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Tuesday
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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

(two briefings)

WHEN: July 15 at 9:00 am and 1:30 pm

WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

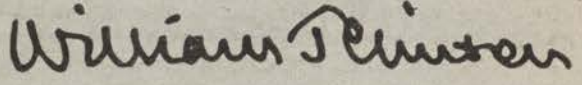
Presidential Determination No. 93–25 of June 2, 1993

Determination Under Section 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to section 402(d)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2432(d)(1)) (hereinafter "the Act"), I determine that the further extension of the waiver authority granted by section 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Act.

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



THE WHITE HOUSE,
Washington, June 2, 1993.

[FR Doc. 93–14222
Filed 6–11–93; 2:33 pm]
Billing code 4710–10–M

Editorial note: For the President's letter to Congressional leaders on trade with Albania, Romania, and certain states of the former Soviet Union, see the *Weekly Compilation of Presidential Documents* (vol. 29, p. 1021).

Presidential Documents

Presidential Determination No. 93–26 of June 3, 1993

Presidential Determination Under Subsections 402(a) and 409(a) of the Trade Act of 1974, as Amended—Emigration Policies of the Republic of Bulgaria

Memorandum for the Secretary of State

Pursuant to the authority vested in me by subsections 402(a) and 409(a) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2439(a)) ("the Act"), I determine that the Republic of Bulgaria is not in violation of paragraph (1), (2), or (3) of subsection 402(a) of the Act, or paragraph (1), (2), or (3) of subsection 409(a) of the Act.

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

William J. Clinton

THE WHITE HOUSE,
Washington, June 3, 1993.

[FR Doc. 93–14235
Filed 6–11–93; 3:08 pm]
Billing code 4710–10–M

Editorial note: For the President's letter to Congressional leaders on trade with Bulgaria, see the *Weekly Compilation of Presidential Documents* (vol. 29, p. 1025).

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AF19

Federal Employees Health Benefits Program: An Opportunity To Change to a Family Enrollment

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to allow separating employees to change from a self only to a family enrollment under the Federal Employees Health Benefits (FEHB) Program during the final pay period if the employee or the employee's spouse is pregnant. The purpose of these regulations is to give employees an opportunity to elect family coverage before separation so that the health care costs of a child born during the 31-day temporary extension of coverage following the separation from Federal service can be covered through the end of the 31-day period of the temporary extension of coverage. Although these employees may elect a family enrollment under the temporary continuation of coverage (TCC) provisions, the TCC enrollments do not begin until the temporary extension expires.

EFFECTIVE DATE: July 15, 1993.

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

SUPPLEMENTARY INFORMATION: On September 18, 1992, OPM issued interim regulations (57 FR 43132) providing that separating employees may change their FEHB enrollment from self only to family coverage during their final pay period if the employee or spouse is pregnant.

Under FEHB law and OPM regulations, Federal employees may change from a self only enrollment to a family enrollment within 60 days after the birth of a child. The change is effective retroactively to the first day of the pay period during which the child was born. Therefore, the health costs of a child born to a Federal employee become covered even though the employee has self only coverage at the time of the birth.

The FEHB law provides for a temporary extension of coverage for conversion to a nongroup policy following the termination of an enrollment due to separation from Federal service. Regulations specify that the temporary extension of coverage is for 31 days. There is no cost to the separated employee for this extended coverage since it is merely an extension of the coverage that existed when the employee separated. No change of enrollment can occur during that period.

When an enrolled Federal employee separates from Federal service, he or she is also eligible to enroll for TCC for a period of up to 18 months, unless the separation is involuntary due to gross misconduct. The separating employee may choose either a self only or family enrollment under TCC regardless of the type of enrollment he or she had at separation. That is, a pregnant employee with self only coverage at the time of separation can elect a family enrollment under TCC in order to cover the child when it is born. By law, the TCC enrollment begins when the 31-day temporary extension of coverage expires. After the TCC enrollment begins, a former employee whose initial TCC enrollment was for self only coverage may change to family coverage within 60 days after the birth of a child and the change will be retroactive, just as it is for employees with regular FEHB coverage. In both cases, the birth must occur after the enrollment begins.

However, there is no provision by which a child born to an employee with self only coverage during the 31-day temporary extension can acquire coverage before the TCC enrollment begins. In most cases, of course, an employee can time his or her separation so that the TCC coverage begins before the child is born. Occasionally, however, a child is born during the 31-day temporary extension either because the birth occurs early or because the employee had no control over the date of separation. In these cases, the child's health care costs are not covered from the date of birth until the TCC coverage begins.

For these reasons, OPM issued the interim regulations to allow an employee to change from self only to family coverage during his or her final pay period if the employee or the employee's spouse is pregnant. If the separating employee chooses to change enrollment under these regulations, the change is to be effective on the first day of the employee's final pay period. Thus, the coverage terminated by the separation would be a family enrollment and any child born during the 31-day extension of that coverage would be covered. In addition, those few employees who are barred from enrolling under TCC because of the circumstances of their separation can make this change in order to have the opportunity to convert to a nongroup contract for the family.

OPM received two comments on these interim regulations. One commenter suggested that OPM regulate to allow change of enrollment for a different and unrelated event. We will consider that suggestion in connection with a future regulation package.

Another commenter suggested that we allow separated employees to change their enrollment through the end of the 31-day temporary extension period in order to give them more time to make the enrollment change or to deem them to have made a timely change if the baby is born during the 31-day temporary extension period. The commenter also suggested that employees who have separated in similar circumstances in the past be given the opportunity to make a retroactive change in their enrollment.

It is a fundamental principle of insurance that people must make their choices about coverage before a need occurs. That is, people buy insurance to protect themselves against future need. If OPM's regulations allowed individuals to wait until after a need occurs to obtain the insurance necessary to cover the need, no one would obtain coverage unless they actually experienced a need. No insurance program could survive this result. Therefore, we have not accepted the concept of extending the enrollment period to a point in time when the child either has or has not been born during

the 31-day extension period. For the same reason, we have not accepted the suggestion to allow former employees to make retroactive changes in their enrollment.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect a small number of Federal employees.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

Accordingly, under the authority of 5 U.S.C. 8913, OPM is adopting its interim regulations amending 5 CFR part 890 as published in FR Doc. 92–22586, on September 18, 1992 (57 FR 43132), as final rules without change.

[FR Doc. 93–13987 Filed 6–14–93; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907 and 908

[FV92–907–2FR]

Navel and Valencia Oranges Grown in Arizona and Designated Parts of California; Expenses and Assessment Rates for the 1992–93 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule the provisions of an interim final rule (without change) authorizing expenditures and establishing assessment rates under Marketing Order Nos. 907 and 908 for California-Arizona navel and Valencia oranges, respectively, for the 1992–93 fiscal years established for each order. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATE: November 1, 1992–October 31, 1993.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2522–S, Washington, D.C. 20090–6456; telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION:

This final rule is effective under Marketing Order Nos. 907 and 908 [7 CFR Parts 907 and 908], both as amended, regulating the handling of California-Arizona navel and Valencia oranges, respectively. Both orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the "Act."

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing orders now in effect, California-Arizona navel and Valencia oranges are subject to assessments. It is intended that the assessment rates specified herein be made applicable to all assessable navel and Valencia oranges during the 1992–93 fiscal year, which began on November 1, 1992. This final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately 130 handlers of navel oranges and 115 handlers of Valencia oranges subject to regulation under the respective marketing orders. There are approximately 4,000 producers of navel oranges and 3,500 producers of Valencia oranges in the regulated areas. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of producers and handlers of California-Arizona navel and Valencia oranges may be classified as small entities.

The navel and Valencia orange marketing orders require that assessment rates for a particular fiscal year shall apply to all assessable navel or Valencia oranges handled from the beginning of such year. Annual budgets of expenses are prepared by the Navel Orange Administrative Committee (NOAC) and the Valencia Orange Administrative Committee (VOAC) and submitted to the Department for approval. The members of the NOAC and VOAC are handlers and producers of navel and Valencia oranges. They are familiar with the NOAC's and VOAC's needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of navel or Valencia oranges. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay each committee's expected expenses. The recommended budget and rate of assessment is usually acted upon by each committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their individual expenses.

The NOAC met on September 15, 1992, and recommended, by a vote of eight in favor, one opposed, and one abstention, 1992–93 fiscal year expenditures of $1,463,270 and an assessment rate of $0.0316 per carton of navel oranges. In comparison, 1991–92 fiscal year budgeted expenditures were $1,255,760, and the assessment rate was $0.0315 per carton. Major expenditure categories in the 1992–93 budget are $496,010 for program administration, $206,800 for compliance activities, $591,360 for the field department, $165,700 for direct expenses, and $3,400 for a salary reserve. This compares to $388,490, $194,315, $512,295, $157,300, and $3,360, respectively, for the 1991–92 fiscal year. Assessment income for 1992–93 is expected to total $1,374,600, based on shipments of 43.5 million cartons of oranges. Interest and incidental income is estimated at $44,100. The increase in the assessment rate was recommended to minimize the expected shortfall in income. The NOAC plans on utilizing $44,570 from its reserve to cover the difference between income and expenses.

The VOAC also met on September 15, 1992, and unanimously recommended 1992–93 fiscal year expenditures of $724,330 and an assessment rate of $0.032 per carton of Valencia oranges. In comparison, 1991–92 fiscal year budgeted expenditures were $661,540, and the assessment rate was the same. Major expenditure categories in the 1992–93 budget are $228,090 for program administration, $95,100 for compliance activities, $271,940 for the field department, $127,600 for direct expenses, and $1,600 for a salary reserve. This compares to $189,510, $94,785, $249,905, $125,700, and $1,640, respectively, for the 1991–92 fiscal year. Assessment income for 1992–93 is expected to total $640,000 based on shipments of 20 million cartons of oranges. Interest and miscellaneous income is estimated at $25,900. The VOAC plans on utilizing $58,430 from its reserve to cover the difference between income and expenses.

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

An interim final rule was published in the **Federal Register** on October 26, 1992, (57 FR 48437). This document added § 907.230 and § 908.232 authorizing expenses and establishing assessment rates for the NOAC and VOAC. This interim final rule provided that interested persons could file comments through November 25, 1992.

Twelve comments were received and all twelve opposed finalization of this rule. Comments were submitted by Mr. Brian Leighton, on behalf of Growers for Modern Marketing and eleven producers and/or handlers.

The commenters presented several arguments opposing the finalization of this rule. Mr. Leighton and all 11 producers and/or handlers who commented questioned the status of the marketing order, contending that the August 21, 1992, decision by the U.S. Court of Appeals for the Ninth Circuit in San Francisco (Ninth Circuit) voided marketing orders 907 and 908. The commenters assert that since there are no orders, there can be no assessments. It is the Department's position that the August 21 decision invalidated only the 1985 amendments to the Valencia orange marketing order, and that the decision, at most, also affects only the 1985 amendments to the navel orange order since that order was amended concurrently. Both marketing orders continue in effect without the 1985 amendments. This position was upheld by the United States District Court for the Eastern District of California in a related case decided on December 18, 1992.

Mr. Leighton and one other commenter alleged that the Department has insufficient support for the marketing order. Both commenters cited the number of handlers who have filed motions in Federal court challenging the order to support this claim. While handlers may file petitions challenging provisions of an order, all marketing orders are initiated by growers and their level of continued support is determined through continuance referenda. Continuance referenda were held for the California-Arizona navel and Valencia orange orders in June 1991. The navel orange order was approved by 89 percent of the navel orange growers voting who accounted for 84 percent of the navel orange production represented in its referendum, and the Valencia orange order was approved by 92 percent of the Valencia orange growers voting who accounted for 83 percent of the Valencia orange production represented in its referendum.

In his last point, Mr. Leighton stated that both the NOAC and VOAC were seated on the basis of the provisions of the orders which included the invalidated amendments, and therefore, the committees and any recommendations they made were invalid. Consequently, the commenter stated that the recommended budgets and assessment rates are invalid.

The removal of the 1985 amendments from the orders has little effect on the provisions dictating how the committees are seated. The most significant change resulting from the withdrawal of the amendments concerning committee structure is the elimination of the additional alternate handler member positions. While the committees which recommended the budgets did include additional alternate handler members, none of them were seated for the meeting. The committee members who were seated, and voted on the recommendations all meet the qualifications as provided under the orders as they appear without the 1985 amendments. Furthermore, the action imposing the assessment rates was taken by the Secretary, and there is no indication why the status of the Committee members should invalidate such Departmental action.

Therefore, for the reasons stated, the above comments in opposition to the interim final rule are not well founded.

After consideration of the information and recommendations submitted by the NOAC and VOAC and other available information, it is found that this rule will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis. The 1992–93 fiscal period for the NOAC and VOAC began on November 1, 1992, and the marketing orders require that the assessment rates for the fiscal period apply to all assessable oranges handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committees at public meetings, and these final rules make no change in the interim final rules already in effect.

List of Subjects

7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

7 CFR Part 908

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 907 and 7 CFR part 908 are amended as follows:

1. The authority citation for both 7 CFR parts 907 and 908 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

2. Accordingly, the interim final rule adding § 907.230, which was published in the **Federal Register** (57 FR 48437, October 26, 1992) is adopted as a final rule.

Note: This action will not appear in the annual Code of Federal Regulations.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

3. Accordingly, the interim final rule adding § 908.232, which is published in the **Federal Register** (57 FR 48437, October 26, 1992) is adopted as a final rule.

Note: This action will not appear in the annual Code of Federal Regulations.

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–13991 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 926

[Docket No. FV93–926–1IFR]

Expenses and Assessment Rate for the Marketing Order Covering Tokay Grapes Grown in San Joaquin County, CA

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate for the Tokay Grape Industry Committee (committee) under M.O. No. 926 for the 1993–94 fiscal year. Authorization of this budget enables the committee to incur expenses that are reasonable and necessary to administer this program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning April 1, 1993, through March 31, 1994. Comments received by July 15, 1993, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456. Fax # (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Peter Parks, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102 B, Fresno, California 93721, telephone: (209) 487–5901; or Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 926 (7 CFR part 926) regulating the handling of Tokay grapes grown in San Joaquin County, California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, tokay grapes grown in California are subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable tokay grapes handled during the 1993–94 fiscal year, beginning April 1, 1993, through March 31, 1994. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

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

There are approximately three handlers of tokay grapes regulated under the marketing order each season and approximately 15 tokay grape producers in San Joaquin County, California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

The tokay grape marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable grapes handled from the beginning of such year. Annual budgets of expenses are prepared by the committee, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the committee are grape handlers and producers. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The committee's budget is formulated and discussed in a public meeting. Thus, all directly affected

persons have an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing the anticipated expenses by expected shipments of grapes. Because that rate is applied to actual shipments, it must be established at a rate which will provide sufficient income to pay the committee's expected expenses.

The committee met on April 2, 1993, and unanimously recommended total expenditures for the 1993–94 fiscal year of $5,150 with an assessment rate of $0.07 per carton. In comparison, this is a $125 decrease in expenditures from the 1992–93 fiscal year with the assessment rate remaining unchanged. Funds in the reserve at the end of the 1993–94 fiscal year, estimated at $4,500, will be within the maximum permitted by the order of one fiscal year's expenses.

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

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal year for the committee began April 1, 1993, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable grapes handled during the fiscal year; (3) handlers are aware of this action which was unanimously recommended by the committee at a public meeting and which is similar to budgets issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 926

Marketing agreements, Tokay grapes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 926 is amended as follows:

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 926 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 926.232 is added to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

§ 926.232 Expenses and assessment rate.

Expenses of $5,150 by the Tokay Grape Industry Committee are authorized and an assessment rate of $0.07 per carton on assessable grapes is established for the fiscal year ending March 31, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–14039 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 932

[Docket No. FV92–932–1FR]

Expenses and Assessment Rate for the Marketing Order Covering Olives Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule the provisions of the interim final rule (without change) which authorized expenditures and established an assessment rate for the California Olive Committee (committee) under M.O. No. 932 for the 1993 fiscal year. Authorization of this budget enables the committee to incur expenses that are reasonable and necessary to administer this program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: January 1, 1993, through December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 690–0992.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 932 (7 CFR part 932), both as amended, regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, olives grown in California are subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable olives handled during the 1993 fiscal year, beginning January 1, 1993, through December 31, 1993. This final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly

or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 5 handlers of olives regulated under Marketing Order No. 932, and approximately 1,350 olive producers in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. Most of the producers and none of the handlers may be classified as small entities.

The olive marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable olives handled from the beginning of such year. Annual budgets of expenses are prepared by the committee, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the committee are olive handlers and producers. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The committee's budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the committee is derived by dividing the anticipated expenses by expected shipments of olives (in tons). Because that rate is applied to actual shipments, it must be established at a rate which will provide sufficient income to pay the committee's expected expenses.

The committee met on December 10, 1992, and unanimously recommended total expenditures for the 1993 fiscal year of $2,796,000 with an assessment rate of $25.75 per ton based on an assessable tonnage of 147,000 tons from the record 1992 olive crop. In comparison, this is a $963,770 increase in expenditures and a $5.07 increase in the assessment rate from the 1992 fiscal year.

The increase in expenses is primarily for administrative costs, production research, market development, and the completion of a comprehensive grower acreage survey. Due to the anticipation of a smaller olive crop in 1993, the assessment rate increase is deemed necessary because it will provide for an increase in the committee's reserves at the end of the 1993 fiscal year that will be used in the 1994 fiscal year. The projected reserves at the end of the 1993 fiscal year will not exceed the amount permitted under the marketing order of one fiscal year's expenses.

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

After consideration of all relevant matter presented, including the information and recommendations submitted by the committee and other available information, it is hereby found that this rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The committee needs to have sufficient funds to pay its expenses. Such expenses are incurred on a continuous basis. The 1993–94 fiscal year for the committee began January 1, 1993. Marketing order No. 932 requires that any rate of assessment for a fiscal year apply to all assessable olives handled during that fiscal year. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Accordingly, the interim final rule adding § 932.226, which was published in the **Federal Register** (58 FR 8538, February 16, 1993) is adopted as a final rule.

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–13993 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 945

[FV–92–087FR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Establishment of Positive Lot Identification Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (Department) is adopting without modification, as a final rule, the provisions of an interim final rule which established procedures for handlers who utilize positive lot identification (PLI) for lots of potatoes inspected and certified under the Idaho-Eastern Oregon potato marketing order. The interim final rule allowed handlers to ship positive lot identified potatoes without a valid inspection certificate; established inspection procedures for positive lot identified potato lots that are not shipped within four days of inspection; and required handlers to report the quantities of potatoes shipped under PLI. These procedures allow handlers to operate more efficiently when they use PLI as a method of inspection. This action was unanimously recommended by the Idaho-Eastern Oregon Potato Committee (committee), which is responsible for local administration of the order.

EFFECTIVE DATE: July 15, 1993.

FOR FURTHER INFORMATION CONTACT: Dennis West, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Northwest Marketing Field Office, 1220 S.W. Third Avenue, room 369, Portland, Oregon 97204; telephone (503) 326–2724, or Valerie L. Emmer, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 205–2829.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement No. 98 and Marketing Order No. 945 (7 CFR part 945), both as amended, regulating the handling of Irish potatoes grown in certain counties in Idaho and Malheur County, Oregon. The marketing agreement and order are

authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

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

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

There are approximately 66 handlers of Idaho-Eastern Oregon potatoes who are subject to regulation under the marketing order and approximately 2,200 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $3,500,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A majority of the handlers and producers of Idaho-Eastern Oregon potatoes may be classified as small entities.

The interim final rule revised § 945.341 of the rules and regulations of the order, which was unanimously recommended by the committee at its June 9, 1992, meeting.

Prior to the issuance of the interim final rule, paragraph (d)(1) of § 945.341 provided that no handler shall handle potatoes unless the potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and all shipments are covered by a valid inspection certificate. However, many handlers of Idaho-Eastern Oregon potatoes have been using positive lot identification (PLI) inspection procedures approved by the Fresh Products Branch of the Fruit and Vegetable Division. Positive lot identification provides that a specific load or lot can be linked to an official inspection certificate or numbered notesheet (Federal or Federal-State) that shows the produce has been officially sampled, inspected, and certified by a USDA authorized inspector. This can be accomplished by sealing conveyances with pre-numbered seals, pre-stamped identification tags inserted or attached to containers, stamping containers with official stamping devices, taping and/or tagging unitized pallets of products, or other methods if approved by the Fresh Products Branch. Copies of these procedures are attainable from Scott P. Brubaker, Federal Supervisor, Federal-State Inspection Service, Fresh Fruit and Vegetable Inspection, 2270 Old Penitentiary Road, Boise, Idaho 83712; telephone (208) 334–3830. Under these procedures, the lot can be tied to a particular inspection certificate, numbered notesheet or shipping clearance report. A numbered notesheet or inspection certificate is used by inspectors to list results of inspections completed during the day. A shipping clearance report is also used as evidence of inspection when previously inspected positive lot identified lots are subsequently re-inspected and found to meet marketing order regulations. The PLI procedures make the inspection more valuable to the shipper because the shipper can more easily show that condition problems at destination more likely occurred during transit and not at the packing facility. In addition, the committee is able to verify handler compliance with inspection and certification requirements more easily.

Prior to the interim final rule, the rules and regulations required that no handler shall handle potatoes unless the potato shipments are covered by a valid inspection certificate. However, because each lot positively identified under Fresh Products Branch procedures can be linked directly to a valid inspection certificate, numbered notesheet, or shipping clearance report, the committee recommended that valid copies of these documents not be required to accompany positive lot identified potatoes. Containers or lots of potatoes not shipped under PLI procedures will have to be accompanied with a copy of a valid inspection certificate, numbered notesheet, or shipping clearance report. Such containers or lots have no identifying marks other than those placed on them by the shipper, and it is sometimes difficult to determine if all cartons in the lot have been inspected.

The second change established inspection procedures for positive lot identified potatoes not shipped within four days of inspection. Paragraph (d)(3) of section 945.341 previously provided that inspection certificates issued for potatoes which are to be shipped outside the production area must be issued within four days of shipment. Otherwise, another inspection is required. A new inspection will continue to be conducted on positive lot identified lots that are not shipped within a four-day period. If the subsequent inspection verifies that the handling regulation requirements, specified in paragraphs (a), (b), and (c) of section 945.341 have been met, a new inspection certificate, a new numbered notesheet, or a new shipping clearance report will be issued which references the original PLI number. A new PLI number will not be required on the lots. However, if the lot does not meet the requirements of the handling regulations, the lot will be required to be reconditioned in the presence of an authorized representative from the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service prior to the close of the business day. If the lot is reconditioned to bring the lot into conformity with the handling regulation requirements, a new inspection certificate or new numbered notesheet must be issued and a new PLI number or modified PLI number will be applied. If the failing lot is not reconditioned prior to the close of business, all PLI numbers will be obliterated. This procedure will save time since handlers will not have to apply a new PLI number to the lots that are required to be reinspected and

which continue to meet the handling regulation requirements.

The third change required handlers to report to the committee, either orally or in writing, the quantity of potatoes shipped under PLI procedures. Prior to the interim final rule, handlers were required under paragraph (d)(4) of section 945.341 to provide the committee with destination zip codes of all potatoes handled, by permitting the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service to review bills of lading upon inspection to determine the destination zip codes. These zip codes, along with the quantity of potatoes shipped, were included on the inspection certificates which were received by the committee. However, only the destination zip codes were included on the numbered notesheets which are used for PLI inspections. Inspectors inspecting potatoes under PLI will indicate a full day's inspection information on the inspection certificate or numbered notesheet and issue one inspection certificate for all lots inspected that day. Therefore, separate quantities of each shipment to a specific destination zip code will not be indicated on the numbered notesheet or the single inspection certificate. For the committee to receive the quantities shipped to each destination zip code, it recommended that the handler inform the committee either orally or in writing of the quantities so shipped under PLI procedures. The committee needs this information to ascertain the exact quantities of PLI potatoes shipped to each destination zip code for greater statistical accuracy.

The information collection requirements that are contained in these regulations have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB Control No. 0581–0069.

The interim final rule was published in the **Federal Register** with effective date of December 30, 1992 (57 FR 62165, December 30, 1992). Comments on the interim final rule were invited from interested persons until January 29, 1993. No comments were received.

Based on the above information, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of the information and recommendations submitted by the committee and other available information, it is found that this final rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the provisions of the interim final rule amending 7 CFR Part 945 which were published at 57 FR 62167 on December 30, 1992, are adopted as a final rule without change.

Dated: June 3, 1993.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–13990 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 946

[Docket No. FV93–946–2IFR]

Irish Potatoes Grown in Washington; Specification of a Minimum Grade Requirement for Potatoes Packed in Cartons and Clarification of the Handling Regulation (M.O. No. 946)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule specifies that Washington potatoes packed in cartons for domestic and export shipment must be U.S. No. 1 grade or better. The State of Washington Potato Committee (Committee) unanimously recommended this revision. The Committee is the agency responsible for local administration of the marketing order for Washington potatoes. This action also clarifies the handling regulations. These changes are recommended by the Department of Agriculture (Department).

EFFECTIVE DATE: Interim final rule effective June 15, 1993. Comments received by July 15, 1993, will be considered prior to any finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456. FAX No. (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Jim Wendland, Marketing Specialist, MOAB, F&V, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2170, or Dennis West, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Northwest Marketing Field Office, 1220 SW. Third Avenue, room 369, Portland, Oregon 97204; telephone (503) 326–2724.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 946 (7 CFR part 946), both as amended, regulating the handling of Irish potatoes grown in the State of Washington and the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 35 handlers of Washington potatoes who are subject to regulation under the marketing order and approximately 450 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of Washington potatoes may be classified as small entities.

The Committee unanimously recommended these revisions at its February 4, 1993, meeting. The revisions are authorized pursuant to Sections 946.51 and 946.52(a)(3) of the marketing order. Section 946.52(a)(3) authorizes the Committee, with the approval of the Secretary, to regulate the handling of particular grades, sizes, qualities or maturities of any or all varieties differently for: Different portions of the production area, different uses or outlets, different packs or for any combination of the foregoing, during any period.

The first revision (section 946.336 (a)(2)(iv), (c)(1) and (c)(2)) specifies that Washington potatoes packed in cartons for domestic and export shipments must be U.S. No. 1 grade or better. Currently, the handling regulations require that potatoes packed in 50-pound cartons meet U.S. No. 1 grade or better. The Committee has been informed by food service and institutional buyers, both domestic and foreign, that a smaller carton size is more desirable for some users than the currently used 50-pound carton. These buyers indicate that they need a smaller carton that takes up less storage space and is easier to lift and handle. However, the buyers still want to be provided with the same quality of potato—U.S. No. 1 or better. Currently, potatoes packed in other than 50-pound cartons must meet only U.S. No. 2 requirements. Handlers have indicated that they have provided U.S. No. 1 potatoes in smaller carton sizes, and want to assure both domestic and export buyers that only U.S. No. 1 potatoes will be packed in cartons. This change in the handling regulation reflects the industry's current practice of providing a high quality product to users of potatoes packed in cartons. Therefore, the Committee recommended that the handling regulations be revised to delete the reference to "50-pound" sized cartons. As a result of this action, potatoes grading U.S. No. 2 or less may not be packed in cartons. This revision also applies to export shipments of potatoes.

The second revision (section 946.336(a)(2)(iv)) revises the handling regulations by removing redundant language in that paragraph. This action is being taken by the Department. Currently, the handling regulations specify that the tolerances for size in the U.S. Standards for Grades of Potatoes (Standards) shall apply, except that for long varieties of potatoes packaged in other than 50-pound cartons and which are packed to meet a minimum size and weight of 2⅛ inches or 4 ounces, a 3 percent tolerance for undersize shall apply. The Standards specify a 3 percent tolerance for potatoes that are smaller than the minimum size, regardless of the type of container used by the handler. The minimum size under the handling regulations for long variety (Russet type) potatoes is 2⅛ inches or 4 ounces. Therefore, the 3 percent tolerance specified in the Standards for long variety (Russet type) potatoes smaller than 2⅛ inches or 4 ounces would apply. Therefore, the exception section 946.336(a)(2)(iv) is redundant and should be removed.

The third revision (sections 946.336 (a)(2) and (a)(2)(iii)) clarifies the handling regulations by specifying that certain potatoes must meet all U.S. No. 1 Grade requirements except size. This action is also being taken by the Department to further clarify the handling regulations. Currently, the handling regulations provide that red, yellow-fleshed and white type potatoes, may be 1 inch minimum diameter, if U.S. No. 1 grade. The handling regulations also provide that any type of any size of potato may be packed in 3 pound or less containers if the potatoes are U.S. No. 1 grade or better. These regulations need to be clarified because the U.S. No. 1 Grade requires a minimum size of 1⅞ inches in diameter. Therefore, the regulatory language will be clarified to indicate that these potatoes must be U.S. No. 1 in all respects except size.

Based on available information, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented and the Committee's recommendation, it is found that the revisions to the handling regulations will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impractical, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The action specifying that Washington potatoes packed in cartons must be U.S. No. 1 or better is consistent with current industry practice; (2) this action allows handlers to provide buyers with the quality of potato and package they desire; (3) the action was discussed at a public meeting and is fully supported by the industry; (4) handlers need no time to prepare their packing facilities because this action recognizes current industry practices; (5) the clarifications are administrative in nature and will improve the effectiveness of the marketing order program; and (6) this action provides a 30-day comment period and all comments timely received will be considered prior to finalization of this interim final rule.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 946.336 is amended by revising paragraphs (a)(2)(i), (a)(2)(iii), (a)(2)(iv), (c) introductory text, (c)(1), and (c)(2) to read as follows:

[**Note:** This section will be published in the annual Code of Federal Regulations].

§ 946.336 Handling regulation.

* * * * *

(a) * * *

(1) * * *

(2) *Size:* (i) At least 1⅞ inches in diameter, except that all red, yellow fleshed, and white types may be 1 inch (25.4 mm) minimum diameter, if they otherwise meet the requirements of U.S. No. 1.

(ii) * * *

(iii) Any type of any size may be packed in a 3-pound or less container if the potatoes otherwise meet the requirements of U.S. No. 1 grade or better at the time of packing.

(iv) *Tolerances*—The tolerance for size contained in the U.S. Standards for Grades of Potatoes shall apply.

* * * * *

(c) *Pack:*

(1) *Domestic:* Potatoes packed in cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of internal defects may be shipped provided the lot contains not more than 10 percent damage by any internal defect or combination of internal defects but not more than 5 percent serious damage by any internal defect or combination of internal defects.

(2) *Export:* Potatoes packed in cartons shall be U.S. No. 1 grade or better.

* * * * *

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–13995 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 947

[Docket No. FV93–947–2IFR]

Irish Potatoes Grown in Oregon-California; Amendment of the Pack Requirements (M.O. No. 947)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule amends the handling regulation for Oregon-California potatoes by requiring potatoes packed in cartons to meet the same grade and size requirements currently specified for potatoes packed in 50-pound cartons. The Oregon-California Potato Committee (Committee) unanimously recommended this amendment. The Committee has been informed by food service and institutional buyers that a smaller carton weight is more desirable for many users. The Committee is the agency responsible for local administration of the marketing order for Oregon-California potatoes.

EFFECTIVE DATE: Interim final rule effective June 15, 1993. Comments received by July 15, 1993, will be considered prior to any finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456 or FAX No. (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for further public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: James Wendland, Marketing Specialist, F&V, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456, telephone (202) 720–2170 or FAX (202) 720–5698; or Teresa Hutchinson, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Northwest Marketing Field Office, 1220 S.W. Third Avenue, room 369, Portland, Oregon 97204; telephone (503) 326–2725 or FAX (503) 326–7440.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement No. 114 and Order No. 947 (order), both as amended, regulating the handling of Irish potatoes grown in Oregon-California and the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This interim final rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

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

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

There are approximately 550 producers of potatoes in the Oregon-California production area and approximately 40 handlers who are subject to regulation under the order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers subject to regulations under the order may be classified as small entities.

This amendment is authorized pursuant to section 947.52(a)(3) of the order. Section 947.52(a)(3) authorizes regulation of the handling of particular grades, sizes, qualities or maturities of any or all varieties differently, for different portions of the production area, for different uses or outlets, for potatoes for prepeeling to different markets, for different packs or for any combination of the foregoing, during any period.

This action amends the requirements specified in § 947.340(e) of the handling regulation by deleting the 50-pound reference regarding potatoes packed in cartons. The deletion of this reference will require the potatoes that handlers pack in cartons to meet the same grade and size currently specified for potatoes packed in 50-pound cartons. Such potatoes shall be either: (1) U.S. No. 1 grade or better, except that potatoes that fail to meet U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, or not more than 5 percent serious damage by internal defects; or (2) U.S. No. 2 potatoes weighing at least 10 ounces. Other size requirements are as follows: (1) Potatoes shipped to points within the continental United States shall be at least 2 inches in diameter or 4 ounces in weight, and

potatoes shipped to export destinations shall be at least 1½ inches in diameter; (2) red-skinned varieties of potatoes may be shipped without regard to any minimum size requirement, if they otherwise grade at least U.S. No. 1; or (3) all non-redskinned varieties of potatoes that measure 1¾ inches in diameter or less may be shipped if such potatoes otherwise grade at least U.S. No. 1.

The Committee has been informed by food service and institutional buyers, both domestic and foreign, that a smaller carton weight is more desirable for some users than the currently used 50-pound carton. These buyers indicate that they need a smaller carton for ease of handling resulting in less risk of injury. Smaller cartons also require less of the limited storage space available to such buyers and the quicker turnover means fresher potatoes for the clientele. However, the buyers still want to be provided with the same quality of potatoes as packed in 50-pound cartons.

Currently, potatoes packed in containers other than 50-pound cartons must only meet minimum U.S. No. 2 grade requirements. However, handlers in Oregon and California have been providing smaller carton sizes of high quality potatoes. Hence, this change in the handling regulation reflects the industry's current practice of providing a higher quality product to users of potatoes packed in cartons. As a result of this action, potatoes grading U.S. No. 2 or less may not be packed in cartons, unless the potatoes weigh at least 10 ounces each.

