–06		8.E–13	7.E–13
Th-228	2.E–04	4.E–07		5.E–14	4.E–14
Th-229	2.E–04	4.E–08		6.E–15	7.E–15
Th-230	2.E–04	3.E–07		4.E–14	5.E–14
Th-231	2.E–04	1.E–04		1.E–08	1.E–08
Th-232	2.E–04	5.E–08		7.E–15	1.E–14

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
Th-234	2.E–04	1.E–05		5.E–10	4.E–10
Pa-227	1.E–03	1.E–04		3.E–10	2.E–10
Pa-228	1.E–03	3.E–05		5.E–11	3.E–11
Pa-230	1.E–03	2.E–05		1.E–11	8.E–12
Pa-231	1.E–03	1.E–08		9.E–15	1.E–14
Pa-232	1.E–03	4.E–05		1.E–10	2.E–10
Pa-233	1.E–03	4.E–05		2.E–09	1.E–09
Pa-234	1.E–03	7.E–05		2.E–08	2.E–08
U-230	5.E–02	2.E–07	1.E–12	8.E–13	
	2.E–03	1.E–06			6.E–13
U-231	5.E–02	1.E–04	2.E–08	1.E–08	
	2.E–03	1.E–04			1.E–08
U-232	5.E–02	1.E–07	1.E–12	9.E–13	
	2.E–03	2.E–06			2.E–14
U-233	5.E–02	5.E–07	4.E–12	2.E–12	
	2.E–03	5.E–06			9.E–14
U-234	5.E–02	5.E–07	4.E–12	2.E–12	
	2.E–03	6.E–06			9.E–14
U-235	5.E–02	5.E–07	5.E–12	2.E–12	
	2.E–03	5.E–06			9.E–14
U–236	5.E–02	5.E–07	5.E–12	2.E–12	
	2.E–03	6.E–06			9.E–14
U-237	5.E–02	5.E–05	6.E–09	4.E–09	
	2.E–03	5.E–05			4.E–09
U-238	5.E–02	6.E–07	5.E–12	2.E–12	
	2.E–03	6.E–06			1.E–13
U-239	5.E–02	2.E–03	4.E–07	4.E–07	
	2.E–03	2.E–03			4.E–07
U-240	5.E–02	4.E–05	9.E–09	7.E–09	
	2.E–03	3.E–05			6.E–09
U-Natural	5.E–02	6.E–07	5.E–12	2.E–12	
	2.E–03	6.E–06			1.E–13
Np-232	1.E–03	4.E–03		1.E–08	
Np-233	1.E–03	2.E–02		7.E–06	
Np-234	1.E–03	6.E–05		6.E–09	
Np-235	1.E–03	7.E–04		3.E–09	
Np-236 (1.E+5 yr)	1.E–03	2.E–07		1.E–13	
Np-236 (22 h)	1.E–03	1.E–04		2.E–10	
Np-237	1.E–03	3.E–08		2.E–14	
Np-238	1.E–03	4.E–05		4.E–10	
Np-239	1.E–03	5.E–05		5.E–09	
Np-240	1.E–03	6.E–04		2.E–07	
Pu-234	1.E–03	2.E–04		5.E–10	
	1.E–04	3.E–04			
	1.E–05	3.E–04			4.E–10
Pu-235	1.E–03	2.E–02		7.E–06	
	1.E–04	2.E–02			
	1.E–05	2.E–02			6.E–06
Pu-236	1.E–03	1.E–07		8.E–14	
	1.E–04	1.E–06			
	1.E–05	5.E–06			1.E–13
Pu-237	1.E–03	3.E–04		8.E–09	
	1.E–04	3.E–04			
	1.E–05	3.E–04			7.E–09
Pu-238	1.E–03	4.E–08		3.E–14	
	1.E–04	4.E–07			
	1.E–05	5.E–06			4.E–14
Pu-239	1.E–03	4.E–08		3.E–14	
	1.E–04	4.E–07			
	1.E–05	4.E–06			4.E–14
Pu-240	1.E–03	4.E–08[5]		3.E–14	
	1.E–04	4.E–07			
	1.E–05	4.E–06			4.E–14
Pu-241	1.E–03	2.E–06		1.E–12	
	1.E–04	2.E–05			
	1.E–05	2.E–04			2.E–12
Pu-242	1.E–03	4.E–08		3.E–14	
	1.E–04	4.E–07			

TABLE A–1a.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 100 MREM/YR.—Continued

[μCi]

Radionuclide	f_1 value	Ingested water DCG (μCi/mL)	Inhaled air DCG (μCi/mL)		
			D	W	Y
	1.E–05	5.E–06			4.E–14
Pu-243	1.E–03	4.E–04		9.E–08	
	1.E–04	4.E–04			
	1.E–05	4.E–04			9.E–08
Pu-244	1.E–03	4.E–08		3.E–14	
	1.E–04	4.E–07			
	1.E–05	3.E–06			4.E–14
Pu-245	1.E–03	6.E–05		1.E–08	
	1.E–04	6.E–05			
	1.E–05	6.E–05			1.E–08
Pu-246	1.E–03	1.E–05		6.E–10	
	1.E–04	1.E–05			
	1.E–05	1.E–05			6.E–10
Am-237	1.E–03	2.E–03		7.E–07	
Am-238	1.E–03	1.E–03		1.E–08	
Am-239	1.E–03	1.E–04		3.E–08	
Am-240	1.E–03	6.E–05		7.E–09	
Am-241	1.E–03	4.E–08		3.E–14	
Am-242m	1.E–03	4.E–08		3.E–14	
Am-242	1.E–03	1.E–04		2.E–10	
Am-243	1.E–03	4.E–08		3.E–14	
Am-244m	1.E–03	2.E–03		2.E–08	
Am-244	1.E–03	7.E–05		7.E–10	
Am-245	1.E–03	8.E–04		2.E–07	
Am-246m	1.E–03	2.E–03		5.E–07	
Am-246	1.E–03	9.E–04		2.E–07	
Cm-238	1.E–03	4.E–04		3.E–09	
Cm-240	1.E–03	2.E–06		1.E–12	
Cm-241	1.E–03	3.E–05		8.E–11	
Cm-242	1.E–03	1.E–06		7.E–13	
Cm-243	1.E–03	6.E–08		4.E–14	
Cm-244	1.E–03	7.E–08		5.E–14	
Cm-245	1.E–03	4.E–08		3.E–14	
Cm-246	1.E–03	4.E–08		3.E–14	
Cm-247	1.E–03	4.E–08		3.E–14	
Cm-248	1.E–03	1.E–08		7.E–15	
Cm-249	1.E–03	1.E–03		6.E–08	
Cm-250	1.E–03	2.E–09		1.E–15	
Bk-245	1.E–03	6.E–05		3.E–09	
Bk-246	1.E–03	7.E–05		7.E–09	
Bk-247	1.E–03	3.E–08		2.E–14	
Bk-249	1.E–03	1.E–05		9.E–12	
Bk-250	1.E–03	2.E–04		2.E–09	
Cf-244	1.E–03	8.E–04		1.E–09	1.E–09
Cf-246	1.E–03	1.E–05		2.E–11	2.E–11
Cf-248	1.E–03	5.E–07		3.E–13	2.E–13
Cf-249	1.E–03	3.E–08		2.E–14	3.E–14
Cf-250	1.E–03	7.E–08		5.E–14	6.E–14
Cf-251	1.E–03	3.E–08		2.E–14	3.E–14
Cf-252	1.E–03	1.E–07		9.E–14	8.E–14
Cf-253	1.E–03	1.E–05		5.E–12	4.E–12
Cf-254	1.E–03	6.E–08		5.E–14	4.E–14
Es-250	1.E–03	1.E–03		3.E–09	
Es-251	1.E–03	2.E–04		3.E–09	
Es-253	1.E–03	4.E–06		3.E–12	
Es-254m	1.E–03	9.E–06		2.E–11	
Es-254	1.E–03	5.E–07		3.E–13	
Fm-252	1.E–03	1.E–05		3.E–11	
Fm-253	1.E–03	3.E–05		2.E–11	
Fm-254	1.E–03	8.E–05		2.E–10	
Fm-255	1.E–03	1.E–05		5.E–11	
Fm-257	1.E–03	1.E–06		5.E–13	
Md-257	1.E–03	2.E–04		2.E–10	
Md-258	1.E–03	1.E–06		7.E–13	

[1] A dash indicates no values given for this data category.

[2] The inhalation DCG values allow for an additional 50% absorption through the skin, as described in ICRP Publication No. 30: "Limits for Intakes of Radionuclides by Workers, Part 1. For elemental tritium, the lung dose equivalent is used as the basis for the DCG value shown.

[3] DCGs for Rn-220 are being assessed by DOE. Until the review has been completed and new values issued, the value of 3.E−09 μCi/mL given in Figure A–3 shall be used.

[4] DCGs for Rn-222 are being assessed by DOE. Until the review has been completed and new values issued, the value of 3.E−09 μCi/mL given in Figure A–3 shall be used for Rn-222 releases from DOE facilities.

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 mSv/yr.

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
H-3 (Water)		8.E+04	(1)	4.E+03 [2]	
H-3 (Elemental)				7.E+08 [2]	
Be-7	5.E−03	5.E+04		2.E+03	2.E+03
Be-10	5.E−03	1.E+03		1.E+01	1.E+00
C-11 (Org)		4.E+05		4.E+04	
C-11 (CO)			1.E+05		
C-11 (CO_2)			6.E+04		
C-14 (Org)		3.E+03		2.E+02	
C-14 (CO)			2.E+05		
C-14 (CO_2)			2.E+04		
F-18	1.E+00	5.E+04	6.E+03	8.E+03	7.E+03
Na-22	1.E+00	4.E+02	6.E+01		
Na-24	1.E+00	4.E+03	5.E+02		
Mg-28	5.E−01	7.E+02	1.E+02	1.E+02	
Al-26	1.E−02	4.E+02	6.E+00	8.E+00	
Si-31	1.E−02	1.E+04	2.E+03	3.E+03	2.E+03
Si-32	1.E−02	3.E+03	2.E+01	1.E+01	4.E−01
P-32	8.E−01	7.E+02	8.E+01	3.E+01	
P-33	8.E−01	6.E+03	7.E+02	2.E+02	
S-35	8.E−01	1.E+04	2.E+03	2.E+02	
	1.E−01	8.E+03			
S-35 (Gas)			1.E+03		
Cl-36	1.E+00	2.E+03	2.E+02	2.E+01	
Cl-38	1.E+00	3.E+04	4.E+03	4.E+03	
Cl-39	1.E+00	4.E+04	5.E+03	5.E+03	
K-40	1.E+00	3.E+02	4.E+01		
K-42	1.E+00	5.E+03	4.E+02		
K-43	1.E+00	7.E+03	8.E+02		
K-44	1.E+00	4.E+04	6.E+03		
K-45	1.E+00	6.E+04	1.E+04		
Ca-41	3.E−01	4.E+03		3.E+02	
Ca-45	3.E−01	2.E+03		7.E+01	
Ca-47	3.E−01	8.E+02		8.E+01	
Sc-43	1.E−04	7.E+03			2.E+03
Sc-44m	1.E−04	5.E+02			6.E+01
Sc-44	1.E−04	4.E+03			1.E+03
Sc-46	1.E−04	9.E+02			2.E+01
Sc-47	1.E−04	3.E+03			3.E+02
Sc-48	1.E−04	8.E+02			1.E+02
Sc-49	1.E−04	2.E+04			5.E+03
Ti-44	1.E−02	3.E+02	1.E+00	3.E+00	5.E−01
Ti-45	1.E−02	9.E+03	2.E+03	3.E+03	3.E+03
V-47	1.E−02	3.E+04	7.E+03	8.E+03	
V-48	1.E−02	7.E+02	1.E+02	6.E+01	
V-49	1.E−02	1.E+05	3.E+03	2.E+03	
Cr-48	1.E−01	6.E+03	1.E+03	7.E+02	6.E+02
	1.E−02	6.E+03			
Cr-49	1.E−01	3.E+04	7.E+03	9.E+03	8.E+03
	1.E−02	3.E+04			
Cr-51	1.E−01	4.E+04	4.E+03	2.E+03	2.E+03
	1.E−02	4.E+04			
Mn-51	1.E−01	2.E+04	4.E+03	5.E+03	
Mn-52m	1.E−01	4.E+04	8.E+03	9.E+03	
Mn-52	1.E−01	8.E+02	1.E+02	8.E+01	
Mn-53	1.E−01	5.E+04	2.E+03	1.E+03	
Mn-54	1.E−01	2.E+03	8.E+01	7.E+01	
Mn-56	1.E−01	5.E+03	1.E+03	2.E+03	
Fe-52	1.E−01	1.E+03	3.E+02	2.E+02	
Fe-55	1.E−01	9.E+03	2.E+02	4.E+02	
Fe-59	1.E−01	8.E+02	3.E+01	5.E+01	
Fe-60	1.E−01	3.E+01	6.E−01	2.E+00	
Co-55	5.E−02	1.E+03		3.E+02	2.E+02
	3.E−01	2.E+03			

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
Co-56	5.E−02	5.E+02		3.E+01	2.E+01
	3.E−01	4.E+02			
Co-57	5.E−02	8.E+03		2.E+02	6.E+01
	3.E−01	5.E+03			
Co-58m	5.E−02	6.E+04		8.E+03	6.E+03
	3.E−01	7.E+04			
Co-58	5.E−02	2.E+03		1.E+02	6.E+01
	3.E−01	2.E+03			
Co-60m	5.E−02	2.E+06		3.E+05	2.E+05
	3.E−01	2.E+06			
Co-60	5.E−02	5.E+02		2.E+01	3.E+00
	3.E−01	2.E+02			
Co-61	5.E−02	2.E+04		6.E+03	5.E+03
	3.E−01	2.E+04			
Co-62m	5.E−02	5.E+04		2.E+04	1.E+04
	3.E−01	5.E+04			
Ni-56	5.E−02	2.E+03	2.E+02	1.E+02	
Ni-56 (Vapor)			1.E+02		
Ni-57	5.E−02	2.E+03	4.E+02	3.E+02	
Ni-57 (Vapor)			6.E+02		
Ni-59	5.E−02	3.E+04	3.E+02	6.E+02	
Ni-59 (Vapor)			2.E+02		
Ni-63	5.E−02	1.E+04	1.E+02	2.E+02	
Ni-63 (Vapor)			7.E+01		
Ni-65	5.E−02	9.E+03	2.E+03	3.E+03	
Ni-65 (Vapor)			2.E+03		
Ni-66	5.E−02	5.E+02	1.E+02	6.E+01	
Ni-66 (Vapor)			3.E+02		
Cu-60	5.E−01	3.E+04	8.E+03	1.E+04	9.E+03
Cu-61	5.E−01	1.E+04	3.E+03	4.E+03	3.E+03
Cu-64	5.E−01	1.E+04	3.E+03	2.E+03	2.E+03
Cu-67	5.E−01	5.E+03	7.E+02	5.E+02	4.E+02
Zn-62	5.E−01	2.E+03			3.E+02
Zn-63	5.E−01	3.E+04			6.E+03
Zn-65	5.E−01	4.E+02			2.E+01
Zn-69m	5.E−01	4.E+03			6.E+02
Zn-69	5.E−01	6.E+04			1.E+04
Zn-71m	5.E−01	6.E+03			2.E+03
Zn-72	5.E−01	1.E+03			1.E+02
Ga-65	1.E−03	7.E+04	2.E+04	2.E+04	
Ga-66	1.E−03	1.E+03	3.E+02	3.E+02	
Ga-67	1.E−03	7.E+03	1.E+03	9.E+02	
Ga-68	1.E−03	2.E+04	4.E+03	5.E+03	
Ga-70	1.E−03	7.E+04	2.E+04	2.E+04	
Ga-72	1.E−03	1.E+03	3.E+02	3.E+02	
Ga-73	1.E−03	5.E+03	1.E+03	1.E+03	
Ge-66	1.E+00	3.E+04	2.E+03	2.E+03	
Ge-67	1.E+00	5.E+04	8.E+03	9.E+03	
Ge-68	1.E+00	5.E+03	3.E+02	9.E+00	
Ge-69	1.E+00	1.E+04	1.E+03	7.E+02	
Ge-71	1.E+00	5.E+05	4.E+04	4.E+03	
Ge-75	1.E+00	7.E+04	7.E+03	7.E+03	
Ge-77	1.E+00	9.E+03	9.E+02	5.E+02	
Ge-78	1.E+00	3.E+04	2.E+03	2.E+03	
As-69	5.E−01	5.E+04		1.E+04	
As-70	5.E−01	2.E+04		5.E+03	
As-71	5.E−01	4.E+03		4.E+02	
As-72	5.E−01	9.E+02		1.E+02	
As-73	5.E−01	9.E+03		1.E+02	
As-74	5.E−01	2.E+03		7.E+01	
As-76	5.E−01	1.E+03		1.E+02	
As-77	5.E−01	5.E+03		5.E+02	
As-78	5.E−01	8.E+03		2.E+03	
Se-70	8.E−01	2.E+04	3.E+03	4.E+03	
	5.E−02	1.E+04			
Se-73m	8.E−01	7.E+04	1.E+04	1.E+04	
	5.E−02	4.E+04			
Se-73	8.E−01	7.E+03	1.E+03	1.E+03	