Last season, the pack regulations for potatoes in 50-pound cartons were changed to allow U.S. No. 2 grade to be shipped, if the potatoes weighed at least 10 ounces each. Handlers packing such potatoes have reported great success and high acceptance by the receivers. Based on available information, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic impact on a substantial number of small entities. Written comments, timely received in response to this action, will be considered before finalization of this rule.

After consideration of the Committee's recommendation and other relevant matters presented, it is found that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The action will require Oregon-California potatoes packed in any size carton to meet modified U.S. No. 1 or better grade requirements or U.S. No. 2 grade weighing at least 10 ounces, which is consistent with current industry practices; (2) this action allows handlers to provide buyers with the quality of potatoes and smaller cartons they desire; (3) the action was discussed at a public meeting; (4) handlers need no additional time to prepare their packing facilities because this action recognizes current industry practices; (5) the changes will improve the effectiveness of the marketing order program; and (6) this action provides a 30-day comment period and all comments timely received will be considered prior to finalization of this interim final rule.

List of Subjects in 7 CFR Part 947

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 947 is amended as follows:

PART 947—IRISH POTATOES GROWN IN OREGON-CALIFORNIA

1. The authority citation for 7 CFR Part 947 continues to read as follows:

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

2. Section 947.340 is amended by removing the word "50-pound" immediately preceding "carton" in paragraph (e) to read as follows:

[**Note:** This section will be published in the annual Code of Federal Regulations].

§ 947.340 Handling regulation.

* * * * *

(e) *Pack.* Potatoes packed in cartons shall be either: (1) U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, or not more than 5 percent serious damage by internal defects; or (2) U.S. No. 2 potatoes weighing at least 10 ounces.

* * * * *

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–13994 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 948

[Docket No. FV93–948–1IFR]

Irish Potatoes Grown in Colorado; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures of $16,851 and establishes an assessment rate of $0.02 per hundredweight of potatoes under Marketing Order No. 948 for the 1993–94 fiscal period. Authorization of this budget enables the Colorado Potato Administrative Committee, Northern Colorado Office (Area III) (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective July 1, 1993, through June 30, 1994. Comments received by July 15, 1993, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone number 503–326–2724; or Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone number 202–720–9918.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 97 and Marketing Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental

Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Colorado potatoes are subject to assessments. Funds to administer the Colorado potato marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes during the 1993–94 fiscal period beginning July 1, 1993, through June 30, 1994. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his/her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

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

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

There are approximately 85 producers of Colorado Area III potatoes under the marketing order and approximately 15 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of Colorado Area III potato producers and handlers may be classified as small entities.

The budget of expenses for the 1993–94 fiscal period was prepared by the Colorado Potato Administrative Committee, Northern Colorado Office (Area III), the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Colorado Area III potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Colorado Area III potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

In Colorado, both a State and a Federal marketing order operate simultaneously. The State order authorizes promotion, including paid advertising, which the Federal order does not. All expenses in this category are financed under the State order. The jointly operated programs consume about equal administrative time and the two orders continue to split administrative costs equally.

The Committee met on April 9, 1993, and unanimously recommended a 1993–94 budget of $16,851, $1,717 more than the previous year. Increases in the Federal portion of the administrative budget include $1,200 for salary expenses, $150 for office equipment, $125 for committee expenses, $150 for utilities and telephone, and $92 in additional payroll taxes.

The Committee also unanimously recommended an assessment rate of $0.02 per hundredweight, the same as last season. This rate, when applied to anticipated potato shipments of 1,086,000 hundredweight, will yield $21,720 in assessment income, which is adequate to cover budgeted expenses. Funds in the reserve at the end of the 1993–94 fiscal period, estimated at $20,126, will be within the maximum permitted by the order of two fiscal periods' expenses.

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

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on July 1, 1993, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 948.209 is added to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

§ 948.209 Expenses and assessment rate.

Expenses of $16,851 by the Colorado Potato Administrative Committee,

Northern Colorado Office (Area III) are authorized, and an assessment rate of $0.02 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1994. Unexpended funds may be carried over as a reserve.

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93-14040 Filed 6-14-93; 8:45 am]

BILLING CODE 3410-02-P

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7 CFR Part 981

[Docket No. FV-92-083FR]

Almonds Grown in California; Final Rule Revising Regulations Concerning Crediting for Advertising and Promotion

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the administrative rules and regulations established under the Federal marketing order for California almonds, which describe conditions under which handlers may receive credit against their assessments for paid advertising. This final rule will limit credit against handlers' assessment obligations for paid outdoor advertising in certain almond producing counties to those advertisements that direct consumers to a particular store or outlet for almonds and disallow credit against handlers' assessment obligations for paid advertising placed in publications that target the almond farming or grower trade. This action is intended to promote the sale, consumption, or use of California almonds. This action is based on a recommendation of the Almond Board of California (Board), which is responsible for local administration of the order.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Martin Engeler, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, 2202 Monterey St., suite 102B, Fresno, CA 93721; telephone (209) 487-5901 or Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523-S., P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-1509.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 981 (7 CFR part 981), as amended, regulating the handling of almonds grown in California. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the U.S. Department of Agriculture in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of entry of the ruling.

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

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

There are approximately 115 handlers of almonds that are subject to regulation under the marketing order and approximately 7,000 producers in the regulated area. Small agricultural service firms are defined as those whose annual receipts are less than $3,500,000, and small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000. The majority of the almond producers and handlers may be classified as small entities.

This action will revise § 981.441 of Subpart—Administrative Rules and Regulations and is based on a recommendation of the Board and other available information.

Section 981.41 of the order provides authority for crediting a handler's direct expenditures for advertising against such handler's assessment obligation. This section clearly sets forth that the intent of the regulation is to promote the sale of almonds, almond products or their uses. The regulations prescribing rules for crediting for marketing promotion requirements for California almonds are specified in § 981.441 of the Administrative Rules and Regulations. Since the inception of the creditable advertising and promotion program in 1972, activities for which credit may be received have frequently been revised and others added to the rules as situations arise that demonstrate the need for change.

Prior to the effective date of this final rule, credits for advertising and promotion of almonds have been allowed for certain advertisements in trade magazines and other publications, and outdoor advertisements (primarily billboards). At a meeting held on June 4, 1992, the Board recommended revising the regulation to redirect the creditable advertising efforts of the industry to more effective activities.

Many outdoor advertisements appear to promote the name and business of a specific handler and are targeted toward growers rather than the consuming public. For this reason, the Board discussed eliminating all forms of outdoor advertising eligible for credit. However, it determined that such advertisements directing consumers to a handler-operated outlet for almonds clearly has the intent of selling almonds. For example, some of the major U.S. markets for almonds are in major metropolitan areas of California (Los Angeles, San Francisco Bay Area), and outdoor advertisements are effective in promoting almonds in those areas. The Board, therefore, recommended that credit be granted for that type of outdoor advertising. The Board noted that, at the present time, outdoor advertisements in almond producing counties are primarily directed at almond growers. Therefore, this final rule will not allow credit for outdoor advertising in specified almond growing counties unless such advertising directs

consumers to a handler-operated outlet for almonds.

The Board also believes that advertisements in publications targeting almond growers are not an effective method of increasing the consumption of almonds and should not be allowed for credit against a handler's assessment obligation. Therefore, the Board recommended that the regulations be revised to not allow credit for advertisements in publications that target the almond farming or grower trade. Such publications are those whose editorial and feature articles, and advertisements, primarily or exclusively concern agricultural or food-production topics.

In addition, this final rule will allow a handler to bring any advertisement, for which the handler may intend to seek credit against his or her assessment obligation, to the Board for pre-approval of credit prior to any costs being incurred by a handler.

The proposed rule was published in the **Federal Register** on December 1, 1992 (57 FR 56866). Interested persons were invited to submit comments on the proposal until December 31, 1992. Four comments were received. Two of the comments supported the recommendation.

The third comment was received from the Chief Counsel for Advocacy of the United States Small Business Administration. The commenter stated that the agency failed to explain adequately the basis for its certification that the rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The agency does not agree with this comment and has concluded, based upon the analysis of the nature and effect of these amendments to the existing creditable advertising program, that the certification is correct and in accord with applicable law.

The fourth comment was received from Mr. Brian Leighton on behalf of an independent almond handler. The commenter objected to any mandatory advertising program, claiming it violates the handler's First Amendment rights. It is the Department's position that all provisions of the order are authorized under the Act and that the creditable advertising regulations in no way infringe upon the First Amendment rights of any handler.

The commenter stated that a study on the Board's advertising program has never been conducted by the Board or the Department to determine whether the program yields any returns to handlers or growers. The Department established the advertising program pursuant to statutory authority and on the basis of substantial supporting evidence at a formal rulemaking proceeding. Since the establishment of the program in 1972, the Board has made many recommendations concerning this program and the Department has engaged in rulemaking actions to revise the creditable advertising and promotion regulations as situations arise that demonstrate the need for change. The Board is made up of growers and handlers who individually and collectively possess years of experience in marketing their products and who are thoroughly familiar with the needs of the industry. It has been the consistent view of the Board that the almond advertising program is an effective means of promoting almonds. Consistent with that view, we are revising the regulations to refine the creditable advertising program to more effectively direct the authorized promotional activities carried out under the program.

The commenter also objected to limiting credits for any form of advertising but was primarily concerned with the recommendation relating to limiting credits for outdoor advertisements in certain almond producing counties. The commenter stated that if outdoor advertising is ineffective in these counties, they must not be effective at all. Therefore, the commenter claims that all forms of outdoor advertising should be eliminated from the crediting provisions. However, the Department believes that outdoor advertisements directing consumers to handler-operated outlets are an effective means of advertising, even in almond growing counties. This final rule specifies that credit will not be allowed for outdoor advertisements directed at the almond farming and grower trade and will only be allowed for advertising directed at consumers.

The commenter also objected to outdoor advertisements in one almond producing county that may direct a consumer to an outlet in another county several hours away. The commenter stated that this type of advertising serves no purpose because anyone who reads a billboard in one county would not remember that almonds were for sale several hours away in another county. The intent of the creditable advertising regulations is to promote the consumption of almonds and almond products, not to restrict or direct what types of advertising almond handlers may use. The regulations specify that credits against assessments will be granted if the advertising is directed at consumers and not the farming or grower trade. The billboard example the commenter mentions does target consumers and therefore serves the purposes of the creditable advertising regulations.

The commenter also contends that the advertising regulations governing the expenditure of creditable advertising assessments benefit only one handler which handles most of the almond production. The Department disagrees with this statement. Handlers are expected to spend these funds on their own marketing promotion activities and receive credit against their creditable assessment obligation, or pay the assessments to the Board to be used in the Board's generic advertising program, designed to benefit all handlers.

The commenter also objected to the Board being given the discretion with respect to determining whether publications target the grower trade. This regulation is supported fully by the record and is clear in its terms.

The industry understands the terms used and we anticipate that its implementation will present no particular problems.

For the reasons stated, the above comments submitted on behalf of an independent handler are denied.

The commenter questioned if advertisements in magazines directed at corn growers would not be allowed. The Board intended this regulation to apply to almond growers. Therefore, we are accepting this comment and adding the word "almond" before the words "farming or grower trade" in § 981.441(c)(5)(iv) of the regulations.

After consideration of all relevant matters presented, the Board's recommendation and other available information, it is found that the issuance of this rule will tend to effectuate the declared policy of the Act.

Based on the above, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

The Board would like the changes to be effective by the beginning of the 1993–94 crop year, which begins on July 1, 1993. The Board believes that this action will be better administered and be more equitable to the industry if it is implemented at the beginning of a crop year.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 981. 441 is amended by adding paragraphs (c)(5)(iv), (c)(5)(v), and (c)(5)(vi) to read as follows:

§ 981.441 Crediting for marketing promotion including paid advertising.

* * * * *

(c) * * *

(5) * * *

(iv) No credit will be given for advertisements placed in publications that target the almond farming or grower trade.

(v) No credit shall be given for any outdoor advertising placed in the following California almond growing counties: Butte, Colusa, Fresno, Glenn, Kern, Madera, Merced, Sacramento, San Joaquin, Stanislaus, and Tulare counties, unless such advertising directs consumers to a handler-operated outlet for almonds.

(vi) A handler may submit any advertisement and promotion to the Board for pre-approval for credit against that handler's assessment obligation.

* * * * *

Dated: June 3, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–13989 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule updates the table of interest rates issued by the Pension Benefit Guaranty Corporation (PBGC) for actuarial valuations of multiemployer pension plans following mass withdrawal. The rule adds to the table the rate series for July 1993.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington DC 20006; 202–778–8820 (202–778–1958 for TTY and TDD).

SUPPLEMENTARY INFORMATION: This rule amends the PBGC's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of July 1993.

The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (See 5 U.S.C. 553(b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. Authority citation for Part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates the new entries to read as follows:

§ 2676.15 Interest.

* * * * *

(c) *Interest Rates.*

For valuation dates occurring in the month	The values for i_t are:															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
July 1993	.06	.05875	.0575	.05625	.055	.05375	.05375	.05375	.05375	.05375	.0525	.0525	.0525	.0525	.0525	.05

Issued at Washington, DC, on this 11th day of June 1993.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 93–14153 Filed 6–14–93; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1 93–031]

Great Kennebec River Whatever Race, Augusta, ME

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The annual Great Kennebec Whatever Race is held on the Kennebec River between Augusta and Gardiner, Maine. This regulation temporarily amends the permanent regulation published in 33 CFR Section 100.108, by changing the effective date of this year's event. This regulation is needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and anticipated congestion at the time of the event, thus providing for the safety of life and property on effected navigable waters.

EFFECTIVE DATES: This rule is effective from 6:00 a.m. to 6:00 p.m. on June 27, 1993.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric G. Westerberg, Chief Boating Safety Affairs Branch, First Coast Guard District, (617) 223–8310.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LT E. G. Westerberg, project officer, Chief, Boating Safety Affairs Branch, First Coast Guard District and LCDR J. D. Stieb, project attorney, First Coast Guard District Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective without a public comment period. The Great Kennebec Whatever Race is a long standing and popular local event. The public is well aware of the terms of this annual event. Additional notice will be provided by extensive local advertising and publication in the Local Notice to Mariners. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to any potential hazards to the maritime public.

Background and Purpose

The circumstances requiring this regulation result from the desire to protect the boating public from possible dangers and hazards associated with this event. The sponsor requested an earlier date for this year's event to avoid crowded conditions expected on the July 4th weekend. The date change for the 1993 event is the only revision of the permanent regulation governing The Great Kennebec Whatever Race. The event will consist of a race involving a large number of unpowered homebuilt craft. A portion of the Kennebec River will be closed during the effective period to all vessel traffic except participants, spectators, and officially designated patrol craft. The regulated area is that area of the Kennebec River between Memorial Bridge in Augusta and Randolf Bridge in Gardiner, Maine. In order to provide for the safety of spectators and participants, movement of spectator vessels within the affected portion of the Kennebec River will also be restricted.

Regulatory Evaluation

This rule constitutes a temporary revision of the permanent regulations governing the running of the Great Kennebec Whatever Race published in 33 CFR 100.108 by changing the date of the race. The public is fully aware of the terms and conditions of this annual event. Due to infrequent commercial traffic on the applicable portion of the Kennebec River, the short duration of the race and regional popularity of the event, these regulations are not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). Local commercial entities have been appraised of the race schedule. Vessel traffic may be allowed to transit the regulated area at the discretion of the Patrol Commander.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. Due to the short duration of the event and the fact that the race will be conducted on a Sunday, no adverse impact on commercial interests is anticipated. The Coast Guard has considered the impact of these regulations and certifies under 5 U.S.C. 605(b) that they will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B it is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Regulations

In consideration of the foregoing, part 100 of Title 33, Code of Federal Regulations, is temporarily 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. Paragraph (c) of section 100.108, is temporarily revised to read as follows:

§ 100.108 Great Kennebec River Whatever Race.

* * * * *

(c) Effective Period. This section is effective between the hours of 6 a.m. and 6 p.m. on June 27, 1993.

Dated: June 4, 1993.

J.D. Sipes,

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

[FR Doc. 93–14070 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[FRL–4666–7]

Standards of Performance for New Stationary Sources; National Emissions Standards for Hazardous Air Pollutants Supplemental Delegation of Authority to the State of South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: On February 11, 1993, South Carolina requested delegation of authority for the implementation and enforcement of additional categories of New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS). EPA's review of South Carolina laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these federal standards, and the agency made the delegation as requested.

EFFECTIVE DATE: The effective date of the delegation of authority is March 8, 1993.

ADDRESSES: Copies of the request for the delegation of authority and EPA's letter delegation are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the newly designated standards should not be submitted to the Region IV office, but should instead be submitted to the following address: Mr. R. Lewis Shaw, P.E., Deputy Commissioner, Environmental Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Bill Eckert of the EPA Region IV Air Programs Branch at (404) 347–2864 and at the above address.

SUPPLEMENTARY INFORMATION: Section 301, in conjunction with sections 110, 111(c)(1), and 112(d)(1) of the Clean Air Act as amended November 15, 1990, authorize the Administrator to delegate his authority to implement and enforce the standards set out in 40 CFR part 60, Standards of Performance for New Stationary Sources (NSPS) and to implement and enforce the standards set out in 40 CFR part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS).

After a thorough review of the categories requested for delegation, the Regional Administrator determined that such delegation was appropriate for these source categories with conditions set forth in the original delegation letter of October 19, 1976, and subsequent delegation letters of January 22, 1981, February 1, 1984, June 29, 1987, February 9, 1988, January 5, 1989, December 10, 1990, and March 3, 1992.

EPA, thereby, delegated its authority for 40 CFR part 60 and 40 CFR part 61 as follows:

40 CFR Part 60—New Categories for NSPS

Subpart UUU—Calciners and Dryers in Mineral Industry

40 CFR Part 61—Revised Categories for NESHAPS

Subpart FF—Benzene Waste Operations (Revised 1/7/93)

The Administrator retains the exclusive right to approve equivalent and alternative test methods, continuous monitoring procedures, and reporting requirements.

The EPA hereby notifies the public that it has delegated the authority over certain NSPS and NESHAP subparts to the State of South Carolina.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. This notice is issued under the authority of sections 101, 110, 111, 112, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 74121, 7412, and 7601).

Dated: April 15, 1993.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 93–14051 Filed 6–14–93; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6980

[WY–930–4210–06; WYW 111611]

Public Land Order No. 6960, Correction; Withdrawal of Public Mineral Estate for East Fork Elk Winter Range; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct errors in the land description in Public Land Order No. 6960.

EFFECTIVE DATE: June 15, 1993.

FOR FURTHER INFORMATION CONTACT: Tamara J. Gertsch, BLM Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307–775–6115.

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

The land description in Public Land Order No. 6960, 58 FR 16628, March 30, 1993, is hereby corrected as follows:

On page 16628, column 2, line 9, which reads "Sec. 19, lots 1 and 2, E½W½, NW¼NE¼," is hereby corrected to read "Sec. 19, lots 1 and 2, E½E½, NW¼NE¼,". On page 16628, column 2, line 10, which reads "E½NW¼, NE¼,SW¼, and NW¼SE¼;" is hereby corrected to read "E½NW¼, NE¼SW¼, and NW¼SE¼;". On page 16628, column 2, between lines 29 and 30, insert "Sec. 26, E½, W½W½;".

Dated: May 26, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93–14013 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 930355–3126; I.D. 022293B]

Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 6 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Amendment 6 continues through December 31, 1994, the vessel trip limits for red snapper of 2,000 pounds (907 kg) for a vessel that has a red snapper endorsement on its reef fish permit and 200 pounds (91 kg) for a permitted vessel without such endorsement, as currently implemented by emergency interim rule. The intended effect of this rule is to continue in effect management measures that respond to social and economic emergencies without jeopardizing the long-term rebuilding program for the overfished red snapper resource.

EFFECTIVE DATES: June 29, 1993, through December 31, 1994.

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

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP prepared by the Gulf of Mexico Fishery Management Council (Council) and its implementing regulations at 50 CFR part 641, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

By emergency interim rule published on December 30, 1992 (57 FR 62237), NMFS established commercial vessel trip limits for red snapper of 2,000 pounds (907 kg) for a vessel that has a red snapper endorsement on its reef fish permit and 200 pounds (91 kg) for a permitted vessel without such endorsement. That emergency interim rule, initially effective through March 30, 1993, was extended through June 28, 1993 (58 FR 13560, March 12, 1993). Amendment 6 continues the vessel trip limits through 1993 and 1994. It would also allow earlier replacement by a more comprehensive effort limitation program. The proposed rule was published on March 19, 1993 (55 FR 15132), the availability of which was published on March 2, 1993 (55 FR 12018).

The background and rationale for the trip limits were included in the emergency interim rule and are not repeated here. Under Amendment 6, no new applications for red snapper endorsements would be allowed—those currently issued would remain in effect. Transfer of an endorsement would be allowed only by an owner from one permitted vessel owned by him or her to another vessel so owned. The specific trip limits applicable to red snapper may be changed for 1994 under the FMP's framework procedure for adjusting management measures.

Comments and Responses

Only two comments were received during the public comment period. These comments dealt with issues outside the scope of Amendment 6 and, therefore, are not addressed here. Minority reports were submitted by three members of the Council.

Comment: One of the minority reports objected to the 200-pound (91–kg) red snapper trip limit for permitted vessels not fishing under a red snapper endorsement. The Council member stated that, under the seven-fish recreational bag limit, red snapper in amounts approaching 500 pounds could be harvested legally aboard a vessel that does not possess a reef fish permit. Therefore, the 200-pound (91–kg) commercial trip limit should be increased to at least 500 pounds (227 kg).

Response: The proposed 200-pound (91–kg) red snapper trip limit was selected by the Council primarily to provide (1) a share of the limited quota to permitted vessels ineligible for the 2,000-pound (907–kg) trip limit; and (2) a reduction in waste of red snapper bycatch by vessels targeting other reef fishes. The Council recognized that the 200-pound (91–kg) harvest level is below that necessary to support a directed fishery.

Depending on the amount of fishing effort and the weight of each fish harvested, it is possible that persons aboard a vessel fishing under the recreational bag limit could harvest red snapper totaling as much as 500 pounds (227 kg), none of which could be legally sold. However, the commenter offers no rationale to support his suggestion that an equivalent trip limit be implemented for commercially permitted vessels unable to qualify for the endorsement (and therefore not historically dependent on the red snapper fishery). Moreover, a 500-pound (227-kg) trip limit could encourage additional harvest at rates that negate the anticipated benefits and impede the Council's rebuilding program for red snapper.

Comment: In the second minority report, a Council member objected to continuing the trip limits that were initiated under the emergency interim rule before the full effects of that rule can be determined. The minority report also stated that red snapper congregate at manmade structures during certain time periods and then disperse. Therefore, it is not a valid assumption that high catch rates, as observed in January and February of 1992, would continue through the remainder of the year in the absence of restrictions, and continued restrictions may be unnecessary.

The Council member also opposed the use of only fishery-dependent data to assess the red snapper stocks and evaluate the impacts of proposed regulations, particularly in years when there is a quota closure. The Council member stated that, as a result of quota closures in 1991 and 1992, there is a lack of substantial fishery-dependent data during long intervals. Further, the suitability of fishery-dependent data is reduced, and such data are biased when the fishery is operating under trip limits because fishing effort concentrates on nearshore areas. The minority report suggested a compensatory increase in NMFS' collection of fishery-independent data. Finally, the Council member stated that the social impact analysis in Amendment 6 is inadequate.

Response: Based upon the best available scientific information, the Council decided that continuation of the vessel trip limits, initially implemented by emergency interim rule, is necessary for effective conservation and management of the red snapper resource. NMFS concurs.

Concerning the stock assessment data, NMFS recognizes that collection of such data is constrained by staffing and funding limitations. NMFS is pursuing means of improving and expanding its data gathering efforts. While persons fishing under trip limits may attempt to shorten the interval between trips by concentrating on nearshore areas, no method for correction of bias caused by such behavior is currently available in the stock assessment procedure.

The social impact analysis in Amendment 6 acknowledges the scarcity of data. As indicated in the analysis, the Council has contracted for an additional social impact study which should facilitate a more comprehensive assessment of the social consequences of the red snapper management program.

Comment: The third minority report objected to Amendment 6 because it does not allow for changes, under the framework procedure for amending the regulations, to establish additional levels of qualifying criteria for red snapper endorsements and corresponding trip limits. The Council member believes the Council should have the opportunity, after 1993 landings data have been analyzed and changes to the 1994 total allowable catch have been made, to correct inequities that may become apparent during the 1993 season. The Council member suggested that, if necessary, the opening of the 1994 red snapper season may be delayed to February 16, as was done in 1993, if necessary to allow for processing of additional applications for red snapper endorsements.

Response: As indicated in Amendment 6, the Council recognizes that the upcoming stock assessment may necessitate revision of the individual trip limits for 1994 in accordance with the FMP's existing framework procedure. However, Amendment 6 does not propose changes to the existing red snapper endorsement criteria. Accordingly, Council action and an additional amendment would be needed to revise the framework procedure.

Moreover, the framework offers the opportunity for abbreviated rulemaking (including a 15-day period for public comment) and is limited to certain management adjustments including bag

limits, closed seasons, and trip limits. The intent of the framework is to provide for timely adjustments to the specified management parameters based on annual stock assessments, not to provide a regulatory "shortcut" for significant management changes, such as altering the endorsement criteria. Such action most likely would significantly affect the number of vessels eligible to fish under the larger trip limit, and therefore should be submitted under the 140-day "fast-track" schedule (not the framework procedure) so as to allow maximum opportunity for public comment.

Classification

The Secretary of Commerce (Secretary) determined that Amendment 6 is necessary for the conservation and management of the reef fish fishery and that it is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law.

In accordance with section 553(d)(3) of the Administrative Procedure Act, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), finds that good cause exists not to delay the effective date of this final rule beyond June 29, 1993. Specifically, an effective date of June 29, 1993, will continue in effect, without interruption, management measures that respond to economic and social emergencies.

The Assistant Administrator determined that this final rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291.

The Council prepared a regulatory impact review (RIR) as part of Amendment 6, which concludes that extending the red snapper endorsements and trip limits beyond the duration of the emergency interim rule will generate positive economic benefits compared to the "derby" fishery that occurred in 1992 without the endorsements and trip limits.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared.

The Council prepared an environmental assessment (EA) that discusses the impacts on the environment as a result of this rule. Based on the EA, the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of this rule.

NMFS determined that the emergency interim rule, which this final rule continues in effect through as late as December 31, 1994, would be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not participate in the coastal zone management program. The Council made a similar determination regarding Amendment 6. These determinations were submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Louisiana and Mississippi agreed with the determinations on the emergency interim rule. Florida agreed on Amendment 6. Alabama did not respond during the statutory time period; therefore, state agency agreement with the consistency determination is presumed.

This final rule involves a collection-of-information requirement for purposes of the Paperwork Reduction Act, specifically, applications for transfers, under limited circumstances, of red snapper endorsements on reef fish permits. This requirement was previously approved by the Office of Management and Budget, OMB Control Number 0648–0270.

A federalism assessment was prepared on the emergency interim rule that concluded that its implementation was consistent with the principles, criteria, and requirements of E.O. 12612. Since this rule continues in effect the measures in that emergency interim rule, a new federalism assessment is not required.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 9, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

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

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

2. Section 641.4 is amended by adding paragraphs (m) and (n), effective from June 29, 1993, through December 31, 1994, to read as follows:

§ 641.4 Permits and fees.

* * * * *

(m) *Red snapper endorsement.* (1) As a prerequisite for exemption from the trip limit for red snapper specified in § 641.21(d)(1), a vessel for which a reef fish permit has been issued under this section must have a red snapper endorsement on such permit and such permit and endorsement must be aboard the vessel.

(2) A red snapper endorsement is invalid upon sale of the vessel; however, an owner of a permitted vessel may transfer the red snapper endorsement to another permitted vessel owned by him or her by returning the existing endorsement with an application for an endorsement for the replacement vessel.

(n) *Condition of a permit.* As a condition of a reef fish permit issued under this section, without regard to where red snapper are harvested or possessed, a permitted vessel—

(1) May not exceed the appropriate vessel trip limit for red snapper, as specified in § 641.21 (d)(1) or (d)(2); and

(2) May not transfer a red snapper at sea, as specified in § 641.21(d)(3).

3. Section 641.7 is amended by adding paragraphs (u) and (v), effective from June 29, 1993, through December 31, 1994, to read as follows:

§ 641.7 Prohibitions.

* * * * *

(u) Exceed the vessel trip limits for red snapper, as specified in § 641.21 (d)(1) and (d)(2).

(v) Transfer a red snapper at sea, as specified in § 641.21(d)(3).

4. Section 641.21 is amended by adding paragraph (d), effective from June 29, 1993, through December 31, 1994, to read as follows:

§ 641.21 Harvest limitations.

* * * * *

(d) *Red snapper trip and transfer limitations.* (1) Except as provided in paragraph (d)(2) of this section, a vessel for which a reef fish permit has been issued under § 641.4 may not possess on any trip red snapper in excess of 200 pounds (91 kg), whole or eviscerated.

(2) A vessel for which a red snapper endorsement has been issued under § 641.4(m) may not possess on any trip red snapper in excess of 2,000 pounds (907 kg), whole or eviscerated.

(3) A red snapper may not be transferred at sea from one vessel to another.

[FR Doc. 93–14000 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

50 CFR Part 651

[Docket No. 930352–3052; I.D. #012593A]

Northeast Multispecies Fishery

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS announces a technical amendment to the final regulations implementing Amendment 4 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP) which were published on May 31, 1991 (56 FR 24724). This technical amendment is necessary to revise incorrect cross-referencing to some sections that occurred in the final rule implementing Amendment 4.

EFFECTIVE DATE: Effective June 15, 1993.

FOR FURTHER INFORMATION CONTACT: Jack Terrill, Fisheries Management, Northeast Region, NMFS, 508–281–9252.

SUPPLEMENTARY INFORMATION: A final rule was published May 31, 1991 (56 FR 24724), that revised management of the exempted fisheries program under the FMP. This technical amendment revises the reference in the table in § 651.22(e)(2)(i) so that the description of restrictions for northern shrimp correctly refers to § 651.20(b)(3) which covers shrimp gear measures, rather than to § 651.21, the section on closed areas.

Classification

Because this technical amendment makes only a minor, nonsubstantive correction to an existing rule, notice and public comment thereon and a delay in effectiveness would serve no useful purpose. Accordingly, under 5 U.S.C. 553(b)(B) and (d), notice and public comment thereon and a delay in effectiveness are unnecessary.

Because this rule is being issued without prior comment, it is not subject to the Regulatory Flexibility Act requirement for a regulatory flexibility analysis and none has been prepared.

This rule makes minor technical changes to a rule that has been determined not to be a major rule under E.O. 12291, does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612, and does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 9, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is corrected by making the following correcting amendments:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.22, the last entry titled, "Restrictions" in the tabular material in paragraph (e)(2)(i), immediately preceding the footnote, is revised to read as follows:

§ 651.22 Exempted fishery program.

* * * * *

(e) * * *

(2) * * *

(i) * * *

Restrictions—Regulated species weight may not exceed 10 percent for the reporting period or 25 percent on each trip of the total landings of shrimp. Gear must comply with the shrimp gear specified according to § 651.20(b)(3).

* * * * *

[FR Doc. 93–14057 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 113
Tuesday, June 15, 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

Agricultural Stabilization and Conservation Service

7 CFR Part 792

RIN 0560–AD03

Debt Settlement Policies and Procedures

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth the policies and procedures the Agricultural Stabilization and Conservation Service (ASCS) will use to settle debts owed to ASCS and other agencies of the United States. ASCS policies and procedures conform to the guidelines set forth in the Federal Claims Collection Act, as amended by the Debt Collection Act of 1982. ASCS will also follow the provisions of the Federal Claims Collection Standards with respect to administrative actions undertaken by ASCS to settle claims.

This regulation is necessary to protect the financial integrity of many Federal agricultural programs by ensuring the Government will be able to collect, or otherwise settle, debts owed it by any person, organization, corporation, or other legal entity.

DATES: Comments must be received by July 15, 1993 in order to be assured of consideration.

ADDRESSES: Comments concerning this proposed rule should be addressed to Director, Financial Management Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013–2415. All comments submitted in response to this proposed rule will be available for public inspection in room 1206, Park Office Center, 3101 Park Center Drive, Alexandria, VA, between 8:30 a.m. and 4 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: Paula Roney, Debt Management and Contract Procedures Branch, Financial Management Division, ASCS, at 703–305–1424.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Departmental Regulation 1512–1

This proposed rule has been reviewed in conformance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs and prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Review

This action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under Departmental Regulation 1512–1. No sunset review date has been set for this regulation because review is ongoing.

Paperwork Reduction Act

This rule at 7 CFR part 792 imposes information collection requirements on the public that require review by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35. A request for review of these information collections has been submitted to OMB.

Regulatory Flexibility Act

ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this proposed rule. Therefore this action is exempt from the provision of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

Executive Order 12778

This proposed rule has been reviewed in accordance with Executive Order 12778. It is not retroactive and preempts State and local laws. Before any judicial action may be brought regarding the provisions of this proposed rule, administrative appeal remedies set forth at 7 CFR parts 24 and 780 must be exhausted.

Executive Order 12372

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

Regulatory Reform: Less Burdensome or More Efficient Alternatives

The Department of Agriculture is committed to carrying out its statutory and regulatory mandates in a manner that best serves the public interest. Therefore, where legal discretion permits, the Department actively seeks to promulgate regulations that promote economic growth, create jobs, are minimally burdensome and are easy for the public to understand, use or comply with. In short, the Department is committed to issuing regulations that maximize net benefits to society and minimize costs imposed by those regulations. This principle is articulated in President Bush's January 28, 1992, memorandum to agency heads, and in Executive Orders 12291 and 12498. The Department applies this principle to the full extent possible, consistent with law.

The Department has developed and reviewed this regulatory proposal in accordance with these principles. Nonetheless, the Department believes that public input from all interested persons can be invaluable to ensuring that the final regulatory product is minimally burdensome and maximally efficient. Therefore, the Department specifically seeks comments and suggestions from the public regarding any less burdensome or more efficient alternative that would accomplish the purposes described in the proposal. Comments suggesting less burdensome or more efficient alternatives should be addressed to the agency as provided in this Notice.

Background

The Federal Claims Collection Act of 1966 (the Act), as amended by the Debt Collection Act of 1982, (31 U.S.C. 3711, et seq.), and the joint regulations promulgated thereunder by the Comptroller General and the Attorney General (4 CFR parts 101–105) provide minimum standards for the administrative collection of claims by

the United States. The Federal Claims Collection Standards require each Federal agency to take aggressive action to collect debts owed it, and to cooperate with other Federal agencies in their debt collection activities. Federal agencies are required to promulgate regulations consistent with the standards.

Currently, ASCS follows the Department of Agriculture's debt collection procedures at 7 CFR part 3. However, 7 CFR part 3 provides that the head of any agency of the Department may adopt separate regulations to be followed for the collection of claims and debts.

This regulation is necessary to protect the financial integrity of many Federal agricultural programs by ensuring the Government will be able to collect, or otherwise settle, debts owed it by any person, organization, corporation, or other legal entity.

List of Subjects in 7 CFR Part 792

Claims, Income taxes, Loan Programs—Agriculture

Accordingly, it is proposed that subchapter E, chapter VII of title 7 of the Code of Federal Regulations be amended by adding a new part 792 to read as follows:

PART 792—DEBT SETTLEMENT POLICIES AND PROCEDURES

Sec.

Authority: 31 U.S.C. 3701, 3711, 3716–3719, 3728, 4 CFR parts 101–105; 7 CFR 3.21(b).

§ 792.1 Applicability.

Except as may otherwise be provided by statute, this part sets forth the manner in which the Agricultural Stabilization and Conservation Service (ASCS) will settle and collect debts by ASCS. The provisions of part 1403 of this title are applicable to actions of ASCS regarding the settlement and collection of debts on the behalf of the Commodity Credit Corporation (CCC).

§ 792.2 Administration.

The regulations in this part will be administered under the general supervision and direction of the Administrator, ASCS.

§ 792.3 Definitions.

The following definitions shall be applicable to this part:

Administrative charges means the additional costs of processing delinquent debts against the debtor, to the extent such costs are attributable to the delinquency. Such costs include, but are not limited to, costs incurred in obtaining a credit report, costs of employing commercial firms to locate debtor, costs of employing contractors for collection services, costs of selling collateral or property to satisfy the debt.

Administrative offset means deducting money payable or held by the United States Government, or any agency thereof, to satisfy in whole or in part a debt owed the Government, or any agency thereof.

ASCS means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture (USDA).

CCC means the Commodity Credit Corporation.

Certified financial statement means an account of the assets, liabilities, income and expenses of a debtor, executed in accordance with generally accepted accounting principles and attested to as accurate by the debtor and preparer, under penalty of perjury.

Claim means an amount of money or property which has been determined by ASCS, after a notice of delinquency and a demand for the payment of the debt has been made by ASCS, to be owed to ASCS by any person other than a Federal agency.

Credit reporting agency means:

(1) A reporting agency as defined at 4 CFR 102.5(a), or

(2) Any entity which has entered into an agreement with USDA concerning the referral of credit information.

Debt means any amount owed to ASCS which has not been satisfied through payment or otherwise.

Debt record refers to the account, register, balance sheet, file, ledger, data file, or similar record of debts owed to ASCS, CCC, or any other Government Agency with respect to which collection action is being pursued, and which is maintained in an ASCS office.

Delinquent debt means: (1) Any debt owed to ASCS that has not been paid by the date specified in the applicable statute, regulation, contract, or agreement; or

(2) Any debt that has not been paid by the date of an initial notification of indebtedness mailed or hand-delivered pursuant to § 792.4.

Discharged debt means any debt, or part thereof, which ASCS has determined is uncollectible and has closed out, and if the amount in controversy exceeds $100,000.00, excluding interest and administrative charges, in which the Department of Justice has concurred in such determination.

IRS means the Internal Revenue Service.

Late payment interest rate means the amount of interest charged on delinquent debts and claims. The late payment interest rate shall be determined as of the date a debt becomes delinquent and shall be equal to the higher of the Prompt Payment Act interest rate or the standard late payment rate prescribed by 31 U.S.C. 3717, which is based on the Treasury Department's current value of funds rate.

Person means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, the Federal Government or a State government, or any agency thereof.

Salary offset means the deduction of money from the current pay account of a present or former Government employee payable by the United States Government to, or held by the Government for, such person to satisfy a debt that person owes the Government.

Settlement means any final disposition of a debt or claim.

System of records means a group of any records under the control of ASCS or CCC from which information is retrieved by the name of the individual, organization or other entity or by some identifying number, symbol, or other identification assigned to the individual, organization or other entity.

Withholding means the taking of action to temporarily prevent the

payment of some or all amounts to a debtor under one or more contracts or programs.

§ 792.4 Demand for payment of debts.

(a) When a debt is due ASCS, an initial written demand for payment of such amount shall be mailed or hand-delivered to the debtor. If the debt is not paid in full by the date specified in the initial demand letter, or if a repayment schedule acceptable to ASCS has not been arranged with the debtor, the initial demand may be followed by two subsequent written demands at approximately 30-day intervals, unless it is determined by ASCS that further demands would be futile and the debtor's response does not require rebuttal. The initial or subsequent demand letters shall specify the following:

(1) The basis for and the amount of the debt determined to be due ASCS, including the principal, applicable interest, costs and other charges;

(2) ASCS' intent to establish an account on a debt record 30 days after the date of the letter, or other applicable period of time, if the debt is not paid within that time;

(3) The applicable late payment interest rate.

(i) If a late payment interest rate is specified in the contract, agreement or program regulation, the debtor shall be informed of that rate and the date from which the late payment interest has been accruing;

(ii) If a late payment interest rate is not specified in the contract, agreement or program regulation, the debtor shall be informed of the applicable late payment interest rate set out in § 792.10.

(4) ASCS' intent, if applicable, to collect the debt 30 days from the date of the initial demand letter, or other applicable period of time, by administrative offset from any CCC or ASCS payments due or to become due to the debtor, and that the claim may be reported to other agencies of the Federal government for offset from any amounts due or to become due to the debtor;

(5) ASCS' intent, if applicable, under § 792.17, to report any delinquent debt to a credit reporting agency no sooner than 60 days from the date of the letter;

(6) ASCS' intent, if applicable, under § 792.19, to refer any delinquent debt to the IRS, no sooner than 60 days from the date of the letter, to be considered for offset against any tax refund due or to become due the debtor.

(7) If not previously provided, the debtor's right to request administrative review by an authorized ASCS official, and the proper procedure for making such request. If the request relates to the:

(i) Existence or amount of the debt, it must be made within 15 days from the date of the letter, unless a different time period is specified in the contract, agreement or program regulation;

(ii) Appropriateness of reporting to a credit reporting agency, it must be made within 30 days from the date of the letter; or

(iii) Appropriateness of referral to IRS for tax refund offset, it must be made within 60 days from the date of the letter, if applicable.

(8) The debtor's right to a full explanation of the debt and to dispute any information in the records of ASCS concerning the debt;

(9) The opportunity afforded the debtor to enter into a written agreement which is acceptable to ASCS for the repayment of the debt;

(10) That ASCS maintains the right to initiate legal action to collect the amount of the debt;

(11) That if any portion of the debt remains unpaid or if a repayment schedule satisfactory to ASCS has not been arranged 90 days after the due date, a penalty charge shall be assessed on the unpaid balance of the debt as prescribed in § 792.10(e);

(b) When ASCS deems it necessary to protect the Government's interest, written demand may be preceded by other appropriate actions.

§ 792.5 Collection by payment in full.

Except as ASCS may provide, ASCS shall collect debts owed to the Government, including applicable interest, penalties, and administrative costs, in full, whenever feasible whether the debt is being collected by administrative offset or by another method, including voluntary payment. If a debt is paid in one lump sum after the due date, ASCS will impose late payment interest, as provided in § 792.10, unless such interest is waived as provided in § 792.11.

§ 792.6 Collection by installment payments.

(a) Payments in installments may be arranged, at ASCS's discretion, if a debtor furnishes satisfactory evidence of inability to pay a claim in full by the specified date. The size and frequency of installment payments shall:

(1) Bear a reasonable relation to the size of the debt and the debtor's ability to pay; and

(2) Normally be of sufficient size and frequency to liquidate the debt in not more than three years.

(b) Except as otherwise determined by ASCS, no installment arrangement will be considered unless the debtor submits a certified financial statement which reflects the debtor's assets, liabilities, income, and expenses. The financial statement shall not be required to be submitted sooner than 15 workdays following its request by ASCS.

(c) All installment payment agreements shall be in writing and require the payment of interest at the late payment interest rate in effect on the date such agreement is executed, unless such interest is waived or reduced by ASCS. The installment agreement shall specify all the terms of the arrangement and include provision for accelerating the debt in the event the debtor defaults.

(d) ASCS may deem a repayment plan to be abrogated if the debtor fails to comply with its terms.

(e) If the debtor's financial statement or other information discloses the ownership of assets which are not encumbered, the debtor may be required to secure the payment of an installment note by executing a security agreement and financing agreement which provides ASCS a security interest in the assets until the debt is paid in full.

(f) If the debtor owes more than one debt to ASCS, ASCS may allow the debtor to designate the manner in which a voluntary installment payment is to be applied. If the debtor does not designate the application of a voluntary installment or partial payment, the payment will be applied to such debts as determined by ASCS.

§ 792.7 Collection by administrative offset.

(a) The provisions of this section shall apply to all debts due ASCS except as otherwise provided in this part and part 1404 of this title. This section is not applicable to:

(1) ASCS requests for administrative offset against money payable to a debtor from the Civil Service Retirement and Disability Fund and ASCS requests for salary offset against a present, former or retired employee of the Federal Government which shall be made in accordance with regulations at part 3 of this title;

(2) ASCS requests for administrative offset against a Federal income tax refund payable to a debtor which shall be made in accordance with § 792.19;

(3) Cases in which ASCS must adjust, by increasing or decreasing, a payment which is to be paid under a contract in order to properly make other payments due by ASCS; and

(4) Any case in which a statute explicitly provides for or prohibits using administrative offset to collect the debt for the type of debt involved.

(b) Debts due ASCS or CCC may be collected by administrative offset from amounts payable by ASCS when:

(1) The debtor has been provided written notification of the basis and amount of the debt and has been given an opportunity to make payment. Such written notification and opportunity includes notice of the right to pursue an administrative appeal in accordance with part 780 of this title or any other applicable appeal procedures, if not previously provided;

(2) The debtor has been provided an opportunity to request to inspect and copy the records of ASCS related to the debt;

(3) The debtor has been given the opportunity to enter into a written agreement which is acceptable to ASCS for repayment of the debt;

(4) The debtor has been notified in writing that the debt will be collected by administrative offset if not paid; and

(5) The debt has not been delinquent for more than ten years or legal action to enforce the debt has not been barred by an applicable period of limitation, whichever is later.

(c) Administrative offset shall also be effected against amounts payable by ASCS:

(1) When requested or approved by the Department of Justice; or

(2) When a person is indebted under a judgment in favor of ASCS or the United States.

(d) A payment due any person may be offset when there is a breach of a contract or a violation of ASCS program requirements, and offset is considered necessary by ASCS to protect the financial interests of the Government.

(e) ASCS may effect administrative offset against a payment to be made to a debtor prior to completion of the procedures required by paragraphs (b)(1)–(4) of this section if:

(1) Failure to take the offset would substantially prejudice ASCS's ability to collect the debt; and

(2) The time before the payment is to be made does not reasonably permit the completion of those procedures.

(f)(1) Judgments in favor of the United States may be offset against any amounts payable by ASCS based on information provided by or obtained from the Department of Justice. Debts due any agency other than ASCS which have not been reduced to judgment shall be offset against amounts payable by ASCS to a debtor when an agency of the U.S. Government has submitted a written request for offset which is mailed or hand-delivered to the appropriate ASCS State office, Kansas City Financial Management Office, Kansas City Management Office or Kansas City Commodity Office. Such written request must:

(i) Bear the signature of an authorized representative of the requesting agency;

(ii) Include a certification that all requirements of the law and the regulations for collection of the debt and for requesting offset have been complied with;

(iii) State the name, address (including county), and, where legally available, the Social Security number or employer ID number of the debtor, and a brief description of the basis of the debt, including identification of the judgment, if any.

(iv) State the amount of the debt separately as to principal, interest, penalties, and administrative costs. Interest, if any, shall be computed on a daily basis to a date shown in the request. The amount to be offset shall not exceed the principal sum owed by the debtor, plus interest computed in accordance with the request, and any late payment interest, penalties and administrative costs that have been assessed;

(v) Certify that the debtor has not filed for bankruptcy. If the debtor has filed for bankruptcy, a copy of the order of the bankruptcy court relieving the agency from the automatic stay must be included; and

(vi) State the name, address, and telephone number of a contact person within the agency and the address to which payment should be sent.

(2) Unless prohibited by law, the head of an agency, or a designee, may defer or subordinate in whole or in part the right of the agency to recover through offset all or part of any indebtedness to such agency, or may withdraw a request for offset. Notice of such action must be sent to the appropriate ASCS office.

(g)(1) After ASCS has complied with the provisions of this part, ASCS may request other agencies of the Government to offset amounts payable by them to persons indebted to ASCS.

(2) In the case of a request to IRS for a tax refund offset, the provisions at § 792.19 shall apply.

(h)(1) Debts shall be collected by offset in the following order of priority without regard to the date of the request for such collection:

(i) Debts to ASCS.

(ii) Debts to other agencies of USDA as determined by ASCS.

(iii) Debts to other government agencies as determined by ASCS.

(2) In the case of multiple debts involving the same debtor, ASCS may, at its discretion, deviate from the usual order of priority in applying recovered amounts to debts owed other agencies when considered to be in the Government's best interest. Such decision shall be made by ASCS based on the facts and circumstances of the particular case.

(i) Amounts recovered by offset for ASCS and CCC debts but later found not to be owed to the Government shall be promptly refunded.

(j) The debtor shall be notified whenever any offset action has been taken.

(k) Offsets made pursuant to this section shall not deprive a debtor of any right he might otherwise have to contest the debt involved in the offset action either by administrative appeal or by legal action.

(l) Any action authorized by the provisions of this section may be taken against amounts payable to a debtor who operates under more than one name, provided there is identical ownership, or ASCS determines that the debtor has established an entity for the purpose of avoiding the payment of the claim or debt.

(m) The amount to be offset shall not exceed the actual or estimated amount of the debt, including interest, administrative charges, and penalties, unless the Department of Justice requests that a larger specified amount be offset.

(n) Offset action will not be taken against payments when:

(1) The payment represents loan or purchase proceeds for a commodity which is subject to the rights of the holder of a prior valid enforceable lien. However, any amount that exceeds the amount of the prior lien shall be available for offset.

(2) A debt has been discharged as provided in § 792.16.

(3) ASCS determines such action will unduly interfere with the administration of an ASCS or CCC program.

(4) The debt has been delinquent for more than ten years or legal action to enforce the debt due ASCS is barred by an applicable period of limitation, whichever is later.

§ 792.8 Priorities of offsets versus assignments.

(a) No amounts payable to a debtor by ASCS shall be paid to an assignee until there have been collected any amounts owed by the debtor except as provided in this section.

(b) A payment which is assigned in accordance with part 1404 of this title by execution of Form CCC–36 shall be subject to offset for any debt owed to ASCS or CCC or any judgment in favor of the United States without regard to the date notice of assignment was accepted by ASCS or CCC.

(c) A payment which is assigned in accordance with part 1404 of this title

by execution of Form CCC–252 shall be offset:

(1) Against any debt of the assignor entered on the debt record of the applicable ASCS office prior to the filing of such form with ASCS or CCC, or

(2) At anytime, regardless of the date of filing of such form with ASCS or CCC, if the debt which is the basis for the offset arises from a judgment in favor of the United States, or under the same contract under which the payment is earned by the assignor.

(d) Offset shall be made, if the Internal Revenue Service so requests or has served a Notice of Levy, of any amounts for which the assignor is indebted to the United States for taxes, for which a notice of lien was filed in accordance with the provisions of the Internal Revenue Code prior to the date the notice of assignment was accepted by ASCS or CCC. The burden of determining whether a notice of lien has been filed shall be upon the assignee.

(e) With respect to all other Federal agencies, offset shall be made of any amounts due any other Federal agency which have not been reduced to judgment, and which are entered on the debt record of the appropriate ASCS office prior to the date the notice of assignment was accepted by ASCS or CCC.

(f) Any amount due and payable to the assignor which remains after deduction of amounts paid to the assignee shall be available for offset.

§ 792.9 Withholding.

(a) Withholding of a payment prior to the completion of an applicable offset procedure may be made from amounts payable to a debtor by ASCS to ensure that the interests of ASCS and the United States will be protected as provided in this section.

(b) A payment may be withheld to protect the interests of ASCS or the United States only if ASCS determines that:

(1) There has been a serious breach of contract or violation of program requirements and the withholding action is considered necessary to protect the financial interests of ASCS;

(2) There is substantial evidence of violations of criminal or civil frauds statutes and criminal prosecution or civil frauds action is of primary importance to program operations of ASCS;

(3) Prior experience with the debtor indicates that collection will be difficult if amounts payable to the debtor are not withheld;

(4) There is doubt that the debtor will be financially able to pay a judgment on the claim of ASCS;

(5) The facts available to ASCS are insufficient to determine the amount to be offset or the proper payee;

(6) A judgment on a claim of ASCS has been obtained; or

(7) Such action has been requested by the Department of Justice.

(c) Except for debts due ASCS or CCC, withholding action by ASCS on amounts payable to debtors of other Government agencies may not be made unless requested by the Department of Justice.

§ 792.10 Late payment interest, penalty and administrative charges.

(a) Late payment interest provisions of this section shall not apply:

(1) To debts owed by Federal agencies and State and local governments. Interest on debts owed by such entities shall be charged to the extent authorized under the common law or applicable statutory authority.

(2) If an applicable statute, regulation, agreement or contract either prohibits the charging of such interest or specifies the interest or charges applicable to the debt involved;

(3) If the late payment interest is waived by ASCS in accordance with § 792.11.

(4) To administrative charges as set forth in paragraph (f) of this section.

(b) ASCS will assess late payment interest on the full amount of delinquent debts. For purposes of this section, the term "full amount of the delinquent debt" means the sum of the principal, accrued regular loan interest or accrued program interest, and any other charges which are otherwise due and owing to ASCS on the delinquent debt at the time the late payment interest is assessed, except as provided in paragraphs (a)(2) and (d)(3) of this section.

(c) The late payment interest shall be expressed as an annual rate of interest which ASCS charges on delinquent debts. The late payment interest rate shall be equal to the higher of the Treasury Department's current value of funds rate or the rate of interest assessed under the Prompt Payment Act, determined as of the date specified in paragraphs (d)(1) and (d)(2) of this section. The rate of interest assessed under the Prompt Payment Act was chosen as an alternative rate to ensure that the Government would recoup interest at a rate which was at least as high as that which it pays for late payments.

(d)(1) When a debt results from a statute, regulation, contract or other agreement with specific provisions for late payment interest and payment due date, late payment interest shall accrue on the amount of the debt from the first day the debt became delinquent, unless otherwise provided by statute.

(2) With respect to debts not resulting from a statute, regulation, contract or agreement containing specific provisions for late payment interest and payment due date, late payment interest shall begin to accrue from the date on which notice of the debt is first mailed or hand-delivered to the debtor.

(3) The rate of late payment interest initially assessed will be fixed for the duration of the indebtedness, except when a debtor has defaulted on a repayment agreement and seeks to enter into a new agreement. ASCS may then set a new rate of interest which reflects the late payment interest rate in effect at the time the new agreement is executed. All charges which accrued, but which were not collected under the defaulted agreement, shall be added to the principal to be paid under a new repayment agreement.

(4) The late payment interest on delinquent debts will accrue on a daily basis.

(e) Except as specified in paragraph (a)(2) of this section, a penalty charge of three (3) percent per annum will be assessed on any portion of a debt which remains unpaid ninety (90) days after the date described in paragraph (d)(1) or (d)(2) of this section, if no repayment schedule satisfactory to ASCS has been agreed upon. Such penalty charge will be assessed retroactively from the date late payment interest began to accrue and applied on a daily basis. Such rate shall continue to accrue until the delinquent debt has been paid.

(f) ASCS shall assess as administrative charges the additional costs of processing delinquent debts against the debtor, to the extent such costs are attributable to the delinquency. Such costs include, but are not limited to, costs incurred in obtaining a credit report, costs of employing commercial firms to locate debtor, costs of employing contractors for collection services, costs of selling collateral or property to satisfy the debt.

(g) When a debt is paid in partial or installment payments, payments will be applied first to administrative charges, second to the penalty charge assessed in accordance with paragraph (e) of this section and late payment interest, and third to outstanding principal.

§ 792.11 Waiver of late payment interest, penalty charge and administrative charges.

(a) ASCS shall waive the collection of late payment interest and administrative

charges on a debt or any portion of a debt which is paid within 30 days after the date on which late payment interest began to accrue.

(b) ASCS may waive the assessment and collection of all or a portion of the penalty charge on debts which are appealed in accordance with 7 CFR part 780 or other applicable appeal procedures from either the date of the appeal or the date such interest began to accrue, whichever is later, until the date a final administrative determination is issued. Such waiver shall not apply for any delay due to:

(1) The appellant's request for a postponement of the scheduled hearing;

(2) The appellant's request for an additional time following the hearing to present additional information or a written closing statement; or

(3) The appellant's failure to timely present information to the reviewing authority.

(c) Assessment and collection of late payment interest, the penalty charge and administrative charges under this part may be waived by ASCS in full, or in part, if it is determined by the Controller, ASCS, or his or her designee, that such action is in the best interest of ASCS.

§ 792.12 Administrative appeal.

If the opportunity to appeal the determination has not previously been provided under parts 24 or 780 of this title or any other appeal procedure, a debtor may obtain an administrative review under part 780 of this title, or other applicable appeal procedures, of ASCS's determination concerning the existence or amount of a debt, if a request is filed with the authority who made the determination within 15 days of the date of ASCS's initial demand letter, unless a longer period is specified in the initial demand letter.

§ 792.13 Additional administrative collection action.

Nothing contained in this part shall preclude the use of any other administrative or contractual remedy which may be available to ASCS to collect debts owed to the Government.

§ 792.14 Contact with debtor's employing agency.

When a debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, ASCS may contact the employing agency to arrange for payment of the debt by allotment or otherwise, in accordance with section 206 of Executive Order No. 11222, May 8, 1965, 30 FR 6469, 3 CFR, 1964–1965 Comp., p. 306.

§ 792.15 Prior provision of rights with respect to debt.

ASCS will not provide an administrative appeal with respect to issues which were raised or should have been raised at any administrative review requested by the debtor as provided under another statute or regulation before:

(a) Effecting administrative offset;

(b) Referring the debt to private collection or credit reporting agencies;

(c) Referring the debt to the Office of Personnel Management (OPM) for salary offset against the current pay of a present or former Government employee; or

(d) Referring the debt to IRS for tax refund offset.

§ 792.16 Discharge of debts.

(a) Except as required by other applicable regulation or statute, a debt or part thereof owed ASCS shall be discharged with the concurrence of the Department of Justice, if applicable, and the records and accounts on that debt closed in the following situations:

(1) When an obligation or part thereof is discharged in bankruptcy;

(2) When an obligation or part thereof is the subject of a final judgment entered by a court of competent jurisdiction which is adverse to ASCS and no appeal will be taken by ASCS;

(3) When a debt or part thereof is compromised and paid, the amount of such compromise;

(4) When collection of a debt by administrative offset is barred in accordance with § 792.7(b)(5).

(b) Debts discharged in accordance with this section may be reported to the Internal Revenue Service pursuant to § 792.20.

§ 792.17 Referral of delinquent debts to credit reporting agencies.

(a) This section specifies the procedures that will be followed by ASCS and the rights that will be afforded to debtors when ASCS reports delinquent debts to credit reporting agencies.

(b) Before disclosing information to a credit reporting agency in accordance with this part, ASCS shall review the claim and determine that it is valid and delinquent.

(c) Before a debt may be referred to a credit reporting agency, the debtor must be notified, pursuant to § 792.4, of ASCS's intent to make such a report. Such notification shall include:

(1) ASCS's intent to disclose to a credit reporting agency that the debtor is responsible for the debt, and that such disclosure will be made not less than 60 days after notification to such debtor.

(2) The information intended to be disclosed to the credit reporting agency under paragraph (g)(1) of this section.

(3) The debtor's right to enter a repayment agreement on the debt, including, at the discretion of ASCS, installment payments, and that if such an agreement is reached, the debt will not be referred to a credit reporting agency.

(4) The debtor's right to review of this action in accordance with paragraph (i) of this section.

(d) The debtor shall be notified, in writing at the debtor's last known address, when ASCS has reported any delinquent debt to a credit reporting agency.

(e)(1) ASCS shall notify each credit reporting agency to which an original disclosure of delinquent debt information was made of any substantial change in the condition or amount of the claim.

(2) ASCS shall promptly verify or correct, as appropriate, information about the debt on request of a credit reporting agency. The records of the debtor shall reflect any correction resulting from such request.

(f) Information reported to a credit reporting agency on delinquent debts shall be derived from the system of records maintained by ASCS.

(g) ASCS shall limit delinquent debt information disclosed to credit reporting agencies to:

(1) The name, address, taxpayer identification number, and other information necessary to establish the identity of the debtor;

(2) The amount, status, and history of the claim; and

(3) The program under which the claim arose.

(h) Reasonable action shall be taken to locate a debtor for whom ASCS does not have a current address before reporting delinquent debt information to a credit reporting agency.

(i)(1) Before disclosing delinquent debt information to a credit reporting agency, ASCS shall, upon request of the debtor, provide for a review of the debt in accordance with § 792.12. This review shall only consider defenses or arguments which were not available or could not have been available at any previous appeal proceeding permitted under § 792.12.

(2) Upon receipt of a request for review within 30 days from the date of notice to the debtor of intent to refer delinquent debt information to a credit reporting agency, ASCS shall suspend its schedule for disclosure to a credit

reporting agency until a final decision regarding the appropriateness of disclosure to a credit reporting agency is made.

(3) Upon completion of the review, the reviewing official shall transmit to the debtor a written notification of the decision. If appropriate, the debtor shall be notified of the scheduled date on or after which the debt will be referred to the credit reporting agency. The debtor will also be notified of any changes from the initial notification in the information to be disclosed.

(j)(1) In accordance with guidelines established by the Administrator, ASCS, the responsible claims official shall report to credit reporting agencies delinquent debt information specified in paragraph (g) of this section.

(2) The agreements entered into by USDA and credit reporting agencies shall provide the necessary assurances to ASCS that the credit reporting agencies to which information will be provided are in compliance with the provisions of all the laws and regulations of the United States relating to providing credit information.

(3) ASCS shall not report delinquent debt information to credit reporting agencies when:

(i) The debtor has entered a repayment agreement covering the debt with ASCS, and such agreement is still valid; or

(ii) ASCS has suspended its schedule for disclosure of delinquent debt information pursuant to paragraph (i)(2) of this section.

(k) Disclosures made under this section shall be in accordance with the requirements of the Privacy Act, as amended (5 U.S.C. 552a).

(l) The provisions of paragraphs (a) through (k) of this section apply to commercial debts owed by farm producers and all personal debts. All commercial debts owed by debtors other than farm producers may be reported to credit reporting agencies without following the provisions of paragraphs (a) through (k) of the section.

§ 792.18 Referral of debts to Department of Justice.

(a) Debts that exceed $100,000.00 exclusive of interest, penalties, and administrative charges shall be referred to the Department of Justice before they can be discharged.

(b) Debts which cannot be compromised or on which collection action cannot be suspended or terminated, may be referred to the Department of Justice for collection action. Claims of less than $600.00 exclusive of interest, penalties, and administrative costs will not be referred to the Department of Justice unless:

(1) Referral is important to a significant enforcement policy, or

(2) The debtor not only has the clear ability to pay the claim, but the Government can effectively enforce payment, having due regard for the exemptions available to the debtor under State and Federal law and the judicial remedies available to the Government.

§ 792.19 Referral of delinquent debts to IRS for tax refund offset.

ASCS may refer legally enforceable delinquent debts to IRS to be offset against tax refunds due to debtors under 26 U.S.C. 6402, in accordance with the provisions of 31 U.S.C. 3720A and Treasury Department regulations.

§ 792.20 Reporting discharged debts to IRS.

(a) In accordance with IRS regulations, ASCS may report to IRS as discharged debts on IRS Form 1099–G the amounts specified in paragraph (b) of this section.

(b) The following discharged debts may be reported to IRS:

(1) The amount of a debt discharged under a compromise agreement between ASCS and the debtor, except for compromises made due to doubt about the Government's ability to prove its case in court for the full amount of the debt.

(2) The amount of a debt discharged by the running of the statutory period of limitation for collecting the debt by administrative offset specified in 31 U.S.C. 3716.

§ 792.21 Referral of debts to private collection agencies.

If ASCS's collection efforts have been unsuccessful after 90 days from the date of delinquency the head of the agency or his designee may enter into a contract with any person or organization, under such terms and conditions as the head of the agency or his designee considers appropriate for collection services to recover debts owed to ASCS.

§ 792.22 Collection and compromise.

The Administrator, ASCS, or his designee may compromise any claim of the Government of not more than $100,000.00 exclusive of interest, penalties, and administrative charges, or such higher amount as the Attorney General may from time to time prescribe that has not been referred to another executive or legislative agency for further collection action.

Signed at Washington, DC, on June 4, 1993.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 93–13763 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–05–P

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV92–920–1PR]

Kiwifruit Grown in California; Clarification in Definition of the Term Kiwifruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed termination.

SUMMARY: This action invites comments regarding the California kiwifruit marketing order, which regulates the handling of kiwifruit grown in California. The order is administered locally by the Kiwifruit Administrative Committee (committee). This action would terminate a provision of the marketing order containing an obsolete definition of the term "kiwifruit." This action was recommended by the committee as a means of bringing the order into conformity with the currently accepted scientific definition of the commodity covered by the marketing order.

DATES: Comments must be received by June 30, 1993.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–8139; or Kurt J. Kimmel, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (209) 487–5901.

SUPPLEMENTARY INFORMATION: This action is issued under Marketing Agreement and Order No. 920 (7 CFR part 920), as amended, regulating the

handling of kiwifruit grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

This action has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

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

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

There are approximately 65 handlers of California kiwifruit subject to regulation under the order, and approximately 600 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of producers and a majority of handlers of California kiwifruit may be classified as small entities.

This action invites comments regarding the California kiwifruit marketing order. This action would terminate a portion of an order provision defining the term "kiwifruit." This action was unanimously recommended by the Kiwifruit Administrative Committee (committee).

At the time the order was promulgated in 1984, the accepted botanical classification for kiwifruit grown in California was Actinidia chinensis, Planch. and was based on the work of C.F. Liang in 1975. As a result, kiwifruit was initially defined in § 920.5 [7 CFR 920.5] under the botanical name A. chinensis, Planch. Shortly thereafter, the scientific community determined that the botanical nomenclature used to classify California kiwifruit should be changed. It was found that the nomenclature for kiwifruit had been earlier described by the French botanist A. Chevalier and thus took precedence. A. Chevalier first made a detailed botanical distinction between the variants of A. chinensis in 1946. These were described as A. chinensis Planch. var. deliciosa and A. chinensis Planch. var. chinensis.

Subsequently, based on comprehensive studies of A. chinensis by three other taxonomic botanists (H.L. Li, C.F. Liang, and A.R. Fergusan), it was determined that enough difference existed between the variants to warrant raising them to separate species status. Thus in 1984 or 1985, botanical nomenclature was revised to reflect three separate species: A. chinensis, A. deliciosa, and A. setosa.

Under the new botanical nomenclature, A. chinensis is seldom found outside of China and A. setosa is seldom found outside of Taiwan. The prevalent commercial variety grown in California is the Hayward variety. Other varieties commercially grown include Abbott, Allison, Monty, and Bruno. All of these varieties are now classified under the species A. deliciosa var. deliciosa.

Thus, the language "Actinidia chinensis, Planch., commonly called" found in § 920.5 (7 CFR 920.5) of the marketing order is obsolete. Terminating this language would eliminate any confusion caused by the change in nomenclature by the scientific community. The intent of the marketing order is to cover all varieties, including any new varieties of kiwifruit, that are commercially produced in California. Therefore, it has been determined that the generic term "kiwifruit" is sufficient to define the commodity covered under the marketing order.

This action would not have a significant economic impact on small producers or handlers. The action would update the definition of "kiwifruit" to include the same varieties that are covered under the order.

Based on available information, the Administrator of the AMS has determined that the issuance of this action would not have a significant economic impact on a substantial number of small entities.

A 15-day period is provided to allow interested persons to comment on this proposal. This action proposes to terminate a provision of the marketing order to clarify the definition of the term kiwifruit. This action, if adopted, should be implemented as soon as possible, so as to eliminate any confusion caused by the change in nomenclature by the scientific community. All written comments received will be considered prior to issuance of a final suspension.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, 7 CFR Part 920 is proposed to be amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 920 continues to read as follows:

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

§ 920.5 [Amended]

2. In section 920.5, the words "Actinidia chinensis, Planch., commonly called" are removed.

Dated: June 3, 1993.

L. P. Massaro,

Acting Administrator.

[FR Doc. 93–13992 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 945

[FV93-945-1PR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County Oregon; Temporary Suspension of Date for Continuance Referendum on Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule with request for comments.

SUMMARY: This proposal would temporarily suspend order provisions which require a continuance referendum to be conducted on the marketing order. The proposed suspension would allow the Department of Agriculture (Department) time to complete an order amendment proceeding, including an amendment referendum. If the order is subsequently amended, this proposed action would allow the industry sufficient time to test operations under such an amended order before producers would be asked to vote whether they favored continuance of the order.