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
	5.E–02	3.E+03			
Se-75	8.E–01	6.E+02	6.E+01	5.E+01	
	5.E–02	3.E+03			
Se-79	8.E–01	6.E+02	7.E+01	5.E+01	
	5.E–02	5.E+03			
Se-81m	8.E–01	4.E+04	6.E+03	6.E+03	
	5.E–02	3.E+04			
Se-81	8.E–01	9.E+04	2.E+04	2.E+04	
	5.E–02	9.E+04			
Se-83	8.E–01	5.E+04	1.E+04	1.E+04	
	5.E–02	3.E+04			
Br-74m	1.E+00	2.E+04	3.E+03	4.E+03	
Br-74	1.E+00	4.E+04	6.E+03	7.E+03	
Br-75	1.E+00	4.E+04	4.E+03	4.E+03	
Br-76	1.E+00	4.E+03	4.E+02	4.E+02	
Br-77	1.E+00	2.E+04	2.E+03	2.E+03	
Br-80m	1.E+00	2.E+04	2.E+03	1.E+03	
Br-80	1.E+00	9.E+04	2.E+04	2.E+04	
Br-82	1.E+00	3.E+03	4.E+02	3.E+02	
Br-83	1.E+00	7.E+04	6.E+03	6.E+03	
Br-84	1.E+00	3.E+04	5.E+03	6.E+03	
Rb-79	1.E+00	6.E+04	1.E+04		
Rb-81m	1.E+00	3.E+05	3.E+04		
Rb-81	1.E+00	4.E+04	4.E+03		
Rb-82m	1.E+00	1.E+04	2.E+03		
Rb-83	1.E+00	7.E+02	9.E+01		
Rb-84	1.E+00	5.E+02	7.E+01		
Rb-86	1.E+00	6.E+02	7.E+01		
Rb-87	1.E+00	1.E+03	1.E+02		
Rb-88	1.E+00	3.E+04	6.E+03		
Rb-89	1.E+00	7.E+04	1.E+04		
Sr-80	3.E–01	5.E+03	1.E+03		
	1.E–02	4.E+03			1.E+03
Sr-81	3.E–01	3.E+04	7.E+03		
	1.E–02	2.E+04			7.E+03
Sr-82	3.E–01	3.E+02	3.E+01		
	1.E–02	2.E+02			8.E+00
Sr-83	3.E–01	3.E+03	6.E+02		
	1.E–02	2.E+03			3.E+02
Sr-85m	3.E–01	2.E+05	5.E+04		
	1.E–02	2.E+05			8.E+04
Sr-85	3.E–01	3.E+03	2.E+02		
	1.E–02	4.E+03			1.E+02
Sr-87m	3.E–01	5.E+04	1.E+04		
	1.E–02	4.E+04			1.E+04
Sr-89	3.E–01	6.E+02	8.E+01		
	1.E–02	6.E+02			1.E+01
Sr-90	3.E–01	4.E+01	2.E+00		
	1.E–02	5.E+02			3.E–01
Sr-91	3.E–01	2.E+03	5.E+02		
	1.E–02	2.E+03			3.E+02
Sr-92	3.E–01	3.E+03	8.E+02		
	1.E–02	3.E+03			6.E+02
Y-86m	1.E–04	2.E+04		5.E+03	5.E+03
Y-86	1.E–04	1.E+03		3.E+02	3.E+02
Y-87	1.E–04	2.E+03		3.E+02	3.E+02
Y-88	1.E–04	1.E+03		2.E+01	2.E+01
Y-90m	1.E–04	8.E+03		1.E+03	1.E+03
Y-90	1.E–04	5.E+02		6.E+01	5.E+01
Y-91m	1.E–04	1.E+05		2.E+04	1.E+04
Y-91	1.E–04	6.E+02		2.E+01	1.E+01
Y-92	1.E–04	3.E+03		7.E+02	7.E+02
Y-93	1.E–04	1.E+03		3.E+02	2.E+02
Y-94	1.E–04	3.E+04		7.E+03	7.E+03
Y-95	1.E–04	5.E+04		1.E+04	1.E+04
Zr-86	2.E–03	2.E+03	4.E+02	2.E+02	2.E+02
Zr-88	2.E–03	4.E+03	2.E+01	4.E+01	3.E+01
Zr-89	2.E–03	2.E+03	3.E+02	2.E+02	2.E+02

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
Zr-93	2.E−03	3.E+03	1.E+00	6.E+00	6.E+00
Zr-95	2.E−03	2.E+03	2.E+01	3.E+01	2.E+01
Zr-97	2.E−03	7.E+02	2.E+02	1.E+02	1.E+02
Nb-88	1.E−02	7.E+04		2.E+04	2.E+04
Nb-89 (66 min)	1.E−02	1.E+04		4.E+03	3.E+03
Nb-89 (122 min)	1.E−02	5.E+03		2.E+03	1.E+03
Nb-90	1.E−02	1.E+03		2.E+02	2.E+02
Nb-93m	1.E−02	2.E+05		1.E+03	1.E+02
Nb-94	1.E−02	1.E+03		2.E+01	1.E+00
Nb-95m	1.E−02	3.E+03		2.E+02	2.E+02
Nb-95	1.E−02	2.E+03		1.E+02	1.E+02
Nb-96	1.E−02	1.E+03		2.E+02	2.E+02
Nb-97	1.E−02	2.E+04		7.E+03	6.E+03
Nb-98	1.E−02	2.E+04		5.E+03	4.E+03
Mo-90	8.E−01	5.E+03	6.E+02		
	5.E−02	2.E+03			4.E+02
Mo-93m	8.E−01	1.E+04	2.E+03		
	5.E−02	5.E+03			1.E+03
Mo-93	8.E−01	4.E+03	5.E+02		
	5.E−02	2.E+04			2.E+01
Mo-99	8.E−01	2.E+03	2.E+02		
	5.E−02	1.E+03			1.E+02
Mo-101	8.E−01	6.E+04	1.E+04		
	5.E−02	6.E+04			1.E+04
Tc-93m	8.E−01	7.E+04	1.E+04	3.E+04	
Tc-93	8.E−01	3.E+04	6.E+03	9.E+03	
Tc-94m	8.E−01	2.E+04	4.E+03	5.E+03	
Tc-94	8.E−01	9.E+03	2.E+03	2.E+03	
Tc-95m	8.E−01	4.E+03	5.E+02	2.E+02	
Tc-95	8.E−01	1.E+04	2.E+03	2.E+03	
Tc-96m	8.E−01	2.E+05	3.E+04	2.E+04	
Tc-96	8.E−01	2.E+03	3.E+02	2.E+02	
Tc-97m	8.E−01	5.E+03	6.E+02	1.E+02	
Tc-97	8.E−01	4.E+04	4.E+03	5.E+02	
Tc-98	8.E−01	1.E+03	1.E+02	3.E+01	
Tc-99m	8.E−01	9.E+04	1.E+04	2.E+04	
Tc-99	8.E−01	4.E+03	5.E+02	6.E+01	
Tc-101	8.E−01	1.E+05	3.E+04	3.E+04	
Tc-104	8.E−01	3.E+04	7.E+03	8.E+03	
Ru-94	5.E−02	2.E+04	4.E+03	6.E+03	5.E+03
Ru-97	5.E−02	8.E+03	2.E+03	1.E+03	1.E+03
Ru-103	5.E−02	2.E+03	2.E+02	9.E+01	6.E+01
Ru-105	5.E−02	5.E+03	1.E+03	1.E+03	1.E+03
Ru-106	5.E−02	2.E+02	8.E+00	5.E+00	1.E+00
Rh-99m	5.E−02	2.E+04	5.E+03	7.E+03	6.E+03
Rh-99	5.E−02	3.E+03	3.E+02	2.E+02	2.E+02
Rh-100	5.E−02	2.E+03	5.E+02	4.E+02	3.E+02
Rh-101m	5.E−02	6.E+03	1.E+03	7.E+02	7.E+02
Rh-101	5.E−02	2.E+03	4.E+01	7.E+01	1.E+01
Rh-102m	5.E−02	2.E+03	4.E+01	4.E+01	1.E+01
Rh-102	5.E−02	6.E+02	8.E+00	2.E+01	5.E+00
Rh-103m	5.E−02	5.E+05	1.E+05	1.E+05	1.E+05
Rh-105	5.E−02	4.E+03	1.E+03	6.E+02	5.E+02
Rh-106m	5.E−02	9.E+03	2.E+03	3.E+03	3.E+03
Rh-107	5.E−02	1.E+05	2.E+04	2.E+04	2.E+04
Pd-100	5.E−03	1.E+03	1.E+02	1.E+02	1.E+02
Pd-101	5.E−03	1.E+04	3.E+03	3.E+03	3.E+03
Pd-103	5.E−03	8.E+03	6.E+02	4.E+02	3.E+02
Pd-107	5.E−03	4.E+04	2.E+03	7.E+02	3.E+01
Pd-109	5.E−03	2.E+03	6.E+02	5.E+02	4.E+02
Ag-102	5.E−02	7.E+04	2.E+04	2.E+04	2.E+04
Ag-103	5.E−02	4.E+04	9.E+03	1.E+04	1.E+04
Ag-104m	5.E−02	3.E+04	8.E+03	1.E+04	1.E+04
Ag-104	5.E−02	2.E+04	6.E+03	1.E+04	1.E+04
Ag-105	5.E−02	3.E+03	9.E+01	2.E+02	1.E+02
Ag-106m	5.E−02	8.E+02	6.E+01	8.E+01	8.E+01
Ag-106	5.E−02	7.E+04	2.E+04	2.E+04	2.E+04
Ag-108m	5.E−02	7.E+02	2.E+01	2.E+01	2.E+00

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
Ag-110m	5.E–02	5.E+02	1.E+01	2.E+01	8.E+00
Ag-111	5.E–02	1.E+03	1.E+02	8.E+01	8.E+01
Ag-112	5.E–02	3.E+03	7.E+02	9.E+02	8.E+02
Ag-115	5.E–02	3.E+04	8.E+03	7.E+03	7.E+03
Cd-104	5.E–02	2.E+04	6.E+03	1.E+04	1.E+04
Cd-107	5.E–02	2.E+04	5.E+03	5.E+03	4.E+03
Cd-109	5.E–02	4.E+02	4.E+00	1.E+01	1.E+01
Cd-113m	5.E–02	4.E+01	3.E–01	1.E+00	1.E+00
Cd-113	5.E–02	3.E+01	3.E–01	9.E–01	1.E+00
Cd-115m	5.E–02	3.E+02	7.E+00	1.E+01	1.E+01
Cd-115	5.E–02	1.E+03	1.E+02	1.E+02	1.E+02
Cd-117m	5.E–02	5.E+03	1.E+03	2.E+03	1.E+03
Cd-117	5.E–02	5.E+03	1.E+03	2.E+03	1.E+03
In-109	2.E–02	2.E+04	4.E+03	6.E+03	
In-110 (69 min)	2.E–02	2.E+04	4.E+03	5.E+03	
In-110 (5 h)	2.E–02	5.E+03	2.E+03	2.E+03	
In-111	2.E–02	4.E+03	6.E+02	6.E+02	
In-112	2.E–02	2.E+05	6.E+04	6.E+04	
In-113m	2.E–02	5.E+04	1.E+04	2.E+04	
In-114m	2.E–02	4.E+02	6.E+00	9.E+00	
In-115m	2.E–02	2.E+04	4.E+03	4.E+03	
In-115	2.E–02	4.E+01	1.E–01	5.E–01	
In-116m	2.E–02	3.E+04	7.E+03	1.E+04	
In-117m	2.E–02	1.E+04	3.E+03	4.E+03	
In-117	2.E–02	6.E+04	2.E+04	2.E+04	
In-119m	2.E–02	5.E+04	1.E+04	1.E+04	
Sn-110	2.E–02	4.E+03	1.E+03	1.E+03	
Sn-111	2.E–02	8.E+04	2.E+04	2.E+04	
Sn-113	2.E–02	2.E+03	1.E+02	5.E+01	
Sn-117m	2.E–02	2.E+03	2.E+02	1.E+02	
Sn-119m	2.E–02	4.E+03	2.E+02	8.E+01	
Sn-121m	2.E–02	4.E+03	8.E+01	5.E+01	
Sn-121	2.E–02	6.E+03	1.E+03	1.E+03	
Sn-123m	2.E–02	5.E+04	1.E+04	1.E+04	
Sn-123	2.E–02	7.E+02	6.E+01	2.E+01	
Sn-125	2.E–02	5.E+02	8.E+01	3.E+01	
Sn-126	2.E–02	3.E+02	5.E+00	6.E+00	
Sn-127	2.E–02	7.E+03	2.E+03	2.E+03	
Sn-128	2.E–02	1.E+04	2.E+03	3.E+03	
Sb-115	1.E–01	8.E+04	2.E+04		
	1.E–02	8.E+04		3.E+04	
Sb-116m	1.E–01	2.E+04	6.E+03		
	1.E–02	2.E+04		1.E+04	
Sb-116	1.E–01	9.E+04	2.E+04		
	1.E–02	9.E+04		3.E+04	
Sb-117	1.E–01	7.E+04	2.E+04		
	1.E–02	7.E+04		3.E+04	
Sb-118m	1.E–01	6.E+03	2.E+03		
	1.E–02	6.E+03		2.E+03	
Sb-119	1.E–01	2.E+04	4.E+03		
	1.E–02	2.E+04		2.E+03	
Sb-120 (16 min)	1.E–01	2.E+05	4.E+04		
	1.E–02	2.E+05		4.E+04	
Sb-120 (6 d)	1.E–01	1.E+03	2.E+02		
	1.E–02	1.E+03		1.E+02	
Sb-122	1.E–01	9.E+02	2.E+02		
	1.E–02	8.E+02		1.E+02	
Sb-124m	1.E–01	3.E+05	7.E+04		
	1.E–02	3.E+05		5.E+04	
Sb-124	1.E–01	6.E+02	8.E+01		
	1.E–02	6.E+02		2.E+01	
Sb-125	1.E–01	2.E+03	2.E+02		
	1.E–02	2.E+03		5.E+01	
Sb-126m	1.E–01	7.E+04	2.E+04		
	1.E–02	7.E+04		2.E+04	
Sb-126	1.E–01	6.E+02	1.E+02		
	1.E–02	5.E+02		4.E+01	
Sb-127	1.E–01	9.E+02	2.E+02		

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
	1.E–02	8.E+02		8.E+01	
Sb-128 (9 h)	1.E–01	1.E+03	4.E+02		
	1.E–02	1.E+03		3.E+02	
Sb-128 (10 min)	1.E–01	1.E+05	3.E+04		
	1.E–02	1.E+05		4.E+04	
Sb-129	1.E–01	3.E+03	8.E+02		
	1.E–02	3.E+03		8.E+02	
Sb-130	1.E–01	2.E+04	6.E+03		
	1.E–02	2.E+04		7.E+03	
Sb-131	1.E–01	2.E+04	4.E+03		
	1.E–02	2.E+04		4.E+03	
Te-116	2.E–01	8.E+03	2.E+03	3.E+03	
Te-121m	2.E–01	8.E+02	3.E+01	4.E+01	
Te-121	2.E–01	3.E+03	4.E+02	3.E+02	
Te-123m	2.E–01	1.E+03	5.E+01	5.E+01	
Te-123	2.E–01	1.E+03	4.E+01	1.E+02	
Te-125m	2.E–01	2.E+03	9.E+01	7.E+01	
Te-127m	2.E–01	7.E+02	4.E+01	2.E+01	
Te-127	2.E–01	8.E+03	2.E+03	2.E+03	
Te-129m	2.E–01	5.E+02	6.E+01	2.E+01	
Te-129	2.E–01	3.E+04	6.E+03	7.E+03	
Te-131m	2.E–01	6.E+02	1.E+02	8.E+01	
Te-131	2.E–01	6.E+03	1.E+03	1.E+03	
Te-132	2.E–01	7.E+02	7.E+01	6.E+01	
Te-133m	2.E–01	7.E+03	1.E+03	1.E+03	
Te-133	2.E–01	3.E+04	5.E+03	5.E+03	
Te-134	2.E–01	3.E+04	4.E+03	5.E+03	
I-120m	1.E+00	1.E+04	2.E+03		
I-120	1.E+00	8.E+03	1.E+03		
I-121	1.E+00	3.E+04	4.E+03		
I-123	1.E+00	1.E+04	2.E+03		
I-124	1.E+00	2.E+02	2.E+01		
I-125	1.E+00	1.E+02	2.E+01		
I-126	1.E+00	7.E+01	1.E+01		
I-128	1.E+00	6.E+04	1.E+04		
I-129	1.E+00	2.E+01	3.E+00		
I-130	1.E+00	1.E+03	2.E+02		
I-131	1.E+00	1.E+02	1.E+01		
I-132m	1.E+00	1.E+04	2.E+03		
I-132	1.E+00	9.E+03	1.E+03		
I-133	1.E+00	5.E+02	8.E+01		
I-134	1.E+00	3.E+04	4.E+03		
I-135	1.E+00	3.E+03	4.E+02		
Cs-125	1.E+00	9.E+04	1.E+04		
Cs-127	1.E+00	7.E+04	9.E+03		
Cs-129	1.E+00	2.E+04	3.E+03		
Cs-130	1.E+00	1.E+05	2.E+04		
Cs-131	1.E+00	2.E+04	3.E+03		
Cs-132	1.E+00	3.E+03	4.E+02		
Cs-134m	1.E+00	1.E+05	1.E+04		
Cs-134	1.E+00	7.E+01	9.E+00		
Cs-135m	1.E+00	1.E+05	2.E+04		
Cs-135	1.E+00	7.E+02	1.E+02		
Cs-136	1.E+00	5.E+02	6.E+01		
Cs-137	1.E+00	1.E+02	1.E+01		
Cs-138	1.E+00	3.E+04	5.E+03		
Ba-126	1.E–01	6.E+03	1.E+03		
Ba-128	1.E–01	5.E+02	2.E+02		
Ba-131m	1.E–01	5.E+05	1.E+05		
Ba-131	1.E–01	3.E+03	7.E+02		
Ba-133m	1.E–01	3.E+03	8.E+02		
Ba-133	1.E–01	2.E+03	7.E+01		
Ba-135m	1.E–01	3.E+03	1.E+03		
Ba-139	1.E–01	1.E+04	3.E+03		
Ba-140	1.E–01	6.E+02	1.E+02		
Ba-141	1.E–01	3.E+04	6.E+03		
Ba-142	1.E–01	5.E+04	1.E+04		
La-131	1.E–03	5.E+04	1.E+04	2.E+04	

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 mSv/yr.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
La-132	1.E−03	4.E+03	9.E+02	1.E+03	
La-135	1.E−03	4.E+04	9.E+03	9.E+03	
La-137	1.E−03	1.E+04	6.E+00	2.E+01	
La-138	1.E−03	9.E+02	3.E−01	1.E+00	
La-140	1.E−03	7.E+02	1.E+02	1.E+02	
La-141	1.E−03	4.E+03	8.E+02	1.E+03	
La-142	1.E−03	8.E+03	2.E+03	3.E+03	
La-143	1.E−03	4.E+04	9.E+03	8.E+03	
Ce-134	3.E−04	6.E+02		7.E+01	6.E+01
Ce-135	3.E−04	2.E+03		4.E+02	3.E+02
Ce-137m	3.E−04	3.E+03		4.E+02	3.E+02
Ce-137	3.E−04	5.E+04		1.E+04	1.E+04
Ce-139	3.E−04	5.E+03		7.E+01	6.E+01
Ce-141	3.E−04	2.E+03		6.E+01	5.E+01
Ce-143	3.E−04	1.E+03		2.E+02	1.E+02
Ce-144	3.E−04	3.E+02		2.E+00	1.E+00
Pr-136	3.E−04	8.E+04		2.E+04	2.E+04
Pr-137	3.E−04	4.E+04		1.E+04	1.E+04
Pr-138m	3.E−04	1.E+04		5.E+03	4.E+03
Pr-139	3.E−04	4.E+04		1.E+04	1.E+04
Pr-142m	3.E−04	8.E+04		1.E+04	1.E+04
Pr-142	3.E−04	1.E+03		2.E+02	2.E+02
Pr-143	3.E−04	1.E+03		7.E+01	6.E+01
Pr-144	3.E−04	5.E+04		1.E+04	1.E+04
Pr-145	3.E−04	3.E+03		8.E+02	7.E+02
Pr-147	3.E−04	9.E+04		2.E+04	2.E+04
Nd-136	3.E−04	2.E+04		5.E+03	5.E+03
Nd-138	3.E−04	2.E+03		6.E+02	5.E+02
Nd-139m	3.E−04	5.E+03		2.E+03	1.E+03
Nd-139	3.E−04	9.E+04		3.E+04	3.E+04
Nd-141	3.E−04	2.E+05		6.E+04	5.E+04
Nd-147	3.E−04	1.E+03		8.E+01	7.E+01
Nd-149	3.E−04	1.E+04		2.E+03	2.E+03
Nd-151	3.E−04	7.E+04		2.E+04	2.E+04
Pm-141	3.E−04	6.E+04		2.E+04	2.E+04
Pm-143	3.E−04	5.E+03		5.E+01	6.E+01
Pm-144	3.E−04	1.E+03		1.E+01	1.E+01
Pm-145	3.E−04	1.E+04		2.E+01	2.E+01
Pm-146	3.E−04	2.E+03		4.E+00	4.E+00
Pm-147	3.E−04	5.E+03		2.E+01	1.E+01
Pm-148m	3.E−04	7.E+02		3.E+01	3.E+01
Pm-148	3.E−04	5.E+02		5.E+01	4.E+01
Pm-149	3.E−04	2.E+03		2.E+02	2.E+02
Pm-150	3.E−04	5.E+03		2.E+03	2.E+03
Pm-151	3.E−04	2.E+03		3.E+02	3.E+02
Sm-141m	3.E−04	3.E+04		9.E+03	
Sm-141	3.E−04	6.E+04		2.E+04	
Sm-142	3.E−04	9.E+03		2.E+03	
Sm-145	3.E−04	6.E+03		5.E+01	
Sm-146	3.E−04	3.E+01		6.E−03	
Sm-147	3.E−04	3.E+01		6.E−03	
Sm-151	3.E−04	2.E+04		2.E+01	
Sm-153	3.E−04	2.E+03		3.E+02	
Sm-155	3.E−04	8.E+04		2.E+04	
Sm-156	3.E−04	5.E+03		8.E+02	
Eu-145	1.E−03	2.E+03		2.E+02	
Eu-146	1.E−03	1.E+03		1.E+02	
Eu-147	1.E−03	3.E+03		2.E+02	
Eu-148	1.E−03	1.E+03		3.E+01	
Eu-149	1.E−03	1.E+04		3.E+02	
Eu-150 (12 h)	1.E−03	4.E+03		7.E+02	
Eu-150 (34 yr)	1.E−03	8.E+02		2.E+00	
Eu-152m	1.E−03	3.E+03		6.E+02	
Eu-152	1.E−03	9.E+02		2.E+00	
Eu-154	1.E−03	6.E+02		2.E+00	
Eu-155	1.E−03	4.E+03		1.E+01	
Eu-156	1.E−03	6.E+02		4.E+01	
Eu-157	1.E−03	2.E+03		4.E+02	

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 mSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
Eu-158	1.E–03	2.E+04		5.E+03	
Gd-145	3.E–04	5.E+04	1.E+04	2.E+04	
Gd-146	3.E–04	1.E+03	1.E+01	3.E+01	
Gd-147	3.E–04	2.E+03	4.E+02	3.E+02	
Gd-148	3.E–04	3.E+01	1.E–03	5.E–03	
Gd-149	3.E–04	3.E+03	2.E+02	2.E+02	
Gd-151	3.E–04	7.E+03	6.E+01	1.E+02	
Gd-152	3.E–04	3.E+01	2.E–03	7.E–03	
Gd-153	3.E–04	5.E+03	2.E+01	5.E+01	
Gd-159	3.E–04	3.E+03	7.E+02	5.E+02	
Tb-147	3.E–04	9.E+03		3.E+03	
Tb-149	3.E–04	5.E+03		7.E+01	
Tb-150	3.E–04	5.E+03		2.E+03	
Tb-151	3.E–04	4.E+03		8.E+02	
Tb-153	3.E–04	5.E+03		6.E+02	
Tb-154	3.E–04	2.E+03		4.E+02	
Tb-155	3.E–04	6.E+03		7.E+02	
Tb-156m (24 h)	3.E–04	7.E+03		7.E+02	
Tb-156m (5 h)	3.E–04	2.E+04		2.E+03	
Tb-156	3.E–04	1.E+03		1.E+02	
Tb-157	3.E–04	5.E+04		5.E+01	
Tb-158	3.E–04	1.E+03		2.E+00	
Tb-160	3.E–04	8.E+02		2.E+01	
Tb-161	3.E–04	2.E+03		1.E+02	
Dy-155	3.E–04	9.E+03		2.E+03	
Dy-157	3.E–04	2.E+04		6.E+03	
Dy-159	3.E–04	1.E+04		2.E+02	
Dy-165	3.E–04	1.E+04		4.E+03	
Dy-166	3.E–04	8.E+02		7.E+01	
Ho-155	3.E–04	4.E+04		1.E+04	
Ho-157	3.E–04	3.E+05		1.E+05	
Ho-159	3.E–04	2.E+05		9.E+04	
Ho-161	3.E–04	1.E+05		4.E+04	
Ho-162m	3.E–04	6.E+04		2.E+04	
Ho-162	3.E–04	8.E+05		2.E+05	
Ho-164m	3.E–04	1.E+05		3.E+04	
Ho-164	3.E–04	2.E+05		6.E+04	
Ho-166m	3.E–04	7.E+02		6.E–01	
Ho-166	3.E–04	9.E+02		2.E+02	
Ho-167	3.E–04	2.E+04		5.E+03	
Er-161	3.E–04	2.E+04		6.E+03	
Er-165	3.E–04	7.E+04		2.E+04	
Er-169	3.E–04	4.E+03		2.E+02	
Er-171	3.E–04	4.E+03		9.E+02	
Er-172	3.E–04	1.E+03		1.E+02	
Tm-162	3.E–04	7.E+04		2.E+04	
Tm-166	3.E–04	4.E+03		1.E+03	
Tm-167	3.E–04	3.E+03		2.E+02	
Tm-170	3.E–04	1.E+03		2.E+01	
Tm-171	3.E–04	1.E+04		5.E+01	
Tm-172	3.E–04	9.E+02		1.E+02	
Tm-173	3.E–04	4.E+03		1.E+03	
Tm-175	3.E–04	1.E+05		2.E+04	
Yb-162	3.E–04	7.E+04		3.E+04	2.E+04
Yb-166	3.E–04	1.E+03		2.E+02	2.E+02
Yb-167	3.E–04	3.E+05		7.E+04	6.E+04
Yb-169	3.E–04	2.E+03		7.E+01	6.E+01
Yb-175	3.E–04	3.E+03		3.E+02	3.E+02
Yb-177	3.E–04	2.E+04		4.E+03	4.E+03
Yb-178	3.E–04	1.E+04		4.E+03	3.E+03
Lu-169	3.E–04	3.E+03		4.E+02	4.E+02
Lu-170	3.E–04	1.E+03		2.E+02	2.E+02
Lu-171	3.E–04	2.E+03		2.E+02	2.E+02
Lu-172	3.E–04	1.E+03		1.E+02	1.E+02
Lu-173	3.E–04	5.E+03		4.E+01	2.E+01
Lu-174m	3.E–04	3.E+03		3.E+01	2.E+01
Lu-174	3.E–04	5.E+03		2.E+01	1.E+01
Lu-176m	3.E–04	8.E+03		2.E+03	2.E+03

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m^3)		
			D	W	Y
Lu-176	3.E–04	8.E+02		1.E+00	7.E–01
Lu-177m	3.E–04	8.E+02		1.E+01	7.E+00
Lu-177	3.E–04	3.E+03		2.E+02	2.E+02
Lu-178m	3.E–04	6.E+04		2.E+04	2.E+04
Lu-178	3.E–04	4.E+04		1.E+04	1.E+04
Lu-179	3.E–04	6.E+03		2.E+03	1.E+03
Hf-170	2.E–03	3.E+03	5.E+02	4.E+02	
Hf-172	2.E–03	1.E+03	2.E+00	5.E+00	
Hf-173	2.E–03	5.E+03	1.E+03	1.E+03	
Hf-175	2.E–03	3.E+03	9.E+01	1.E+02	
Hf-177m	2.E–03	2.E+04	5.E+03	8.E+03	
Hf-178m	2.E–03	3.E+02	2.E–01	8.E–01	
Hf-179m	2.E–03	1.E+03	5.E+01	5.E+01	
Hf-180m	2.E–03	8.E+03	2.E+03	2.E+03	
Hf-181	2.E–03	1.E+03	4.E+01	4.E+01	
Hf-182m	2.E–03	4.E+04	8.E+03	1.E+04	
Hf-182	2.E–03	4.E+02	2.E–01	6.E–01	
Hf-183	2.E–03	2.E+04	4.E+03	5.E+03	
Hf-184	2.E–03	3.E+03	7.E+02	6.E+02	
Ta-172	1.E–03	4.E+04		1.E+04	9.E+03
Ta-173	1.E–03	7.E+03		2.E+03	2.E+03
Ta-174	1.E–03	3.E+04		8.E+03	8.E+03
Ta-175	1.E–03	6.E+03		1.E+03	1.E+03
Ta-176	1.E–03	4.E+03		1.E+03	1.E+03
Ta-177	1.E–03	1.E+04		2.E+03	2.E+03
Ta-178	1.E–03	2.E+04		8.E+03	6.E+03
Ta-179	1.E–03	2.E+04		5.E+02	8.E+01
Ta-180m	1.E–03	2.E+04		6.E+03	5.E+03
Ta-180	1.E–03	2.E+03		4.E+01	2.E+00
Ta-182m	1.E–03	2.E+05		5.E+04	4.E+04
Ta-182	1.E–03	9.E+02		3.E+01	1.E+01
Ta-183	1.E–03	1.E+03		1.E+02	9.E+01
Ta-184	1.E–03	2.E+03		5.E+02	4.E+02
Ta-185	1.E–03	3.E+04		7.E+03	6.E+03
Ta-186	1.E–03	8.E+04		2.E+04	2.E+04
W-176	1.E–02	1.E+04			
	3.E–01	1.E+04	5.E+03		
W-177	1.E–02	2.E+04			
	3.E–01	3.E+04	8.E+03		
W-178	1.E–02	6.E+03			
	3.E–01	8.E+03	2.E+03		
W-179	1.E–02	6.E+05			
	3.E–01	6.E+05	2.E+05		
W-181	1.E–02	2.E+04			
	3.E–01	2.E+04	3.E+03		
W-185	1.E–02	3.E+03			
	3.E–01	4.E+03	6.E+02		
W-187	1.E–02	2.E+03			
	3.E–01	3.E+03	8.E+02		
W-188	1.E–02	6.E+02			
	3.E–01	8.E+02	1.E+02		
Re-177	8.E–01	1.E+05	2.E+04	3.E+04	
Re-178	8.E–01	1.E+05	2.E+04	3.E+04	
Re-181	8.E–01	5.E+03	8.E+02	8.E+02	
Re-182 (64 h)	8.E–01	2.E+03	2.E+02	2.E+02	
Re-182 (12 h)	8.E–01	7.E+03	1.E+03	1.E+03	
Re-184m	8.E–01	2.E+03	3.E+02	4.E+01	
Re-184	8.E–01	2.E+03	3.E+02	1.E+02	
Re-186m	8.E–01	2.E+03	2.E+02	1.E+01	
Re-186	8.E–01	2.E+03	3.E+02	2.E+02	
Re-187	8.E–01	6.E+05	8.E+04	9.E+03	
Re-188m	8.E–01	8.E+04	1.E+04	1.E+04	
Re-188	8.E–01	2.E+03	3.E+02	2.E+02	
Re-189	8.E–01	3.E+03	5.E+02	4.E+02	
Os-180	1.E–02	1.E+05	3.E+04	4.E+04	4.E+04
Os-181	1.E–02	2.E+04	4.E+03	4.E+03	4.E+03
Os-182	1.E–02	2.E+03	5.E+02	4.E+02	4.E+02
Os-185	1.E–02	3.E+03	4.E+01	7.E+01	7.E+01

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m^3)		
			D	W	Y
Os-189m	1.E−02	8.E+04	2.E+04	2.E+04	2.E+04
Os-191m	1.E−02	1.E+04	3.E+03	2.E+03	2.E+03
Os-191	1.E−02	3.E+03	2.E+02	1.E+02	1.E+02
Os-193	1.E−02	2.E+03	4.E+02	3.E+02	2.E+02
Os-194	1.E−02	6.E+02	4.E+00	5.E+00	7.E−01
Ir-182	1.E−02	4.E+04	1.E+04	1.E+04	1.E+04
Ir-184	1.E−02	8.E+03	2.E+03	3.E+03	2.E+03
Ir-185	1.E−02	5.E+03	1.E+03	1.E+03	9.E+02
Ir-186	1.E−02	2.E+03	7.E+02	6.E+02	5.E+02
Ir-187	1.E−02	1.E+04	3.E+03	3.E+03	2.E+03
Ir-188	1.E−02	2.E+03	4.E+02	3.E+02	3.E+02
Ir-189	1.E−02	6.E+03	4.E+02	4.E+02	3.E+02
Ir-190m	1.E−02	2.E+05	2.E+04	2.E+04	2.E+04
Ir-190	1.E−02	1.E+03	8.E+01	9.E+01	8.E+01
Ir-192m	1.E−02	3.E+03	8.E+00	2.E+01	1.E+00
Ir-192	1.E−02	1.E+03	2.E+01	4.E+01	2.E+01
Ir-194m	1.E−02	6.E+02	8.E+00	2.E+01	9.E+00
Ir-194	1.E−02	1.E+03	3.E+02	2.E+02	2.E+02
Ir-195m	1.E−02	8.E+03	2.E+03	3.E+03	2.E+03
Ir-195	1.E−02	2.E+04	4.E+03	5.E+03	4.E+03
Pt-186	1.E−02	1.E+04	3.E+03		
Pt-188	1.E−02	2.E+03	2.E+02		
Pt-189	1.E−02	1.E+04	3.E+03		
Pt-191	1.E−02	4.E+03	7.E+02		
Pt-193m	1.E−02	3.E+03	5.E+02		
Pt-193	1.E−02	5.E+04	2.E+03		
Pt-195m	1.E−02	2.E+03	4.E+02		
Pt-197m	1.E−02	2.E+04	4.E+03		
Pt-197	1.E−02	3.E+03	9.E+02		
Pt-199	1.E−02	5.E+04	1.E+04		
Pt-200	1.E−02	1.E+03	3.E+02		
Au-193	1.E−01	1.E+04	2.E+03	2.E+03	2.E+03
Au-194	1.E−01	3.E+03	7.E+02	5.E+02	5.E+02
Au-195	1.E−01	5.E+03	1.E+03	1.E+02	4.E+01
Au-198m	1.E−01	1.E+03	2.E+02	1.E+02	1.E+02
Au-198	1.E−01	1.E+03	3.E+02	2.E+02	2.E+02
Au-199	1.E−01	3.E+03	8.E+02	4.E+02	3.E+02
Au-200m	1.E−01	1.E+03	3.E+02	3.E+02	2.E+02
Au-200	1.E−01	3.E+04	6.E+03	7.E+03	6.E+03
Au-201	1.E−01	9.E+04	2.E+04	2.E+04	2.E+04
Hg-193m (Org)	1.E+00	1.E+04	1.E+03		
	4.E−01	4.E+03			
Hg-193m	2.E−02	3.E+03	8.E+02	7.E+02	
Hg-193m (Vapor)			8.E+02		
Hg-193 (Org)	1.E+00	5.E+04	6.E+03		
	4.E−01	2.E+04			
Hg-193	2.E−02	2.E+04	4.E+03	4.E+03	
Hg-193 (Vapor)			3.E+03		
Hg-194 (Org)	1.E+00	2.E+01	3.E+00		
	4.E−01	5.E+01			
Hg-194	2.E−02	9.E+02	4.E+00	1.E+01	
Hg-194 (Vapor)			3.E+00		
Hg-195m (Org)	1.E+00	5.E+03	5.E+02		
	4.E−01	3.E+03			
Hg-195m	2.E−02	2.E+03	5.E+02	3.E+02	
Hg-195m (Vapor)			4.E+02		
Hg-195 (Org)	1.E+00	4.E+04	4.E+03		
	4.E−01	2.E+04			
Hg-195	2.E−02	1.E+04	3.E+03	3.E+03	
Hg-195 (Vapor)			3.E+03		
Hg-197m (Org)	1.E+00	7.E+03	8.E+02		
	4.E−01	4.E+03			
Hg-197m	2.E−02	3.E+03	7.E+02	4.E+02	
Hg-197m (Vapor)			5.E+02		
Hg-197 (Org)	1.E+00	1.E+04	1.E+03		
	4.E−01	7.E+03			
Hg-197	2.E−02	6.E+03	1.E+03	8.E+02	
Hg-197 (Vapor)			8.E+02		