DATES: Comments which are received by July 15, 1993 will be considered prior to issuance of a suspension.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed action. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dennis West, Northwest Marketing Field Office, 1220 S.W. Third Avenue, Room 369, Portland, Oregon 97204; telephone (503) 326-2724, or FAX (503) 326-7440; or Valerie L. Emmer or James B. Wendland, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 205-2829 or (202) 720-2170 respectively, or FAX (202) 720-5698.

SUPPLEMENTARY INFORMATION: This proposed suspension of a provision of Marketing Agreement No. 98 and Order No. 945 (7 CFR part 945), both as amended, regulating the handling of potatoes grown in designated counties in Idaho, and Malheur County, Oregon, hereinafter referred to as the "order," is issued under section 16 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This proposed suspension has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a non-major rule.

This proposed suspension has been reviewed under Executive Order 12778, Civil Justice Reform, and is not intended to have retroactive effect. This proposal will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this proposal. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has a principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

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

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

There are approximately 65 handlers of potatoes subject to regulation under the order and approximately 2,200 producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $3,500,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A majority of the handlers and producers of Idaho-Eastern Oregon potatoes may be classified as small entities.

This proposal would temporarily suspend the provisions in § 945.83(d) of the order which specify that the Secretary shall conduct a referendum as soon as practicable after July 31, 1992, and at such time every sixth year thereafter, to ascertain whether continuance of this order is favored by the producers.

In June 1992, the Committee recommended several amendments to improve the operations of the marketing order. A public hearing to consider the various proposals had been scheduled to begin March 4, 1993. However, since adequate notice could not be provided to interested parties, the Committee recommended that the hearing be rescheduled for this fall. Under the applicable rules of practice (7 CFR part 900), the next step in the amendment process, after the oral hearing and the receipt of post-hearing briefs, would be for the Administrator of the AMS to issue a Recommended Decision, with a period allowed to file exceptions thereto. Thereafter, the Secretary would consider the entire record, including any exceptions to the Recommended Decision, and then issue a Secretary's Decision and, if warranted, a Referendum Order. Without this proposed temporary suspension of the initial continuance referendum, producers would be asked to vote on whether to continue a program which the Committee, which is representative of the industry as a whole, believes may need improvements. Thus, such a vote would not likely give the best indication of producers' true sentiments regarding continuation of the program.

The proposed suspension would allow the Department time to complete the amendatory proceeding, which may result in a referendum of industry producers to determine whether they favor any amendments that may result from the hearing.

The Committee also has recommended that the industry be allowed a year or two to test operations under any such amended order before being asked to vote on whether or not to continue the program. Although the Department could potentially hold a continuance referendum in 1995, that would result in conducting three producer referenda within a five year period. Such action would be an

unnecessary use of the time and funds of the industry and the Department.

Therefore, the Department is proposing that the provisions regarding the initial continuance referendum and the requirement for a referendum every sixth year thereafter be temporarily suspended through July 31, 1998, which is when the next continuance referendum would have been scheduled. However, the Department could decide to hold a continuance referendum earlier than July 31, 1998, if an order amendment referendum is not held.

This proposal would not have a significant economic impact on small producers or handlers. The proposed temporary suspension of the order provision would allow the Secretary to conduct a continuance referendum later than the initial date specified in the order. No increased costs on producers or handlers are anticipated as a result of this administrative proposal.

Based on available information, the Administrator of the AMS has determined that the issuance of this proposed action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received within the comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 945 be amended by suspending a provision thereof as follows:

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR part 945 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. The first sentence of paragraph (d) of section 945.83 is temporarily suspended through July 31, 1998.

Dated: June 3, 1993.

L. P. Massaro,

Acting Administrator.

[FR Doc. 93–13996 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1007

[DA–93–16]

Milk in the Georgia Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal that would suspend certain provisions of the Georgia Federal milk order. This notice would suspend indefinitely the provisions of the Georgia order that limit diversions of producer milk to 25 percent of pool plant receipts. The request for the suspension was made by Carolina Virginia Milk Producers Association, Inc. (CVMPA), which represents member producers who deliver milk to plants regulated by the Georgia and the Nashville Federal Milk Marketing Orders. CVMPA requested this suspension to prevent the uneconomic movement of milk under the order.

DATES: Comments are due no later than June 22, 1993.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9368.

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

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the indefinite suspension of the following provisions of the order regulating the handling of milk in the Georgia marketing area is being considered, provided that, the April 27, 1993, proposal to terminate the Nashville Order is adopted as a final rule (58 FR 25577).

1. In § 1007.13, paragraph (b)(4), the words "Provided, That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received from member producers at all pool plants during the month shall not be producer milk;"

2. In § 1007.13, paragraph (b)(5), the words "Provided, That the total quantity of milk so diverted that exceeds 25 percent of the milk physically received at such plant during the month from producers who are not members of a cooperative association shall not be producer milk;"

All persons who desire to submit written data, views or arguments about the proposed suspension should send two copies of their views to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 7th day after publication of this notice in the **Federal Register**. The comment period is limited to 7 days in order to facilitate completion of the required procedures if the Nashville

order is terminated and it is concluded that this proposal should be adopted.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension was requested by Carolina Virginia Milk Producers Association, a cooperative association operating under both the Georgia and Nashville orders. CVMPA has requested the suspension of certain provisions in the Georgia order to prevent the uneconomic and inefficient movement of milk for the sole purpose of pooling milk.

CVMPA requests the suspension of the diversion limitations for an indefinite period of time. CVMPA notes that the proposed termination of the Nashville order is now under consideration. If the Nashville order is terminated, CVMPA asserts that plants now regulated by the Nashville order will likely become regulated by other Federal orders, namely the Georgia order.

CVMPA anticipates that the proposed suspension will allow producer milk that has been pooled under the Nashville order for the supply needs of plants regulated under that order, to continue to be pooled for those plants that become regulated by the Georgia order if the Nashville order is terminated. CVMPA maintains that the continued pooling of this producer milk, now regulated under the Nashville order, is necessary to insure orderly marketing conditions and to prevent uneconomic movements of milk strictly for pooling purposes.

CVMPA contends that the proposed suspension will not substantially liberalize the market performance of producer milk, since § 1007.13(b)(2) requires that not less than 10 days' production of the producer whose milk is diverted be physically received at a pool plant.

CVMPA further explains that the request for suspension of diversion limitations for an indefinite period of time was made in recognition that a proposal(s) has been made to the Department for consolidation of several orders in the Southeast, including the Georgia order. CVMPA claims that in the consolidation proposal, changing market conditions and the need for producer milk diversion limitations that more closely reflect current market needs are addressed. CVMPA asserts that since the time frame for consideration of the proposed consolidation of the orders is unclear, an indefinite suspension is needed to assure pooling of producer milk that has been historically regulated under the Nashville order. The suspension proposed by CVMPA would stay in effect only until the completion of any consolidation action which might take place.

List of Subjects in 7 CFR Part 1007

Milk marketing orders.

The authority citation for 7 CFR part 1007 continues to read as follows:

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

Dated: June 9, 1993.

Paul M. Fuller,

Acting Administrator.

[FR Doc. 93–14038 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1036

[DA–93–15]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Proposed Revision of Delivery Requirement for Cooperative Association Reserve Processing Plants

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed revision of rules.

SUMMARY: This notice invites written comments on a proposal to lower the percentage of a cooperative's milk that must be delivered to fluid milk plants to qualify a reserve processing plant operated by the cooperative as a pool plant under the Eastern Ohio-Western Pennsylvania Federal milk order. The applicable percentage would be reduced by 10 percentage points, from 35 percent to 25 percent. The action is requested by Milk Marketing Inc., a cooperative that supplies milk to fluid processing plants that are regulated under the order. Proponent contends that the action is needed to prevent uneconomic movements of the cooperative's milk to assure its pool status.

DATES: Comments are due no later than June 22, 1993.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–7311.

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

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

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

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the provisions of § 1036.7(f) of the order, the revision of certain provisions of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is being considered.

All persons who desire to submit written data, views or arguments about the proposed revision should send two

copies of their views to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456 by the 7th day after publication of this notice in the **Federal Register**. The filing period is limited to seven days because proponent asked that this revision be effective during the imminent "flush" milk production season.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The provision proposed for revision is the delivery percentage required of a cooperative association operating a reserve processing pool plant pursuant to Section 1036.7(d) of the Eastern Ohio-Western Pennsylvania order (Order 36). As proposed, the percentage of a cooperative's producer milk that must be delivered to fluid milk plants if the cooperative's plant is to be considered a pool plant would be decreased by the maximum allowable 10 percentage points, from 35 percent to 25 percent.

Section 1036.7(f) allows the Director of the Dairy Division to reduce or increase a cooperative's minimum delivery requirement by up to 10 percentage points to prevent uneconomic milk shipments or to assure an adequate supply of milk for fluid use. The order also provides that the minimum pooling standard may be met on the basis of deliveries in the current month or during the preceding 12 months.

Milk Marketing Inc. (MMI), a dairy farmer cooperative that supplies milk to Order 36 fluid milk plants, requested that the delivery requirement be reduced. The cooperative states that the seasonal increase in milk production this spring, coupled with the usual seasonal decline in milk demanded by distributing plants for fluid use, will create a situation in the Order 36 market under which it will be necessary to move greater quantities of milk off the fluid market to manufacturing plants.

Furthermore, MMI stated that the proposed reduction is warranted because marketing conditions under Order 36 have changed since the performance standards for pooling were reviewed at a hearing. During the last two years, the cooperative's largest fluid milk customer, who was regulated under Order 36 and whose plant is located in the marketing area regulated under that order, became a pool plant under the Ohio Valley order (Order 33) because the plant has more sales of fluid milk products in the Order 33 marketing area than in the Order 36 marketing area. This regulatory change has reduced the demand for milk at Order 36 distributing plants. If the pooling percentage is not reduced, more milk could be required to be delivered by cooperatives to fluid milk plants than is actually needed to fulfill the market's demand for fluid milk.

In view of the foregoing, it may be appropriate to decrease the delivery requirements for cooperative associations operating reserve processing plants under Order 36 as quickly as possible. Since proponent did not specify a proposed time period for the requested lower standard, interested parties are invited to comment on this aspect of the proposal in addition to commenting on the need for the proposed revision.

List of Subjects in 7 CFR Part 1036

Milk marketing orders.

The authority citation for 7 CFR Part 1036 continues to read as follows:

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

Dated: June 9, 1993.

W.H. Blanchard,

Director, Dairy Division.

[FR Doc. 93–14037 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 93–008ANPR]

Labeling of Poultry Product Produced by Mechanical Deboning and Products in Which Such Poultry Product Is Used

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Food Safety and Inspection Service (FSIS) is soliciting comments, information, scientific data, and recommendations regarding the consideration of the need for labeling of poultry product produced by mechanical deboning and products in which such poultry product is used. Poultry product produced by mechanical deboning is a finely comminuted product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle and other tissue of poultry carcasses and parts of carcasses. FSIS is considering the need for rulemaking that would establish regulations on the labeling of poultry product produced by mechanical deboning and products in which such poultry product is used. The Agency is interested in receiving information from the meat and poultry industries and industry-related organizations, the scientific community, academia, consumers and consumer groups, and other interested parties prior to undertaking any such proposed rulemaking.

DATES: Comments must be received on or before August 16, 1993.

ADDRESSES: Written comments to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, room 3171, South Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided by the Poultry Products Inspection Act should be directed to Ms. Margaret O'K. Glavin, (202) 720–2709. (See also "Comments" under **SUPPLEMENTARY INFORMATION.**)

FOR FURTHER INFORMATION CONTACT: Ms. Margaret O'K. Glavin, Deputy Administrator, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–2709.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit written comments concerning this notice. Written comments should be sent to the Policy Office at the address shown above and should refer to Docket No. 93–008ANPR. Any person desiring an opportunity for an oral presentation of views as provided by the Poultry Products Inspection Act should make such request to Ms. Margaret O'K. Glavin so that arrangements can be made for such views to be presented. A record will be made of all views orally presented. All comments submitted in response to this notice will be available for public inspection in the Policy Office from 9 a.m. to 12:30 p.m., and from 1:30 p.m. to 4 p.m., Monday through Friday.

Background

Introduction

Poultry product produced by mechanical deboning is a product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle and other tissue of poultry carcasses and parts of poultry carcasses. The product is prepared from various materials, including necks, backs, and whole carcasses. These starting materials may be raw or cooked, may contain varying amounts of muscle and/or skin, and may contain kidneys, except when

product is made from mature chickens or mature turkeys. Kidneys of mature chickens or turkeys may not be used as human food.

The technology to mechanically separate and remove most of the bone from attached skeletal muscle and other tissue of poultry carcasses and parts of carcasses began in the late 1950's or early 1960's. The Department's initial reaction was to consider the resulting product adulterated because of the amount of bone present and the physical size of the bone particles. However, the development in the mid 1960's of "second generation" equipment capable of producing product containing less than 1½ percent bone with an extremely small bone particle size prompted the Department to reevaluate its position. Widespread commercial production of products containing ingredients produced by mechanical deboning began sometime in the early 1970's. By 1975, poultry product produced by mechanical deboning was being used in products such as poultry franks, poultry bologna, poultry salami, and poultry rolls.

Today, poultry product produced by mechanical deboning is used in a wide variety of poultry products, including cooked poultry sausages (such as chicken frankfurters, turkey bologna, and poultry vienna sausages), baby foods, and chicken patties. The level at which it is used has depended in part on technological capabilities and has reached 100 percent of the poultry product portion of a number of cooked poultry sausage products. Poultry product produced by mechanical deboning is also used in meat food products including cooked sausages, such as frankfurters and bologna, at a level of up to 15 percent of the total ingredients, excluding water (9 CFR 319.180).

Over the years, the meat and poultry industries have also referred to poultry product produced by mechanical deboning as "comminuted poultry." Terminology such as "finely comminuted," "deboned comminuted," "finely ground," and "mechanically deboned" have been used on poultry product labels to describe the form of the product.

Existing Regulations

Poultry product produced by mechanical deboning is subject to 9 CFR 381.117(d) relating to boneless poultry products. Under this regulation, boneless poultry products must be labeled in a manner that accurately describes their actual form and composition. The product name must specify the form of the product (e.g., emulsified or finely chopped) and the kind name of the poultry, i.e., the species of poultry from which it is derived. If the product does not consist of natural proportions of skin and fat, as they occur in the whole carcass, the product name must also include terminology that describes the actual composition. If the product is cooked, it must be so labeled. Section 381.117(d) also limits the bone solids content of boneless poultry products to 1 percent, calculated on a weight basis.

Poultry product produced by mechanical deboning is also subject to 9 CFR 381.47(e). This regulation requires that rooms or compartments containing mechanical deboning equipment must be maintained at 50 °F. or less during mechanical deboning of raw poultry.

In all other respects, existing regulations do not distinguish between poultry product produced by mechanical deboning and poultry product deboned by traditional techniques. As such, poultry product produced by mechanical deboning is subject to the general requirements for declaring ingredients on finished poultry product labels. It is declared, for example, in the ingredients statement, along with any other chicken product used, as "chicken" where parts such as skin and fat are included but not in excess of their natural proportions, or as "chicken meat" when such parts are not included (9 CFR 381.118(b)).

Report on Health and Safety of Poultry Product Produced by Mechanical Deboning

In 1976, the Department initiated an analytical program to obtain data on a number of nutrients and substances of potential concern in poultry product produced by mechanical deboning. Data were also gathered from scientific literature, industry, other government agencies, and university scientists. Details of the analytical program and a resulting evaluation were published in a June 1979 report entitled "Health and Safety Aspects of the Use of Mechanically Deboned Poultry." An errata supplement correcting certain items in the report was prepared and published on August 14, 1979 (44 FR 47576). (The June 1979 report and the errata supplement are available for public inspection in the FSIS Hearing Clerk's office.) On June 29, 1979, the Department announced the availability of this report and encouraged interested members of the public to review the report and submit comments. The Department also notified the public that it was particularly interested in receiving comments regarding the proper labeling of products containing poultry product produced by mechanical deboning and what means, if any, should be taken to implement the labeling recommendations in the report (44 FR 37965).

The Department received 221 comments, most of which were general reactions to the labeling issues raised in the notice, and health, safety, or economic concerns. Ninety-seven comments were submitted by individual consumers; 98 by industry-related individuals and groups; and 26 by public interest organizations, academia, other professionals and professional societies, farm-related organizations, and government officials and agencies. Of the 187 commenters that expressed a general opinion on the adequacy of the regulations concerning mechanically deboned poultry, 175 were supportive. Some commenters stated that the regulations have effectively controlled the use of product produced by mechanical deboning over many years with a wide base of consumer acceptance, that such product is not significantly different from product produced by hand deboning, that these regulations provide truthful labeling, and/or that the report and scientific literature support the adequacy of current regulations. Other commenters indicated that mechanically deboned poultry should be regulated the same as mechanically separated (species) (MS(S)) (then named mechanically processed (species) product).

GAO Report on Mechanically Separated Products

In 1983, the General Accounting Office (GAO) issued a report recommending that the Secretary of Agriculture direct the Administrator of FSIS to establish specific standards on poultry product produced by mechanical deboning and labeling requirements on products made with such poultry product as had been done for MS(S) and products made with MS(S). MS(S) is a finely comminuted product resulting from the mechanical separation and removal of most of the bone from the attached skeletal muscle of livestock carcasses and parts of carcasses that meets the provisions of 9 CFR 319.5.

Comments Requested

FSIS is seeking input on whether poultry product produced by mechanical deboning and products in which it is used should be addressed in the FSIS labeling regulations. As indicated, current FSIS regulations contain no labeling provisions unique to poultry product produced by mechanical deboning.

FSIS regulations do make provision for the labeling of MS(S) (9 CFR 317.2 (c), (f), and (j)(13), 319.1, and 319.5), a meat food product produced by means similar to the mechanical deboning of poultry. FSIS has recently reaffirmed its policy concerning the labeling of MS(S) in a notice published in the Federal Register on April 16, 1993 (58 FR 19781).

On the question of labeling requirements for poultry product produced by mechanical deboning, FSIS is interested in receiving any available information which might assist the Agency in considering its policy position. Such information may include data and recommendations regarding the manufacture, characteristics, use, and labeling of poultry product produced by mechanical deboning. FSIS also welcomes comments on consumer expectations of products containing poultry product produced by mechanical deboning and on the economic impact of labeling requirements for such products.

The preamble to any proposed regulations which might be issued would include a discussion of the comments received in response to this notice.

Done at Washington, DC, on: June 10, 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-14042 Filed 6-14-93; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 30, 40, 50, 60, 61, 70, 72, and 150

RIN 3150-AE50

Whistleblower Protection for Nuclear Power Plant Employees

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations regarding the protection of employees who provide information to the NRC or their employers concerning safety issues. The proposed rule would conform current regulations to reflect the new nuclear whistleblower protection provisions of the Energy Policy Act of 1992, which was enacted on October 24, 1992.

DATES: The comment period expires July 15, 1993. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Services Branch.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland between 7:45 a.m. and 4:15 p.m. Federal workdays.

Copies of comments received and NRC Form 3 may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lieberman, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-504-2741.

SUPPLEMENTARY INFORMATION:

Background

On October 24, 1992, the President signed into law the Energy Policy Act of 1992. Section 2902, "Employee Protection for Nuclear Whistleblowers," includes provisions amending Section 210 of the Energy Reorganization Act (ERA) of 1974, as amended. The changes pertinent to this rulemaking include the following:

(1) Because the ERA contained two Sections 210, the legislation has renumbered the whistleblower protection provisions as Section 211.

(2) The new legislation extends the period in which a whistleblower complaint may be filed with the Department of Labor (DOL) from 30 days to 180 days.

(3) The new legislation extends and/or clarifies protection to new classes of employees and employers to include: (a) employees who bring or are about to bring concerns directly to their employers; (b) employees who have "refused to engage in" an unlawful practice, provided that the employee has identified the illegality to the employer; (c) employees who have testified, or are about to testify, before Congress or in any Federal or State proceeding regarding any provision (or proposed provision) of the ERA or the Atomic Energy Act (AEA).

As a result of these legislative changes, the NRC has concluded that its regulations in 10 CFR parts 19, 30, 40, 50, 60, 61, 70, 72, and 150 should be updated to reflect the changes.

Currently, § 19.11(c) requires that the June 1982 version or later revision of the NRC Form 3, "Notice to Employees," be posted. This section is being changed to eliminate uncertainty and to ensure that the most recent version of NRC Form 3 is posted. The language is modified so that the date of publication for NRC Form 3 is inserted in the revision to 10 CFR part 19. In the future, if NRC Form 3 is changed, 10 CFR part 19 will also be changed. This change to 10 CFR part 19 will revise and reissue NRC Form 3 (6/93). The revised NRC Form 3, in addition to addressing the 180 day time period that employees have to file a complaint, describes protection for employees who: (1) bring safety complaints to their employers; (2) refuse to engage in an unlawful practice, provided that the employee has identified the illegality to the employer; and (3) have testified or are about to testify before Congress or in any Federal or State proceeding regarding any provision (or proposed provision) of the ERA or the AEA. In addition, 10 CFR parts 30, 40 and 70 are modified to require posting of NRC Form 3 by general licensees subject to 10 CFR part 19.

Section 211 requires that the provisions of that section be posted. The Department of Labor (DOL) is implementing procedures to require all employers to post the provisions of Section 211. Accordingly, given that the DOL action will require posting by a class of employers that includes all NRC licensees, the NRC is not separately requiring the posting of the provisions. However, NRC licensees will be subject to the DOL rule of implementing the posting provision of section 211 and will also be required by this rule to post NRC Form 3 which summarizes protected activities, defines discrimination, and explains how to file a complaint with the DOL.

In 10 CFR 30.7, 40.7, 50.7, 60.9, 61.9, 70.7, and 72.10, "Employee Protection," the following changes are being made to reflect the new legislation:

(1) The applicable Section 210 is renumbered as Section 211.

(2) The definition of protected activities is modified to reflect the provisions of the Energy Policy Act of 1992.

(3) The period in which a complaint can be filed with DOL is changed from 30 days to 180 days.

(4) References in certain sections of the regulations to "compensation, terms, conditions, and privileges of employment" are being changed to "compensation, terms, conditions, or privileges of employment." This change is necessary to correct earlier language to conform to the language in the ERA of 1974, as amended.

(5) The exemption in §§ 30.7, 40.7, and 70.7, formally exempting general licensees from the requirement to post NRC Form 3, is being deleted because

some general licensees are subject to part 19.

(6) The Part 150 NRC general license, recognizing Agreement State licenses, would be amended to conform to the changes to §§ 30.7, 40.7, and 70.7.

(7) These sections are being amended to advise licensees and applicants that they are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities. The purpose of this notification is to ensure that contractors understand their obligations under the ERA to avoid discrimination against employees for raising safety issues.

As provided in 10 CFR 30.7(c), 40.7(c), 50.7(c), 60.9(c), 61.9(c), 70.7(c), and 72.10(c) of these regulations, licensees and applicants may be subject to enforcement action for discrimination caused by their contractors or subcontractors.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150–0044, –0017, –0020, –0011, –0127, –0135, –0009, and –0132.

Regulatory Analysis

The Commission finds that there is no alternative to amending the regulations because the amendments are statutorily mandated as required by the Energy Policy Act of 1992. The proposed rule is necessary to conform the Commission's regulations to the language of the nuclear whistleblower provisions of the Energy Policy Act of 1992. The proposed rule would extend and clarify protection to new classes of employees and employers and extend the period in which an employee may file a whistleblower complaint. The foregoing constitutes the regulatory analysis for this proposed rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The proposed rule is necessary to conform the Commission's regulations to the language of the nuclear whistleblower provisions of the Energy Policy Act of 1992.

Backfit Analysis

The Nuclear Regulatory Commission has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and that a backfit analysis is not required for this proposed rule because these amendments are required by law and do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials—transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 61

Criminal penalties, Low-level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 70

Criminal penalties, Hazardous materials—transportation, Nuclear materials, Packing and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

10 CFR Part 150

Criminal penalties, Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 19, 30, 40, 50, 60, 61, 70, 72 and 150.

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

1. The authority citation for part 19 is revised to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851).

2. In § 19.11, paragraph (c) is revised to read as follows:

§ 19.11 Posting of notices to workers.

* * * * *

(c) Each licensee and each applicant for a specific license shall prominently post NRC Form 3, (Revision dated [date of latest NRC Form 3 to be inserted]), "Notice to Employees."

Note—Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8138).

* * * * *

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

3. The authority citation for part 30 is revised to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201 as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

4. Section 30.7 is revised to read as follows:

§ 30.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission or his or her employer information about alleged violations of either of the above statutes or possible violations of requirements imposed under either of the above statutes;

(ii) Refusing to engage in any practice made unlawful under either of the above statutes or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the above statutes.

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraphs (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) (1) Each specific licensee, each applicant for a specific license, and each general licensee subject to Part 19 shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c).

(2) All licensees and applicants are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities.

(3) The posting of NRC Form 3 must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8138).

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

5. The authority citation for part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

6. Section 40.7 is revised to read as follows:

§ 40.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited.

Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission or his or her employer information about alleged violations of either of the above statutes or possible violations of requirements imposed under either of the above statutes;

(ii) Refusing to engage in any practice made unlawful under either of the above statutes or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the above statutes.

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraphs (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) (1) Each specific licensee, each applicant for a specific license, and each general licensee subject to part 19 shall prominently post the revision of NRC Form 3, "Notice to Employees", referenced in 10 CFR 19.11(c).

(2) All licensees and applicants are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities.

(3) The posting of NRC Form 3 must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note.—Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8138).

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

7. The authority citation for part 50 is revised to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 is also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 82 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50–81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

8. Section 50.7 is revised to read as follows:

§ 50.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission or his or her employer information about alleged violations of either of the above statutes or possible violations of requirements imposed under either of the above statutes;

(ii) Refusing to engage in any practice made unlawful under either of the above statutes or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the above statutes.

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) (1) Each licensee and each applicant for a license shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c). This form shall be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

(2) All licensees and applicants are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities.

Note: Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8138).

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

9. The authority citation for part 60 is revised to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213(g), 2228 as amended (42 U.S.C. 10134, 10141) and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

10. Section 60.9 is revised to read as follows:

§ 60.9 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission or his or her employer information about alleged violations of either of the above statutes or possible violations of requirements imposed under either of the above statutes;

(ii) Refusing to engage in any practice made unlawful under either of the above statutes or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the above statutes.

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the

Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) (1) Each licensee and each applicant for a license shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c). This form shall be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

(2) All licensees and applicants are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities.

Note: Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8136).

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

11. The authority citation for part 61 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851) and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

12. Section 61.9 is revised to read as follows:

§ 61.9 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission or his or her employer information about alleged violations of either of the above statutes or possible violations of requirements imposed under either of the above statutes;

(ii) Refusing to engage in any practice made unlawful under either of the above statutes or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the above statutes.

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) (1) Each licensee and each applicant for a license shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c). This form shall be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be

posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

(2) All licensees and applicants are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities.

Note: Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8138).

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

13. The authority citation for part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954 as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended., 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C.10155, 10161). Section 70.7 also issued under Pub. L. 5–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

14. Section 70.7 is revised to read as follows:

§ 70.7 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission or his or her employer information about alleged violations of either of the above statutes or possible violations of requirements imposed under either of the above statutes;

(ii) Refusing to engage in any practice made unlawful under either of the above statutes or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the above statutes.

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraphs (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e) (1) Each specific licensee, each applicant for a specific license, and each general licensee subject to part 19 shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c).

(2) All licensees and applicants are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities.

(3) The posting of NRC Form 3 must be at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

Note: Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8138).

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this

section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

15. The authority citation for part 72 is revised to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282), sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148 (c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168 (c), (d). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h). Subparts K and L are also issued under sec. 133, 96 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

16. Section 72.10 is revised to read as follows:

§ 72.10 Employee protection.

(a) Discrimination by a Commission licensee, an applicant for a Commission license, or a contractor or subcontractor of a Commission licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

(1) The protected activities include but are not limited to:

(i) Providing the Commission or his or her employer information about alleged violations of either of the above statutes or possible violations of requirements imposed under either of the above statutes;

(ii) Refusing to engage in any practice made unlawful under either of the above statutes or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the Commission to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any Commission proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the above statutes.

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraphs (a), (e), or (f) of this section by a Commission licensee, an applicant for a Commission licensee, or a contractor or subcontractor of a Commission licensee or applicant may be grounds for—

(1) Denial, revocation, or suspension of the license.

(2) Imposition of a civil penalty on the licensee or applicant.

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e)(1) Each licensee and each applicant for a license shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c). This form shall be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the Commission, during the term of the license, and for 30 days following license termination.

(2) All licensees and applicants are expected to notify their contractors of the prohibition against discrimination for engaging in protected activities.

(3) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter or by contacting the NRC Information and Records Management Branch (telephone no. 301–492–8138).

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

18. The authority citation for part 150 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C.

2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

19. In § 150.20, paragraph (b) introductory text is revised to read as follows:

§ 150.20 Recognition of Agreement State licenses.

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State or in offshore waters under the general licenses provided in this section, the general licenses provided in this section are subject to the provisions of §§ 30.7(a) through (f), 30.9, 30.10, 30.14(d), 30.34, 30.41, 30.51 to 30.63, inclusive, of part 30 of this chapter; §§ 40.7(a) through (f), 40.9, 40.10, 40.41, 40.51, 40.61, 40.63 inclusive, 40.71 and 40.81 of part 40 of this chapter; §§ 70.7(a) through (f), 70.9, 70.10, 70.32, 70.42, 70.51 to 70.56, inclusive, 70.60 to 70.62, inclusive, and to the provisions of 10 CFR parts 19, 20 and 71 and subpart B of part 34, §§ 39.15 and 39.31 through 39.77, inclusive, of part 39 of this chapter. In addition, any person engaging in activities in non-Agreement States or in offshore waters under the general licenses provided in this section:

* * * * *

Dated at Rockville, Maryland, this 4th day of June 1993.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 93–14016 Filed 6–14–93; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

RIN 3064–AA54

Notice of Filing an Application for a Merger Transaction

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Proposed rule.

SUMMARY: The FDIC proposes to amend its regulatory requirements for publishing notice of the filing of an application for a merger transaction under the Bank Merger Act. If an emergency exists requiring expeditious action, the FDIC proposes to require an applicant only to publish twice during the statutory 10 day period instead of daily for 10 days. In non-emergency cases, the FDIC proposes to delete the requirement that notice be published on the same day for each of the five weeks on which notice must be published and on the 30th day from first publication. The proposed amendments would also clarify that the public comment period begins when the first notice is published and is 30 days for non-emergency merger transactions and 10 days for emergency merger transactions. These amendments would bring the FDIC's regulations more into conformance with those of the other federal banking agencies, give applicants more flexibility, and lessen the paperwork and cost burdens imposed by the FDIC's current notice requirements.

DATES: Comments must be received no later than August 16, 1993.

ADDRESSES: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. Comments may be hand delivered to room F–400, 1776 F Street NW., Washington, DC on business days between 8:30 a.m. and 5 p.m. (FAX number: (202) 898–3838.) Comments may also be inspected in room 7118, 550 17th Street NW., Washington, DC between 9 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: A. David Meadows, Associate Director, Operations Branch, Division of Supervision (202) 898–3855; Ann Loikow, Counsel, Legal Division, (202) 898–3796, FDIC, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

The Bank Merger Act (12 U.S.C. 1828(c)) ("Act") prohibits any insured depository institution from merging or consolidating with, or directly or indirectly acquiring the assets or assuming the liabilities of, another insured depository institution or any noninsured bank or institution without the prior written approval of the responsible federal banking agency. The Act requires notice of the proposed merger transaction to be published prior to approval of the transaction and at appropriate intervals during a period at least as long as that allowed the Attorney General and other banking agencies to comment on the competitive factors involved (12 U.S.C. 1828(c)(3)).

Except when the responsible agency finds that it must act immediately to prevent the probable failure of a depository institution, in which case no public notice is required, the statutory notice period is 30 days, unless the responsible agency advises the Attorney General and other banking agencies of the existence of an emergency requiring expeditious action, in which case the period is 10 days (12 U.S.C. 1828(c)(4)).

Section 303.6 of the FDIC's regulations (12 CFR 303.6) sets forth the FDIC's notice procedures for applications for merger transactions. Paragraph (f)(1)(i) of that section requires an applicant to publish notice of filing of an application for a merger transaction in a newspaper of general circulation in the community or communities where the main offices of the banks or institutions involved are located at least once a week on the same day for five consecutive weeks and, when published in a daily newspaper, on the thirtieth day from the date of first publication, unless the FDIC's Board of Directors determines it must act immediately to prevent the failure of one of the depository institutions involved. Where the FDIC's Board of Directors determines that an emergency exists requiring expeditious action, paragraph (f)(1)(i) requires notice to be published daily during a period of at least 10 calendar days.

In requiring that the agency responsible for approving a merger transaction request reports on the competitive factors involved from the other banking agencies, as well as the Attorney General, Congress specifically sought to encourage the development of uniform standards in the administration of the Act through consultation among the banking agencies (12 U.S.C. 1828(c)(4)). In fact, the other federal banking agencies responsible for acting on Bank Merger Act applications have adopted less onerous publication requirements than the FDIC has.

The Office of Thrift Supervision requires an applicant to publish no more than three calendar days before or after filing an application and thereafter on a weekly basis during the period allowed for furnishing competitive factors reports (12 CFR 563.22(d)(2)(i)). The same rule applies regardless of whether the required statutory period is 10 or 30 days.

The Board of Governors of the Federal Reserve System requires that notice of proposed merger transactions, whether emergency or non-emergency, be published only once (12 CFR

225.14(b)(3), 262.3(b)(1)(i) and 262.25). The Board of Governors' regulations also authorize modifying or waiving compliance with these requirements when an emergency exists requiring expeditious action (12 CFR 225.14(h)(2) and 262.3(l)).