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m^3)		
			D	W	Y
Hg-199m (Org)	1.E+00	1.E+05	1.E+04		
	4.E–01	6.E+04			
Hg-199m	2.E–02	6.E+04	1.E+04	2.E+04	
Hg-199m (Vapor)			7.E+03		
Hg-203 (Org)	1.E+00	5.E+02	7.E+01		
	4.E–01	9.E+02			
Hg-203	2.E–02	3.E+03	1.E+02	1.E+02	
Hg-203 (Vapor)			7.E+01		
Tl-194m	1.E+00	7.E+04	1.E+04		
Tl-194	1.E+00	3.E+05	5.E+04		
Tl-195	1.E+00	7.E+04	1.E+04		
Tl-197	1.E+00	8.E+04	1.E+04		
Tl-198m	1.E+00	3.E+04	5.E+03		
Tl-198	1.E+00	2.E+04	3.E+03		
Tl-199	1.E+00	6.E+04	7.E+03		
Tl-200	1.E+00	8.E+03	1.E+03		
Tl-201	1.E+00	2.E+04	2.E+03		
Tl-202	1.E+00	4.E+03	5.E+02		
Tl-204	1.E+00	2.E+03	2.E+02		
Pb-195m	2.E–01	6.E+04	2.E+04		
Pb-198	2.E–01	3.E+04	6.E+03		
Pb-199	2.E–01	2.E+04	6.E+03		
Pb-200	2.E–01	3.E+03	6.E+02		
Pb-201	2.E–01	8.E+03	2.E+03		
Pb-202m	2.E–01	9.E+03	3.E+03		
Pb-202	2.E–01	1.E+02	5.E+00		
Pb-203	2.E–01	5.E+03	9.E+02		
Pb-205	2.E–01	4.E+03	1.E+02		
Pb-209	2.E–01	3.E+04	5.E+03		
Pb-210	2.E–01	1.E+00	4.E–02		
Pb-211	2.E–01	1.E+04	6.E+01		
Pb-212	2.E–01	1.E+02	3.E+00		
Pb-214	2.E–01	9.E+03	7.E+01		
Bi-200	5.E–02	3.E+04	7.E+03	9.E+03	
Bi-201	5.E–02	1.E+04	3.E+03	3.E+03	
Bi-202	5.E–02	2.E+04	4.E+03	7.E+03	
Bi-203	5.E–02	3.E+03	6.E+02	5.E+02	
Bi-205	5.E–02	1.E+03	2.E+02	1.E+02	
Bi-206	5.E–02	7.E+02	1.E+02	8.E+01	
Bi-207	5.E–02	1.E+03	2.E+02	3.E+01	
Bi-210m	5.E–02	6.E+01	6.E–01	6.E–02	
Bi-210	5.E–02	9.E+02	3.E+01	2.E+00	
Bi-212	5.E–02	5.E+03	2.E+01	3.E+01	
Bi-213	5.E–02	8.E+03	3.E+01	3.E+01	
Bi-214	5.E–02	2.E+04	7.E+01	8.E+01	
Po-203	1.E–01	3.E+04	6.E+03	8.E+03	
Po-205	1.E–01	2.E+04	3.E+03	6.E+03	
Po-207	1.E–01	9.E+03	2.E+03	3.E+03	
Po-210	1.E–01	3.E+00	5.E–02	5.E–02	
At-207	1.E+00	6.E+03	2.E+02	2.E+02	
At-211	1.E+00	1.E+02	7.E+00	5.E+00	
Rn-220		[3]	[3]	[3]	[3]
Rn-222		[4]	[4]	[4]	[4]
Fr-222	1.E+00	2.E+03	4.E+01		
Fr-223	1.E+00	6.E+02	7.E+01		
Ra-223	2.E–01	1.E+01		6.E–02	
Ra-224	2.E–01	2.E+01		2.E–01	
Ra-225	2.E–01	2.E+01		6.E–02	
Ra-226	2.E–01	5.E+00		6.E–02	
Ra-227	2.E–01	2.E+04		2.E+03	
Ra-228	2.E–01	4.E+00		1.E–01	
Ac-224	1.E–03	2.E+03	3.E+00	4.E+00	4.E+00
Ac-225	1.E–03	6.E+01	4.E–02	6.E–02	6.E–02
Ac-226	1.E–03	1.E+02	3.E–01	4.E–01	4.E–01
Ac-227	1.E–03	4.E–01	7.E–05	3.E–04	4.E–04
Ac-228	1.E–03	2.E+03	2.E+00	5.E+00	4.E+00
Th-226	2.E–04	6.E+03		1.E+01	1.E+01
Th-227	2.E–04	1.E+02		3.E–02	3.E–02

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m^3)		
			D	W	Y
Th-228	2.E–04	1.E+01		2.E–03	1.E–03
Th-229	2.E–04	2.E+00		2.E–04	3.E–04
Th-230	2.E–04	1.E+01		1.E–03	2.E–03
Th-231	2.E–04	4.E+03		6.E+02	6.E+02
Th-232	2.E–04	2.E+00		3.E–04	4.E–04
Th-234	2.E–04	4.E+02		2.E+01	1.E+01
Pa-227	1.E–03	4.E+03		1.E+01	9.E+00
Pa-228	1.E–03	1.E+03		2.E+00	1.E+00
Pa-230	1.E–03	9.E+02		4.E–01	3.E–01
Pa-231	1.E–03	5.E–01		3.E–04	5.E–04
Pa-232	1.E–03	2.E+03		5.E+00	7.E+00
Pa-233	1.E–03	2.E+03		6.E+01	5.E+01
Pa-234	1.E–03	3.E+03		7.E+02	6.E+02
U-230	5.E–02	6.E+00	5.E–02	3.E–02	
	2.E–03	4.E+01			2.E–02
U-231	5.E–02	5.E+03	7.E+02	5.E+02	
	2.E–03	5.E+03			4.E+02
U-232	5.E–02	4.E+00	4.E–02	3.E–02	
	2.E–03	8.E+01			7.E–04
U-233	5.E–02	2.E+01	2.E–01	6.E–02	
	2.E–03	2.E+02			3.E–03
U-234	5.E–02	2.E+01	2.E–01	6.E–02	
	2.E–03	2.E+02			3.E–03
U-235	5.E–02	2.E+01	2.E–01	7.E–02	
	2.E–03	2.E+02			4.E–03
U-236	5.E–02	2.E+01	2.E–01	7.E–02	
	2.E–03	2.E+02			4.E–03
U-237	5.E–02	2.E+03	2.E+02	2.E+02	
	2.E–03	2.E+03			1.E+02
U-238	5.E–02	2.E+01	2.E–01	7.E–02	
	2.E–03	2.E+02			4.E–03
U-239	5.E–02	7.E+04	2.E+04	2.E+04	
	2.E–03	7.E+04			1.E+04
U-240	5.E–02	1.E+03	3.E+02	3.E+02	
	2.E–03	1.E+03			2.E+02
U-Natural	5.E–02	2.E+01	2.E–01	7.E–02	
	2.E–03	2.E+02			4.E–03
Np-232	1.E–03	2.E+05		4.E+02	
Np-233	1.E–03	8.E+05		3.E+05	
Np-234	1.E–03	2.E+03		2.E+02	
Np-235	1.E–03	3.E+04		1.E+02	
Np-236 (1.E+5 yr)	1.E–03	7.E+00		5.E–03	
Np-236 (22 h)	1.E–03	4.E+03		6.E+00	
Np-237	1.E–03	1.E+00		9.E–04	
Np-238	1.E–03	2.E+03		1.E+01	
Np-239	1.E–03	2.E+03		2.E+02	
Np-240	1.E–03	2.E+04		7.E+03	
Pu-234	1.E–03	9.E+03		2.E+01	
	1.E–04	9.E+03			
	1.E–05	9.E+03			2.E+01
Pu-235	1.E–03	9.E+05		3.E+05	
	1.E–04	9.E+05			
	1.E–05	9.E+05			2.E+05
Pu-236	1.E–03	5.E+00		3.E–03	
	1.E–04	4.E+01			
	1.E–05	2.E+02			4.E–03
Pu-237	1.E–03	1.E+04		3.E+02	
	1.E–04	1.E+04			
	1.E–05	1.E+04			3.E+02
Pu-238	1.E–03	2.E+00		1.E–03	
	1.E–04	2.E+01			
	1.E–05	2.E+02			2.E–03
Pu-239	1.E–03	2.E+00		1.E–03	
	1.E–04	2.E+01			
	1.E–05	2.E+02			2.E–036
Pu-240	1.E–03	2.E+00		1.E–03	
	1.E–04	2.E+01			
	1.E–05	2.E+02			2.E–03

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m^3)		
			D	W	Y
Pu-241	1.E–03	8.E+01		5.E–02	
	1.E–04	8.E+02			
	1.E–05	7.E+03			9.E–02
Pu-242	1.E–03	2.E+00		1.E–03	
	1.E–04	2.E+01			
	1.E–05	2.E+02			2.E–03
Pu-243	1.E–03	2.E+04		3.E+03	
	1.E–04	2.E+04			
	1.E–05	2.E+04			3.E+03
Pu-244	1.E–03	2.E+00		1.E–03	
	1.E–04	2.E+01			
	1.E–05	1.E+02			2.E–03
Pu-245	1.E–03	2.E+03		4.E+02	
	1.E–04	2.E+03			
	1.E–05	2.E+03			4.E+02
Pu-246	1.E–03	4.E+02		2.E+01	
	1.E–04	4.E+02			
	1.E–05	4.E+02			2.E+01
Am-237	1.E–03	8.E+04		2.E+04	
Am-238	1.E–03	4.E+04		6.E+02	
Am-239	1.E–03	5.E+03		1.E+03	
Am-240	1.E–03	2.E+03		3.E+02	
Am-241	1.E–03	1.E+00		1.E–03	
Am-242m	1.E–03	2.E+00		1.E–03	
Am-242	1.E–03	4.E+03		8.E+00	
Am-243	1.E–03	1.E+00		1.E–03	
Am-244m	1.E–03	8.E+04		6.E+02	
Am-244	1.E–03	3.E+03		3.E+01	
Am-245	1.E–03	3.E+04		7.E+03	
Am-246m	1.E–03	6.E+04		2.E+04	
Am-246	1.E–03	3.E+04		9.E+03	
Cm-238	1.E–03	2.E+04		1.E+02	
Cm-240	1.E–03	8.E+01		6.E–02	
Cm-241	1.E–03	1.E+03		3.E+00	
Cm-242	1.E–03	5.E+01		3.E–02	
Cm-243	1.E–03	2.E+00		2.E–03	
Cm-244	1.E–03	3.E+00		2.E–03	
Cm-245	1.E–03	1.E+00		1.E–03	
Cm-246	1.E–03	1.E+00		1.E–03	
Cm-247	1.E–03	2.E+00		1.E–03	
Cm-248	1.E–03	4.E–01		3.E–04	
Cm-249	1.E–03	6.E+04		2.E+03	
Cm-250	1.E–03	7.E–02		5.E–05	
Bk-245	1.E–03	2.E+03		1.E+02	
Bk-246	1.E–03	3.E+03		3.E+02	
Bk-247	1.E–03	1.E+00		8.E–04	
Bk-249	1.E–03	5.E+02		3.E–01	
Bk-250	1.E–03	9.E+03		7.E+01	
Cf-244	1.E–03	3.E+04		5.E+01	5.E+01
Cf-246	1.E–03	4.E+02		8.E–01	8.E–01
Cf-248	1.E–03	2.E+01		1.E–02	9.E–03
Cf-249	1.E–03	1.E+00		8.E–04	1.E–03
Cf-250	1.E–03	3.E+00		2.E–03	2.E–03
Cf-251	1.E–03	1.E+00		8.E–04	1.E–03
Cf-252	1.E–03	5.E+00		3.E–03	3.E–03
Cf-253	1.E–03	4.E+02		2.E–01	2.E–01
Cf-254	1.E–03	2.E+00		2.E–03	2.E–03
Es-250	1.E–03	4.E+04		1.E+02	
Es-251	1.E–03	8.E+03		1.E+02	
Es-253	1.E–03	2.E+02		1.E–01	
Es-254m	1.E–03	3.E+02		9.E–01	
Es-254	1.E–03	2.E+01		1.E–02	
Fm-252	1.E–03	5.E+02		1.E+00	
Fm-253	1.E–03	1.E+03		9.E–01	
Fm-254	1.E–03	3.E+03		6.E+00	
Fm-255	1.E–03	5.E+02		2.E+00	
Fm-257	1.E–03	4.E+01		2.E–02	
Md-257	1.E–03	7.E+03		8.E+00	

TABLE A–1b.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FROM INGESTED WATER AND INHALATION RESULTING IN AN EDE OF 1 MSV/YR.—Continued

[Bq]

Radionuclide	f_1 value	Ingested water DCG (Bq/L)	Inhaled air DCG (Bq/m³)		
			D	W	Y
Md-258	1.E–03	5.E+01		3.E–02	

[1] A dash indicates no values given for this data category.
[2] The inhalation DCG values allow for an additional 50% absorption through the skin, as described in ICRP Publication No. 30: "Limits for Intakes of Radionuclides by Workers, Part 1." For elemental tritium, the lung dose equivalent is used as the basis for the DCG value shown.
[3] DCGs for Rn-220 are being assessed by DOE. Until the review has been completed and new values issued, the value of 1.E+02 Bq/m³ given in Figure A–3 shall be used.
[4] DCGs for Rn-222 are being assessed by DOE. Until the review has been completed and new values issued, the value of 1.E+02 Bq/m³ given in Figure A–3 shall be used for Rn-222 releases from DOE facilities.

TABLE A–2.—ALTERNATE ABSORPTION FACTORS AND LUNG RETENTION CLASSES FOR SPECIFIC COMPOUNDS

Element/symbol	Atomic number	Compound	f_1	Lung retention class
Actinium/Ac	89	Oxides, hydroxides	1.E–03	Y.
		Halides, nitrates	1.E–03	W.
		All others	1.E–03	D.
Aluminum/Al	13	Oxides, hydroxides, carbides, halides, nitrates, elemental form.	1.E–02	W.
		All others	1.E–02	D.
Americium/Am	95	All forms	1.E–03	W.
Antimony/Sb	51	Oxides, hydroxides, halides, sulphides, sulphates, nitrates.	1.E–01	D.
		All others	1.E–02	W.
Arsenic/As	33	All forms	5.E–01	W.
Astatine/At	85	All (as a halide)	1.E+00	W or D; dependent upon associated element.
Barium/Ba	56	All forms	1.E–01	D.
Berkelium/Bk	97	All forms	5.E–04	W.
Beryllium/Be	4	Oxides, halides, nitrates	5.E–03	Y.
		All others	5.E–03	W.
Bismuth/Bi	83	All except nitrates	5.E–02	W.
		Nitrates	5.E–02	D.
Bromine/Br	35	Bromides	1.E+00	W or D; dependent upon associated element.
Cadmium/Cd	48	Oxides, hydroxides	5.E–02	Y.
		Sulphates, halides	5.E–02	W.
		All others	5.E–02	D.
Calcium/Ca	20	All forms	3.E–01	W.
Californium/Cf	98	Oxides, hydroxides	1.E–03	Y.
		All others	1.E–03	W.
Carbon/C	6	Oxides	(1)	D.
		Organic (^{11}C)	1.E–02	W.
		Organic (^{14}C)	7.E–05	W.
Cerium/Ce	58	Oxides, hydroxides, fluorides	3.E–04	Y.
		All others	3.E–04	W.
Cesium/Cs	55	All forms	1.E+00	D.
Chlorine/Cl	17	Chloride	1.E+00	W or D; dependent upon associated element.
Chromium/Cr	24	Oxides, hydroxides	1.E–01	Y.
		Halides, nitrates	1.E–01	W.
		All others	1.E–01	D.
		Ingestion[2]		
		Trivalent	1.E–02	
		Hexavalent	1.E–01	
Cobalt/Co	27	Oxides, hydroxides, halides, nitrates	5.E–02	Y.
		All others	5.E–02	W.
		Ingestion only	3.E–01	
Copper/Cu	29	Oxides, hydroxides	5.E–01	Y.
		Sulphites, halides, nitrates	5.E–01	W.
		All forms	5.E–01	D.
Curium/Cm	96	All forms	1.E–03	W.
Dysprosium/Dy	66	All forms	3.E–04	W.
Einsteinium/Es	99	All forms	5.E–04	W.
Erbium/Er	68	All forms	3.E–04	W.
Europium/Eu	63	All forms	1.E–03	W.
Fermium/Fm	100	All forms	5.E–04	W.

TABLE A–2.—ALTERNATE ABSORPTION FACTORS AND LUNG RETENTION CLASSES FOR SPECIFIC COMPOUNDS—Continued

Element/symbol	Atomic number	Compound	f_1	Lung retention class
Fluorine/F	9	Fluoride	1.E+00	Y, W, or D; dependent upon associated element.
Francium/Fr	87	All forms	1.E+00	D.
Gadolinium/Gd	64	Oxides, hydroxides, Fluorides	3.E−04	W.
		All others	3.E−04.	
Gallium/Ga	31	Oxides, hydroxides, carbides, halides, nitrates	1.E−03	W.
		All others	1.E−03	D.
Germanium/Ge	32	Oxides, sulphides, halides	1.E+00	W.
		All others	1.E+00	D.
Gold/Au	79	Oxides, hydroxides	1.E−01	Y.
		Halides, nitrates	1.E−01	W.
		All others	1.E−01	D.
Hafnium/Ga	72	Oxides, hydroxides, halides, carbides, nitrates	2.E−03	W.
		All others	2.E−03	D.
Holmium/Ho	67	All forms	3.E−04	W.
Hydrogen/H	1	Water (^{3}H)	1.E+00	
Indium/In	49	Oxides, hydroxides, halides	2.E−02	W.
		All others	2.E−02	D.
Iodine/I	53	All forms	1.E+00	D.
Iridium/Ir	77	Oxides, hydroxides	1.E−02	Y.
		Halides, nitrates, metallic form	1.E−02	W.
		All others	1.E−02	D.
Iron/Fe	26	Oxides, hydroxides, halides	1.E−01	W.
		All others	1.E−01	D.
Lanthanum/La	57	Oxides, hydroxides	1.E−03	W.
		All others	1.E−03	D.
Lead/Pb	82	All forms	2.E−01	D.
Lutetium/Lu	71	Oxides, hydroxides, fluorides	3.E−04	Y.
		All others	3.E−04	W.
Magnesium/Mg	12	Oxides, hydroxides, carbides, halides, nitrates	5.E−01	W.
		All others	5.E−01	D.
Manganese/Mn	25	Oxides, hydroxides, halides, nitrates	1.E−01	W.
		All others	1.E−01	D.
Mendelevium/Md	101	All forms	5.E−04	W.
Mercury/Hg	80	Oxides, hydroxides, halides, nitrates, sulphites	2.E−02	W.
		Sulphates, elemental form	2.E−02	D.
		Organic forms	1.E+00	D.
		Vapor		D.
Molybdenum/Mo	42	Oxides, hydroxides, MoS_2	5.E−02	Y.
		All others	8.E−01	D
		Ingestion[2]		
		MoS_2	5.E−02	
		All others	8.E−01	
Neodymium/Nd	60	Oxides, hydroxides, carbides, fluorides	3.E−04	Y.
		All others	3.E−04	W.
Neptunium/Np	93	All forms	1.E−03	W.
Nickel/Ni	28	Oxides, hydroxides	5.E−02	W.
		All others (vapor)		D.
Niobium/Nb	41	Oxides, hydroxides	1.E−02	Y.
		All others	1.E−02	W.
Osmium/Os	76	Oxides, hydroxides	1.E−02	Y.
		Halides, nitrates	1.E−02	W.
		All others	1.E−02	D.
Palladium/Pd	46	Oxides, hydroxides	5.E−03	Y.
		Nitrates	5.E−03	W.
		All others	5.E−03	D.
Phosphorus/P	15	Phosphates	8.E−01	W. or D; dependent upon associated element.
Platinum/Pt	78	All forms	1.E−02	D.
Plutonium/Pu	94	Oxides, hydroxides	1.E−05	Y.
		Nitrates	1.E−04	W.
		All others. [Note: Use same values for ingestion]	1.E−03	W.
Polonium/Po	84	Oxides, hydroxides, nitrates	1.E−01	W.
		All others	1.E−01	D.
Potassium/K	19	All forms	1.E+00	D.
Praesodymium/Pr	59	Oxides, hydroxides, carbides, fluorides	3.E−04	Y.
		All others	3.E−04	W.
Promethium/Pm	61	Oxides, hydroxides, carbides, fluorides	3.E−04	Y.
		All others	3.E−04	W.
Protactinium/Pa	91	Oxides, hydroxides	1.E−03	Y.

TABLE A–2.—ALTERNATE ABSORPTION FACTORS AND LUNG RETENTION CLASSES FOR SPECIFIC COMPOUNDS—Continued

Element/symbol	Atomic number	Compound	f_1	Lung retention class
		All others	1.E–03	W.
Radium/Ra	88	All forms	2.E–01	W.
Rhenium/Re	75	Oxides, hydroxides, halides, nitrates	8.E–01	W.
		All others	8.E–01	D.
Rhodium/Rh	45	Oxides, hydroxides	5.E–02	Y.
		Halides	5.E–02	W.
		All others	5.E–02	D.
Rubidium/Rb	37	All forms	1.E+00	D.
Ruthenium/Ru	44	Oxides, hydroxides	5.E–02	Y.
		Halides	5.E–02	W.
		All others	5.E–02	D.
Samarium/Sm	62	All forms	3.E–04	W.
Scandium/Sc	21	All forms	1.E–04	Y.
Selenium/Se	34	Oxides, hydroxides, carbides	8.E–01	W.
		All others	8.E–01	D.
		Ingestion only	5.E–02	
Silicon/Si	14	Ceramic forms	1.E–02	Y.
		Oxides, hydroxides, carbides, nitrates	1.E–02	W.
		All others	1.E–02	D.
Silver/Ag	47	Oxides, hydroxides	5.E–02	Y.
		Nitrates, sulphides	5.E–02	W.
		All others, elemental form	1.E–02	D.
Sodium/Na	11	All forms	1.E+00	D.
Strontium/Sr	38	$SrTiO_3$	1.E–02	Y.
		All others (soluble)	3.E–01	D.
Sulfur/S	16	Sulphates, sulphides	1.E–01	W or D; dependent upon associated element
		All inorganic	8.E–01	
		Elemental form	1.E–01	W.
		Gases	1.E+00	D.
Tantalum/Ta	73	Oxides, hydroxides, halides, carbides, nitrates, nitrides.	1.E–03	Y.
		All others	1.E–03	W.
Technetium/Tc	43	Oxides, hydroxides, halides, nitrates	8.E–01	W.
		All others	8.E–01	D.
Tellurium/Te	52	Oxides, hydroxides, nitrates	2.E–01	W.
		All others	2.E–01	D.
Terbium/Tb	65	All forms	3.E–04	W.
Thallium/Tl	81	All forms	1.E+00	D.
Thorium/Th	90	Oxides, hydroxides	2.E–04	Y.
		All others	2.E–04	W.
Thulium/Tm	69	All forms	3.E–04	W.
Tin/Sn	50	Oxides, hydroxides, halides, nitrates, sulphides, $Sn_3(PO_4)_4$.	2.E–02	W.
		All others	2.E–02	D.
Titanium/Ti	22	$SrTiO_3$	1.E–02	Y.
		Oxides, hydroxides, carbides, halides, nitrates	1.E–02	W.
		All others	1.E–02	D.
Tungsten/W	74	Ingestion/Tungstic acid	1.E–02	
		All others	3.E–01	
Uranium/U	92	UO_2, U_3O_8	2.E–03	Y.
		UO_3, tetravalent compounds	5.E–02	W.
		UF_6, uranyl compounds	5.E–02	D.
Vanadium/V	23	Oxides, hydroxides, carbides, halides	1.E–02	W.
		All others	1.E–02	D.
Ytterbium/Yb	70	Oxides, hydroxides, fluorides	3.E–04	Y.
	.....	All others	3.E–04	W.
Yttrium/Y	39	Oxides, hydroxides	1.E–04	Y.
	All others	1.E–04	W..	
Zinc/Zn	30	All forms	5.E–01	Y.
Zirconium/Zr	40	Carbides	2.E–03	Y.
		Oxides, hydroxides, halides, nitrates	2.E–03	W.
		All others	2.E–03	D.

[1] A dash indicates no data for the value shown.
[2] For ingestion, no lung retention classes are listed.

TABLE A–3.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FOR EXTERNAL EXPOSURE DURING IMMERSION IN AN INFINITE HEMISPHERICAL CLOUD OF UNIFORM CONCENTRATION RESULTING IN AN EDE OF 100 MREM/YR (1 MSV/YR)

[Ci and Bq]

Radionuclide	Half-life	Air immersion DCG	
		(μ Ci/mL)	(Bq/m^3)
C-11	20.48 min	2.E−08 ..	7.E+02
N-13	9.97 min	2.E−08 ..	7.E+02
N-16	7.13 s	3.E−09 ..	1.E+02
O-15	122.24 s	2.E−08 ..	7.E+02
F-18[1]	109.74 min	2.E−08 ..	7.E+02
Na-24[1]	15.00 h	4.E−09 ..	1.E+02
Mg-27[2]	9.458 min	2.E−08 ..	7.E+02
Al-28[2]	2.240 min	1.E−08 ..	4.E+02
Cl-38[1]	37.21 min	1.E−08 ..	4.E+02
Ar-37	35.02 d	1.E−02 ..	4.E+08
Ar-39	269 yr	4.E−06[3]	1.E+05
Ar-41	1.827 h	1.E−08 ..	4.E+02
K-43[1]	22.6 h	2.E−08 ..	2.E+02
Ca-49[2]	8.719 min	5.E−09 ..	2.E+02
Sc-44[1]	3.927 h	9.E−09 ..	3.E+02
Sc-46m[2]	18.72 s	2.E−07 ..	7.E+03
Ti-45[1]	3.08 h	2.E−08 ..	7.E+02
Ti-51[2]	5.752 min	5.E−08 ..	2.E+03
V-52[2]	3.75 min	1.E−08 ..	4.E+02
Cr-49[1]	42.09 min	2.E−08 ..	7.E+02
Mn-52m[1]	21.4 min	8.E−09 ..	3.E+02
Mn-56[1]	2.5785 h	1.E−08 ..	4.E+02
Mn-57[2]	1.47 min	2.E−07 ..	7.E+03
Co-60m[1]	10.47 min	4.E−06 ..	1.E+05
Ni-57[1,4]	36.08 h	1.E−08 ..	4.E+02
Ni-65[1,5]	2.530 h	3.E−08 ..	1.1E+03
Cu-61[1]	3.408 h	2.E−08 ..	7.E+02
Cu-62[2]	9.74 min	2.E−08 ..	7.E+02
Ga-66[1]	9.40 h	7.E−09 ..	3.E+02
Ga-68[1]	68.0 min	2.E−08 ..	7.E+02
Ga-72[1]	14.1 h	7.E−09 ..	3.E+02
Se-73[1]	7.15 h	2.E−08 ..	7.E+02
Br-77[1]	57.04 h	6.E−08[6]	2.E+03
Br-80[1]	17.4 min	2.E−07 ..	7.E+03
Br-82[1]	35.30 h	7.E−09 ..	3.E+03
Br-84[1]	31.80 min	1.E−08 ..	4.E+02
Br-85[2]	172 s	2.E−07 ..	7.E+03
Kr-79	35.04 h	8.E−08 ..	3.E+03
Kr-81	2.1E+05 yr	2.E−06 ..	4.E+04
Kr-83m	1.83 h	2.E−04 ..	7.E+06
Kr-85	10.72 yr	3.E−06[3]	1.E+05
Kr-85m	4.48 h	1.E−07 ..	4.E+03
Kr-87	76.8 min	2.E−08 ..	7.E+02
Kr-88	2.84 h	9.E−09 ..	3.E+02
Kr-89	3.16 min	1.E−08 ..	4.E+02
Kr-90	32.32 s	1.E−08 ..	4.E+02
Rb-81[1]	4.58 h	3.E−08 ..	1.E+03
Rb-82[2]	1.25 min	2.E−08 ..	7.E+02
Rb-88[1]	17.8 min	3.E−08 ..	1.E+03
Rb-89[1]	15.44 min	9.E−09 ..	3.E+02
Rb-90[2]	147 s	8.E−09 ..	3.E+02
Rb-90m[2]	258 s	5.E−09 ..	2.E+02
Sr-85m[1]	67.66 min	9.E−08 ..	3.E+03
Sr-87m[1]	2.805	6.E−08 ..	2.E+03
Sr-92[1]	2.71 h	1.E−08 ..	4.E+02
Sr-93[2]	7.3 min	8.E−09 ..	3.E+02
Y-86[1]	14.74 h	5.E−09 ..	2.E+02
Y-90m[1]	3.19 h	3.E−08[6]	1.E+03
Y-91m[1]	49.71 min	4.E−08 ..	1.E+03
Nb-90[1]	14.60 h	4.E−09 ..	1.E+02
Nb-94	6.26 min	4.E−06 ..	1.E+05
Nb-97[1]	72.1 min	3.E−08 ..	1.E+03
Nb-97m[1]	60 s	3.E−08 ..	1.E+03
Mo-91[2]	15.49 min	2.E−08 ..	7.E+02
Mo-101[1]	14.61	1.E−08 ..	4.E+02
Tc-95[1]	20.0 h	2.E−08 ..	7.E+02
Tc-96m[1]	51.5 min	5.E−07 ..	3.E+04

TABLE A–3.—DERIVED CONCENTRATION GUIDES (DCGS) FOR MEMBERS OF THE PUBLIC FOR EXTERNAL EXPOSURE DURING IMMERSION IN AN INFINITE HEMISPHERICAL CLOUD OF UNIFORM CONCENTRATION RESULTING IN AN EDE OF 100 MREM/YR (1 MSV/YR)—Continued

[Ci and Bq]

Radionuclide	Half-life	Air immersion DCG	
		(μ Ci/mL)	(Bq/m³)
Tc-99m[1]	6.02 h	1.E−07	4.E+03
Tc-101[1]	14.2 min	6.E−08	2.E+03
Ru-105[1]	4.44 h	2.E−08	7.E+02
Rh-105m[2]	45 s	7.E−07	3.E+04
Rh-108	29.92 s	8.E−08	3.E+03
Ag-108[2]	2.37 min	7.E−07	3.E+04
Ag-109m[2]	39.6 s	4.E−06	1.E+05
Ag-110[2]	24.57 s	4.E−07	1.E+04
Cd-111m[2]	48.7 min	7.E−08	3.E+03
Cd-117[1]	2.49 h	2.E−08	7.E+02
Cd-117m[1]	3.36 h	9.E−09	3.E+02
In-113m[1]	1.658 h	8.E−08	3.E+03
In-114[2]	71.9 s	5.E−07	2.E+04
In-116m[1]	54.15 min	8.E−09	3.E+02
In-117[1]	43.8 min	3.E−08	1.E+03
Sb-117[1]	2.80 h	1.E−07	4.E+03
Sb-126m[1]	19.0 min	1.E−08	4.E+02
Sb-129[1]	4.40 h	1.E−08	4.E+02
Te-133[1]	12.45 min	2.E−08	7.E+02
Te-133[1]	55.4 min	8.E−09	3.E+02
Te-134[1]	42.8 min	2.E−08	7.E+02
I-122[2]	3.62 min	2.E−08	7.E+02
I-128[1]	24.99 min	2.E−07	7.E+03
I-132[1]	2.30 h	8.E−09	3.E+02
I-134[1]	52.6 min	7.E−09	3.E+02
I-135[1]	6.6.1 h	1.E−08[6]	4.E+02
I-136[2]	83 s	7.E−09	3.E+02
Xe-122	20.1 h	3.E−07	1.E+04
Xe-123	2.4 h	3.E−08	1.E+03
Xe-125	16.8 h	8.E−08	3.E+03
Xe-127	36.406 d	7.E−08	3.D+03
Xe-129m	8.89 d	8.E−07	3.E+04
Xe-131m	11.84 d	2.E−06	7.E+04
Xe-133	5.245 d	5.E−07	2.E+04
Xe-133m	2.19 d	6.E−07	2.E+04
Xe-135	9.11 h	8.E−08	3.E+03
Xe-135m	15.36 min	5.E−08	2.E+03
Xe-137	3.83 min	9.E−08	3.E+03
Xe-138	14.13 min	2.E−08	7.E+02
Cs-126[2]	1.64 min	2.E−08	7.E+02
Cs-129[1]	32.06 h	8.E−08[6]	3.E+03
Cs-138[1]	32.2 min	8.E−09	3.E+02
Cs-139[2]	9.40 min	5.E−08	2.E+03
Ba-137[2]	2.552 min	3.E−08	1.E+03
Ba-141[1]	18.27 min	2.E−08	7.E+02
Ba-142[1]	10.70 min	2.E−08	7.E+02
La-142[1]	95.4 min	6.E−09	2.E+02
Pr-144m[2]	7.2 min	4.E−06	1.E+05
Nd-149[1]	1.73 h	5.E−08	2.E+03
Gd-162[2]	9.7 min	5.E−08	2.E+03
Td-162[2]	7.76 min	2.E−08	7.E+02
Dy-157[1]	8.06 h	6.E−08	2.E+03
Re-182m[1]	12.7 h	2.E−08	7.E+02
Os-190m[2]	9.9 min	1.E−08	4.E+02
Ir-190m[1]	3.2 h	5.E−07[6]	2.E+04
Au-195m[2]	30.6 s	1.E−07	4.E+03)
Tl-200[1]	26.1 h	1.E−08	4.E+02
Tl-207[2]	4.77 min	1.E−06	4.E+04
Tl-208[2]	3.053 min	5.E−09	2.E+02
Tl-209[2]	2.20 min	9.E−09	3.E+02
Tl-210[2]	1.30 min	7.E−09	3.E+02
Pb-204m[2]	66.9 min	9.E−09	3.E+02
Bi-211[2]	2.13 min	4.E−07	1.E+04
Po-211[2]	0.516 s	2.E−06	7.E+04
Rn-220	55.61 s	3.E−09	1.E+02
Rn-222	3.82 d	3.E−09	1.E+02
Th-233[2]	22.3 min	5.E−07	2.E+04

TABLE A–3.—DERIVED CONCENTRATION GUIDES (DCGs) FOR MEMBERS OF THE PUBLIC FOR EXTERNAL EXPOSURE DURING IMMERSION IN AN INFINITE HEMISPHERICAL CLOUD OF UNIFORM CONCENTRATION RESULTING IN AN EDE OF 100 MREM/YR (1 MSV/YR)—Continued

[Ci and Bq]

Radionuclide	Half-life	Air immersion DCG	
		(μ Ci/mL)	(Bq/m^3)
Pa-234[1]	6.70 h	1.E−08 ..	4.E+02
Pa-234m[2]	1.17 min	8.E−07[3]	3.E+04
U–239[1]	23.40 min	4.E−07[6]	1.E+04
Np-240[1]	65 min	2.E−08 ..	7.E+02
Np-240m[2]	7.4 min	6.E−08 ..	2.E+03
Am-246[1]	25.0 min	2.E−08 ..	7.E+02

[1] Committed effective dose equivalent from inhalation is calculated in ICRP Publication 30, but the DCG value for external exposure to a contaminated atmospheric cloud is more restrictive than the DCG value for inhalation.
[2] Committed effective dose equivalent from inhalation is not calculated in ICRP Publication 30, but DCG value for external exposure to contaminated cloud should be more restrictive than DCG value for inhalation due to relatively short half-life of radionuclide.
[3] DCG value is determined by limit on annual dose equivalent to skin, rather than limit on annual effective dose equivalent.
[4] DCG value applies to radionuclide in vapor form only; DCG value for inhalation is more restrictive for radionuclide in inorganic form.
[5] DCG value applies to radionuclide in inorganic or vapor form.
[6] DCG value for exposure to contaminated atmospheric cloud is the same as DCG value for inhalation.

[FR Doc. 93–6379 Filed 3–24–93; 8:45 am]
BILLING CODE 6450–01–P

federal register

Thursday
March 25, 1993

Part III

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $46.1 million.

This deferral affects the Department of Agriculture. The details of this deferral are contained in the attached report

March 16, 1993.

William J. Clinton,

The White House.

BILLING CODE 3110-01—M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

DEFERRAL NO.	ITEM	BUDGET AUTHORITY
	Department of Agriculture:	
	Forest Service:	
D93-4B	Expenses, brush disposal.....	46,084
	Total, deferral.....	46,084

Deferral No. D93-4B

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D93-4A, which was transmitted to Congress on December 30, 1992.