The Comptroller of the Currency by regulation provides that the statutory notice requirements, rather than those set forth in their rules of procedure, should be observed (12 CFR 5.33(e)). The Comptroller has interpreted the Act to require three publications if the 30 day period applies: First, the day the application is filed and then at two-week intervals with the final publication, if in a daily newspaper, on the 30th day (Comptroller's Manual for Corporate Activities, p. 103 (Jan. 1992)). Where there is an emergency requiring expeditious action, the Comptroller requires that notice be published twice, first on the day a request for emergency processing is approved and, second, on the tenth day after that date or the closest day after that (Ibid. at 112).

Because some proposed merger transactions are part of transactions subject to approval by more than one federal banking agency, these differing notice requirements can confuse applicants and delay action on applications. This can have a particularly adverse impact on transactions for which the responsible agency has found that an emergency exists requiring expeditious action.

In enacting the Bank Merger Act, Congress included the publication notice requirement to provide a means by which the people of the community served by the merging depository institutions could have an opportunity to consider the effects of the proposed merger transaction and express their views. Congress did not intend to impose any unnecessary burden on persons seeking to arrange a merger (H. Rep. 1416, 86th Cong. 2d Sess. (1960), reprinted in 1960 U.S.C.C.A.N. 1995, 2006–2008).

In requiring daily publication of notice of a proposed merger where an emergency exists requiring expeditious action, the FDIC imposes a significantly more burdensome publication requirement than do the other banking agencies. This is particularly true when the bank is located in a community that does not have a regular daily newspaper of general circulation. Although the FDIC's regulations authorize publication in a newspaper of general circulation published in the community nearest to the affected community (12 CFR 303.6(f)(1)(i)), publication in a local weekly newspaper, rather than in a more distant community's daily newspaper, may more fully provide notice to an affected community. This would not be possible under the FDIC's present regulations.

Similarly, the FDIC's requirement that notice of non-emergency transactions be published on the same day for five consecutive weeks may bar publication in a weekly newspaper (for example, if the weekly's publication date varies when it falls on a holiday), even though the weekly might be more widely read than a daily newspaper from a neighboring community. The FDIC also believes that requiring notice of a non-emergency transaction to be published on the thirtieth day of the statutory comment period does not add significantly to the notice given and may cause unnecessary delay in consummating the transaction if the Corporation waits before acting to receive comments generated by this final notice.

Discussion of Proposal

For these reasons, the FDIC proposes to amend paragraph (f)(1)(i) of § 303.6 to delete the requirement that notice of non-emergency merger transactions be published on the same day each week and that, if published in a daily newspaper, notice be published on the thirtieth day. The FDIC proposes to reduce the necessary publication in emergencies requiring expeditious action from daily for at least 10 calendar days to twice during a 10 day period, first as soon as possible after the Corporation notifies the applicant that the merger will be processed as an emergency requiring expeditious action and, second, on the newspaper's publication date one week, or the day closest to one week, after the date of first publication. The FDIC also proposes to amend paragraphs (f)(1), (f)(3) and (f)(4) of § 303.6 to clarify that the public comment period runs from the date of first publication and is 30 days for non-emergency merger transactions and 10 days for emergency merger transactions, as set forth in the Act.

The effect of these amendments would be to apply the same notice requirements regardless of whether it is an emergency or non-emergency transaction. In both cases, applicants would publish weekly during the statutory period. These changes would increase consistency, reduce the cost and paperwork burdens associated with meeting regulatory notice requirements, allow applicants more flexibility regarding the newspapers in which notice could be published, and bring the FDIC's requirements more into conformity with those of the other banking agencies.

The proposed notice requirements are similar to those of the Office of Thrift Supervision, which requires weekly publication in both emergency and non-emergency transactions. Although the Comptroller of the Currency only requires biweekly publication in non-emergency situations, it also requires two publications where an emergency requiring expeditious action exists. In addition, applicants which meet the proposed amended FDIC notice requirements also would have met the Board of Governors' requirement of publishing a single notice of a proposed merger transaction.

Although this amendment would reduce the costs and paperwork burden associated with publishing notice of proposed merger transactions, the FDIC is concerned that the opportunity for public comment not be adversely affected. It should be noted that the proposed rule does not affect the length of the statutory public comment period, rather it merely eliminates the requirement of publication on the thirtieth day and that publication be on the same day each week in non-emergency transactions, and for emergency transactions substitutes a requirement that notice be published twice during a 10 day period for daily publication for 10 calendar days.

The FDIC invites comment on all aspects of the proposal, including the benefits of reducing an applicant's publication burden and the proposed rule's possible effect on the opportunity for public comment.

Paperwork Reduction Act

The collection of information requirement contained in the proposed rule has been submitted to the Office of Management and Budget for review pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Comments on it should be directed to the Office of Management and Budget, Paperwork Reduction Project (3064–0016), Washington, DC 20503, with copies of such comments tc be sent to Steven F. Hanft, Assistant Executive Secretary (Administration), room F–453, FDIC, 550 17th Street NW., Washington, D.C. 20429.

The proposed rule's collection of information requirement is found at § 303.6(f) of the FDIC's regulations which requires applicants for merger transactions to publish notice of the proposed transaction. This reporting requirement is mandated by the Act (12 U.S.C. 1828(c)(3)) to provide people in the affected communities a chance to comment on the proposed merger

transaction. The proposed rule lessens the regulatory burdens and costs imposed by existing rules by giving applicants some flexibility in meeting the notice requirements and by decreasing the frequency of required publication. In so doing, it also furthers the Act's goal of developing uniform standards among the banking agencies for the approval of merger transactions (12 U.S.C. 1828(c)(4)).

The estimated annual reporting burden for the collection of information requirement in the regulation is:

Number of Respondents: 200

Number of Responses per Respondent: 1

Number of Annual Responses: 200

Total Annual Responses: 200

Hours per Response: 0.5

Total Annual Burden: 100 hours

It is assumed for calculation of this burden estimate that a single notice is composed and publication can be arranged with a single telephone call, regardless of the number of times notice is to be published.

Regulatory Flexibility Act Statement

The Board of Directors has determined that the proposed rule, if adopted, would not have a significant adverse economic impact on a substantial number of small entities. Instead, it would reduce certain regulatory burdens for all depository institutions, including small depository institutions, for which the FDIC is the responsible agency under the Act and would have no particular adverse impact on other small entities. Accordingly, the Board hereby certifies pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605) that the proposal, if adopted, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

For the reasons set forth in the preamble, the Board of Directors of Federal Deposit Insurance Corporation proposes to amend part 303 of title 12 of the Code of Federal Regulations as follows:

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES REQUIRED TO BE FILED BY STATUTE OR REGULATION

1. The authority citation for part 303 would continue to read as follows:

Authority: 12 U.S.C. 378, 1813, 1815, 1816, 1817(j), 1818, 1819 ("Seventh" and "Tenth"), 1828, 1831e, 1831o; 15 U.S.C. 1607.

2. Section 303.6 is amended by revising paragraphs (f)(1)(i), (f)(3), and (f)(4) to read as follows:

§ 303.6 Application procedures.

* * * * *

(f) * * *

(1) * * *

(i) In the case of applications in connection with a "merger transaction" (as defined by the Bank Merger Act, 12 U.S.C. 1828(c)(3)), unless the Corporation determines it must act immediately in order to prevent the probable failure of one of the depository institutions involved, the applicant must publish notice of the proposed transaction in a newspaper of general circulation in the community or communities where the main offices of the banks or institutions involved are located, or if there is no such newspaper in the community, then in the newspaper of general circulation published nearest thereto. Publication shall be made at least once each week for five consecutive weeks, and the public shall have 30 days from the date of first publication to comment on the application. Where the Corporation determines that an emergency exists which requires expeditious action, then notice shall be published twice during a 10 day period, first, as soon as possible after the Corporation notifies the applicant that the merger will be processed as an emergency requiring expeditious action and, second, on the newspaper's publication date one week, or the day closest to one week, after the date of first publication. The public shall have 10 days from the date of first publication to comment on the application. The published notice shall include the name and main office location of all banks or institutions involved in the transactions and the subject matter of the application. If it is contemplated that the continuing bank will operate the offices of the other depository institution(s) as branches, the following statement shall be added to the notice:

It is contemplated that all of the offices of the above named institutions will continue to be operated (with the exception of [identity and location of each office which will not be operated]).

* * * * *

(3) *Comments.* Anyone who wishes to comment on an application may do so by filing comments in writing with the appropriate regional director at any time before the Corporation has completed processing the application. Processing will be completed, for applications other than home or branch office relocation and remote service facility relocation applications and merger applications, not less than 15 days after the publication of the notice required by paragraph (f)(1) of this section or 15 days after the Corporation's receipt of the application, whichever is later; for home or branch office relocation and remote service facility relocation applications, not less than 21 days after the last publication or 21 days after the Corporation's receipt of the application, whichever is later; for merger applications for which the Corporation has not determined it must act immediately in order to prevent the probable failure of one of the depository institutions involved, not less than 30 days after the first publication or, if the Corporation has determined that an emergency exists which requires expeditious action, not less than 10 days after the first publication. This time period may be extended by the appropriate regional director for good cause. Such regional director shall report the reasons for such action to the Board of Directors.

(4) *Notice of right to comment.* In order to fully apprise the public of its rights under paragraph (f)(3) of this section, the notice described in paragraph (f)(1) of this section shall include a statement describing the right to comment upon, or protest the granting of, the application. This notice shall consist of the following statement:

Any person wishing to comment on this application may file his or her comments in writing with the regional director of the Federal Deposit Insurance Corporation at its regional office (address of the regional office) before processing of the application has been completed. Processing will be completed no earlier than the (non-emergency mergers—30th; emergency mergers—10th; relocations—21st; other applications described in paragraph (a) of this section—15th) day following (mergers—the first required publication; relocations and other applications described in paragraph (a) of this section—either the date of the last required publication or the date of receipt of the application by the FDIC, whichever is later). The period may be extended by the regional director for good cause. The nonconfidential portion of the application file is available for inspection within one day following the request for such file. It may be

inspected in the Corporation's regional office during regular business hours. Photocopies of information in the nonconfidential portion of the application file will be made available upon request. A schedule of charges for such copies can be obtained from the regional office.

* * * * *

By Order of the Board of Directors.

Dated at Washington, DC, this 9th day of June, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93-14023 Filed 6-14-93; 8:45 am]

BILLING CODE 6714-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-AWP-9]

Proposed Establishment of VOR Federal Airway V-597; California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish VOR Federal Airway V-597 between San Marcus and Mission Bay, CA. The establishment of this airway would improve traffic flow and reduce controller workload.

DATES: Comments must be received on or before August 4, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP-500, Docket No. 93-AWP-9, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Norman W. Thomas, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9203.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 93-AWP-9." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Available of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is concerning an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish VOR Federal Airway V-597 between San Marcus and Mission Bay, CA. The establishment of this airway would improve traffic flow and reduce controller workload. Domestic VOR Federal airways are published in § 71.123 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The airway listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, incorporation by reference, navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V-597 [NEW]

From San Marcus, CA; Fillmore, CA; Van Nuys, CA; INT Van Nuys 110°T(095°M) and Seal Beach, CA, 334°T(319°M) radialS; Seal Beach; Oceanside, CA; to Mission Bay, CA.

* * * * *

Issued in Washington, DC, on June 8, 1993.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 93–14062 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 93–AGL–10]

Proposed Control Zone and Transition Area Modifications, Wausau, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would modify the existing control zone and transition area near Wausau, WI, to accommodate a new nondirectional beacon-B (NDB–B) Standard Instrument Approach Procedure (SIAP) to Wausau Municipal Airport, Wausau, WI. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before July 20, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 93–AGL–10, 2300 East Devon Avenue, Des Plaines, Illinois 60018. The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 93–AGL–10." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lake Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the control zone and transition area near Wausau, WI, to accommodate a new NDB–B SIAP to Wausau Municipal Airport, Wausau, WI.

The development of this procedure requires that the FAA alter the designated airspace to ensure that the procedure would be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts would reflect the defined area which would enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements. The coordinates for this airspace docket are based on North American Datum 83. Control zones are published in Section 71.171 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The control zone listed in this document would be published subsequently in the Order. Transition areas are published in Section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference, Transition areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

Section 71.171 Designation of Control Zones

* * * * *

AGL WI CZ Wausau, WI [Revised]

Wausau Municipal Airport, WI
(lat. 44°55'43" N, long. 89°37'36" W)

Within a 4.4-mile radius of Wausau Municipal Airport, WI, and within 2.5 miles each side of the 129° bearing from the airport extending from the 4.4-mile radius to 7 miles southeast of the airport.

* * * * *

Section 71.181 Designation of Transition Areas

AGL WI TA Wausau, WI [Revised]

Wausau Municipal Airport, WI
(lat. 44°55'43" N, long. 89°37'36" W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Wausau Municipal Airport, WI, and within 2.5 miles each side of the 129° bearing from the airport extending from the 6.5-mile radius to 7 miles southeast of the airport, excluding that airspace within the Wausau, WI, control zone.

* * * * *

Issued in Des Plaines, Illinois, on May 20, 1993.

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 93-14061 Filed 6-14-93; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 93N-0153]

Food Labeling: Nutrient Content Claims and Health Claims; Restaurant Foods

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its food labeling regulations by removing the provisions that exempt restaurant menus from the requirements for how nutrient content claims and health claims are to be made. The agency is also proposing to modify the provisions that delay the effective date of these regulations for small restaurant firms for 1 year. FDA is proposing these actions following a reconsideration of the provisions in question.

DATES: Written comments by August 16, 1993. The agency proposes that any final rule that may issue based on this proposal become effective 4 months after the date of publication of the final rule in the **Federal Register** except as may be otherwise specified in the text of §§ 101.10, 101.13(q)(5), and 101.14(d)(2)(vii)(B) and (d)(3).

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

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Center for Food Safety and Applied Nutrition (HFS-150, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-4561.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 6, 1993 (58 FR 2066 *et seq.*), FDA published final rules implementing the Nutrition Labeling and Education Act of 1990 (the 1990 amendments). Included among those final rules were documents entitled "Food Labeling: Nutrient Content Claims, General Principles, Petitions, Definition of Terms; Definitions of Nutrient Content Claims for the Fat, Fatty Acid, and Cholesterol Content of Food" (58 FR 2302) and "Food Labeling; General Requirements for Health Claims for Food" (58 FR 2478). Those final rules set forth the provisions governing the proper use of nutrient content claims and health claims on food labels and in food labeling.

As stated in the final rules, it is clear that the 1990 amendments apply to restaurant foods for which nutrient content claims (58 FR 2302 at 2386) or health claims (58 FR 2478 at 2515) are made. However, as FDA also pointed out in the final rules, the question of how the agency should regulate claims for restaurant foods was highly controversial during the rulemaking.

In response to its November 27, 1991, food labeling proposals (56 FR 60366 *et seq.*), FDA received numerous comments on this issue. Many of those comments argued strongly that packaged foods and restaurant foods differ markedly in the way that they are prepared and sold and thus should not be subject to the same regulatory regime. Others took the contrary position.

Numerous comments specifically addressed whether restaurant menus should be covered by the various claims regulations. On the one hand, comments argued that because restaurant menus are frequently changed, subjecting them to the requirements for nutrient content and health claims would be unduly burdensome. On the other hand, other comments argued that the thrust of the 1990 amendments is to ensure that nutrient content claim and health claim information is scientifically valid wherever it appears.

FDA acknowledged the distinction between restaurant foods and other types of foods in its final rules, stating that it was not obligated under the Federal Food, Drug, and Cosmetic Act (the act) to regulate claims on restaurant foods in a manner identical to that for packaged foods (58 FR 2302 at 2386 and 58 FR 2478 at 2515). The agency noted that Congress had recognized that there are significant differences between packaged foods and restaurant foods. For example, in the 1990 amendments, Congress exempted restaurant foods from mandatory nutrition labeling and certain provisions regarding nutrient content claims. However, the agency also pointed out that because Congress did not exempt restaurant foods from the general requirements applicable to nutrient content claims and health claims, if a restaurant chooses to use a nutrient content claim (e.g., "low fat") or a health claim (e.g., "a low fat diet may reduce the risk of heart disease"), it must do so in a manner that is consistent with the FDA regulation applicable to those terms.

In light of the greater versatility of restaurant foods relative to packaged foods, and to encourage useful claims for restaurant foods, the agency decided that it should provide more flexibility with respect to claims on restaurant foods than on other types of food. Thus, FDA provided that a restaurant could make a nutrient content claim or a health claim for a product as long as it had a reasonable basis for believing that the food contained the requisite level of the nutrient in question (58 FR 2302 at 2387 and 58 FR 2478 at 2516).

In addition, given the frequency with which menus are changed, the final regulations exempted claims made on restaurant menus from the requirements for nutrient content claims and health claims (58 FR 2302 at 2388 and 58 FR 2478 at 2517). Thus, for example, § 101.10 (21 CFR 101.10) provides that nutrition labeling or information about the amount of the nutrient that provides the basis for the claim shall be provided upon request for any restaurant food or meal for which a nutrient content claim or a health claim is made, except if the claim is made on a menu. Section 101.13(q)(5) (21 CFR 101.13(q)(5)) provides that a nutrient content claim used on food that is served in restaurants or other establishments in which food is served for immediate human consumption, or that is sold for sale or use in such establishments, must comply with the requirements and definitions governing nutrient content

claims, except for nutrient content claims made on menus. There are similar provisions with respect to health claims made on restaurant menus in § 101.14 (21 CFR 101.14) and with respect to the applicability of § 101.10 to such claims.

In addition, because of concerns about the demands that the new regulatory regime would impose on small restaurants, FDA decided to exercise its enforcement discretion and to delay for 1 year the effective date of its regulations governing the use of nutrient content claims and health claims by small restaurants, that is, restaurant firms consisting of 10 or fewer individual establishments (58 FR 2302 at 2388 and 58 FR 2478 at 2517). Thus, the agency gave small restaurants until May 8, 1995, to comply with §§ 101.10 and 101.13 (nutrient content claims) and until May 8, 1994, to comply with §§ 101.10 and 101.14 (health claims).

II. The Decision to Reconsider

The decisions to exempt menus and to delay the effective date for small restaurants were made only after considerable debate within the government. Many, both inside and outside government, felt that exempting menus was not consistent with the act or with the statutory charge provided by the 1990 amendments. Following publication of the final rules, FDA confronted the question of what is a menu. FDA found that it was virtually impossible to distinguish menus from the other types of restaurant labeling, such as signs, placards, and other point of purchase information, that the agency said, in the final rules on nutrient content and health claims, would be covered (see e.g., 58 FR 2302 at 2387 and 58 FR 2478 at 2516). Given these facts, FDA has reconsidered the menu exemption.

The appropriateness of reconsidering this issue is supported by two of the comments that the agency received during the 30-day period for technical comment that it provided in the final rules (see 58 FR 2066). FDA received three comments on the menu exemption.

One comment approved of the menu exemption, pointing out that it will provide important flexibility and cost savings for all segments of the restaurant industry (Ref. 1). The other two comments (Refs. 2 and 3), including one from a Congressman, criticized the menu exemption and raised questions about its legality under both the 1990 amendments and the Administrative Procedure Act (the APA).

The information received in one of these comments (Ref. 1) convinced the agency that it was also appropriate to reconsider its decision to delay the effective date of the nutrient content claims and health claims regulations for small restaurants. Another comment (Ref. 3) argued that this delay is not consistent with the 1990 amendments. In light of this information, FDA decided to reconsider whether it should exercise its enforcement discretion to give small restaurants an additional year to comply with both the health claims and the nutrient content claims regulations.

On March 11, 1993, FDA was sued by two public interest groups and two individuals on the grounds that the menu exemption and the delay in the effective date of the regulations for small restaurants are unlawful because they violate the 1990 amendments and the APA (*Public Citizen, Inc., et al.* v. *Shalala*, Civil Action No. 93 0509 (D.D.C.)). The filing of this Lawsuit heightens the significance of FDA's decision to reconsider these matters.

III. FDA'S Proposal

A. The Menu Exemption

After reconsidering the menu exemption, FDA is proposing to remove the provisions of the regulations that provide this exemption.

There are, first, policy and practical reasons for FDA's tentative decision to remove this exemption. FDA's statutory charge under the 1990 amendments is to ensure that nutrient content and health claims made for foods accurately characterize the food and are scientifically valid. Restaurant foods are an important part of the food supply. As stated in the final rule, almost half of the American food dollar is spent on food consumed away from home, and perhaps as much as 30 percent of the American diet is composed of foods prepared in food service operations (58 FR 2302 at 2387). Thus, if FDA is to effectuate its policy objectives under the 1990 amendments. it is vitally important that FDA ensure that claims made in restaurants comply with the act.

In the final rule, FDA justified its exemption for menus on the grounds that it will help ensure that restaurants will not be deterred by the 1990 amendments from providing useful nutrition-related information to their customers (58 FR 2302 at 2388). However, on reconsideration, FDA has become concerned that health claims or nutrient content claims will be of little utility if they fail to comply with the standards in FDA's regulations, which are designed to assure the validity of these claims. Moreover, FDA is concerned that an exemption for menus would create a situation in restaurants in which confusion about the valid information provided by authorized claims on signs and placards could be caused by unauthorized claims in menus. Thus, FDA tentatively concludes that an exemption for menus is inconsistent with FDA's charge under the 1990 amendments.

FDA's proposal to remove the exemption is also based on a further review of the act and its legislative history. Section 405 of the act (21 U.S.C. 345), which authorizes exemptions, was amended by the 1990 amendments to state: "This section does not apply to the labeling requirements of section 403(q) and 403(r)." The legislative history of the 1990 amendments provides the following statement of the intent of this provision:

> Section 5(a) [of the 1990 amendments] is a technical provisions and states that the Secretary will not have authority under section 405 of the [act] to promulgate regulations exempting food from the labeling requirements of sections 403(q) and 403(r) of the Act.

(H. Rept. 101–538, 101st Cong., 2d sess. 23 (1990)) Because the menu exemption is an exemption from the requirements of section 403(r) of the act (21 U.S.C. 343(r)), it appears to be barred by section 405 of the act.

Finally, there is a strong suggestion in the legislative history of the 1990 amendments that Congress intended to include menus in the coverage of section 403(r) of the act. Section 403 (r)(5)(B) of the act limits the extent to which the nutrient content claim and health claim provisions of the act apply to restaurants. The version of section 403(r)(5)(B) of the act in the bill that was reported by the Committee on Energy Commerce of the House of Representatives would have exempted all nutrient content claims in restaurants from the coverage of the act (H. Rept. 101–538, *supra*, 5). As enacted, however, the provision exempts restaurant foods that bear nutrient content or health claims only from certain disclosure requirements that relate to nutrient content claims.

This change in the act was made between the time the bill was reported by the Energy and Commerce Committee and its passage by the full House. This change was explained by the majority and minority sponsors of the bill in a sponsors' report. The report states:

> Section 403(r)(5)(B) has been amended to provide that restaurants that use content descriptors in connection with the sale of food (for example, the use of the word "light" or "low" *on a menu*) must comply with the

regulations issued by the Secretary under section 403(r)(2)(A)(i).

(136 Congressional Record H5841 (July 30, 1990) (emphasis added).) This part of the bill was passed by the Senate unchanged. Thus, FDA tentatively concludes that the menu exemption is not consistent with the congressional intent in adopting the 1990 amendments.

Therefore, for the foregoing reasons, FDA is proposing to amend the food labeling regulations by removing the provisions of the regulations that exempt nutrient content claims and health claims made on restaurant menus from the coverage of those regulations. Specifically, FDA is proposing to amend the food labeling regulations by removing: (1) From § 101.10, pertaining to nutrition labeling of restaurant foods, the language that reads * * * "(except on menus)"; (2) from § 101.13(q)(5), pertaining to nutrient content claims on restaurant foods, the language that reads * * * "(except on menus)"; and (3) from § 101.14(d)(2)(vii)(B), pertaining to health claims on restaurant foods, the language that reads * * * "(except if the claim is made on a menu)." Thus, the agency is proposing to include claims made for restaurant foods on menus, as well as those made on signs and placards, within the coverage of the food labeling regulations implementing the 1990 amendments. Should the actions proposed in this document be adopted and go into effect, any nutrient content or health claim made for any food sold in a restaurant, in or on any labeling in the restaurant, including menus, signs, or placards, will be subject to FDA's food labeling rules.

B. The Delay for Small Restaurants

FDA adopted the delayed effective date for the health claim and nutrient content claim provisions for small restaurants because of concerns about the demands that these regulations would make on small restaurants (58 FR 2302 at 2388). FDA has received information subsequent to its decision to observe such a delay as a matter of enforcement discretion, however, that suggests that there is no appropriate basis for differentiating among restaurants based on size and, thus, that all restaurants should be given a comparable effective date.

As a result, the agency has reconsidered whether to maintain the current position, to provide a delayed effective date for all restaurant foods, or to remove the delay in the effective date of regulations on health claims and nutrient content claims for small restaurants. On reconsideration, FDA has decided that the same effective date should be provided for all restaurant claims, albeit a later one than that for packaged foods (as discussed below). Restaurant food is simply too important a part of the American diet to unduly delay the application of the health claim and nutrient content claim provisions to it. Therefore, FDA is proposing to remove the delay in effective date of its regulations on nutrient content claims and health claims for small restaurants, although given the circumstances of this rulemaking, what FDA is proposing amounts to more of a modification than a complete removal.

IV. Effective Dates

FDA recognizes that all restaurants should be given time to bring their menus into compliance with health claim and nutrient content claim regulations. The agency also recognizes that if it were to make the health claim regulations and nutrient content claim regulations effective for food served in small restaurants on the same date that they are effective for all other foods, small restaurants would have no or very little time to prepare for the new requirements. Thus, instead of protecting small restaurants, FDA could be penalizing them. FDA considers that to do so would be unfair.

FDA believes that the amount of time that it gives restaurants to bring their menus into compliance, and small restaurants to come into general compliance, should generally reflect the amount of time that all others who use nutrient content claims or health claims in their labeling were given. The general nutrient content claim provisions are effective May 8, 1994, 16 months after the date of their publication. Thus, for nutrient content claims on restaurant menus and for small restaurants generally, FDA tentatively concludes that the appropriate effective date is 12 months after publication of a final rule in this rulemaking. The agency tentatively finds that 12 months will provide the optimum accommodation of several opposing needs. There is a public health need to ensure that nutrient content claims on menus and in small restaurants are made in an appropriate manner as quickly as is reasonably achievable. On the other hand, there is a need to allow restaurants, including small restaurants, time to adjust to the changes that must be made in their menus and, in the case of small restaurants, in their other labeling.

Given the flexible rules that FDA has adopted for restaurants, FDA tentatively concludes that 12 months is an adequate time for restaurants to come into compliance if they choose to make nutrient content claims on menus. Thus, FDA is proposing that the deletion of the exemption for nutrient content claims on menus from §§ 101.10 and 101.13(q)(5) will be effective 12 months from the date of publication in the **Federal Register** of the final rule in this rulemaking. Likewise, for small restaurants, §§ 101.10 with respect to nutrient content claims and 101.13 will be effective on that date.

The health claim regulations are effective on May 8, 1993, 4 months after the date of their publication. Thus, FDA is proposing that the deletion of the exemption for health claims on menus from §§ 101.10 and 101.14(d)(2)(vii)(B) will be effective 4 months from the date of publication in the **Federal Register** of the final rule in this rulemaking. Likewise, for small restaurants, § 101.10 with respect to health claims and § 101.14 will be effective on that date.

Even though FDA is proposing to modify the effective dates of its regulations for small restaurants, the agency advises that this action should not impose a particular hardship on these businesses. These rules place no affirmative requirement on small restaurants to make claims and provide a significant amount of flexibility when claims are made. Small restaurants can be in full compliance by simply refraining from making claims (although this may not be a desirable outcome) or, if they decide to do so, by taking the modest steps necessary to ensure that there is a reasonable basis for the claim. Moreover, FDA recognizes the value of valid claims and intends to continue to work with the small restaurant industry to help ensure that compliance is achievable.

The agency emphasizes that the amendments being proposed herein (except for the deletion of the menus exemption) do not alter the substance or status of the current regulations governing the use of the nutrient content claims and health claims in restaurants. These amendments are being proposed to clarify, for the benefit of the reader, the dates that FDA will apply the provisions of the nutrient content claims and health claims regulations to restaurant foods. After these regulations are fully in effect, the provisions of the regulations that set out the various dates will be deleted in a future **Federal Register** document.

V. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

VI. Economic Impact

FDA has examined the economic implications of the proposed actions as required by the Regulatory Flexibility Act (Pub. L. 96–354) and Executive Order 12291. The Regulatory Flexibility Act requires regulatory relief for small businesses where feasible. Executive Order 12291 states that agencies shall use cost-benefit analysis as a component of decisionmaking. The agency finds that this proposed rule is not a major rule as defined by Executive Order 12291. In accordance with the Regulatory Flexibility Act, FDA has determined that this proposed rule may have a burden on a number of small businesses.

A. Costs

1. Background

In January of 1993, FDA published a final regulatory impact analysis (RIA) of the final rules implementing the 1990 amendments. In that document, FDA presented costs of compliance with the 1990 amendments for food service establishments. There are approximately 262,000 commercial establishments and 36,000 institutions with approximately 406,000 printed menus. Based on an analysis of entries in the National Restaurants Association's annual menu contest, the association determined that 89 percent of all printed menus include at least one claim. Thus, approximately 362,000 individual menus and 233,000 establishments in the commercial food service sector would potentially be affected by the regulations. Further, the survey also indicated that at least 18 percent of printed menus would require revisions of an entire section or symbol program e.g., a heart logo. However, those firms that would normally redesign their menus within the compliance period would not incur costs attributable to FDA's regulations. FDA assumed in the previous analysis that 75 percent of all menus would normally be revised during the compliance period ending in May 1994. These costs are one-time costs only as the use of health or nutrient content claims are voluntary. In addition, because the agency was deferring enforcement on small restaurants (which comprise 75 percent of food service establishments), there would be no costs for such firms.

Therefore, it was estimated that approximately 14,500 establishments would need to redesign 18,000 menus requiring changes in terminology or individual menu items at a cost of $500 per menu. Also, 2,600 establishments would revise 4,500 menus requiring alteration or replacement of sections or symbols at a cost of $1,700 per menu. Because the agency is requiring only a reasonable basis to support claims, no analytical testing is necessary.

Although the agency chose to exempt menus from its regulatory coverage, FDA assumed restaurants would alter menus to comply with the agency's definitions because of the possibility of enforcement by the States. Based on anecdotal information, FDA assumes that restaurants are not currently making health claims—only nutrient content claims. Therefore, the agency determined that approximately 18,000 menus would require changes valued at $500 per menu, or $9 million. In addition, approximately 4,500 menus would require more extensive changes valued at $1,700 per menu, or $8 million. The total cost of compliance for food service establishments was estimated to be $17 million.

2. Current Estimate

FDA is currently proposing to remove provisions that exempt restaurant menus from the requirements for how nutrient content claims and health claims are to be made. Because the agency originally assumed that restaurants of all sizes would alter their menus in order to comply with the regulations so as to avoid State enforcement, the current action to include menus in the agency's regulatory coverage will not result in any significant increase in costs to food service establishments.

However, the currently proposed effective dates will have an impact on costs to restaurants. This regulation will require that approximately 2,800 large and medium restaurants to redesign 3,600 menus (simple changes at $500 per menu) and approximately 900 menus (complex changes at $1,700 per menu). Total costs to large and medium sized restaurants are $3.4 million. If, however, 90 percent of large and medium sized restaurants have a reasonable basis to support claims currently being made, the current proposal will result in costs to large and medium sized restaurants of less than $1 million.

However, because FDA originally deferred enforcement for small food service firms (10 or fewer individual establishments), which constitute 75 percent of food service establishments, FDA's currently proposed effective date for small restaurants to comply with nutrient content claims definitions will result in an increase in costs for small restaurants. Small firms will need to change their menus and other labeling to comply with the nutrient content claims regulations approximately 6 to 8 months earlier than under the previous effective date of May 1995. Therefore, this regulation will cause approximately 8,500 small restaurants to redesign 10,800 menus (simple changes at $500 per menu) and approximately 2,700 menus (complex changes at $1,700 per menu). Total costs to small restaurants are estimated to be as much as $10.1 million. If, however, 90 percent of small restaurants have a reasonable basis to support claims currently being made, which is not an unreasonable assumption, the current proposal will result in costs to small restaurants of approximately $1 million.

Total costs to all restaurants are estimated to be between $1 million and $13.5 million, depending on how many restaurants can provide a reasonable basis to support the claims currently being made.

B. Benefits

Because the agency is proposing to include menus in their coverage of these regulations and to require small restaurants to comply earlier than would have been the case under the January 6, 1993, final rules, this proposal will result in some benefits, although the agency is unable to quantify them at this time.

C. Regulatory Flexibility

The Regulatory Flexibility Act states that its purpose is "to establish as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation" (Sec. 2(b)). The agency is compelled to examine regulatory alternatives which would alleviate the burden on small businesses.

The agency determined in its final rules implementing the 1990 amendments that, in spite of the flexibility provided restaurants by allowing for a reasonable basis standard for making claims, the requirements were sufficiently complex so as to be burdensome to small firms. Therefore, the agency determined that it was appropriate to defer enforcement for 1 year for small restaurant firms. The agency's proposal could increase costs to small businesses by between $1 million to $10 million. However, the agency is unable to determine whether the proposed rule will have a significant impact on a substantial number of small businesses.

D. Summary

FDA has examined the impact of this proposed rule in accordance with Executive Order 12291 and has determined that it is not a major rule. The proposed rule will result in total costs to restaurants of between $1 million and $13.5 million, depending on the number of restaurants that have a reasonable basis to support the claims they currently use.

FDA has also examined the impact of this proposed rule on small businesses in accordance with the Regulatory Flexibility Act and has determined that this proposed rule will result in an increase of costs to small businesses of between $1 million and $10 million.

VII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. William P. Fisher, National Restaurant Association, Letter to the Dockets Management Branch, FDA, February 5, 1993.