This revision increases by $7,600 the previous deferral of $46,076,279 in the Department of Agriculture, Forest Service, Expenses, brush disposal account, resulting in a total deferral of $46,083,879. The increase results from a greater-than-anticipated level of unobligated funds being carried over from FY 1992.

Deferral No. 93–4B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93–344

AGENCY: Department of Agriculture	New budget authority..... $ 27,278,000 (16 U.S.C. 490)
BUREAU: Forest Service	Other budgetary resources.....* $ 87,817,879
Appropriation title and symbol: Expenses, brush disposal 1/ 12X5206	Total budgetary resources.....* $ 115,095,879
	Amount to be deferred: Part of year..... Entire year.....* $ 46,083,879
OMB identification code: 12–9922–0–2–302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multi–year: _____ (expiration date) [X] No–Year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

JUSTIFICATION: Purchasers of National Forest timber are required to deposit with the Forest Service the established cost for disposing of brush and other debris resulting from timber cutting operations authorized by 16 U.S.C. 490. The deposits becoming available in the current year are estimated, and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. Much of the brush disposal work for which fees are collected cannot be done in the same year because of weather conditions or because harvesting is not completed. The Forest Service is planning for a stable year–to–year program, which will require $69 million in FY 1993. The current fiscal year reserve is established pursuant to the provisions of the Antideficiency Act (31 U.S.C. 1512) as a reserve for contingencies.

Estimated Program Effect: None

Outlay Effect: None

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* Revised from previous report.
1/ This account was the subject of a similar deferral in FY 1992 (D92–10).

[FR Doc. 93–6789 Filed 3–24–93; 8:45 am]
BILLING CODE 3110–01–C

federal register

Thursday
March 25, 1993

Part IV

Department of the Interior

Bureau of Indian Affairs

Flandreau Santee Sioux Liquor Code; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Flandreau Santee Sioux Liquor Code

March 17, 1993.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586., 18 U.S.C. 1161. This notice certifies that Resolation No. 89–36, adopting Ordinance No. 89–03, the Liquor Control Ordinance, was duly adopted by the Flandreau Santee Sioux Executive Committee on January 9, 1990. The Ordinance provides for the regulation of activities of the manufacture, distribution, sale, and consumption of liquor in the area of Indian Country under the jurisdiction of the Flandreau Santee Sioux Tribe, South Dakota.

DATES: This Ordinance is effective as of March 25, 1993.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street NW., MS 2611–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Flandreau Santee Sioux Liquor Ordinance Resolution No. 89–03 reads as follows:

Chapter I—Alcoholic Beverages

Section 1—Definition of Terms

Terms used in this Ordinance, unless the context otherwise plainly requires, shall mean as follows:

(a) "Alcoholic Beverages" shall mean any intoxicating liquor, beer or any wine as defined under the provisions of this Ordinance.

(b) "Application" shall mean a formal written request for the issuance of a license supported by a verified statement of facts.

(c) "Bulk Container" shall mean any package, or any container within which container are one or more packages.

(d) "Distillery", "Winery", and "Brewer" shall mean not only the premises wherein alcohol is distilled, or rectified wine is fermented or beer is brewed, but in addition a person owning, representing, or in charge of such premises and the operations conducted thereon, including the blending and bottling or other handling and preparation of intoxicating liquor or beer in any form.

(e) "Intoxicating Liquor" shall mean any liquid either commonly used, or reasonably adopted to use, for beverage purposes, containing in excess of three and two-tenths per centum of alcohol by weight. This shall include any type of wine, regardless of alcohol content.

(f) "Legal Age" shall mean the age requirements as defined in Chapter IV.

(g) "Liquor Store" shall mean any store, established for the sale of alcoholic beverages.

(h) "On-Sale Dealer" shall mean the Flandreau Santee Sioux Tribe, any tribal or non-tribal person or business so licensed by the Flandreau Santee Sioux Tribe that sells, or keeps for sale, any alcoholic beverages authorized under this Ordinance for consumption on the premises where sold.

(i) "On-Sale" shall mean the sale of any alcoholic beverage for consumption only upon the premises where sold.

(j) "Off-Sale" shall mean the sale of any alcoholic beverage for consumption off the premises where sold.

(k) "Package" shall mean the bottle or immediate container of any alcoholic beverage.

(l) "Package Dealer" shall mean the Flandreau Santee Sioux Tribe, or tribal member as distinguished from a distiller, manufacturer, or wholesaler, that sells, or keeps for sale, any alcoholic beverage authorized under the Ordinance for consumption off the premises where sold.

(m) "Public Place" shall mean any place, building, or conveyance to which the public has or is permitted access.

(n) "Retailer" shall mean Flandreau Santee Sioux Tribe or tribal member that sells alcoholic beverages authorized under this Ordinance for other than resale.

(o) "Sacramental Wine" shall mean wines for sacramental purposes only and used by ordained Rabbis, priests, ministers, or pastors, or any church or established religious organization.

(p) "Sale" shall mean the transfer of bottled or canned liquor for a consideration of currency exchange and of title of any alcoholic beverage.

(q) "Stamp" shall mean the various stamps required by this Ordinance to be affixed to the package or bulk container, as the case may be, to evidence payment of the tax prescribed by this Ordinance.

(r) "Committee" shall mean the Executive Committee of the Flandreau Santee Sioux Tribe.

(s) "Vendor" shall be defined as Chapter 1, Section 9 and, in the case of a tribal member, a vendor shall mean any person employed and under the direct supervision of such tribal member to conduct and manage tribal member's liquor stores.

(t) "Wholesaler" shall mean any person other than a brewer or bottler of beer, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in intoxicating liquor or beer; no wholesaler shall be permitted to sell for consumption upon the premises.

(u) "Wine" shall mean any beverage containing alcohol obtained by the fermentation of the natural sugar content of fruits or other agricultural products, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica.

(v) The terms, "the provisions of this Ordinance", "as provided in this Ordinance", or similar terms shall include all rules and regulations of the department adopted to aid in the administration or enforcement of this Ordinance.

Section 2—Public Policy Declared

This Ordinance shall be cited as the "Flandreau Santee Sioux Tribal Liquor Control Ordinance" and under the inherent sovereignty of the Flandreau Santee Sioux Tribe, shall be deemed an exercise of the Tribe's power, for the protection of the welfare, health, peace, morals, and safety of the people of the Tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the traffic in alcoholic beverages if it affects the public interest of the people, should be regulated to the extent of prohibiting all traffic of liquor, except as provided in this Ordinance.

Section 3—General Prohibition

It shall be unlawful to manufacture for sale, sell, offer, or keep for sale, possess or transport intoxicating liquor or beer except upon the terms, conditions, limitations, and restrictions specified in this Ordinance.

Section 4—Director Appointed

The Flandreau Santee Sioux Executive Committee shall appoint one of the trustees to serve as Director of Liquor Control. The Director shall not have an interest directly or indirectly in the transportation or sale of intoxicating liquor or beer, or in any building or property used in connection with such a business. The Director shall review liquor licenses, applications for liquor licenses and shall report to the Council on such matters. The Director shall serve at the pleasure of the Executive Committee.

Section 5—Removal

The Director shall be removed for cause and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the Tribe or the United States. The Director so removed shall be entitled to an opportunity to be heard before the Flandreau Santee Sioux Executive Committee before removal.

Section 6—Tribal Control of Importation of Liquor

The Committee shall have the sole and exclusive right of authorizing importation, into the reservation, of all forms of intoxicating liquor and beer, except as otherwise provided in this Ordinance, and no person or organization shall so import any such intoxicating liquor or beer into the reservation, unless authorized by the Committee. No licensed wholesaler or distillery shall sell any intoxicating liquor or beer within the reservation to any person or organization unless authorized by the Committee and except as otherwise provided in this Ordinance. It is the intent of this section to retain in the Committee, exclusive control within the Flandreau Santee Sioux Reservation both as authorizer and controller of all alcoholic beverages sold by licensed wholesalers or distilleries within the state of South Dakota or other states or imported therein, and except as otherwise provided in this Ordinance.

Section 7—Individual To Hold License

An individual tribal member may hold a liquor license under the provisions of this Ordinance. It is the intent of this Ordinance to allow individual tribal members to hold liquor licenses, as provided by this Ordinance.

Section 8—Tribal Liquor Stores

Subject to the provisions of Chapter II, the Committee may establish and maintain anywhere on this reservation, the Committee may deem advisable, a tribal liquor store or stores for storage and sale of alcoholic beverages in accordance with the provisions of this Ordinance. The Committee may from time to time, fix the prices of the different classes, varieties, or brands of alcoholic liquor and beer to be sold.

Section 9—Vendor/Cash Sales

In the conduct and management of tribal liquor stores, the Committee is empowered to employ a person who shall be under the direct supervision of the Director, who shall be known as a "vendor" and who shall observe all provisions of this Ordinance and rules and regulations that may be prescribed by the Committee under this Ordinance and rules and regulations that may be prescribed by the Committee under this Ordinance. No vendor shall sell alcoholic beverages to any person or organization except for cash.

Section 10—Storage of Beverages

The Flandreau Santee Sioux Tribe shall not keep or store any alcoholic beverages at any place within the Flandreau Santee Sioux Reservation other than on the premises where they are authorized to operate and except as otherwise provided by this Ordinance.

Section 11—Payment of Fee

There shall be a filing fee on applications for any licenses under this Ordinance, as established by the Committee.

Section 12—Request for Notice of Hearing

If any tribal member shall file with the Committee, a written request that he or she be notified of the time and place of hearing upon any specified application or applications for licenses for the On-or-Off Sale at retail of alcoholic beverages, the Director shall give notice to such person by certified mail and within a sufficient length of time prior to the hearing upon such application as to allow such person a reasonable opportunity to be present. For the purpose of this section, the certified letter must be deposited with the U.S. Post Office at least five (5) days before the scheduled date of the hearing.

Section 13—Time and Place for Hearing

The Committee shall fix a time and place for hearing upon all such applications which may come before the Committee, and the Director shall publish notice once in the official newspaper of the Tribe such notice shall be headed "Notice of Hearing Upon Application for Sale of Alcoholic Beverage" and shall state the time and place, when and where such applications will be considered by the Committee and that any person interested in the approval or rejection of any such application may appear and be heard, which notice shall be published at least one week prior to such hearing. At the time and place so fixed, the Committee shall consider such applications and all objections thereto, if any, prior to final decision thereon.

Section 14—Transfer of License

No license granted pursuant to the provisions of this Ordinance shall be transferred to another person or organization. If a transfer to a new location is requested by a licensee, the licensee must make application showing all the relevant facts as to such new application, which application shall take the same course and be acted upon as if an original application. No fee shall be required of a licensee who desires to transfer to a new location; however, such licensee must pay the actual costs involved in the Notification of Hearing as published in the official newspaper.

Section 15—Sale of Stock on Termination

Any licensee authorized to deal in alcoholic beverages upon termination of its license may at any time within twenty (20) days thereafter sell the whole or any part of the alcoholic beverages included in its stock in trade at the time of termination, to any licensed wholesaler approved under the provisions of the Ordinance to deal in alcoholic beverages as a wholesaler. A complete report of such purchase and sale must be made by both the wholesaler and licensee to the Committee. At the discretion of the Committee, an additional twenty (20) days extension to sell may be granted to the licensee by the Council.

Section 16—Complaints Authorized

Any person may file with the Committee, a duly notarized complaint as to any violations of the provisions of this Ordinance and immediately upon receipt thereof, the Committee shall cause the director to make a thorough investigation and, if there is evidence to support the charge made in such complaint, the Committee must cause revocation of the license in question and/or take another appropriate action.

Section 17—Revocation Proceedings

The Committee shall on due notice to such licensee, conduct a hearing and on the basis thereof determine whether such license should be revoked.

Section 18—Subpoena by Council

For the purpose of conducting the hearing as prescribed above, the Committee shall have the power to subpoena witnesses and to administer oaths. Witnesses so subpoenaed shall be paid at the then prevailing witness rate for the Flandreau Santee Sioux Tribal Court and said witness fee shall be paid from the Tribal Liquor Control Fund.

Criminal proceedings must be filed in the Tribal Court and may be instituted by the Committee or director as Complainant against any violator except the Flandreau Santee Sioux Tribe.

Section 19—Dismissal or Acceptance of Complaint

If the Committee determines the license should not be revoked, it shall dismiss the complaint. If the Committee determines the license should be revoked and revokes such license, it must make in writing, findings of fact as to every such violation alleged in such complaint before it revokes such license, and must by the time of the next Executive Committee meeting, make a report available consisting of a transcript of the proceedings had, and all findings as to every such violation alleged in such complaint.

Section 20—Suspension in Lieu of Revocation

The Committee may, if the facts warrant, mitigate the revocation to a suspension.

When in any proceedings upon verified complaint, the Committee is satisfied that the nature of such violation and the circumstances thereof were such that a suspension of license would be adequate, it may suspend the license for a period not exceeding sixty (60) days, which suspension shall become effective twenty-four (24) hours after service of notice thereof upon the licensee. During the period of such suspension, such licensee shall exercise no rights or privileges whatsoever under the license.

Section 21—Public Hearing Required

All hearings under the provisions of this Ordinance shall be public, and place of hearing shall be specifically designated in the notice of hearing.

Section 22—Order of Revocation

In any case where the Committee approves a revocation of a license, it shall forthwith make an order for such revocation and upon service of notice thereof on the licensee, all of such licensee's rights under such license shall terminate three (3) days after such notice, except in the event of a Stay on Appeal.

Section 23—Waiting Period for New Licensee

Any licensee, except the Flandreau Santee Sioux Tribe, whose license is revoked, shall not for a period of two (2) years thereafter, be granted any license under the provisions of this Ordinance.

Section 24—Appeal to Tribal Court

Any licensee whose license is revoked by the Committee regardless of how the proceedings were instituted, may appeal from such revocation to the Flandreau Santee Sioux Tribal Court, within five (5) days after notice to the licensee of such revocation, and such appeal shall operate to stay all proceedings for a period of fifteen (15) days thereafter and for such an additional period of time that the Flandreau Santee Sioux Tribal Court may in its discretion extend. Under no circumstances may the Tribal Court extend the stay for a period of more than twenty-five (25) days including the original fifteen (15) day stay period. The Committee shall forthwith, upon such appeal being made, certify to the Tribal Court the complete record in the proceedings and the Court shall thereupon fix a time and place for hearing, due notice of such hearing shall be given to all concerned parties involved in the appeal.

For the purpose of appeal under this Ordinance, the appeal shall be heard by the duly qualified and selected Judge of the Flandreau Santee Sioux Tribal Court.

Section 25—Bootlegging

Any person whom by himself, or through another acting for him, shall keep or carry on his person, or in a vehicle, or leave in a place for another to secure, any alcoholic liquor or beer with intent to sell or dispense of such liquor or beer or otherwise in violation of law, or who shall, within this reservation in any manner, directly or indirectly solicit, take, or accept any order for the purchase, sale, shipment, or delivery of such alcoholic liquor or beer in violation of law, or aid in the delivery and distribution of any alcoholic liquor or beer so ordered or shipped, or who shall in any manner procure for, sell, or give any alcoholic liquor or beer to any person under legal age, for any purpose except as authorized and permitted in this Ordinance, shall be guilty of bootlegging and upon conviction thereof shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and to a jail sentence of not less than three (3) months, nor more than six (6) months, or both such fine and jail sentence plus costs.

Section 26—General Penalties

Any person violating any provision of this Ordinance for which a specific penalty is not provided, shall be punished by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), or by imprisonment in the tribal jail for not more than six (6) months, or by both such fine and imprisonment, plus costs.

Section 27

Nothing in this Ordinance shall be construed to require or authorize the criminal trial and punishment by the Flandreau Santee Sioux Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the Supreme Court.

Chapter II—Liquor Licenses and Sales

Section 1—Power To License and Tax

The power to establish licenses and levy taxes under the provisions of this Ordinance is vested exclusively with the Flandreau Santee Sioux Executive Committee.

Section 2—Classes of Licenses

Classes of licenses under this chapter with the fee for each class shall be as follows:

(a) Class A Package Dealers;
(b) Class B On-Sale Dealers;
(c) Class C Solicitors;
(d) Class D Transportation Companies—fees shall be established by the Committee.

Section 3—One License per Application

No more than one Class C or Class D license under this chapter shall be issued to any one licensee, except by approval of the Flandreau Santee Sioux Executive Committee. Nothing in this section shall be construed to apply to the Flandreau Santee Sioux Tribe when it is the licensee.

Section 4—Domestication Requirement for Corporate Licenses

Any corporate Class C or Class D licensee under this chapter must be a corporation organized under the laws of the Flandreau Santee Sioux Tribe, provided that if the applicant is a foreign corporation, the applicant shall be deemed eligible if, prior to the application, it has complied with all the laws of the United States and the Tribe concerning doing business within the Flandreau Reservation. Individuals, partnerships, and other forms of association shall be eligible to obtain Class C and D licenses under this chapter.

Section 5—Ownership of Business

Any Class C or Class D licensee under this Ordinance must be the sole owner of the business to be operated under the license.

Section 6—Discretion of the Committee

Application for licenses under this chapter shall be submitted to the Committee as specified in Chapter I of this Ordinance and the Committee shall have absolute discretion to approve or disapprove the same in accordance with the provisions of this Ordinance.

Section 7—Cancellation of Surety Bond

Any surety may cancel any bond required under this Ordinance as to future liability by giving thirty (30) days notice to the Committee. Unless the licensee gives other sufficient surety by the end of the thirty (30) day period, the license shall be revoked automatically at the end of the thirty (30) days.

Section 8—Surety Bond

(a) Every application for a license under this Ordinance, unless exempted by the Executive Committee, must be accompanied by a bond, which shall become operative and effective upon the issuing of a license unless the licensee already has a continuing bond in force. The bond shall be in the amount of $10,000.00 and must be in a form approved by the Committee and it shall be conditioned that the licensee will faithfully obey and abide by all the provisions of this Ordinance and all existing laws relating to the conduct of its business and will promptly pay to the Flandreau Santee Sioux Tribe when due, all taxes and license fees payable by it under the provisions of this Ordinance and also any costs and cost penalty assessed against it in any judgment for violation of the terms of this Ordinance.