2. Henry A. Waxman, U.S. House of Representatives, Letter to David Kessler, FDA, February 1, 1993.

3. Theresa A. Amato, Public Citizen Litigation Group, Letter to Donna E. Shalala, Secretary of Health and Human Services, February 26, 1993.

VIII. Comments

Interested persons may, on or before August 16, 1993, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 101

Food labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 101 be amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

2. Section 101.10 is revised to read as follows:

§ 101.10 Nutrition labeling of restaurant foods.

(a) *Nutrient content claims.* Effective May 8, 1994, nutrition labeling in accordance with § 101.9 shall be provided upon request for any restaurant food or meal for which a nutrient content claim (as defined in § 101.13 or subpart D of this part) is made, except:

(1) For means in restaurant firms consisting of more than 10 individual restaurant establishments, for which paragraph (a) of this section will be effective [12 months after the date of publication of the final rule in the **Federal Register**];

(2) for restaurant firms consisting of 10 or fewer individual establishments, for which paragraph (a) of this section will be effective [12 months after the date of publication of the final rule in the **Federal Register**]; and

(3) That information on the nutrient amounts that are the basis for the claim (e.g., "low fat," this meal provides less than 10 grams of fat) may serve as the functional equivalent of complete information as described in § 101.9. Nutrient levels may be determined by nutrient data bases, cookbooks, or analyses or by other reasonable bases that provide assurance that the food or meal meets the nutrient requirements for the claim. Presentation of nutrition labeling may be in various forms, including those provided in § 101.45 and other reasonable means.

(b) *Health claims.* Effective May 8, 1993, nutrition labeling in accordance with § 101.9 shall be provide upon request for any restaurant food or meal for such a health claim (as defined in § 101.14 and permitted by a regulation in subpart E of this part) is made, except:

(1) For menus in restaurant firms consisting of more than 10 individual restaurant establishments, for which paragraph (b) of this section will be effective [4 months after the date of publication of the final rule in the **Federal Register**];

(2) For restaurant firms consisting of 10 or fewer individual establishments, for which paragraph (b) of this section will be effective [4 months after the date of publication of the final rule in the **Federal Register**];

(3) That information on the nutrient amounts that are the basis for the claim (e.g., "low fat," this meal provides less than 10 grams of fat) may serve as the functional equivalent of complete information as described in § 101.9. Nutrient levels may be determined by nutrient data bases, cookbooks, or analyses or by other reasonable bases that provide assurance that the food or meal meets the nutrient requirements for the claim. Presentation of nutrition labeling may be in various forms, including those provided in § 101.45 and other reasonable means.

3. Section 101.13 is amended by redesignating paragraphs (q)(5) (i) through (iii) as paragraphs (q)(5) (iii) through (v), by revising the introductory text of paragraph (q)(5), and adding new paragraphs (q)(5) (i) and (ii) to read as follows:

§ 101.13 Nutrition content claims—general principles.

* * * * *

(q) * * *

(5) a nutrient content claim used on food that is served in restaurants or other establishments in which food is served for immediate human consumption or which is sold for sale or use in such establishments shall comply with the requirements of this section and the appropriate definition in subpart D of this part, by May 8, 1994, except:

(i) For menus for which the requirements of paragraph (q)(5) of this section will be effective [12 months after date of publication of the final rule in the **Federal Register**]; and

(ii) For restaurant firms consisting of 10 or fewer individual restaurant establishments, for which the requirements of paragraph (q)(5) of this section will be effective [12 months after date of publication of the final rule in the **Federal Register**; and

* * * * *

4. Section 101.14 is amended by revising paragraphs (d)(2)(vii)(B) and (d)(3) to read as follows:

§ 101.14 Health claims; general

* * * * *

(d) * * *

(2) * * *

(vii) * * *

(B) Where the food that bears the claim is sold in a restaurant or in other establishments in which the food that is ready for human consumption is sold, the food can meet the requirements of paragraphs (d)(2)(vi) or (d)(2)(vii) of this section if the firm that sells the food has a reasonable basis on which to believe that the food that bears the claims meets the requirements of paragraphs (d)(2)(vi) or (d)(2)(vii) of this section and provides that basis upon request. The

requirements of this paragraph are effective May 8, 1993, except:

(1) For menus for which the requirements of paragraph (d)(2)(vii)(B) of this section will be effective [4 months after date of publication of the final rule in the **Federal Register**]; and

(2) For restaurant firms consisting of 10 or fewer individual restaurant establishments, for which the requirements of paragraph (d)(2)(vii)(B) of this section will be effective [4 months after date of publication of the final rule in the **Federal Register**].

(3) Nutrition labeling shall be provided in the label or labeling of any food for which a health claim is made in accordance with § 101.9 or for restaurant foods, in accordance with § 101.10. The requirements of this paragraph are effective as of May 8, 1993, except:

(i) For menus for which the requirements of paragraph (d)(3) of this section will be effective [4 months after date of publication of the final rule in the **Federal Register**; and

(ii) for restaurant firms consisting of 10 or fewer individual restaurant establishments, for which the requirements of paragraph (d)(3) of this section will be effective [4 months after date of publication of the final rule in the **Federal Register**].

* * * * *

David A. Kessler,

Commissioner of Food and Drugs.

Dated: May 27, 1993.

Donna E. Shalala,

Secretary of Health and Human Services.

[FR Doc. 93–13970 Filed 6–10–93; 9:56 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL–0041–92]

RIN 1545–AQ81

Special Rules for Determining Source of Scholarships and Fellowship Grants

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed Income Tax Regulations that provide necessary guidance for determining the source of scholarships and fellowship grants under section 863(a). The proposed regulations will affect both individuals and withholding agents.

DATES: Written comments and requests for a public hearing must be received by August 16, 1993.

ADDRESSES: Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attention: CC:CORP:T:R (INTL–0041–92), room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Carol P. Tello of the Office of Associate Chief Counsel (International), Internal Revenue Service, (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed Income Tax Regulations (26 CFR part 1) under section 863 of the Internal Revenue Code (Code).

Explanation of provisions

Under section 863(a), the Secretary is authorized to provide regulations regarding the source of items of gross income other than items specified in sections 861(a) and 862(a). No rules for determining the source of scholarships or fellowship grants as defined in § 1.117–3 are provided by sections 861(a) and 862(a).

In Revenue Ruling 89–67, 1989–20 I.R.B. 4, the Service stated its position that scholarships and fellowship grants are sourced by reference to the residence of the grantor. The revenue ruling, however, did not consider all cases that may arise. These proposed regulations adopt the position contained in Revenue Ruling 89–67 and provide a special rule for nonresident aliens who receive scholarships or fellowship grants as defined under § 1.117–3 from U.S. grantors in respect of study or research activities to be conducted outside the United States. Under such circumstances, the scholarship or fellowship grant is treated as income from sources outside the United States.

The revenue ruling holds that the source is determined by the residence of the payor, adding that an actual payment made by a genuine agent of the payor does not alter the source. The regulations provide the same rule by looking to the status (*i.e.*, whether the person is a U.S. person or a foreign person) of the person making the award.

Proposed Effective Date

These regulations are proposed to be effective for payments made after December 31, 1986. However, the residence of the payor rule (contained in § 1.863–1(d)(1) of the proposed regulations) without application of the special rule (contained in § 1.863–1(d)(2) of the proposed regulations) may be applied to payments made after May 14, 1989, and before June 16, 1993.

Comments and Request for a Public Hearing

Before adoption of these proposed regulations, consideration will be given to any written comments that are submitted timely (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be held upon written request by any person who submits timely written comments on the proposed rules. If a hearing is scheduled, notice of the time, place and date for the hearing will be published in the **Federal Register**.

Special Analyses

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

Drafting Information

The principal author of these regulations is Carol P. Tello of the Office of Associate Chief Counsel (International), Internal Revenue Service. However, other personnel from offices of the Internal Revenue Service and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority citation for part 1 is amended by adding a citation in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.863–1 also issued under 26 U.S.C. 863(a). * * *

Par. 2. Paragraph (d) is added to § 1.863–1 to read as follows:

§ 1.863–1 Allocation of gross income under section 863(a).

* * * * *

(d) *Scholarships and fellowship grants*—(1) *In general.* Except as provided in paragraph (d)(2) of this section, scholarships and fellowship grants as defined under § 1.117–3 awarded after December 31, 1986, by a U.S. citizen or resident, a domestic corporation, the United States (or an instrumentality or agency thereof), a State (or any political subdivision thereof), or the District of Columbia shall be treated as income from sources within the United States. Conversely, scholarships and fellowship grants awarded by a nonresident alien, a foreign corporation, a foreign government (or an instrumentality, agency, or any political subdivision thereof), or an international agency shall be treated as income from sources without the United States.

(2) *Study or research outside the United States by a nonresident alien.* If a scholarship or fellowship grant as defined under § 1.117–3 is received by a nonresident alien in respect of study or research activities to be conducted outside the United States, the scholarship or fellowship grant shall be treated as income from sources without the United States.

(3) *Effective date.* This paragraph (d) is effective for payments made after December 31, 1986. However, the residence of the payor rule of paragraph (d)(1) of this section, without application of the special rule of paragraph (d)(2) of this section may be applied to payments made after May 14, 1989, and before June 16, 1993.

Teddy R. Kern,

Acting Commissioner of Internal Revenue.

[FR Doc. 93–13967 Filed 6–14–93; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL–4665–7]

Public Meeting To Discuss Organization of Small Nonroad Engine Regulatory Negotiation Process

AGENCY: Environmental Protection Agency.

ACTION: Public meeting.

SUMMARY: The Environmental Protection Agency (EPA) will hold a public meeting June 30 and July 1, 1993 concerning the organization of a committee and use of a regulatory negotiation process to develop data and regulations for the control of emissions from small nonroad engines under the Clean Air Act Amendments. The meeting is open to the public without advance registration.

The meeting will begin with a orientation session on the negotiation process and negotiation skills for potential negotiation participants. This session is scheduled to run from 10 a.m. to 2 p.m. on June 30. The agenda for the remainder of the meeting will include reporting on the development of data to date and related regulation, and discussions of membership in the regulatory negotiation process, organizational protocols for the small nonroad engine regulatory negotiation committee, and a schedule for regulation development and future meetings of the regulatory negotiation committee.

DATES: The meeting will be held on June 30, 1993 from 10 a.m. to 5 p.m. and on July 1, 1993 from 8:30 a.m. to 3 p.m.

ADDRESSES: The location of the meeting will be the Sheraton Inn, 3200 Boardwalk, Ann Arbor, Michigan 48108.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the technical and substantive issues related to the potential negotiated rule should contact Betsy McCabe, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105; phone (313) 668–4344. Persons needing further information on procedural matters should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, Washington, DC 20460, (202) 260–5495.

Dated: June 9, 1993.

Deborah S. Dalton,

Deputy Director, EPA Consensus and Dispute Resolution Program, Office of Regulatory Management and Evaluation.

[FR Doc. 93–14052 Filed 6–14–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 93–124; FCC 93–203]

Treatment of Operator Services Under Price Cap Regulation

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Under its notice, the Commission proposed to amend its price cap regulations by establishing a new service category in the basket for traffic sensitive switched interstate access elements (Traffic Sensitive Basket) to include the rates set by local exchange carriers (LECs) for their operator services. The Commission tentatively concluded that creation of this separate category is necessary to ensure that price cap LECs do not have unlimited ability to change rates for these services in relation to their rates for other services. Accordingly, the Commission sought comment on its proposals and invited parties to submit alternative proposals.

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

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

FOR FURTHER INFORMATION CONTACT: Allen A. Barna, Common Carrier Bureau, (202) 632–6917.

SUPPLEMENTARY INFORMATION:

Background

This is a summary of the Commission's Notice of Proposed Rulemaking (Notice) in CC Docket No. 93–124, adopted April 23, 1993 and released May 26, 1993, FCC 93–203. The full text is available for inspection and copying during normal business hours in the FCC Dockets Branch, room 230, 1919 M Street NW., Washington, DC 20554. The Notice proposes the establishment of a new operator services category in the Traffic Sensitive Basket for local exchange carriers subject to price cap regulation.

Current Commission Rules require that costs associated with operator services be allocated to the interexchange category of part 69 but do not clearly provide for recovery of these costs. However, over the past few years, the Commission's Common Carrier Bureau (Bureau) has granted various waivers of part 69 to enable LECs to establish access elements to recover the costs of providing these services.

In an order addressing such a waiver petition, the Bureau required one LEC offering such services to create a separate access rate element for these operator services and to allocate all costs of these services to that element. Ameritech Operating Companies, Petition for Waiver of Section 69.4(b) of the Commission's Rules, 6 FCC Rcd 1541 (Com. Car. Bur. 1991) (*Ameritech Order*). Recognizing that other LECs would likely seek similar waivers, the *Ameritech Order* granted a blanket waiver of part 69 to enable other LECs meeting these conditions to recover the

costs of such services without individual waivers.

Under price cap regulation, operator services are considered to be "new" services at the time they are introduced. Although temporarily held outside price cap baskets and service categories, new services are eventually incorporated into a basket and category. As a general matter, the part 69 rules determine the basket and category classification but, as noted above, current part 69 rules do not describe an operator service element or elements. Several LECs have therefore established such elements pursuant to individual part 69 waivers or the *Ameritech Order*.

To clarify its proposed treatment of these operator services and seek comment on its proposal, the Commission adopted the Notice. These actions were taken pursuant to Sections 1, 4 (i) and (j), 201–205, 218, 220, and 403 of the Communications Act as amended, 47 U.S.C. 151, 154 (i) and (j), 201–205, 218, 220, and 403.

Summary of Notice of Proposed Rulemaking

1. In this Notice, the Commission proposes to amend part 61 of its Rules to establish a new operator services category in the Traffic Sensitive Basket for two types of LEC operator services: operator transfer and line status verification services. The Commission believes that placement of these services in a newly-created category within the Traffic Sensitive Basket is necessary to ensure that price cap LECs do not have unlimited ability to change prices for these services in relation to other traffic sensitive or interexchange rates.

2. The Commission also proposes to apply banding limitations on this new service category identical to those used for the other traffic sensitive categories, *e.g.*, plus or minus 5 percent per year adjusted for changes in the basket's price cap index. Use of a separate category, coupled with banding limitations, will ensure that operator services customers as a whole will not experience large price increases or decreases in a given year, while at the same time providing LECs with the flexibility they may need to adjust prices in an incremental manner. Accordingly, the Commission seeks comment on this proposal, and invites parties to submit alternative proposals.

Initial Regulatory Flexibility Analysis

3. Because of the nature of local exchange and access service,, the Commission concluded that small telephone companies are dominant in their fields of operation and therefore are not small entities as defined by the Regulatory Flexibility Act. See MTS and WATS Market Structure, 93 FCC 2d 241, 338–39 (1983). Thus, the Commission is not required by the terms of that Act to apply the formal procedures set forth therein. The Commission is nevertheless committed to reducing the regulatory burdens on small telephone companies whenever possible consistent with its other public interest responsibilities. Accordingly, the Commission will, on an informal basis as appropriate, analyze the effect of these proposed regulations on small telephone companies.

Ex Parte Analysis

4. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See *generally*, 47 CFR 1.1202, 1.1203, and 1.1206(a).

Ordering Clauses

5. Accordingly, *it is ordered* that notice is hereby given of the proposed changes in the basket established under price cap regulation for traffic sensitive switched interstate access services. Comment is invited on these proposals.

6. Accordingly, *it is further ordered* that, pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, parties wishing to file comments must file them with the Secretary, Federal Communications Commission, Washington, DC 20554 on or before July 6, 1993. Persons wishing to file reply comments must do so on or before July 21, 1993. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting documents. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. In addition, parties must file two copies of any such pleadings with the Tariff Division, Common Carrier Bureau, room 518, 1919 M Street, NW., Washington, DC 20554. Parties must also file one copy of any documents filed in this docket with International Transcription Service, the Commission's duplicating contractor, at its office in Suite 140, 2100 M Street, NW., Washington, DC 20037.

List of Subjects in 47 CFR Part 61

Communications common carriers, Price cap regulation, Price cap tariff filing and review procedures, Telephone.

Federal Communications Commission.

Donna Searcy,

Secretary.

[FR Doc. 93–13962 Filed 6–14–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 90

[PR Docket 93–144; FCC 93–257]

Private Land Mobile Radio Services; 800 MHz Wide Area Operations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making soliciting comment on proposals to amend its Rules to facilitate the aggregation of substantial numbers of 800 MHz Specialized Mobile Radio channels at base station sites within defined geographic areas. The proposed rules will promote development of more efficient systems of communication and offer a diverse array of mobile communications services to greater numbers of customers.

DATES: Comments must be filed on or before July 19, 1993 and reply comments must be filed on or before August 5, 1993.

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

FOR FURTHER INFORMATION CONTACT: Julia Kogan, Steve Sharkey, Rosalind Allen or Martin Liebman, Private Radio Bureau, (202) 632–7125 or (202) 634–2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, FCC 93–257, adopted May 13, 1993 and released June 9, 1993. The full text is available for inspection and copying during normal business hours in the FCC Dockets Branch, room 230, 1919 M Street NW, Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street, NW, suite 140, Washington, DC 20037, telephone (202) 857–3800. The following collection of information contained in these proposed rules has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Copies of the submission may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, telephone (202) 857–3800. Persons wishing to comment on this collection should direct their comments to Jonas Niehardt, (202) 395–4814,

Office of Management and Budget, room 3235 NEOB, Washington, DC 20503. A copy of any comments filed with the Office of Management and Budget also should be sent to the Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project, Washington, DC 20554. For further information contact Judy Boley, Information Resources Branch, Office of Managing Director, Federal Communications Commission, (202) 632–7513.

OMB Number: None.

Title: Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band.

Action: New collection.

Respondents: Individuals or households, state or local governments, businesses or other for-profit entities, and small businesses or organizations.

Estimated Annual Burden: It is estimated that there will be approximately 1410 applicants for Expanded Mobile Service Provider (EMSP) licenses, and that most will file applications within the first two years of EMSP licensing, and that it will take 70 minutes to prepare information related to the initial EMSP license, which equals a one-time burden of 1645 total burden hours in the first two years for information to be filed as part of the original application and its accompanying supplements. We also estimate that there will be approximately 1175 eventual EMSP licensees, and that they will request, on average, licensing of 8 base station sites per year during the five years after the grant of an EMSP license, and that the information collection burden will be approximately 20 minutes per application for permission to operate at each base station site, totaling 3133⅓ hours per year for the five years after the first EMSP licenses are granted. In addition, EMSP licensees must demonstrate within five years after the license grant that they have constructed their EMSP base stations so as to cover 80 percent of the geographic area or 80 percent of the population in the BTA or MTA. We estimate that this collection will maintain or decrease existing information collection burdens, because these licensees will demonstrate coverage instead of making traditional, more burdensome demonstrations of spectrum usage by reference to system loading.

Estimated Frequency of Response: On occasion.

Needs and Uses: This information collection would be used to determine whether the requested channels should be licensed to EMSP licensees at the requested sites, to enforce EMSP licensee compliance with our co-channel separation rules, and to maintain an accurate database to resolve licensing and interference protection issues.

Summary of Notice of Proposed Rule Making

1. The Commission initiates this proceeding to examine approaches to assigning 800 MHz Specialized Mobile Radio (SMR) spectrum for use throughout wide service areas. In particular, the Commission proposes to establish an "Expanded Mobile Service Provider" (EMSP) licensing method, and grant 800 MHz SMR wide-area licenses that would permit channels to be aggregated for operation of wide-area systems throughout each of the 47 Rand-McNally Major Trading Areas (MTAs), or, in the alternative, each of the 487 Rand-McNally Basic Trading Areas (BTAs). The Commission proposes to initially restrict eligibility for EMSP licenses to those entities who were licensees of existing 800 MHz SMR systems within the MTA or BTA on or before May 13, 1993, and seek to reuse throughout that area the SMR channels operating on stations that they have constructed and placed in operation as of the date that they apply for the EMSP license. The Commission would dispose of applications requesting licensing on the same channels within a MTA or BTA by (a) providing applicants within each area with a 60-day opportunity to resolve the conflict, and if they are unable to do so, by (b) rank-ordering all applications within the area by lottery and granting applications accordingly. Alternatively, if the Commission receives legislative authority, it would use competitive bidding procedures to select among mutually exclusive applicants.

2. After conducting the first round of EMSP licensing, the Commission would, under certain conditions, grant, on a first-come, first-served basis, EMSP licenses for an additional 42 channels. An EMSP licensee could reuse any SMR Category channels covered by the EMSP license throughout the MTA or BTA without regard to current restrictions on applying for more than five channels at a time or establishing minimum loading. The EMSP licensee would be required, however, to construct and operate a system that covers at least 80 percent of the population or 80 percent of the geographic area in its BTA/MTA. In addition, EMSP licensees would be required to certify that they will protect existing co-channel licensees and previously filed co-channel applications from harmful interference. Furthermore, an EMSP licensee would be required to construct and begin operating its system within five years of the date the license is granted.

3. The Commission proposes to permit an EMSP licensee to modify its system license by obtaining conditional authority to operate its individual base stations within the MTA or BTA upon completing a "self-coordination" procedure. In addition, under the proposed rules, any EMSP licensee that had not constructed and placed in operation sufficient 800 MHz SMR channels to meet the EMSP coverage standard prior to applying for an EMSP license would be required to post a performance bond or place funds in escrow to be withdrawn as needed for construction of the remaining facilities as a condition of receiving five years to implement its wide-area system. EMSP licensees would be prohibited from assigning or transferring their licenses or applying for additional wide-area channels until they satisfied the Commission's requirements for constructing and operating their EMSP channels, although they could lease system capacity in the interim.

4. The Commission proposes to cancel the license of any EMSP licensee that fails to comply with any of the proposed conditions of the license. Upon cancellation, the EMSP licensee would retain an individual SMR license for each base station within the MTA or BTA that was constructed and placed in operation.

Initial Regulatory Flexibility Analysis

5. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis of the expected impact on small entities of the proposals contained in the notice.

A. Reason for Action

6. This rule making proceeding is initiated to obtain comment regarding whether marketplace developments should lead the Commission to change part 90 of its Rules. The part 90 changes proposed herein would respond to those developments by enhancing use of the 806–824 MHz and 851–869 MHz bands for Specialized Mobile Radio (SMR) systems.

B. Objectives

7. The Commission seeks to permit development of spectrally efficient wide-area SMR systems while continuing to allow entities that do not evolve into wide-area systems to acquire spectrum and remain viable. It also seeks to encourage more efficient use of spectrum in congested areas and to

accommodate technologically advanced systems supporting enhanced services such as seamless wide-area roaming and clear data transmission.

C. Legal Basis

8. The legal basis for these rule changes is found in sections 4(i), 302, 303(g), 303(r), and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302, 303(g), 303(r), and 332(a).

D. Reporting, Recordkeeping, and Other Compliance Requirements

9. Applicants for Expanded Mobile Service Provider (EMSP) licenses must electronically file their EMSP license applications, and subsequent EMSP licensees must electronically file their applications for conditional authorizations for individual base station sites, using a particular computer-readable format, provided that the Commission has the capacity to accept information in such a format. The EMSP license applications must include the names of participants in the application; information regarding channels sought to be incorporated into the EMSP license; certification that the applicant will protect co-channel licensees and pending applications for co-channel facilities in the MTA/BTA from harmful interference; a construction schedule and cost estimates. EMSP licensees applying for conditional authorizations must include in each license modification application a list of all co-channel stations and previously filed co-channel applications in the area, including call signs and coordinates, and the stations' effective radiated power and antenna heights if co-channel spacing requirements are not met. In addition, EMSPs that do not have constructed and operational base stations in the relevant BTA/MTA must place into escrow sums equal to their reasonable estimates of costs of constructing their proposed EMSP systems, or obtain a performance bond in that amount. These licensees must demonstrate within five years after the license grant that they have constructed their EMSP channels so as to cover 80 percent of the geographic area or 80 percent of the population in the BTA/MTA, or any funds remaining in escrow that were not used for construction, or the amount of the performance bond, will be paid over to the U.S. Treasury.

E. Federal Rules Which Overlap, Duplicate or Conflict With These Rules

10. None.

F. Description, Potential Impact, and Number of Small Entities Involved

11. Many small entities, including SMR licensees, could be positively affected by this proposal because additional SMR service offerings and authorized service areas would be made available to them. The number of small entities that will be affected is unknown. In addition, expanded service opportunities will generate demand for new SMR equipment, benefiting equipment manufacturers. After evaluating comments in this proceeding, the Commission will further examine the impact of any rule changes on small entities and set forth our findings in the Final Regulatory Flexibility Analysis.

G. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With the Stated Objectives

12. This Notice solicits comment on a variety of alternatives. All significant alternatives presented in response to the petitions for rule making have been addressed in this Notice of Proposed Rule Making.

List of Subjects in 47 CFR Part 90

Radio, Private and mobile radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–13961 Filed 6–14–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS–118; Notice 3]

RIN 2137–AB97

Excess Flow Valve Installation on Service Lines

AGENCY: Research and Special Programs Administration, (RSPA), DOT.

ACTION: Notice of meeting and extension of comment period.

SUMMARY: In a notice of proposed rulemaking (NPRM) (Notice 2), RSPA requested public comment concerning the proposed rules regarding excess flow valves (EFVs) (58 FR 21524; April 21, 1993). Certain parties have requested a conference with RSPA regarding the issues presented in the Notice. Accordingly, RSPA has determined that a public meeting is appropriate to receive additional comments for consideration in preparing the final rule.

DATES: The meeting will be held on June 18, 1993, from 9 a.m. until noon. The comment period for responding to the NPRM is extended to July 6, 1993 in order to allow those not attending the meeting to have access to the transcript of the meeting.

ADDRESSES: The meeting will be held in the Nassif Building, Rooms 9230 and 9232, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. The transcript of the meeting will be available for inspection and copying in Room 8421, Nassif Building, 400 Seventh Street SW., Washington, DC 20590 between the hours of 8:30 a.m. and 5 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Jack Willock, (202) 366–2392, regarding the subject matter of this notice, or the Dockets Unit, (202) 366–4453, regarding copies of this notice or other material in the docket that is referenced in this notice.

SUPPLEMENTARY INFORMATION: In the NPRM referenced above, RSPA discussed comments and data received in response to the Advance Notice of Proposed Rulemaking (ANPRM) (55 FR 52188; December 20, 1990) and proposed new pipeline safety rules requiring the installation of EFVs under certain conditions. Certain parties have stated a desire to confer with RSPA regarding the issues the NPRM presented. Accordingly, RSPA has determined that a public meeting is appropriate to receive additional comments for consideration in preparing the final rule. The purpose of the meeting is to receive information from commenters. Accordingly, RSPA officials will not answer questions, but will respond to appropriate comments in the final rule.

Anticipated topics to be discussed by commenters at the meeting include, but are not limited to the following:

1. RSPA's benefit-cost analysis.
2. Required use of non-bypass EFVs.
3. Requirement of operator standard testing.
4. Sizing of piping, fittings and other valves in EFV-equipped service lines.
5. Content of manufacturing specifications.
6. Number of EFVs in service.
7. EFV false closure data base.
8. RSPA interpretation of 10 psig rule applicability.
9. Function of EFVs under differing gas densities.

Interested persons are invited to attend the meeting and present oral or

written statements on the matters set for the meeting. Any person who wishes to make oral statements at the meeting should notify Rebecca Key (202–366–1640) before June 17, 1993, stating the topic and the time required for the initial statement.

Interested parties that are not scheduled to comment will have an opportunity to comment only after approval of the meeting officer.

(49 App. U.S.C. 1672 and 1804; 49 CFR 1.53)

Issued in Washington, DC, on June 10, 1993.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 93–14047 Filed 6–11–93; 1:19 pm]

BILLING CODE 4910–60–M

Notices

Federal Register
Vol. 58, No. 113
Tuesday, June 15, 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

Federal Grain Inspection Service

Request for Applications from Persons Interested in Designation to Provide Official Services in the Geographic Area Presently Assigned to the State of New York

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: In the April 29, 1993, **Federal Register** FGIS requested applications for designation for the geographic area currently assigned to the New York State Department of Agriculture and Markets (New York) to be received by May 31, 1993. Since no applications were timely received, FGIS is again asking persons, including New York, interested in providing official services in the geographic area assigned to New York to submit an application for designation. The United States Grain Standards Act, as amended (Act), provides that official agency designations shall end not later than triennially and may be renewed. The designation of New York will end October 31, 1993, according to the Act.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before July 15, 1993.

ADDRESSES: Applications must be submitted to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send their application to the automatic telecopier machine at 202–720–1015, attention: Homer E. Dunn. If an application is submitted by telecopier, FGIS reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Homer E. Dunn, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes FGIS' Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

In the April 29, 1993, **Federal Register** (58 FR 25965), FGIS asked persons interested in providing official services in the geographic area assigned to New York to submit an application for designation. Applications were due by May 31, 1993. Since no applications for the New York area were timely received, FGIS is again asking for applications from persons interested in providing official services in the geographic area assigned to New York to submit an application for designation. FGIS designated New York, main office located in Albany, New York, to provide official grain inspection services under the Act on November 1, 1990. Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designation New York ends on October 31, 1993.

The geographic area presently assigned to New York, pursuant to Section 7(f)(2) of the Act, which will be assigned to the applicant selected for designation, is the entire State of New York, except those export port locations within the State which are serviced by FGIS.

Interested persons, including New York, are hereby given the opportunity to apply for designation to provide official services in the geographic area specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning November 1, 1993, and ending October 31, 1996. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

AUTHORITY: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: June 9, 1993

Neil E. Porter

Director, Compliance Division

[FR Doc. 93–13947 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–EN–F

Forest Service

Southern Region; Exemption From Appeal of the Decision to Control Southern Pine Beetle Infestations in Turkey Hill Wilderness, Angelina National Forest, TX

AGENCY: Forest Service, USDA.

ACTION: Notice; exemption of decision from administrative appeal.

SUMMARY: Pursuant to 36 CFR 217.4(a)(11), the Acting Regional Forester for the Southern Region has determined that good cause exists and notice is hereby given to exempt from administrative appeal the decision to suppress southern pine beetle (SPB) infestations within Turkey Hill Wilderness, Angelina National Forest, Texas, during the current outbreak where they are threatening susceptible pine trees on adjacent private lands or potentially threatening a colony and foraging habitat of the red-cockaded woodpecker (RCW), a federally-listed endangered species.

EFFECTIVE DATE: June 15, 1993.

FOR FURTHER INFORMATION CONTACT: Wesley A. Nettleton, Group Leader, Entomology, Southern Region, Forest Service-USDA, 1720 Peachtree Road, NW., Atlanta, GA 30367 (404) 347–2961.

SUPPLEMENTARY INFORMATION: The Forest Stewardship Act of 1990 authorizes the protection of federally-owned forest lands from insects and diseases. The 1964 Wilderness Act in section 4(d)(1), states; "In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable." The 1973 Endangered Species Act requires that

the Forest Service must "seek to conserve endangered species." The USDI Fish and Wildlife Service (FWS) issued a biological opinion dated December 12, 1986, stating that failure to take action in wilderness to protect RCW colonies from SPB is likely to jeopardize the continued existence of the species. The Forest Service followed the advise of the FWS. A Record of Decision (ROD), for the Final Environmental Impact Statement for the Suppression of the Southern Pine Beetle (SPB–FEIS) was signed on April 6, 1987. The alternative selected in the ROD protects RCW colonies and adjacent private forested land by permitting suppression of SPB spots within wilderness. However, stringent criteria were set for determining the need for any control action. In wilderness, SPB spots will normally be allowed to run their natural course until an essential RCW colony or its foraging habitat or adjacent forested-private land is threatened. Before any control action is taken, a site-specific environmental analysis must be completed. It must indicate that the spot: (1) Occurs within ¼ mile of susceptible host type on private land, or (2) is predicted to threaten an essential RCW colony site within the next 30 days. The analysis must also show a reasonable expectation of meeting the control objectives. Affected and interested publics will be informed about potential control-related activities.

Presently, there are active SPB spots within Turkey Hill Wilderness, one of which is within ¼ mile of the wilderness boundary and poses an immediate threat to susceptible pine trees on adjacent private land. Due to this situation, within Turkey Hill Wilderness, an environmental analysis is currently underway on a proposed action to suppress the SPB infestations that are predicted to cross the wilderness boundary onto private lands who owners show evidence of actively managing their land to suppress SPB infestations, or are maintaining a high degree of forest health. The proposal also includes provisions to protect the essential RCW colony, #11–6, and its associated foraging habitat that is located approximately ⅛ mile outside the Turkey Hill Wilderness boundary. The analysis includes control methods identified in the selected alternative in the Record of Decision for SPB–FEIS, and it also analyzes the use of behavioral chemicals that have been proven effective in local experimental work by the Texas Forest Service. The environmental document being prepared will disclose the effects of the proposed action on the environment, document public involvement, and address the issues raised by the public. Given the existing rapid expansion of infestations, time for action is critical. Any additional delay could result in a loss to presently undamaged forest resources on adjacent private lands or a red-cockaded woopecker colony site.

Dated: June 8, 1993.

Robert J. Lentz,

Deputy Regional Forester.

[FR Doc. 93–14009 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Announcement of Applications Received Under the Distance Learning and Medical Link Grant Program

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of applications received.

SUMMARY: The Administrator of the Rural Electrification Administration (REA) is hereby announcing the applications received for the Distance Learning and Medical Link Grant Program.

FOR FURTHER INFORMATION CONTACT: Lawrence L. Bryant, Jr., Chief, Planning Branch, or Mark B. Wyatt, Chief, Finance Branch, Rural Development Assistance Staff, Rural Electrification Administration, telephone number (202) 720–1400.

SUPPLEMENTARY INFORMATION: REA is hereby publishing the names of the organizations which applied for grants under 7 CFR 1703 Subpart D, Distance Learning and Medical Link Grant Program, published as a final rule on February 26, 1993. This information is being published in accordance with § 1703.115, Public Notice of Applications Received. The Administrator will make the applications available for public inspection. The applicants are as follows:

Applicant	State	Dollar amount of application
KENAI PENINSULA BOROUGH SCHOOL DISTRICT	AK	499,890
YUKON-KUSKOKWINN HEALTH CORPORATION	AK	500,000
BLACKBELT TELECOMMUNICATIONS CONSORTIUM	AL	498,020
SOUTHWEST ALABAMA MENTAL HEALTH/MENTAL RETARDATION BOARD	AL	16,172
BAPTIST MEDICAL CENTER ARKADELPHIA	AR	49,780
PENNY ADAIR FERGUSON	AR	363,037
SILOAM SPRINGS MEMORIAL HOSPITAL	AR	71,200
SLOAN-HENDRIX SCHOOL DISTRICT NO. 45	AR	22,287
UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES	AR	497,280
AK-CHIN INDIAN COMMUNITY	AZ	93,000
CENTRAL ARIZONA COLLEGE	AZ	250,000
CENTRAL ARIZONA MEDICAL CENTER	AZ	131,900
COCHISE COLLEGE	AZ	240,200
EDUCATIONAL ENHANCEMENT FOUNDATION	CA	394,450
GENERAL HOSPITAL	CA	41,200
THE KLAMATH-TRINITY JOINT UNIFIED SCHOOL DISTRICT	CA	272,350
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA	CA	586,106
EAST CENTRAL BOARD OF COOP. EDUCATIONAL SERVICES	CO	291,301
DESOTO MEMORIAL HOSPITAL, INC.	FL	112,200
HEALTHMARK OF WALTON, INC.	FL	171,320
PANHANDLE AREA EDUCATIONAL COOPERATIVE	FL	374,424
SOUTH FLORIDA COMMUNITY COLLEGE	FL	540,221
WALKER MEMORIAL MEDICAL CENTER	FL	110,872
HOSPITAL AUTHORITY OF DOOLY COUNTY	GA	39,400

Applicant	State	Dollar amount of application
KOHALA HIGH & ELEMENTARY SCHOOL	HI	100,000
BUENA VISTA COLLEGE	IA	499,442
CENTRAL COMMUNITY HOSPITAL	IA	16,000
EASTERN IOWA COMMUNITY COLLEGE DISTRICT	IA	161,758
GREENE COUNTY MEDICAL CENTER	IA	55,303
HLV COMMUNITY SCHOOL DISTRICT	IA	236,000
KIRKWOOD COMMUNITY COLLEGE	IA	382,758
MERCY FOUNDATION	IA	500,000
NORTHWEST IOWA COMMUNITY COLLEGE	IA	216,337
VAN BUREN COUNTY HOSPITAL	IA	267,880
WINNESHIEK COUNTY MEMORIAL HOSPITAL	IA	11,600
COLLEGE OF SOUTHERN IDAHO	ID	500,000
NORTH IDAHO RURAL HEALTH CONSORTIUM	ID	496,215
SOUTHEAST IDAHO COUNCIL OF GOVERNMENT	ID	500,000
DANVILLE AREA COMMUNITY COLLEGE	IL	370,406
ILLINI HOSPITAL FOUNDATION	IL	63,825
ILLINOIS VALLEY COMMUNITY COLLEGE	IL	384,162
JANE RENEAU (MONROE GRADE SCHOOL)	IL	50,000
LAKE LAND COMMUNITY COLLEGE DISTRICT #517	IL	374,900
MERCER COUNTY HOSPITAL	IL	97,505
NORTH CENTRAL REGIONAL EDUCATIONAL LABORATORY	IL	334,510
SHAWNEE COMMUNITY COLLEGE	IL	500,000
METHODIST HOSPITAL OF INDIANA	IN	183,000
MIDWEST CENTER FOR RURAL HEALTH, DIVISION OF HOSPITAL	IN	38,690
ASBURY-SOLINA REGION MEDICAL CENTER	KS	72,640
COMMUNITY HOSPITAL, ONAGA, INC.	KS	498,800
ELLINWOOD DISTRICT HOSPITAL	KS	79,600
PRATT HEALTH CARE SERVICES FOUNDATION	KS	238,775
UNIFIED SCHOOL DISTRICT #502	KS	24,651
UNIVERSITY OF KANSAS MEDICAL CENTER	KS	500,000
WEST SOLOMON VALLEY SCHOOL DISTRICT #213	KS	436,025
CLINTON COUNTY SCHOOL DISTRICT	KY	500,000
FLOYD COUNTY BOARD OF EDUCATION	KY	256,610
GRAYSON COUNTY HOSPITAL FOUNDATION, INC.	KY	78,798
MURRAY STATE UNIVERSITY	KY	418,912
SOMERSET COMMUNITY COLLEGE	KY	399,998
ST. CATHERINE COLLEGE	KY	294,835
UNIVERSITY OF KENTUCKY RESEARCH FOUNDATION	KY	500,000
UNIVERSITY OF KENTUCKY, PRESTONBURG COLLEGE	KY	300,344
GRAMBLING STATE UNIVERSITY	LA	359,315
LAFAYETTE GENERAL HOSPITAL	LA	289,190
NORTHWESTERN STATE UNIVERSITY OF LOUISIANA	LA	499,900
REGIONAL EDUCATION SERVICE AGENCY OF APPALACHIAN	MD	482,208
MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 3	ME	345,200
PENOBSCOT BAY MEDICAL CENTER	ME	500,000
CHEBOYGAN-OTSEGO-PRESQUE ISLE INTERMEDIATE	MI	379,500
CLARE-GLADWIN INTERMEDIATE SCHOOL DISTRICT	MI	288,880
GLADWIN HOSPITAL, INC. DBA MID MICHIGAN REGIONAL MEDICAL CENTER-GLADWIN.	MI	29,980
UPPER GREAT LAKES TECHNOLOGIES EDUCATIONAL, INC.	MI	373,894
CLEARWATER COUNTY MEMORIAL HOSPITAL	MN	149,360
DISTRICT #880 HOWARD LAKE/WAVERLY	MN	173,647
DOUGLAS COUNTY HOSPITAL	MN	68,248
EAST CENTRAL MINNESOTA EDUCATIONAL CABLE CONSORTIUM	MN	488,209
INDEPENDENT SCHOOL DISTRICT #262	MN	221,476
MILLE LACS HOSPITAL & HOME	MN	27,917
MILLER-DWAN MEDICAL CENTER	MN	4,997
MINNESOTA TELE-MEDIA	MN	424,820
NORTHEASTERN EDUCATION DISTRICT #6033	MN	500,000
REGENTS OF THE UNIVERSITY OF MINNESOTA	MN	289,100
SOUTHWEST MINNESOTA TELECOMMUNICATIONS	MN	424,200
UNIVERSITY OF MINNESOTA	MN	586,000
CITIZENS MEMORIAL HOSPITAL DISTRICT	MO	180,000
KEMPER COUNTY SCHOOL DISTRICT	MS	43,700
MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION	MS	484,929
MISSISSIPPI COMMUNITY COLLEGE FOUNDATION	MS	500,000
UNIVERSITY OF MISSISSIPPI	MS	500,000
CHOTEAU ELEMENTARY SCHOOL	MT	54,387
DEACONESS MEDICAL CENTER	MT	482,910
MILES COMMUNITY COLLEGE	MT	98,585
MONTANA DEACONESS MEDICAL CENTER	MT	312,200
RICHEY SCHOOL DISTRICT	MT	168,000

Applicant	State	Dollar amount of application
SCOBEY PUBLIC SCHOOLS	MT	515,500
EAST CAROLINA UNIVERSITY	NC	416,485
MOUNTAIN AREA HEALTH EDUCATION CENTER	NC	395,000
PPCC DISTRICT HEALTH DEPARTMENT	NC	120,000
UNIVERSITY OF NORTH CAROLINA AT GREENSBORO UNCG	NC	173,600
UNIVERSITY OF NC AT WILMINGTON; DIVISION FOR PUBLIC SERVICE	NC	484,452
CENTRAL DAKOTA TELECOMMUNICATIONS CONSORTIUMS	ND	493,750
COMMUNITY MEMORIAL HOSPITAL & NURSING HOME	ND	41,000
MISSOURI HILLS INTERACTIVE CONSORTIUM	ND	663,185
NEW DIMENSIONS INFORMATION AUTHORITY	ND	107,472
NORTHERN RED RIVER INTERACTIVE TELEVISION COOP.	ND	212,800
ST. ANSGAR'S HOSPITAL	ND	24,500
ST. LUKES ASSOCIATION	ND	53,445
UNIVERSITY OF NORTH DAKOTA	ND	497,186
UNIVERSITY OF NORTH DAKOTA	ND	21,073
HIGH PLAINS COMMUNITY CENTER	NE	100,000
RURAL DEVELOPMENT COMMISSION	NE	500,000
SCHOOL DISTRICT 90	NE	120,304
SCHOOL ADMINISTRATIVE UNIT #19	NH	499,716
HEALTH CENTERS OF NORTHERN NEW MEXICO	NM	481,408
NEVADA DEPARTMENT OF PRISONS	NV	58,320
UNIVERSITY & COMMUNITY COLLEGE SYSTEM OF NEVADA	NV	490,000
CLIFTON-FINE HOSPITAL	NY	39,008
DELAWARE-CHENANGO-MADISON-OTSEGO BOCES	NY	499,000
ORANGE-ULSTER BOCES	NY	114,000
THE MARY IMOGENE BASSETT HOSPITAL	NY	494,755
WESTERN NEW YORK RURAL HEALTHCARE, ASSOCIATION	NY	500,000
ELMWOOD LOCAL SCHOOL DISTRICT	OH	497,169
VANTAGE VOCATIONAL SCHOOL DISTRICT	OH	229,400
CADDO-KIOWA AREA VOCATIONAL-TECHNICAL CENTER	OK	500,000
JACKSON COUNTY MEMORIAL HOSPITAL	OK	500,000
LINDSAY PUBLIC SCHOOLS	OK	500,000
MCCURTAIN COUNTY HIGHER EDUCATION PROGRAM	OK	305,437
NORTH CADDO SCHOOLS, INC.	OK	203,238
NORTHEASTERN OK EDUCATIONAL INTERACTIVE VIDEO NETWORK	OK	389,500
NORTHWEST OKLAHOMA TECHNOLOGY CONSORTIUM, INC.	OK	477,700
REDLANDS COMMUNITY COLLEGE	OK	483,930
ROGERS STATE COLLEGE	OK	500,000
RURAL EDUCATIONAL LINK CONSORTIUM	OK	320,000
STILLWATER MEDICAL CENTER	OK	253,880
TRI-DISTRICT FIRE DEPTARTMENT	OK	27,126
VHA OF OKLAHOMA, INC.	OK	500,000
GLENDALE SCHOOL DISTRICT #77	OR	120,800
GRANDE RONDE HOSPITAL	OR	163,275
LANE COUNCIL OF GOVERNMENTS	OR	500,000
NEWBERG COMMUNITY HOSPITAL	OR	92,500
OREGON STATE SYSTEM OF HIGHER EDUCATION	OR	224,160
HUNTINGDON AREA SCHOOL DISTRICT	PA	499,998
LANCASTER GENERAL HOSPITAL	PA	32,135
LINCOLN INTERMEDIATE UNIT NO. 12	PA	500,000
TOWANDA AREA SCHOOL DISTRICT	PA	493,595
UNIVERSITY OF PITTSBURGH	PA	500,000
LOW COUNTRY GENERAL HOSPITAL	SC	25,000
ARTISEAN/LETCHER SCHOOL DISTRICT 55–5	SD	500,000
ELM VALLEY SCHOOL DISTRICT	SD	500,000
HEALTH EDUCATION DEVELOPMENT SYSTEMS, INC.	SD	497,844
MISSOURI VALLEY HEALTH NETWORK	SD	500,000
SOUTH DAKOTA BOARD OF REGENTS	SD	303,944
UNIVERSITY OF SOUTH DAKOTA	SD	343,185
EXCELLENCE IN COMMUNITY EDUCATION & ECONOMIC DEVELOPMENT	TN	500,000
MONROE COUNTY SCHOOLS	TN	486,215
SAVANNAH AREA VOCATIONAL-TECHNICAL SCHOOL	TN	60,520
UPPER EAST TENNESSEE EDUCATIONAL COOPERATIVE	TN	473,781
JACKSON COUNTY HOSPITAL DISTRICT	TX	39,400
LOHN INDEPENDENT SCHOOL DISTRICT	TX	481,568
MT. VERNON PUBLIC SCHOOLS	TX	499,900
PARIS JUNIOR COLLEGE	TX	493,502
SAN ISIDRO INDEPENDENT SCHOOL DISTRICT	TX	499,200
STAR SCHOOL INDEPENDENT DISTRICT	TX	481,586
STEPHEN F. AUSTIN STATE UNIVERSITY	TX	456,400
TEXAS TECH UNIVERSITY HEALTH SCIENCE CENTER	TX	91,404
TEXAS UNIVERSITY HEALTH SCIENCES CENTER	TX	500,000

Applicant	State	Dollar amount of application
F. LYNN BILLS	UT	493,389
MILLARD SCHOOL DISTRICT	UT	500,000
BOTETOURT COUNTY SCHOOL BOARD	VA	146,294
CAMPBELL COUNTY SCHOOLS	VA	499,644
OLD DOMINION UNIVERSITY	VA	797,624
SHENANDOAH COUNTY PUBLIC SCHOOLS	VA	73,680
CLE-ELUM ROSLYN SCHOOL DISTRICT	WA	330,094
ECONOMIC DEVELOPMENT COUNCIL OF JEFFERSON COUNTY	WA	39,030
LINCOLN HOSPITAL DISTRICT 3	WA	500,000
NORTHERN WISCONSIN EDUCATIONAL COMMUNICATION SYSTEMS	WI	1,000,000
SAUK PRAIRIE MEMORIAL HOSPITAL	WI	69,775
WEST WING (BALDWIN-WOODVILLE SCHOOL DISTRICT)	WI	500,000
CARBON COUNTY SCHOOL DISTRICT #1	WY	460,186
TRI-VALLEY CONSORTIUM C/O ST. JOHN'S HOSPITAL	WY	89,304
Total Dollar Amount of Applications		$56,999,912

Note: Total Number of Applicants—181

Authority: 7 U.S.C. 901 *et seq.* and 950aaa *et seq.*

Dated: June 9, 1993.

James B. Huff, Sr.,

Administrator.

[FR Doc 93–14041 Filed 6–14–93; 8:45 am]

BILLING CODE 3410–15–F

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Annual Survey of State and Local Government Finance.

Form Number(s): F–11, F–12, F–13, F–21, F–22, F–25, F–28, F–29, F–32, F–42.

Agency Approval Number: 0607–0585.

Type of Request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Burden: 22,678 hours.

Number of Respondents: 7,419.

Avg Hours Per Response: 3 hours.

Needs and Uses: This annual survey collects data in non–census years on the revenues, expenditures, indebtedness, and assets of states, counties, cities, and other governmental units. The Census Bureau incorporates data collected in this survey into its governmental finance program, a program in which the Census Bureau disseminates comprehensive and comparable governmental finance statistics. The Bureau of Economic Analysis uses data gathered in this survey as input into its calculation of Gross Domestic Product. The public and private sectors use these statistics widely to follow the size and trends of the government sector of the economy.

Affected Public: State or local governments.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: June 8, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–14086 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1993 Company Organization Survey.

Form Number(s): NC–9901, NC–9907.

Agency Approval Number: 0607–0444.

Type of Request: Reinstatement of a previously approved collection for which approval has expired .

Burden: 146,246 hours.

Number of Respondents: 65,000.

Avg Hours Per Response: 2 hours and 15 minutes.

Needs and Uses: The Census Bureau conducts the Company Organization Survey (COS) annually to update and maintain the Standard Statistical Establishment List (SSEL). The SSEL is a computerized list of employers and their establishments with one or more employees and contains such information as name, address, physical location, Standard Industrial Classification (SIC) code, employment size code, and company affiliation. It provides a single universe for the selection and maintenance of statistical samples of establishments, legal entities, or enterprises; provides a standard basis for assigning SIC codes; and provides establishment level data from multi–establishment companies that are summarized and published in the annual County Business Patterns series of reports. The updated SSEL provides a current directory of business locations for use in current economic surveys and economic censuses.

Affected Public: Businesses or other for–profit organizations, Small Businesses or organizations, Non–profit institutions.

Frequency: Annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room

5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: June 8, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–14087 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Census Employment Inquiry.

Form Number(s): BC–170.

Agency Approval Number: 0607–0139.

Type of Request: Revision of a currently approved collection.

Burden: 5,000 hours.

Number of Respondents: 20,000.

Avg Hours Per Response: 15 minutes.

Needs and Uses: The Census Bureau uses the Census Employment Inquiry to obtain employment information from job applicants before or at the time they are tested. The data gathered are used by selecting officials to determine an applicant's initial qualifications to fill Census jobs.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Required to obtian or retain a benefit.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: June 8, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–14085 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Applicant Background Questionnaire.

Form Number(s): BC–1431.

Agency Approval Number: 0607–0494.

Type of Request: Revision of a currently approved collection.

Burden: 625 hours.

Number of Respondents: 15,000.

Avg Hours Per Response: 2 and one–half minutes.

Needs and Uses: The Census Bureau uses the Applicant Background Questionnaire to obtain minority and handicap information from applicants for Schedule A non–competitive positions. The data collected are analyzed to evaluate and improve the Bureau's affirmative action activities.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: June 8, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–14088 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–07–F

International Trade Administration

[A–201–802]

Gray Portland Cement and Clinker From Mexico; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration/ Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers exports of this merchandise to the United States during the period August 1, 1991, through July 31, 1992. The review indicates the existence of dumping margins for the period of review (POR).

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the difference between United States price and foreign market value.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: June 15, 1993.

FOR FURTHER INFORMATION CONTACT: Gabriel Adler or Tom Prosser, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1757.

SUPPLEMENTARY INFORMATION:

Background

On August 12, 1992, the Department published in the **Federal Register** (57 FR 36063) a notice of "Opportunity to Request Administrative Review" for the August 1, 1991, through July 31, 1992, period of review of the antidumping duty order on gray portland cement and clinker from Mexico (55 FR 35371, August 29, 1990). In accordance with 19 CFR 353.22, CEMEX, S.A. (CEMEX), and Apasco. S.A. de C.V. (Apasco), requested reviews. The Department published separate notices of "Initiation of Antidumping Review", on September 28, 1992, for CEMEX (57 FR 44551), and on October 22, 1992, for Apasco (57 FR 48201). Thus, the Department is now conducting a review of these respondents pursuant to section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

The products covered by this review include gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material product produced when manufacturing cement, has no use other than of being ground into finished cement. Gray portland cement is currently classifiable under the

Harmonized Tariff Schedule (HTS) item number 2523.29, and cement clinker is currently classifiable under number 2523.10. Gray portland cement has also been entered under number 2523.90 as "other hydraulic cements." The HTS subheadings are provided for convenience and U.S. Customs Service purposes only. The written description remains dispositive as to the scope of the product coverage.

United States Price

For CEMEX, we based United States price (USP) on exporter's sales price (ESP), in accordance with section 772(c) of the Tariff Act. In calculating USP, we made adjustments for foreign inland freight, ocean freight, freight from the border to the U.S. terminal, freight from U.S. terminals to customers for delivered sales, foreign brokerage, import duty, U.S. brokerage, early payment discount, competitive trade discount, inventory carrying expenses, credit and debit memos, indirect selling expenses incurred in the United States, indirect expenses incurred in Mexico on behalf of U.S. sales, credit expenses, billing adjustment, and uncollected taxes. In addition, we adjusted the U.S. price of the further-manufactured merchandise by deducting the U.S. cost of further manufacturing, the selling, general and administrative expenses applicable to the further-manufactured goods, and the profit realized from the sale of the further manufactured goods. CEMEX also claimed a transaction tax in Texas as a direct selling expense. We did not adjust for this tax, since there is no provision in the Tariff Act for such an adjustment.

Further, on March 19, 1993, the United States Court of Appeals for the Federal Circuit, in affirming the decision in *Zenith Electronics Corp.* v. *United States*, Appeals 92–1043, –1044, –1045, 1046 (Fed. Cir. March 19, 1993), ruled that section 772(d)(1)(C) of the Tariff Act provides for an addition to U.S. price to account for taxes which the exporting country would have assessed on the merchandise had it been sold in the home market, and that section 773(a)(4)(B) of the Tariff Act does not allow circumstance-of-sale adjustments to foreign market value (FMV) for the difference in taxes. Accordingly, we have changed our practice and will no longer calculate a hypothetical tax on the U.S. product, but will, for the time being, add to the U.S. price the absolute amount of tax on the comparison merchandise sold in the country of exportation. By adding the amount of home market tax to U.S. price, absolute dumping margins are not inflated or deflated by differences between taxes included in FMV and those added to U.S. price.

In addition, we will propose a change in 19 CFR 353.2(f)(2) to provide that we will calculate weighted-average dumping margins by dividing the aggregated dumping margins, calculated as described above, by the aggregated U.S. prices net of taxes. This change would result in weighted-average dumping margin rates which are neither inflated nor deflated on account of our methodology of accounting for taxes paid in the home market but rebated or not collected by reason of exportation. We are in the process of drafting this proposed change, and we will begin the rulemaking process as soon as possible.

On November 16, 1992, Apasco informed the Department that it made no shipments to the United States of the merchandise covered by the order during the POR. The Department has contacted the U.S. Customs Service (Customs) to verify the lack of imports of the covered merchandise produced by Apasco.

Foreign Market Value

The Ad Hoc Committee of AZ–NM–TX–FL Producers of Gray Portland Cement and the National Cement Company of California (petitioners) have alleged that CEMEX created a fictitious market with respect to Type II and Type V cement. The Department is conducting a fictitious market investigation to determine whether use of CEMEX's sales of Type II and Type V cement is the appropriate basis of FMV, or whether the Department should rely on sales of Type I cement as the basis of FMV.

Petitioners have raised two main points in their allegation: (a) that CEMEX manipulated freight costs for home market shipments of Type II and Type V cement in a manner designed to lower FMV, and (b) that Mexican consumers of cement are indifferent with regard to Type I and Type II cement, and that CEMEX has sold Type II cement in the home market only for the purpose of lowering FMV.

After reviewing the extensive information provided by CEMEX in response to the Department's fictitious market questionnaire, we find preliminarily that CEMEX has adequately explained and documented for the record movements in freight costs as the result of legitimate business practices as well as reasons beyond CEMEX's control. Although arguments have been made regarding the demand for Type II cement in the home market, we find preliminarily that CEMEX has provided evidence of a genuine demand for Type II cement in Mexico. The record suggests that while Type II cement may be used where Type I cement is required, the reverse is not true; in addition, CEMEX has provided sufficient evidence that a number of its customers required Type II cement to meet specific needs for which Type I cement could not be used. Thus, we preliminarily conclude that the evidence currently on the record does not support a determination of fictitious sales.

Petitioners have also alleged that CEMEX made sales below the cost of production (COP). In response to this allegation, the Department has conducted a COP investigation. In conducting our analysis, we have relied on the COP information submitted by CEMEX, except in instances where it was not appropriately quantified or valued. Most notably, we have adjusted CEMEX's submitted expense for excess capacity, because CEMEX did not provide the specific information which the Department requested regarding this allocation. Accordingly, as best information available, we have recalculated the excess capacity expense based upon the adverse assumption that all excess capacity is related entirely to the subject merchandise. We have also made the following corrections:

(a) We corrected the calculation of general and administrative expenses (G&A) to remove the effect of a deduction by CEMEX, which CEMEX did not adequately explain;

(b) We recalculated financial expenses to include only the net monetary correction and the interest income which CEMEX specifically identified as short-term in nature;

(c) We recalculated the cost of a raw material input obtained by a particular plant from a related party, since CEMEX stated that the profits from these related party inputs had been eliminated, but did not provide sufficient explanation. Therefore, we added profit to the reported amounts, using the adverse assumptions that all raw materials at this point were purchased from the related party;

(d) We calculated COP for each of two time periods: June through December 1991, and January through June 1992;

(e) We estimated transfer prices for a related party for which CEMEX had only reported production costs; as best information available, we inflated reported cost by the percentage of profit shown on this entity's 1991 financial statements.

As a result of our investigation, we have found that over 90 percent of CEMEX's Type II sales and between 10 and 90 percent of Type V sales were made at prices below COP in substantial

quantities and over an extended period of time. In addition, we have not found that CEMEX made these sales at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade. Review of the legislative history indicates that Congress recognized that certain industries have enormous pre-production costs which might cause initial sales to be below COP. Because in such instances some costs would benefit future sales, Congress would not have the Department disregard the below-cost sales if all the costs would be recovered, by those future sales, in a reasonable period of time. The Mexican cement industry is a mature industry, and CEMEX is an established manufacturer. There is no evidence on record to suggest that CEMEX experienced high pre-production costs, or other unusually high expenses in the review period, which would have been recovered in future sales.

Therefore, in accordance with section 773(b) of the Tariff Act, we have disregarded CEMEX's below-cost sales in our calculation of FMV. Since over 90 percent of CEMEX's home market sales of Type II cement were below-cost sales, we have excluded Type II cement sales from our analysis, and we based FMV for Type II cement on constructed value, in accordance with section 773(e) of the Tariff Act.

In accordance with section 773(a) of the Tariff Act, we made our FMV calculations for Type V cement using only home market sales made at prices above COP, and constructed value in place of sales made at prices below COP. For above-cost sales, we calculated FMV based on f.o.b. and c.i.f. prices. Where appropriate, we made adjustments to home market price for inland freight, early payment discount, competitive market discount, distance discount, automatic rebate, manual rebate, credit expenses, handling revenue, and home market indirect selling expenses, which consist of general indirect selling expenses and inventory carrying costs. We limited the amount deducted for indirect selling expenses incurred in the home market by the amount of indirect selling expenses incurred on sales in the U.S. market in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Review

As a result of our review, we preliminarily determine the weighted-average dumping margins for the period August 1, 1991, through July 31, 1992, to be:

Company	Margin percentage
CEMEX, S.A	56.58
Apasco, S.A de C.V.	[1]53.26

[1] For the period August 1, 1991, to July 31, 1992, Apasco made no shipments. In the final determination of sales at less than fair value, the Department determined a margin percentage of 53.26 percent for Apasco.

Case briefs and/or written comments from interested parties may be submitted no later than 30 days of the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 37 days of the date of publication of this notice.

Within 10 days of the date of publication of this notice, interested parties to this proceeding may request a disclosure and/or a hearing. The hearing, if requested, will take place no later than 44 days after publication of this notice. Persons interested in attending the hearing should ascertain with the Department the date and time of the hearing.

The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to Customs upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act:

(1) The cash deposit rate for the reviewed companies will be those rates established in the final results of this review;

(2) For previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period;

(3) If the exporter is not a firm covered in this review, a prior review, or the original less-than-fair value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all others" rate established in the final results of this administrative review.

This rate represents the highest rate for any firm with shipments in this review, other than those firms receiving a rate based entirely on best information available. Preliminarily, the "all others" rate for this period is 56.58%.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: June 4, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–13984 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–DS–M

Export Trade Certificate of Review

ACTION: Notice of application for an amendment to an export trade certificate of review.

SUMMARY: The Office of Export Trading Company Affairs (OETCA), International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the Certificate should be amended.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in

compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether the Certificate should be amended. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 88–2A012."

OETCA has received the following application for a second amendment to Export Trade Certificate of Review No. 88–00012, which was issued on October 18, 1988 (53 FR 43140, October 25, 1988), and previously amended on December 4, 1989 (54 FR 51914, December 19, 1989).

Summary of the Application

Applicant: National Tooling & Machining Association ("NTMA"), 9300 Livingston Road, Ft. Washington, Maryland 20744, Contact: Thomas H. Garcia, Jr., Manager Marketing, Telephone: (301) 248–6200

Application No.: 88–2A012

Date Deemed Submitted: June 4, 1993

Request for Amended Conduct: NTMA seeks to amend its Certificate to:

1. Add each of the companies listed in Appendix A as a "Member" of the Certificate. See Appendix A.

2. Delete each of the companies listed in Appendix B as a "Member" of the Certificate. See Appendix B.

Dated: June 8, 1993.

George Muller,

Director, Office of Export Trading Company Affairs.

Appendix A

A&A Machine Company, Inc, Hatboro, PA
A&A Tool & Die Co., Inc., Lynn, MA
A&E Machine Shop, Inc., Lone Star, TX
A&G Machine, Kent, WA
A&M Engineering, Inc., Burbank, CA
A&R Manufacturing, Inc., Indianapolis, IN
A&R Precision, Tucson, AZ
A C Machine & Manufacturing, Meadville, PA
A D S Precision Sheet Metal Tucson, AZ
A L Machining & Manufacturing, Chatsworth, CA
A Landau Company, Warminster, PA
A M Design, Canton, OH
A M S, Inc., Van Nuys, CA
A M T Applied Mfg. Technologies, Desoto, TX
A S P Industries, Rochester, NY
A Z Manufacturing & Sales, Independence, MO
ACube Precision, Woodland Park, CO
A–TP Precison Deburring, Phoenix, AZ
A–1 Machining Company, New Britain, CT
A–1 Valve Repair, Inc., Oklahoma City, OK
Abco Tool and Die, Inc., Hyannis, MA
Able Wire EDM, Inc., Orange, CA
Accu Rounds, Inc., Avon, MA
Accu-Met Laser, Inc., Cranston, RI
Accurate Steel Treating, Inc., South Gate, CA
Accurate Welding II, Inc., Warren, MI
Ace Machine, Boise, ID
Ackley Machine Corporation, Moorestown, NJ
Acro-Fab Ltd., Hannibal, NY
Adept Precision Machining, Milpitas, CA
Adler Manufacturing, Burbank, CA
Advanced Ceramic Technology, Orange, CA
Advanced Grinding, Inc., Oakland, CA
Advanced Machine & Eng. Co., Rockford, IL
Advanced Machine Technology, Inc., Indianapolis, IN
Advanced Tooling Systems, Inc., Comstock Park, MI
Aero Engineering & Mfg. Company, Valencia, CA
Aerospace Products, Inc., Wichita, KS
Aerospec, Inc., Chandler, AZ
Aerotek Mfg., Inc., Barton, VT
Afam Manufacturing, Inc., Albuquerque, NM
Agape Precision Machining, Inc., Rochester, NY
Air Capital Tool Services, Inc., Wichita, KS
Aircraft Hinge, Valencia, CA
Airmetal Corporation, Jackson, MI
Alan Ramsay, Inc., Webster, NY
Alard Machine Products, Gardena, CA
All Metals Fabricating, Inc., Richardson, TX
All Tools Texas, Inc., Houston, TX
All-Tech Machining, Inc., Oakland Park, FL
Allen Randall Enterprises, Inc., Wadsworth, OH
Allfab Engineering Company, Inc., Phoenix, AZ
Alliance Metal Stamping, Rochester, NY
Alliance Precision Plastics, Rochester, NY
Alpha Mold Inc., Dayton, OH
Alpha Mold West Inc., Broomfield, CO
Alpha Tooling, Inc., Santa Fe Springs, CA
Alpine Precision, Inc., Chelmsford, MA
Alro Machine Co., Inc., Lindenhurst, NY
Alt's Tool & Machine, Inc., Santee, CA
Ambel Precision Mfg. Corp., Bethel, CT
American Mfg. & Machining, Inc., Racine, WI
American Tool & Die Welding, Roseville, MI
Amerimold, Inc., Mogadore, OH
Ameritec Tool & Die, Inc., Bay City, MI
Ames Engineering Corporation, Wilmington, DE
Andon Electronic Corporation, Lincoln, RI
Angone Tool & Die, Inc., Vernon, CA
Anoroc Company, Gardena, CA
Arc Drilling—Dynamic Balancing, Garfield Heights, OH
Arrow Diversified Tooling, Inc., Ellington, CT
Artisan Tool & Die, Inc., Muncie, IN
Artron Precision Inc., Sunnyvale, CA
Associated Spring/Raymond, Maumee, OH
Assured Quality Machining, Inc., St. Petersburg, FL
Astro Automation, Inc., Trafford, PA
Astrotronics Inc., Mesa, AZ
Atch-Mont Gear, Inc., Ivyland, PA
Atlantic Tool & Die Company, Hampstead, NC
August Machine, Inc., Phoenix, AZ
Aurelius Mfg. Co., Inc., Braham, MN
Austin Machine Company, St. Charles, MO
Automated System Integrators, Evansville, IN
Avtech Systems, Inc., Provo, UT
Axis CNC Machining, S. El Monte, CA
ABBEC Tool & Die, Rochester, NY
AT Engineering & Mfg., Inc., Chatsworth, CA
B & E Electroform Co. of S.C., Simpsonville, SC
B & L Engravers, Inc., Clearwater, FL
B & W Manufacturing Company, Bristol, CT
B C Machine Shop, Rochester, NY
B M Company, Cranston, RI
Bahnson's Machine Shop, Palm Springs, CA
Barberie Mold, Gardena, CA
Barnes Machine, Inc. Shelton, WA
Bartley Machine & Manufacturing, Amesbury, MA
Bay Tech Industries, Inc., Tampa, FL
Beacon Metrology, Inc., Chardon, OH
Beaver Fab Inc., Cedar Hill, TX
Beck Tool Company, Cambridge Springs, PA
Bedard Machine, Inc., Brea, CA
Bedford Precision, Kirkland, WA
Bennett Machine & Welding, Inc., Caldwell, ID
Benning Inc., Blaine, MN
Bent River Machine, Cottonwood, AZ
Best Way Stamping Inc., La Habra, CA
Beta Tool & Mold/Dyna-Tech, Independence, OH
Bimco, Inc., Salt Lake City, UT
Birdsall Tool & Gage, Farmington Hills, MI
Blackburn Melton Mfg. Company, Houston, TX
Blackhawk Engineering Co., Inc., Cedar Falls, IA
Blackwood Grinding Inc., Hurst, TX
Blankinship Industries, Ltd., Kent, WA
Blue Chip Tool Company, Titusville, PA
Boehm Pressed Steel Company, Cleveland, OH
Bonneville Machine, Inc., Salt Lake City, UT
Booz Tooling, Willow Grove, PA
Boyce Machine, Tallmadge, OH
Bradford Machine Company Inc., Brattleboro, VT
Brady Mold and Machine Co., Inc., Kent, OH
Brasco Machine, Anaheim, CA
Breeze Industrial Products, Saltsburg, PA
Breeze's Precision Boring Company, Pinellas Park, FL
Brent Grinding & Machine, Inc., Houston, TX
Broaching Specialties, Inc., Madison Heights, MI
Broadway Carolina, Inc., Anderson, SC
Brookfield Machine, Inc., West Brookfield, MA
Brown Corporation of Waverly, Waverly, OH
Browning Technology, Inc., Dayton, OH
BroTron Mfg. Inc., Kent, WA
Burr N Bench, Inc., Westfield, MA
Buss Precision Mold Inc., Milwaukie, OR
C & A Precision, Inc., Phoenix, AZ
C & M Precision Spindle, Inc., Carlton, OR
C A S Industries Inc., Paramount, CA