(b) All bonds required by this Ordinance shall be with a corporate surety as surety, or shall be by cash deposit. If said bond is placed by cash, it shall be kept in a separate escrow account within a legally chartered bank.

Section 9—Action of Bond for Injury

Any person injured by reason of the failure of any licensee to faithfully obey and abide by all the provisions of this Ordinance shall have a direct right of acting upon the bond in Tribal Court for the purpose of recovering the damage sustained by such person, which action may be prosecuted in the name of the injured.

Section 10—Agreement by Licensee To Grant Access

Every application for a license under this Ordinance must include an agreement by the applicant that his premises, for the purpose of search and seizure laws of the Flandreau Santee Sioux Tribe, shall be considered public premises, and that such premises and all buildings, safes, cabinets, lockers, and store rooms thereon will at all times on demand of the Committee or a duly appointed tribal or federal policeman, be open to inspection, and that all its books and records dealing with the sale of ownership of alcoholic beverages shall be open to said person or persons for such inspection, and that the application and the license issued thereon shall constitute a contract between the licensee and the Flandreau Santee Sioux Tribe entitling the Tribe for the purpose of enforcing the provisions of this Ordinance to inspect the premises and books at any time.

Section 11—Duration of Licenses

The period covered by the licenses under this Ordinance shall be from 12 o'clock midnight on the 31st day of December to 12 o'clock midnight on the 31st of the following December, except that the license shall be valid for an additional three (3) days provided that proper application for a new license is in the possession of the Committee prior to midnight on the 31st day of December when the license expires. A full fee shall be charged for any license for a portion of such period, unless otherwise provided by this Ordinance.

Section 12—Refilling Prohibited

No licensee shall buy or sell any package which has previously contained alcoholic beverages sold under the provisions of this Ordinance or refill any such package.

Section 13—Deliveries

No licensee under this Ordinance shall make any delivery of alcoholic beverages outside the premises described in the license.

Section 14—Prohibited Sales

No vendor shall sell any intoxicating liquor:

(a) To any person under legal age;

(b) To any person who is intoxicated at the time, or who is known to the vendor to be a habitual drunkard;

(c) To any person to whom the vendor has been requested in writing not to make such sale, where such request is by the Executive Committee, any police or peace officer, or the husband or wife of the person,

(d) To any mentally ill or mentally retarded person.

Any vendor that violates any of the provisions of this section shall be guilty of an offense and punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment with costs.

Section 15—Minors Barred

No vendor shall permit any person under legal age on the premises where the business under the license is authorized, unless accompanied by an adult who is the legal guardian or parent of said minor.

Section 16—After Hours Sales

No vendor shall sell, serve or allow to be consumed on the premises covered by the license, alcoholic beverages other than in the hours permitted by its license.

Section 17—Prohibited Activity

No licensee shall allow any gambling or gambling devices on its premises unless authorized by the Flandreau Santee Sioux Executive Committee, or permit any lewd or indecent entertainment on said premises.

Section 18—Prohibited Sales

No licensee of an On Sale establishment shall allow to be sold any alcoholic beverages in a package, whether sealed or unsealed, or whether full or partially full.

Section 19—Unsealed Packages in Public

No person shall have an unsealed package containing intoxicating liquor in his possession in any public places, other than in a duly licensed facility authorizing such broken seal.

Section 20—Prohibited Use

No person shall be permitted either to consume any intoxicating liquor or to mix or blend any intoxicating liquor or alcohol with any other beverage whether or not such other beverage is an alcoholic beverage, in any public place other than upon the premises of a licensed on-sale dealer as defined and authorized by this Ordinance, and any vendor who knowingly permits such violation to occur upon the premises shall be equally responsible with the person performing the act for the violation of the terms thereof.

Chapter III—Sales Tax

Section 1—Sales Tax Levies

There shall be a sales tax imposed on any licensee licensed under the provisions of this Ordinance in accordance with rates established by the Committee.

Chapter IV—Age Requirements

Section 1—Furnishing Beverage to Child

It shall be unlawful to sell or give any alcoholic beverage to any person under the age of twenty-one (21) years. Any person who violates this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or by imprisonment in the tribal jail for not less than thirty (30) days nor more than one hundred eighty

(180) days, or by both such fine and imprisonment with costs.

Section 2—Purchase, Possession by Minor

It shall be unlawful for any person under the age of twenty-one (21) years of age to purchase, attempt to purchase or possess or consume intoxicating liquor, or to misrepresent his age for the purpose of purchasing or attempting to purchase such intoxicating liquor. Any person who violates any of the provisions of this section shall be guilty of an offense and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or by imprisonment in the tribal jail for a period not less than thirty (30) days nor more than one hundred twenty (120) days, or by both such fine and imprisonment with costs.

Section 3—Evidence of Legal Age Demanded.

Upon attempt to purchase any alcoholic beverages in any tribal or Indian liquor store by any person who appears to the vendor to be under legal age, such vendor shall demand, and the prospective purchaser upon such demand, shall display satisfactory evidence that he or she is of legal age.

Any person under legal age who presents to any vendor, falsified evidence as to his age shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties specified in Section 1 above.

Chapter V—Revision

Section 1—Severability

If any section of any chapter of this Ordinance or the application thereof to any party or class, or to any circumstances, shall be held to be invalid for any cause whatsoever, the remainder of the chapter or Ordinance shall not be affected thereby and shall remain in full force and effect as though no part thereof had been declared to be invalid.

Section 2—All Prior Ordinances and Resolutions Repealed

All prior Ordinances and Resolutions or provisions thereof that are repugnant or inconsistent to any provision of this Ordinance are hereby repealed.

Section 3—Amendment or Repeal of Ordinance

This Ordinance may be amended or repealed only by majority vote of the Executive Committee in regular session.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 93-6876 Filed 3-24-93; 8:45 am]

BILLING CODE 4310-02-M

federal register

Thursday
March 25, 1993

Part V

Department of the Interior

Bureau of Indian Affairs

Environmental Impact Statement for El Rancho Substation Project, New Mexico; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Intent To Prepare an Environmental Impact Statement (EIS) for the El Rancho Substation Project, Santa Fe County, NM

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs and the Rural Electrification Administration intends to gather information for preparing an Environmental Impact Statement (EIS) for the proposed El Rancho Substation Project to be located in Santa Fe County, New Mexico. A description of the proposed project, potential alternative sites and environmental considerations to be addressed in the EIS are provided below (see **SUPPLEMENTARY INFORMATION**). In addition to this notice, a public scoping meeting regarding the proposal and the preparation of an EIS will be held.

The purpose of the notice is to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are encouraged.

A Draft Environmental Assessment (DEA) that was previously prepared will serve as the basic document for the EIS. Previous comments submitted on the DEA will also be included as part of the scoping process for this project.

DATES: A public scoping meeting will be held on Thursday, April 22, 1993.

ADDRESSES: Comments should be addressed to Mr. Sidney L. Mills, Area Director, Bureau of Indian Affairs, Albuquerque Area Office, 615 First Street, NW., Box 26567, Albuquerque, New Mexico 87125–6567 and Mr. Lawrence R. Wolfe, Rural Electrification Administration, Electric Staff Division, Environmental Compliance Branch, 14th and Independence Avenue, Washington, DC 20250, Telephone (202) 720–1784. The public scoping meeting will be held at the Pojoaque High School, Route 11, Box 207, Santa Fe, New Mexico 87501 on April 22, 1993, at 7 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Sidney L. Mills, Area Director, Bureau of Indian Affairs, Albuquerque Area Office, 615 First Street, NW., Box 26567, Albuquerque, New Mexico 87125–6567, telephone (505) 766–3374 and Mr. Dennis E. Rankin, Rural Electrification Administration, Electric Staff Division, Environmental Compliance Branch, 14th and Independence Avenue, Washington, DC 20250, telephone (202) 720–1784.

SUPPLEMENTARY INFORMATION: The proposed project includes the construction of an 0.8 acre 69/14.47 kV distribution substation, a 69 kV overhead subtransmission line and four 12,47 kV threephase distribution feeders. The project will be owned and operated by Jemez Mountains Electric Cooperative, Inc., of Espanola, New Mexico. The purpose of the project is to provide a primary source of electric power to the communities of San Ildefonso Pueblo, El Rancho, Jacona, Jaconita and parts of Pojoaque.

Environmental issues to be addressed in the EIS are expected to include visual resources, cultural resources, biological resources, land use, noise, socioeconomics and health and safety issues. In addition, the EIS will address a number of alternatives including no action, system alternatives and alternative sites.

This notice is published pursuant to § 1501.7 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), Department of the Interior Manual (516 DM 1–6) and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM–8.

Dated: March 16, 1993.

Patrick A. Hayes,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 93–6875 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Thursday
March 25, 1993

Part VI

Department of Interior

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Bureau of Indian Affairs, Interior

ACTION: Notice.

SUMMARY: This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Chicora-Siouan-Indian-People, c/o Gene Martin, 700–B Highway 17 North, Surfside Beach, SC 29575, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs (BIA) on February 10, 1993, and was signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual and/or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the BIA's files. Such submissions will be provided to the petitioner upon receipt by the BIA. The petitioner will be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

The petition may be examined, by appointment, in the Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, room 1362–MIB, 1849 C Street NW., Washington, DC 20240, Phone: (202) 208–3592.

FOR FURTHER INFORMATION CONTACT: Holly Reckord, (202) 208–3592.

Dated: March 11, 1993.

Stan Speaks,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 93–6855 Filed 3–24–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Thursday
March 25, 1993

Part VII

Department of Commerce

National Telecommunications and Information Administration

Report on the Role of Telecommunications in Hate Crimes; Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 930349-3049]

Report on the "Role of Telecommunications in Hate Crimes"

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of Inquiry; Request for Comments.

SUMMARY: In response to a statutory directive, NTIA is undertaking a study on the role of telecommunications in hate crimes. Public comment is requested on issues relevant to such a report.

DATES: Comments should be filed on or before April 26, 1993 and reply comments should be filed on or before May 26, 1993 to receive full consideration.

ADDRESSES: Comments (seven copies) should be sent to: Office of Policy Analysis and Development, NTIA, U.S. Department of Commerce 14th St. and Constitution Ave. NW., room 4725, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: NTIA Office of Policy Analysis and Development, 202-482-1880.

Authority: Telecommunications Authorization Act of 1992, Pub. L. No. 102-538, 106 Stat. 3533 (1992).

SUPPLEMENTARY INFORMATION:

I. Authorization for Study

1. The National Telecommunications and Information Administration (NTIA) is the Executive Branch agency principally responsible for developing and articulating domestic and international telecommunications policies. NTIA acts as the principal adviser to the President on telecommunications policies. Accordingly, NTIA conducts studies and makes recommendations regarding telecommunications policies, activities, and opportunities, and presents Executive Branch views on telecommunications matters to the Congress, the Federal Communications Commission (FCC), state and local governments, and members of the public.[1]

2. In its 1992 Authorization Act, NTIA was directed to prepare a report on the role of telecommunications in crimes of hate and violent acts against ethnic, religious, and racial minorities.[2] In issuing this Notice of Inquiry, NTIA is seeking to reach out to individuals, civil rights groups, media organizations, and Government agencies for information on this topic, consistent with legislative intent.[3] This Notice of Inquiry is one part of NTIA's outreach program.

II. Introduction

3. There is growing concern in the United States that as a society we may be experiencing an increase[4] in acts of violence and intimidation motivated by prejudice based on race, religion, sexual orientation, or ethnicity.[5]

4. Many state and local governments have enacted "hate crime" statutes that increase the penalty for criminal acts such as harassment, intimidation, vandalism, assault, or murder if the motive or intent is based on prejudice on the part of the perpetrator during the commission of the criminal act.[6] Other state statutes proscribe the expression of the prejudice or bias itself under certain circumstances, independent of any other criminal act committed.[7] Both types of statutes have recently been subject to constitutional challenges on First Amendment grounds.[8] NTIA requests comment on the extent to which state or local "hate crime" laws apply to acts that use telecommunications and other electronic media.

5. As a first step in addressing the problem of hate crimes on a national level, and to help policy makers address this issue, the Hate Crime Statistics Act (HCSA), adopted in 1990, is designed to provide a national data collection system to determine the exact nature and extent of hate crimes.[9] Pursuant to the HCSA, the Federal Bureau of Investigation (FBI) coordinates the collection and reporting of data on such crimes.

6. The FBI's first report on hate crimes, under the provisions of the HCSA, was released in January 1993.[10] That report compiled hate crime information reported to the FBI by 2,771 state and local law enforcement agencies in 32 states for the calendar year 1991.[11] Among the total reported hate crimes in 1991, racial bias accounted for 6 of 10 offenses,[12] religious bias accounted for 2 of 10 offenses, and ethnic or sexual-orientation bias each accounted for 1 of 10 offenses reported.[13] Among the

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[1] NTIA was established by Executive order in 1978. E.O. 12,046, 3 C.F.R. 1978 Comp. (1978), *reprinted in* 47 U.S.C. § 305 note (1988). NTIA's functions were codified in 1992 by the Telecommunications Authorization Act of 1992, Pub. L. No. 102-538, 106 Stat. 3533 (1992) (Authorization Act).

[2] Authorization Act § 135(a). NTIA is directed to analyze information on the use of telecommunications, including broadcast television and radio, cable television, public access television, computer bulletin boards, and other electronic media, to advocate and encourage violent acts and the commission of crimes of hate, as described in the Hate Crimes Statistics Act (HCSA) (28 U.S.C. § 534 note (Supp. III 1991)), against ethnic, religious, and racial minorities. Authorization Act section 135(b)(1). Under the HCSA, crimes of hate also include those based on sexual orientation, *see* HCSA section (b)(1), and NTIA intends to include those in this study. NTIA is also directed by the Authorization Act to include in its report any recommendations it deems "appropriate and necessary." Authorization Act section 135(b)(2).

[3] *See* 138 Cong. Rec. H11,732 (daily ed. Oct. 5, 1992) (statement of Rep. Markey).

[4] *See, e.g.*, Scott Harris, "Coalition Organized to Fight Hate Crimes," L.A. Times, Mar. 12, 1992, at B1 (reporting a large increase in hate crime reports); "Hate Crimes Rose Sharply in State Last Year," UPI (Regional News), Oct. 26, 1992, *available in* LEXIS, Nexis Library, UPI File (reporting 60% increase in hate crimes in Pennsylvania); Walt Albro, "Anti-Gay Violence Shows Dramatic Increase," UPI, Mar. 20, 1992, *available in* LEXIS, Nexis Library, UPI File.

[5] *See, e.g.* Geoff Fein, "Store Set Ablaze in Latest in Series of Hate Crimes; Thousand Oaks: Torched Comic Book Shop Is Desecrated with Swastikas and Anti-Semitic Graffiti," L.A. Times, Sept. 19, 1992, at B1; "Hate Crime Shocks Washington, Shows Race Problems," Reuter, Mar. 4, 1992 (AM Cycle), available in LEXIS, Nexis Library, CURRNT File (black woman beaten, stripped naked, and doused with lighter fluid by two white men); "Justices Tackle Hate-Crime Laws; Court Will Decide if Extra-Long Prison Terms are Lawful," Hous. Chron., Dec. 15, 1992, at A3. *See also State v. Mitchell*, 169 Wis. 2d 153, 485 N.W.2d 807 (1992), *cert. granted sub. nom. Wisconsin v. Mitchell*, 113 S. Ct. 810, 61 U.S.L.W. 3431 (Dec. 14, 1992). *See also*, Joan Biskupic, "Hate Crime Laws Face Free-Speech Challenge," Wash. Post, Dec. 13, 1992, at A10 (Supreme Court to hear case involving black teenagers who allegedly beat a white youth after discussing a scene from the movie "Mississippi Burning" that depicted a black youth being beaten).

[6] Courts are divided as to the constitutionality of sentence enhancement statutes for bias motivated crime. Two state supreme courts have found enhancement statutes unconstitutional. *See State v. Mitchell*, 485 N.W.2d at 809; *State v. Wyant*, 64 Ohio St. 3d 566, 597 N.E.2d 450 (Ohio 1992). At least one state court has found an enhancement statute constitutional. *See Dobbins v. State*, 605 So.2d 922 (Fla. Dist. Ct. App. 1992).

[7] Recently, the Supreme Court struck down a city ordinance that made it a misdemeanor to erect a symbol that "arouses anger, alarm or resentment on the basis of race, color, creed, religion or gender . . ." as substantially overbroad and impermissibly content-based and therefore facially invalid under the First Amendment. *R.A.V. v. City of St. Paul*, 112 S. Ct. 2538 (1992). Similar laws are being challenged in other jurisdictions on First Amendment grounds. For additional background, *see* Anti-Defamation League of the B'nai B'rith, "Hate Crime Statutes: A Response to Anti-Semitism, Vandalism and Violent Bigotry" (1991 Update).

[8] *See supra* notes 6-7.

[9] See Pub. L. No. 101-275, 104 Stat. 140, *codified at* 28 U.S.C. 534 note (Supp. III 1991).

[10] *See* Federal Bureau of Investigation, U.S. Dep't of Justice, (Press Release, Jan. 4, 1993) (containing data available from the FBI's statistical program on hate crime).

[11] Approximately 748, 27%, of the reporting agencies had hate crime incidents to report. *Id.* at 1.

[12] Such bias includes anti-White, anti-Black, anti-American Indian/Alaskan Native, anti-Asian/Pacific Islander, and a category to represent other racial groups not included in the aforementioned. *Id.* at 3.

[13] *Id.* at 2.

incidents reported, intimidation was the most frequently reported crime, accounting for 1 of 3 offenses. The FBI plans to expand its data collection to include reports from law enforcement agencies from all 50 states.[14]

III. Telecommunications and Hate Crimes

7. In analyzing the use of telecommunications to advocate and encourage violent acts and the commission of hate crimes, the scope of the term "telecommunications" must be considered carefully. The Authorization Act identifies the following list of media to be considered in our study: broadcast television and radio, cable television, public access television, computer bulletin boards, and "other electronic media." [15] Each of the specific media mentioned can provide persons or groups the ability to transmit unsolicited messages immediately to a large number of recipients.

8. There have been some well-known incidents relevant to this study involving these media, in which parties have sought or obtained access to broadcast television and radio, or cable public access channels, to promote messages of hate or violence evidencing prejudice toward particular groups. For example, there was controversy over repeated attempts in Kansas City by a chapter of the Ku Klux Klan to obtain access to a cable public access channel to show the program "Race and Reason." [16] In June 1992, authorities in San Diego attempted to determine whether an individual convicted previously of a hate crime had violated the terms of his parole through involvement in the showing of a documentary based on anti-Jewish Nazi propaganda films on a cable public access channel.[17] Messages claiming the Holocaust was a hoax, and other anti-Semitic messages, created a controversy in 1991 over the use of computer bulletin boards.[18]

9. More generally, however, "telecommunications" refers to numerous forms of electronic communications, including both point-to-point, two-way voice and data services, and point-to-multipoint mass media services.[19] There have been some reported incidents involving such services. For example, some white supremacist groups reportedly use telephone hotlines for "espousing white supremacist doctrine" and telephone answering machines for recruiting and merchandising books and other items, and employ methods similar to telemarketing for spreading their messages.[20] NTIA requests comment on the degree to which such services, in addition to the media specifically identified in the Authorization Act, have an effect on the role of telecommunications in hate crimes.

10. Each form of telecommunications in the United States is subject to different degrees of government regulation. For example, broadcasters are subject to certain "public interest" obligations as spectrum licensees. Most point-to-point voice and data service is provided by common carriers subject to the authority of state and federal regulatory agencies, although unregulated private networks increasingly offer such services. Computer bulletin boards are private, unregulated communications systems. To what degree do such legal and regulatory distinctions affect the commission and prevention of hate crimes using telecommunications?

11. Finally, while we have discussed many forms of electronic communications in the preceding paragraphs, we request comment on what, if any, "other electronic media" should be considered in this study.

IV. Data and Observations Regarding The Role of Telecommunications in the Commission of Hate Crimes

A. The Relationship Between Telecommunications and Acts of Hate

12. In light of the definitional issues involving hate crimes and telecommunications discussed above, NTIA seeks information on specific instances in which telecommunications were used to advocate or encourage the commission of hate crimes or violent acts motivated by prejudice or bias. What role do the various forms of telecommunications play regarding such acts of hate?

13. NTIA also seeks information on specific instances in which an act of hate was shown to result from a message transmitted through telecommunications. In some instances, the act of hate may be an intentional consequence of the transmission. In other instances, such as the broadcast of a news program, an act of hate may be unintentionally prompted by the content of the program. Moreover, NTIA seeks quantitative information on the correlation, if any, between the advocacy or encouragement of acts of hate, through the use of telecommunications or otherwise, and their commission. How prevalent are instances in which messages of hate resulted in the commission of violent acts or hate crimes? Given the free speech protection offered by the First Amendment, what is the proper role of government, and specifically telecommunications regulators, with respect to the use of telecommunications to spread messages of hate?

14. Many contend that more speech, rather than government regulation, is the best way to address hate speech.[21] The publicity that often surrounds the use of telecommunications media to promote or encourage violent acts or crimes of hate may, in fact, be valuable in promoting public discussion of the messages being conveyed, and may even

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[14] *Id.* at 1.

[15] Authorization Act § 135(b)(1).

[16] The Missouri Knights of the Ku Klux Klan first attempted to show a television program on a local public access channel in 1987, and were successful in 1990. *See, e.g.*, Ellen Alderman and Caroline Kennedy, "In our Defense: The Bill of Rights in Action," 25–36 (1991). Other groups have attempted to air the same show, "Race and Reason," in other communities. *See, e.g.*, Deborah Schoch, "Controversy Puts the Spotlight on Public Access TV: The Debate over the Airing of A White Supremacist Show has Focused Attention on the Operating Procedures At Torrance's Public Channel," L.A. Times, Jan. 20, 1991, Metro Section, at 3.

[17] *See* Michael Granberry, "Film Spurs Review of Metzger's Probation," L.A. Times, June 5, 1992, at B1. For a review of various instances in which groups attempted to or were successful in obtaining access to cable access channels to show "Race and Reason" or other programming, *see, e.g.*, Anti-Defamation League of the B'nai B'rith, "Electronic Hate: Bigotry Comes to TV" (1991).

[18] In 1991 Prodigy, a joint venture of IBM and Sears, was criticized by the Anti-Defamation League of the B'nai B'rith (ADL) for allowing these messages on its bulletin board system. *See, e.g.*, Sandra Sugawara, "Computer Networks and the 1st Amendment; Advanced Technology Raised New Questions and Concerns About an Age-Old Issue," Wash. Post, Oct. 26, 1991, at A12; Charles Leroux, "Hate Speech Enters Computer Age," Chi. Trib., Oct. 27, 1991, at 4. Prodigy later discovered that its bulletin board operators had repeatedly rejected the most offensive message; still, the company then announced that it had "amplified" its definition of what it considered offensive. *See* Barnaby J. Feder, "Toward Defining Free Speech in the Computer Age," N.Y. Times, Nov. 3, 1991, § 4, at 5. For other examples of the use of computer technology for spreading messages of hate, *see, e.g.*, Anti-Defamation League of the B'nai B'rith, "Computerized Networks of Hate: An ADL Fact Finding Report" (1985) (Computerized Networks of Hate).

[19] *Cf.* National Telecommunications and Information Administration, U.S. Dep't of Commerce, NTIA Special Pub. No. 91-26 "The NTIA Infrastructure Report: Telecommunications in the Age of Information" Ch. 2 (Oct. 1991).

[20] *See* Ian Trontz, "Phone Tapes Carry Racist Messages; White Supremacist Group Apparently Responsible," Minneapolis Star Trib., June 27, 1992, St. Paul ed., at 1B; *see also* ADL, "Computerized Networks of Hate," *supra* note 18, at 5.

[21] *See, e.g.*, Religious News Service, "Computer as a Forum of Hate Poses Problem," L.A. Times, Nov. 16, 1991 (reporting preference among several "religious leaders" for strong responses to offensive messages on computer bulletin boards rather than government regulation).

lessen the incidence of such acts.[22] For example, the controversy surrounding the Ku Klux Klan's efforts to obtain access to a Kansas City cable public access channel, which were successful in 1990, resulted in extensive national media coverage that stimulated significant public opposition to the messages the Klan was attempting to deliver.[23] NTIA seeks comment on the degree to which such extensive coverage and public reaction is typical.

15. Finally, such public discussion may be made possible through the use of the same types of telecommunications media employed to spread the message of hate.[24] NTIA therefore also seeks comment on the extent to which telecommunications plays a positive role in preventing acts of hate.

B. The Use of Telecommunications in Intimidation and Related Hate Crimes

16. The Authorization Act directs NTIA to base its analysis of hate crimes on the description given in the HCSA: crimes such as murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and vandalism that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.[25] In all of these instances, except intimidation, a person cannot commit the offense directly through use of telecommunications media, although such use could, in some cases, assist the commission of such an offense. NTIA seeks comment on the applicability of this description to the subject matter of this report.

17. Moreover, although the HCSA definition does not specifically refer to intimidation using a telephone, a threatening message sent via a telephone or facsimile transmission may constitute a crime of "intimidation" and be subject to reporting under the HCSA.[26] Is there any policy or law enforcement reason to distinguish such intimidation from other forms of intimidation? Do current data gathering activities under the HCSA provide sufficient data to analyze the role of telecommunications in hate crimes?

V. The Role of Technology in Preventing Hate Crimes That Use Telecommunications

A. Methods of Preventing Hate Crimes That Use Telecommunications

18. New developments in telecommunications technologies may offer a means of preventing, or limiting the number or impact of, hate crimes involving the use of telecommunications. For example, new caller identification (caller ID)[27] or call-trace services[28] offered by local exchange telephone companies may prevent or discourage the commission of hate-motivated intimidation telephone calls. Likewise, a consumer's ability to block video channels can prevent unsolicited messages from entering that person's home. For example, current technology permits cable operators to block access to specified channels on their systems. Section 10 of the 1992 Cable Act requires cable system operators to block leased access channels that carry indecent (as defined by the FCC) programming.[29] A consumer wishing to view such programming must request, in writing, that the system unblock the channel.

19. Additionally, section 10 of the 1992 Cable Act requires that, when cable operators offer X, R, or NC–17 rated movies free of charge on premium channels, they must provide notice to consumers and the ability to block such movies on request.[30] Also, some new television receivers offer the capability of blocking preselected channels. Finally, with respect to computer bulletin boards, computer software can allow bulletin board operators to eliminate unwanted messages from their systems.[31]

20. NTIA requests information on the use of new telecommunications technology to prevent or limit the transmittal or reception of messages of hate. We request comment on whether variations of such systems could or should also be adapted to allow consumers to control the viewing of unwanted programming such as that carrying messages of hate. Would such technology be an appropriate approach to protecting people from being subjected to messages of hate? What technology is available, and to what telecommunications media is it relevant? What technologies may be available in the future?

21. Often, however, privacy concerns are associated with the use of such new technology. For example, some parties have questioned deployment of caller ID service on privacy grounds because it reveals a calling party's telephone number.[32] Some have questioned whether, if computer bulletin boards become ubiquitous, the operator of a bulletin board system should have the ability to restrict the types of messages listed on it, or should have access to private messages on the system to enforce such restrictions. To what extent do privacy concerns limit the use of new telecommunications technologies to prevent hate crimes?

B. Electronic Data Collection

22. In addition to the FBI's data gathering program under the HCSA,

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[22] First Amendment jurisprudence has long recognized an "enlightenment function" of speech, even noxious speech. *See, e.g., Abrams* v. *United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting); *United States* v. *Associated Press* 52 F.Supp. 362, 372 (S.D.N.Y. 1943) (Learned Hand, J.). An "implicit corollary" of this function is the belief that the proper remedy for "bad" speech is the opportunity to hear more speech. See Melville B. Nimmer, "Nimmer on Freedom of Speech" §§ 1.02[G] (1984); see also Susan Gellman, "Sticks and Stones Can Put You In Jail, But Can Words Increase Your Sentence?: Constitutional and Policy Dilemmas of Ethnic Intimidation Laws," 39 UCLA L. Rev. 333, 381 (1991).

[23] For example, Alderman and Kennedy *supra* note 16 state that the controversy surrounding the Klan's attempt to air a cable program "galvanized" many residents and "empowered them to enter 'the marketplace of ideas,' voice their opinions, and make those opinions count," and note that there has been no further programs shown by the Klan. Alderman and Kennedy, *id.* at 36.

[24] The Alderman and Kennedy book, *id.*, sparked further discussion of the Ku Klux Klan's efforts to show programming on a Kansas City public access channel in various media including cable television. *See, e.g.*, Cable News Network, Inc., "Sonya Live," Mar. 8, 1992 (Transcript #5-2), available on LEXIS, Nexis Library, CURRNT File.

In addition, television can provide a means of reaching a large audience with anti-hate messages. In Washington, D.C., for example, the Gay and Lesbian Task Force Against Defamation is sponsoring a series of public service announcements, narrated by Bob Hope, against hate crimes.

[25] Authorization Act section 135 (b)(1), *citing* HCSA, 28 U.S.C. 534 note.

[26] Most states have statutes prohibiting the use of common carrier facilities to annoy or harass. See generally Wayne F. Foster, Annotation, "Validity, Construction, and Application of State Criminal Statute Forbidding Use of Telephone to Annoy or Harass," 95 A.L.R. 3d 411, 413 (1979). Additionally, federal law prohibits the use of telephones for obscene, annoying, or harassing calls in the District of Columbia or across state lines. 47 U.S.C. 223 (1989).

Although "intimidation" constitutes the largest category of hate crime reported to the FBI, the FBI's data collected under HCSA does not indicate cases in which the hate crime involved telecommunications.

[27] Basic caller ID service permits a subscriber to the service to view a calling party's telephone number via customer-owned display equipment. *See, e.g.*, Reply Comments of the National Telecommunications and Information Administration (filed March 12, 1992) in *Rules and Policies Regarding Calling Number Identification Service*, 6 FCC Rcd 6752 (NTIA Caller ID Reply Comments). For a discussion of current uses of caller ID, *see id.* at 4.

[28] For a description of call trace services, *see, e.g., North American Telecommunications Association*, Memorandum Opinion and Order, 3 FCC Rcd 4385, 4392 (1988).

[29] Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102–385, § 10 (1992 Cable Act).

[30] *Id.*

[31] *See, e.g.*, Sandra Sugawara, "Computer Networks and the 1st Amendment; Advanced Technology Raised New Questions and Concerns About an Age-Old Issue," *supra* note, at A12.

[32] Indeed, some states have prohibited common carriers from offering caller ID. *See e.g.*, NTIA Caller ID Reply Comments, *supra* note 27, at 8.

other law enforcement agencies collect a wide variety of data on crime statistics. To what extent could improved data collection technology help law enforcement personnel and policy makers better understand the problem of hate crime using telecommunications? Government data collection on, or monitoring of, acts of hate—in particular, those using media such as telephone lines or point-to-point radio—may also raise privacy concerns. NTIA therefore requests comment on the privacy concerns that arise from the use of data collection on hate crimes involving telecommunications.

VI. Conclusion

23. NTIA hereby requests comments in this inquiry to be filed on or before April 26, 1993, and reply comments to be filed on or before May 26, 1993.

Dated: March 19, 1993.

Thomas J. Sugrue,

Acting Assistant Secretary of Commerce for Communications and Information.

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Designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy". (Mar. 20, 1993; 107 Stat. 37; 1 page)

S.J. Res. 36/P.L. 103-9

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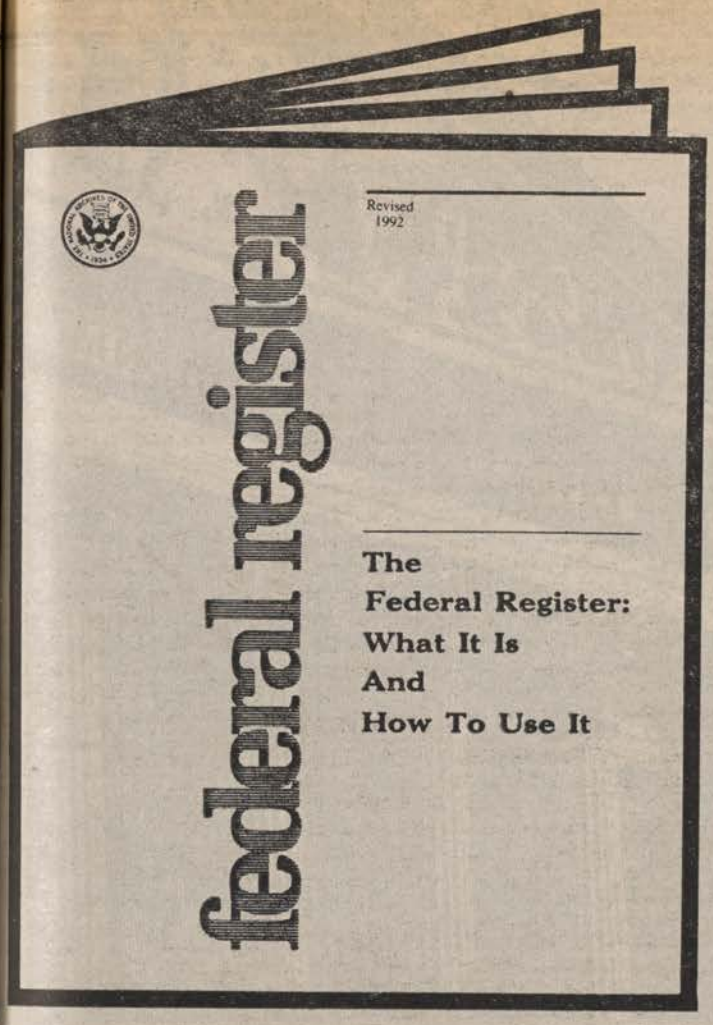

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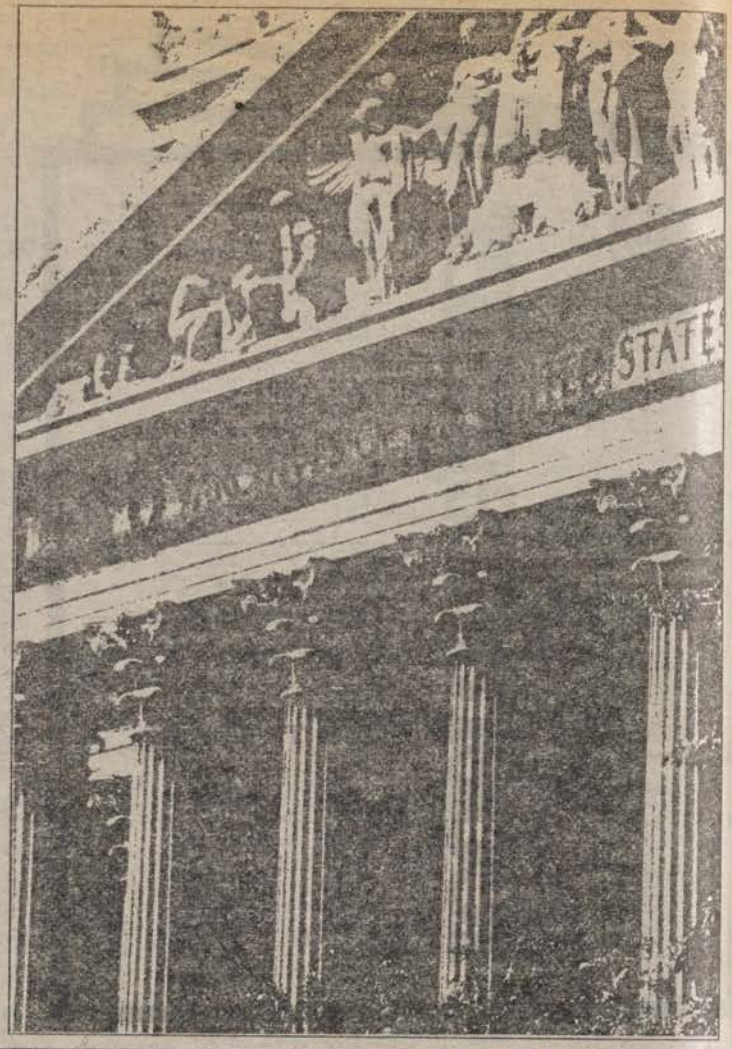

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