C D S Leopold, San Carlos, CA
C E C Tool Co., Inc., Fountain Inn, SC
C E I Automation, Aurora, CO
C F A Company, Inc., Milford, CT
C J Machine Products, Hayward, CA
C K D Engineering & Mfg., La Habra, CA
C M Industries, Inc., Old Saybrook, CT
C P M, Inc., Billings, MT
C Q Machining, Inc., Phoenix, AZ
C R Metal Products, Inc., St. Louis, MO
C. A. J. Welding, Westfield, MA
C. C. Industries, Brea, CA
Cal & Rogers, Meridian, ID
Calder Machine Co. (C M C), Florence, SC
California Tool Grinding, Rancho Cordova, CA
Cameron Machine Shop, Inc., Richardson, TX
CamTech Systems, Carson, CA
Cannon Industries, Inc., Rochester, NY
Carbide Probes, Inc., Dayton, OH
Carlton Precision Machine Inc., Norwich, CT
Cascade Plastics Company, Inc., Tacoma, WA
Cast Industries, Corp., Costa Mesa, CA
Castle Hone & Lap, Santa Clara, CA
Catalina Precision Engineering, Irvine, CA
Cedarbrook Engineering Corp., Minneapolis, MN
Center Machine Company, Webster, PA
Centerpoint Mfg. Co., Inc., Burbank, CA
Central Massachusetts Machine, Holyoke, MA
Central Tools, Inc., Cranston, RI
Centurion Manufacturing, Simi Valley, CA
Century Tool & Engr., Inc., Indianapolis, IN
Challenge Machining Co., Piedmont, SC
Chance Tool & Die Co., Inc., Cincinnati, OH
Chandler Tool Company, Rockford, IL
Charles P. Schilling & Sons, Inc., Bohemia, NY
Chatham Precision, Inc., Hinesburg, VT
Chicago Grinding & Machine Company, Melrose Park, IL
Chip-Makers Tooling Supply, Whittier, CA
Chip's Machine Shop Service, Phoenix, AZ
Cimco, Costa Mesa, CA
Cinex Inc., Cincinnati, OH
City Industrial Tool & Die, Harbor City, CA
Clark & Clark Enterprises, Inc., Tucson, AZ
Clark & Wheeler Engineering, Inc., Cerritos, CA
Clarke Engineering, Inc., North Hollywood, CA
Class Machine & Welding, Inc., Akron, OH
Classic Tool, Saegertown, PA
Classic Tool & Mold, Inc., Alvin, TX
Cleveland Electric Laboratories, Twinsburg, OH
Coastal Machine Company, Branford, CT
Cogswell Mfg. Co., Inc., Agawam, MA
Colbrit Manufacturing Co., Inc., Chatsworth, CA
Collins Machine Works, Inc., Wellford, SC
Collins Manufacturing, Inc., Essex, MA
Colonial Machine Co., Inc., Pleasantville, PA
Columbia Products, Inc., Dallastown, PA
Comac Manufacturing Corporation, Santa Clara, CA
Commercial Aircraft Products, Inc., Wichita, KS
Compact Air Products, Inc., Westminister, SC
Compdraw Inc., Attleboro, MA
Competitive Engineering Inc., Tucson, AZ
Computech Manufacturing Co., Inc., North Kansas City, MO
Concept Group Berlin, NJ
Condor Engineering, Inc., Colorado Springs, CO
Connecticut Tool & Cutter Co., Cheshire, CT
Conroy & Knowlton, Inc., Lake Forest, CA
Contine Corporation, Erie, PA
Continental Precision Machining , Santa Clara, CA
Contour Metrological & Mfg., Inc., Troy, MI
Cook Speciality Company, Green Lane, PA
Coventry Carbide Tool, Coventry, RI
Cramer Engineering Company, Santa Fe Springs, CA
Creative Manufacturing, Inc., Tempe, AZ
Creative Precision, Inc., Folsom, PA
Creb Engineering, Pascoag, RI
Crowe Industries, Dayton, OH
Custom Die & Insert, Inc., Lafayette, LA
Custom Precision Grinding Inc., Ft. Lauderdale, FL
Custom Ultrasonics, Inc., Buckingham, PA
Cutting Tool Technologies, Inc., Wilton, NH
CAL–SWISS Manufacturing Company, Pasadena, CA
CAM Fran Tool Co., Inc., Bensenville, IL
D & D Tool, Inc., Westfield, MA
D & K Industries, Chatsworth, CA
D & S Tool, Inc., Dallas, TX
D F O'Brien & Associates, Santa Fe Springs, CA
D K Tool & Die, Inc., Grand Rapids, MI
D M Machine & Tool, Kennerdell, PA
D O Fabrication, Inc., Sacramento, CA
D–J Engineering, Augusta, KS
Dakota Machine Tool Company, West Fargo, ND
Dan McEachern, Alameda, CA
Danson Tool and Die Inc., Bay City, MI
Darco Manufacturing, Inc., Syracuse, NY
Day-Tec Tool & Mfg., Inc., Dayton, OH
DaCo Precision Manufacturers, Sandy, UT
DaKa Enterprises, Tucson, AZ
Delaware Valley Manufacturing, Cherry Hill, NJ
Delta Fabrication & Machine, Daingerfield, TX
Delta Machine & Tool Company, Valley View, OH
Delta Tech, Inc., Mentor, OH
Desert Tool, Tucson, AZ
Dial Machine Comapny, Andalusia, PA
Diamond Door, Dunkirk, OH
Die Dimensions, Grand Rapids, MI
Die Tech Industries, Ltd., Providence, RI
Die Technology, Inc., Santa Ana, CA
Die-Namic Tool & Mfg., Inc., Rockford, IL
Digital Tool & Die, Inc., Grand Rapids, MI
Dimension Mold & Design, Tempe, AZ
Direct Machine, Inc., Tucson, AZ
Diversified Manufacturing, Inc., Lockport, NY
Diversified Tool, Inc., Mukwonago, WI
Dot Tool Company, Inc., Binghamton, NY
Dresco Machining Servicenter, Bay City, MI
Drewco Corporation, Franksville, WI
Drill Masters Inc., Hamden, CT
Dun-Rite Deburring, Denver, CO
Dyna-Tech Molding, Inc., Independence, OH
Dynamic Fabrication, Inc., Santa Ana, CA
Dynamic Technology Corporation, Fountain Inn, SC
E & S Equipment, Inc., Norman, OK
E & W Services, Mentor, OH
E K G Precision Machining, Mt. View, CA
E K L Machine Company, Inc., Andalusia, PA
E-Fab, Inc., Santa Clara, CA
Eagle Mold Company, Inc., Carlisle, OH
Eagle Precision Tooling, Erie, PA
East Side Machine, Inc., Webster, NY
Eckert Machining, Inc., San Jose, CA
Eckhart & Associates, Inc., Lansing, MI
Edwards Enterprises, Newark, CA
Egbert Precision, Inc., Colorado Springs, CO
Electro Products Company, Waltham, MA
Electronic Dev. Labs, Inc., Danville, VA
Ellison Machine Company, Laurens, SC
Emptool Co., Inc., New Kingstown, PA
Engineering Technology, Inc., Salt Lake City, UT
Erie Shore Machine Co., Inc., Cleveland, OH
Erie Specialty Products, Inc., Erie PA
Euro Swiss, Inc., San Diego, CA
Eurotech, Inc., Greenville, SC
Evans Machine, Evanston, IL
Evans Production Engineering Co., St. Louis, MO
Everett Mfg. Technologies, Santa Ana, CA
Exar Industries, Inc., Sinking Spring, PA
Excalibur Precision Tool, Hampstead, NH
Excel Manufacturing, Inc., Valencia, CA
Expedient Tool & Manufacturing, Rockford, IL
EBCO Tools, Inc., St. Louis, MO
F & F Machining Co., Inc., East Northport, NY
F F I F F Industries Inc., Grandview, MO
F R B Machine, Emlenton, PA
F S G, Inc., Mishawaka, IN
F T T Manufacturing, Lakeville, NY
F W Gartner Thermal Spraying Co., Houston,TX
Fantasy Manufacturing, Windsor, CA
Fenwick Machine & Tool, Piedmont, SC
Fischer Engineering, Inc., Duarte, CA
Fleximation Tool Corporation, Riverside, CA
Florida Wire EDM Systems, Largo, FL
Flower City Fasteners, Inc., Rochester, NY
Fluitron, Inc., Ivyland, PA
Foriska Machine Shop, Saegertown, PA
Forrest Manufacturing Company, Houston, TX
Forte Company, Kansas City, MO
Fortner Precision, Santa Fe Springs, CA
Foundry & Steel, Inc., Anderson, SC
Fox Hone & Lap, Inc., Chatsworth, CA
Frasal Tool Company, Newington, CT
Frazier Aviation, Inc., North Hollywood, CA
Freeport Welding & Fabricating, Freeport, TX
Future Machine, Kent, OH
Future Tool, Inc., Rockford, IL
G & K Machine Company, Denver, CO
G & L Enterprises, Tucson, AZ
G & L Precision Products, Deer Park, NY
G & N Gear, Inc., Santa Ana, CA
G E B Industries, Inc., Torrance, CA
G F S, Inc., Cleveland, OH
G F T Manufacturing Corporation, Vandergrift, PA
G M S Metal Works, Auburn, WA
G N F Computer Services, Redlands, CA
G–S Industries, Inc., Fraser, MI
Gain Industries, Inc., West Allis, WI
Galvin Precision Machining Inc., Santa Rosa, CA
Gar Manufacturing Company, Taylor, MI
Gardner Industries, Independence, MO
Garland Laboratory, Silver Spring, MD
Garvey & Associates, Centerville, VA
Garvey Precision Machine, Inc., Cranston, RI
Gebhardt Machine Works, Inc., Portland, OR
Geiger Manufacturing, Inc., Stockton, CA
Gene's Gundrilling, Los Angeles, CA
General Die Casters, Inc./Engrav, Peninsula, OH

General Weldments Inc., Irwin, PA
Geometric Engineering, Tucson, AZ
Geometric Tool & Machine Co., Inc, Piedmont, SC
Gidden's Industries, Inc., Everett, WA
Giessen Tool & Lathe, Anaheim, CA
Gillespie Machine & Tool Company, Erie, PA
Global Tool & Mfg. Company, Inc., Dayton, OH
Golden State Engineering, Inc., Paramount, CA
Golis Machine, Inc., Montrose, PA
Great Western Grinding & Eng., I, Huntington Beach, CA
Green Machine & Tool Inc., Houston, TX
Greene International West, Inc., Oceanside, CA
Grinding Service & Mfg. Co., Forrestville, CT
Grinding Specialties, Eastlake, OH
Groveland Engineering Inc., Groveland, MA
Grover's Machine Shop, Taylors, SC
Gurney Precision Machining, Pinellas Park, FL
Gust Swenson & Sons, Inc., Crookston, MN
H & M Metal Processing Company, Cuyahoga Falls, OH
Hager Machine & Tool, Inc., Houston, TX
Haig Precision Mfg. Corp., Campbell, CA
Hamblen Gage Corporation, Indianapolis, IN
Hamilton Metalcraft, Inc., Pasadena, CA
Harris & Bruno Machine Company, San Leandro, CA
Harris Manufacturing Co., Inc., Grand Prairie, TX
Harter Industries, Inc., Tempe, AZ
Heinhold Engineering & Machine C, Salt Lake City, UT
Hendricks & Richardson, Inc., Piedmont, SC
Hexatron Engineering Co., Inc., Salt Lake City, UT
Heyden Mold & Bench Company, Tallmadge, OH
Hi-Tech Machine & Tool, Inc., Byron Center, MI
Hickham Industries, Inc., LaPorte, TX
Hickory Machine Company, Inc., Newark, NY
Highland Mfg. Inc., Manchester, CT
Hill Tool & Die Company, Danville, KY
Hillcrest Tool & Die, Titusville, PA
Honemasters, Inc., Huntington Beach, CA
Horizon Industries, Lancaster, PA
Horizon Machining, Inc., San Jose, CA
Hornet Bay, Ltd., Philadelphia, PA
Hughes Industries, Riverton, NJ
Humble Machine Works, Inc., Humble, TX
Hunt Enterprises, Santa Ana, CA
Huntington Beach Machining, Huntington Beach, CA
Hurco Companies, Inc., Indianapolis, IN
Huron Machine Products, Inc., Burbank, CA
Huwelco, Inc., Pasadena, TX
Hy-Tech Mold, Inc., Rochester, NY
Hydromat, Inc., St. Louis, MO
HGG Laser Fare, Inc., Smithfield, RI
Image Casting Inc., Oxnard, CA
Imaginetics, Inc., Kent, WA
Imperial Machining Co., Denver, CO
Imperial Mfg., Santa Fe Springs, CA
Impex Machine, Newington, CT
Industrial Brake and Clutch, Buffalo, NY
Industrial Machining, Santa Clara, CA
Industrial Mold, Inc., Twinsburg, OH
Industrial Research, Litchfield, MN
Ingalls Machine, Bakersfield, CA
Inject Tool & Die, Inc., Oak Harbor, WA
Inline Inc., Phoenix, AZ
Innovative E D M, Inc., Warren, MI
International Stamping Inc., Warwick, RI
Interscope Manufacturing Inc., Middletown, OH
Intrex Corporation, Broomfield, CO
Intri-Cut, Inc., Amherst, NY
Iowa Lasar Technology, Inc., Cedar Falls, IA
Isylon Machining Co., Inc., Bohemia, NY
Iverson Industries, Inc., Wyandotte, MI
J & A Honing Service, La Verne, CA
J & G Tool Co., Saginaw, MI
J & M Unlimited, Ashland City, TN
J B M Precision Honing, Inc., Bohemia, NY
J B M, Inc., Kalispell, MT
J D C Manufacturing, Redwood City, CA
J F Machine, Inc., W. Babylon, NY
J K B Tool Company, Inc., Milford, CT
J K Engineering Company, Corona, CA
J M Mold South, Easley, SC
J M P Industries, Inc., Parma, OH
J O Tool & Manuf. Company, Inc., Kenilworth, NJ
J R F Sharpening Service, Berlin, CT
J R Tool & Die, Wooster, OH
J R's Tool Crib, Mogadore, OH
Jackson's Precision Machine Co., Nashville, TN
Jaco Tool Company, Inc., Birmingham, AL
Jaques Diamond Tool, Indianapolis, IN
Jason Tool & Engineering, Inc., Garden Grove, CA
Jatco Machine & Tool Company, In, Pittsburgh, PA
Jayco Engineering, Costa Mesa, CA
Jena Tool Company, Dayton, OH
Jepson Precision Tool, Inc., Cranesville, PA
Jeropa Swiss Precision, Inc., Escondido, CA
Jerry Roberts & Company, San Carlos, CA
Jerry Roberts Machine, St. Paul, MN
Jesel, Inc., Wall, NJ
Jesse Industries, Inc., Phoenix, AZ
John L. Lutz Welding & Fabrication, Frenchtown, NJ
John List Corporation/Chatsworth, Chatsworth, CA
John Ramming Machine Company, St. Louis, MO
Jorgenson Fabrication & Welding, Santa Fe Springs, CA
JST Custom Fabrication, Boise, ID
K & H Precision Products, Inc., Honeoye Falls, NY
K & K Laser Marking, Stanton, CA
K & K Machine Shop, Attleboro, MA
K & W Machine Products, Inc., Galax, VA
K L H Industries, Inc., Germantown, WI
K–B Machine Shop, Olathe, KS
Kalman Manufacturing, San Jose, CA
Karlson Machine Works, Inc., Phoenix, AZ
Kaskaskia Tool & Machine, Inc., New Athens, IL
Kell-Strom Tool Company, Inc., Wethersfield, CT
Kellar's Honing & Lapping, Van Nuys, CA
Kenmore Gear & Machine Co., Akron, OH
Keystone Electric Co., Inc., Baltimore, MD
Kickhaefer Manufacturing Company, Port Washington, WI
King Machine & Engineering Co., Indianapolis, IN
King-Tek Wire EDM, Inc., Fullerton, CA
Kitco Machine Shop, Springville, UT
Kiwanda Machine Works, Inc., Clackamas, OR
Kolenda Tool & Die, Inc., Wyoming, MI
Koval Tool & Die, Inc., Somerset, PA
Krug Precision Industries, Port Washington, NY
Krukemeier Machine & Tool Co., I, Beech Grove, IN
Kuhn Tool & Die Co., Meadville, PA
Kurt J. Lesker Company, Pittsburgh, PA
Kurt Manufacturing Company, Minneapolis, MN
L & L Industries, Jackson, MI
L & T Machining, Temecula, CA
L & W Machine Co., Phoenix, AZ
L A Wilper Mfg. Co., Hazelwood, MO
L B M Manufacturing, Belmont, CA
L D C Inc., North Providence, RI
L J R Grinding Corporation, Gardena, CA
Lake Manufacturing Co., Inc., Wakefield, MA
Lapco Industries, Inc., Haledon, NJ
Laser Automation, Inc., Chagrin Falls, OH
Laser Mark-It, Glendale, CA
Laser Marking Services, Inc., Esmond, RI
Laser Specialists, Inc., Fraser, MI
Laser Workshop, Anaheim, CA
Laser-Tech Engineering, Irvine, CA
Lasercut Machining, Inc., Dallas, TX
Layke Incorporated, Phoenix, AZ
LaCour Engineering, Culver City, CA
LaFarge & Egge, Inc., Lynnwood, WA
Lee's Grinding, Inc., Cleveland, OH
Leefson Tool & Die Company, Fernwood, PA
Light & Medium Fabricating, Inc., Willoughby, OH
Lorraine Machine, Inc., Greenville, SC
Lu-den Machine Tool Co., Inc., Plainville, CT
M & S Holes Corporation, Berkeley Heights, NJ
M C I Tool & Die, Inc., Saginaw, MI
M Earl Adams Company, Johnston, RI
M J C Machine, Inc., Tewksbury, MA
M J M Interests, Kensington, CT
M P E Machine Tool, Corry, PA
M R Mold & Engineering Corp., Brea, CA
M S P Tool Company, Inc., E. Kingston, NH
M T I Manufacturing Technologies, Woburn, MA
M-Ron Corporation, Phoenix, AZ
MacLean Precision, Madison, NH
Mac-Erie Inc., Erie, PA
Mac-Mold Base, Inc., Romeo, MI
Machine Kinetics Corporation, Knoxville, TN
Machine Shop Services, Duncan, SC
Machine Tool Technologies, Inc., Mt. Clemens, MI
Machinery Maintenance, Greenville, SC
Machinist Cooperative, Gilroy, CA
MacKay Manufacturing, Spokane, WA
Magnum Manufacturing Corporation, Colorado Springs, CO
Main Tool & Mfg. Co., Inc., Minneapolis, MN
Majestic E D M, Inc., Bensenville, IL
Manor Research, Inc., Hayward, CA
Mantel & Mantel Stamping Corp., Ronkonkoma, NY
Manufacturing Designs, Buffalo Creek, CO
Manufacturing Service Corp., Hartford, CT
Mara Products, Inc., Everett, MA
Mardeco Mold Tooling, Inc., Wichita, KS
Mark Williams Enterprises, Inc., Louisville, CO
Martin Production Tooling Inc., Corona, CA
Martinek Manufacturing, Fremont, CA
Master Research & Manufacturing, San Fernando, CA
Master Swaging, Jackson Center, OH
Master Tool & Die Company, Warren, MI
Masterman's Machine Shop, Kent, WA

Matrix Manufacturing, Inc., Pearland, TX
McDaniels Machinery Company, Erie, PA
McIntyre Machine Co., Inc., Charlotte, NC
MechTech, Inc., Cranston, RI
Metadyne Technologies, Inc., Boise, ID
Metal Specialists, Fremont, CA
Metalcraft, Akron, OH
Metric Machining, Monrovia, CA
Metric Precision, Spartanburg, SC
Micro Dimensions, Inc., Vancouver, WA
Micro Precision Corporation, Mountville, PA
Micro-Tronics, Inc., Tempe, AZ
Microfinish Precision Lapping, San Jose, CA
Microform Corp., Auburn, WA
Microphoto, Inc., Detroit, MI
Mid-Continent Engineering, Inc., Minneapolis, MN
Mid-States Forging Die & Tool, Rockford, IL
Midway Mfg. Inc., Elyria, OH
Midwest Fabricating, Grand Rapids, MI
Mikron Machine, Inc., Cranesville, PA
Millennium Three Corporation, Platteville, WI
Miller Equipment Corporation, Richmond, VA
Milling Precision Tool, Inc., Wichita, KS
Milwaukee Precision Corporation, Milwaukee, WI
Mitutoyo/MTI Engineering Corp., Huntington Beach, CA
Mod Tech Industries, Inc., Shawano, WI
Mold Consultants of America, Inc., Orrville, OH
Morland, Inc., Manchester, CT
Morlin Incorporated, Erie, PA
Morrissey Corporation, Bloomington, MN
Moseys' Production Machinists, Fullerton, CA
Mountain Tool Corporation, Caldwell, ID
Mullen Machine & Mfg. Co., St. Clair, MO
Musgrove Machine Works, Boise, ID
Myers Amazing Machine Works, Bloomingdale, NJ
Myers Precision Grinding Company, Warrensville Hts., OH
N B S, Inc., Macedonia, OH
N I C O Machine, Inc., Phoenix, AZ
N/C Industries, Brea, CA
National Center for Tooling, Toledo, OH
National Flight Services, Glendale, AZ
National Jet Company, LaVale, MD
Nelson Grinding, Inc., Fullerton, CA
Neutronics, Inc., Phoenix, AZ
New Tech Industrial, Portland, OR
Newton Tool & Manufacturing Co., Wenonah, NJ
Niles Machine & Tool Works, Inc., Newark, CA
Nimco Instruments, Houston, TX
Noesting, Inc., Bronx, NY
North Canton Tool Company, Canton, OH
North Coast Tool, Inc., Erie, PA
Northeast E D M, Newburyport, MA
Northeast Mold & Plastic Inc., Portland, CT
Northeast Quality Service, Wallingford, CT
Northern Precision Metal Product, San Jose, CA
Northland Extension Drills, Grove City, MN
Northtech Manufacturing Corp., Phoenix, AZ
Northwest Machine Works, Inc., Grand Junction, CO
Northwest Machining & Mfg., Inc., Meridian, ID
Northwest Tool & Die, Saegertown, PA
Northwood Industries, Toledo, OH
Norton Company, Northboro, MA
Norwood Tool Company, Dayton, OH
Nova Machine Company, Inc., Rochester, NY
Nova Manufacturing Company, North Hollywood, CA
Novatech Machining Corporation, Buffalo, NY
Numeric Machine, Fremont, CA
Numet Machine, Stratford, CT
O–D Tool & Cutter Inc., Mansfield, MA
Oaklyn Specialty Company, Bellmawr, NJ
Oconee Machine & Tool Company, I, Westminster, SC
Oconnor Engineering Laboratories, Costa Mesa, CA
Oilfield Die Manufacturing, Inc., Lafayette, LA
Olympic Fabrications Corporation, Brentwood, NY
Omega One, Inc., Maple Heights, OH
Omni-Tech Mfg. & Eng., Inc., Hillsboro, OR
On-Tech Machine & Manufacturing, San Jose, CA
One-Way Manufacturing, Inc., Santa Ana, CA
Orach Machine Shop Service, Tucson, AZ
Orange County Grinding, Anaheim, CA
Orco Block Company, Stanton, CA
Orix Credit Alliance, Inc., Pasadena, CA
Ornee Mfg., Glendora, CA
Overton & Sons Tool & Die Co. Inc., Mooresville, IN
Overton Corporation, E. Cleveland, OH
P & J Machining, Inc., Puyallup, WA
P D Q Inc., Middletown, CT
P M C Machining, Inc., Phoenix, AZ
P M Tool & Die Company, Caldwell, ID
P X Engineering Company, Inc., Hingham, MA
Pace Design & Fab., Inc., Whittier, CA
Pacific Metal Craft, Inc., Bell Gardens, CA
Pacific Tool Corporation, Englewood, CO
Palmer Machine Company, Conway, NH
Palmetto Machine Parts, Anderson, SC
Palmetto Mechanical Services, Spartanburg, SC
Papago Plastics, Inc., Rochester, NY
Paragon N/C Machining, Elk Grove Village, IL
Parkway Machine Services, Inc., Lafayette, LA
Parkway-Kew Corporation, Edison, NJ
Part-Rite, Inc., North Royalton, OH
Parts Fabricators, Inc., New Carlisle, OH
Pelmor Laboratories, Inc., Newtown, PA
Pendama Company, Seattle, WA
Pengo Corporation, Union City, CA
Peninsula Screw Machine Products, Belmont, CA
PenTel Tool & Die, Inc., Romulus, MI
Performance Grinding Tempe, AZ
Performance Machining Services, Irwin, PA
Performance Systems Inc., Tempe, AZ
Perkinson Foundry & Machine Co., Danville, VA
Pettey Machine Works, Inc., Trinity, AL
Phillips Machine & Stamping Corp., Akron, OH
Phoenix Precision Pattern Corp., Tempe, AZ
Phoenix, Inc., Seekonk, MA
Pickens Tool Company, Inc., Pickens, SC
Plastic Technology Company, Monroe, GA
Plastics Development, Inc., Milwaukie, OR
Plastipak Packaging, Inc., Medina, OH
Polycast Mfg. of Annandale, Inc., Annandale, MN
Polymer Mold and Engineering, Medina, OH
Polynetics, Inc., Fullerton, CA
Pope Corporation, Santa Ana, CA
Popp Machine & Tool, Inc., Louisville, KY
Portage Knife Company, Inc., Mogadore, OH
Post Products, Inc., Kent, OH
Potter & Son, Inc., Piedmont, SC
Powers Bros. Machine, Inc., Montebello, CA
Prebco Bushing Company, Baldwin Park, CA
Precise Mold & Engineering Inc., Valley Park, MO
Precision Aircraft Components, I, Dayton, OH
Precision Automated Machining, Englewood, CO
Precision Automatics, Inc., Gadsden, AL
Precision Metal Fabrication, Dayton, OH
Precision Metal Finishing Co., Erie, PA
Precision Metal Tooling, Inc., Hayward, CA
Precision Profiling, Inc., Wichita, KS
Precision Resources, Gardena, CA
Precision Specialists, Inc., Berlin, NJ
Precision Technologies, Grand Junction, CO
Precision Technology, Inc., Chandler, AZ
Precision Tool & Die, Inc., Lawrence, MA
Precision Turned Components, Inc., Cranston, RI
Precision Valve Modification, Inc., Houston, TX
Precision Welding, Mach. & Fab., Bridgeport, CT
Precision Wire Cut Corporation, Watertown, CT
Precon, Inc., Anaheim, CA
Premac Inc., Rahway, NJ
Prime Die Castings, Inc., Clearwater, FL
Pro-Gram Engineering Corporation, Barberton, OH
Pro-Met Machining Inc., Gresham, OR
Process Manufacturing Inc., Richmond, KY
Production Products Inc., Broomfield, CO
Professional Machine & Tool Co., Hendersonville, TN
Proficient Machining Co., Inc., Mentor, OH
Profile Grinding, Inc., Cleveland, OH
Proform Tool Corporation, Sagertown, PA
Progressive Concepts Machining, Pleasanton, CA
Proto Machine & Manufacturing, Kent, OH
Prototype and Short-Run Services, Fullerton, CA
Pull-Brite, Fremont, CA
Q S P Technology, Inc., Boise, ID
Qualfab Machining, Redwood City, CA
Quality Machine & Supply, Inc., Lafayette, LA
Quality Machine & Tool Co., Inc., St. Louis, MO
Quality Machine Engineering, Inc., Santa Rosa, CA
Quality Precision, Inc., Hayward, CA
Queen City Precision, Inc., Cincinnati, OH
Quick Tool & Machine, Barberton, OH
Quintex Tooling, Nampa, ID
R & D Engineering, Hawaiian Gardens, CA
R & D Machine Shop, Dallas, TX
R & R Precision Machine, Inc., Wichita, KS
R C Machine, Clackamus, OR
R H Spencer Co., West Boxford, MA
R J S Machine Products, Campbell, CA
R M Johnson Company, Annandale, MN
R R Howell Company, Annandale, MN
R V P Industries, Newhall, CA
Ralph Stockton Valve Products, I, Houston, TX
Ranor, Inc., Westminster, MA
Ray Paradis Machine, Inc., Jackson, CA
Re-Del Engineering, Campbell, CA
Reclamation Dynamics, Nashville, TN

Rectack of America, Los Angeles, CA
Regional Tool Corporation, Hamden, CT
Remco Industries, Inc., Chatsworth, CA
Remington Products Company, Wadsworth, OH
Reny & Company, El Monte, CA
Ribic Tool, Inc., Willoughby, OH
Rich Tool & Die Company, Scarborough, ME
Rick Sanford Machine Company, San Leandro, CA
Right Way Tool, Inc., Redmond, WA
Ring Technologies, Inc., Warren, MI
Rite Design, Rochester, NY
Riteway Precision Machine, Inc., Minnesapolis, MN
Ro-Mai Industries, Inc., Twinsburg, OH
Robert C. Reetz Company, Inc., Pawtucket, RI
Robinson Manufacturing Inc., Brea, CA
Robrad Tool & Engineering, Mesa, AZ
Roc-Aire Corporation, South El Monte, CA
Rockford Spring Company, Rockford, IL
Rogers Wire EDM Service, Arvada, CO
Ron-Vik, Inc., Minneapolis, MN
Rons Racing Products, Inc., Tucson, AZ
Rotational Technology, Inc., Houston, TX
Rovi Products Incorporated, Simi Valley, CA
Roy & Val Tool Grinding, Inc., Chatsworth, CA
Royal Wire Products, Inc., N. Royalton, OH
Rubbermaid, Inc.—Mold Division, Wooster, OH
Russing Machining Corp., Glendale, CA
Ruxton Tool & Die, Upper Marlboro, MD
RA-White, Inc., Inglewood, CA
S & K Machine, Inc., Detroit, MI
S & R Precision Company, San Jose, CA
S D S Machine, Inc., Hayward, CA
S H E Industries, Inc., Torrance, CA
S J R Precision, Burbank, CA
S M S Technologies Company, Chatsworth, CA
S P M/Anaheim, Anaheim, CA
S T I Manufacturing Group (STIM), Dallas, TX
Sager Precision Machine Inc., Weymouth, MA
Samaniego Enterprises, Inc., Tucson, AZ
Santa Clarita Mfg. Co., Valencia, CA
Sawtech, Lawrence, MA
Scheirer Machine Co., Inc., Bethel Park, PA
Schmitt Machine, Inc., Ventura, CA
Schneider Machine Company, Torrance, CA
Scott Engineering Company, Phoenix, AZ
Seaford Machine Works, Inc., Seaford, DE
Seaway Industrial Products, Erie, PA
Sematool Mold & Die Co., Santa Clara, CA
Service Industries, Inc., Ocala, FL
Setters Tools, Inc., Piedmont, SC
Sherman Tool & Gage, Erie, PA
Shomo Tool Co., Inc., Redford, MI
Shookus Tool & Die, Inc., Epping, NH
Sieger Engineering, Inc., S. San Francisco, CA
Sigma Specialties, Torrance, CA
Silco Engineering Co., Inc., Beech Grove, IN
Sim's Precision Machining, Santa Ana, CA
Simmons Machine Tool Corporation, Albany, NY
Simons & Susslin, Mountain View, CA
Simplex Engine & Machine, Inc., Providence, RI
Smith Bell & Thompson, Inc., Burlington, VT
Smith Precision Grinding & Mfg., Sun Valley, CA
Solo Enterprise Corp., City of Industry, CA
Sonic Machine & Tool, Inc., Tempe, AZ
Sonoma Precision Mfg. Co., Santa Rosa, CA
South Bay Machining, Santa Clara, CA
Southern Die-Casters, Inc., Shrewsbury, PA
Southwest Manufacturing Company, Wichita, KS
Southwest Metalcraft Corporation, Tucson, AZ
Specialty Machine & Hydraulics, Pleasantville, PA
Specialty Machining, Inc., Oakland Park, FL
Spenco Machine & Manufacturing, Temecula, CA
Spike Industries, North Lima, OH
Spin Pro Inc., San Jose, CA
Spiral Grinding Company, Culver City, CA
Sprint Tool & Die Inc., Meadville, PA
St. Mary Manufacturing Corporati, North Tonawanda, NY
Stanley Engineering Company, Glen Burnie, MD
Stearman Aircraft Products Corp., Valley Center, KS
Steel Craft Manufacturing, Inc., Hopewell, VA
Stelted Manufacturing, Inc., Tempe, AZ
Stevens Industries, Inc., Norcross, GA
Stone Tool & Machine, Inc., Louisville, KY
Strobel Machine, Inc., Worthington, PA
Subsea Ventures Inc., Houston, TX
Suburban Boring Company, Oak Park, MI
Suburban Jewelry Co., Inc., Charlestown, RI
Summit Precision, Inc., Phoenix, AZ
Sun Tool Supply, Inc., St. Petersburg, FL
Super Finishers II, Glendale, AZ
Superior Technology, Inc., Rochester, NY
Superior Tool Service, Inc., Wichita, KS
Supreme Machine Products, Inc., Rancho Cucamonga, CA
Supreme Tool & Die Company, Fenton, MO
Systems 3, Inc., Tempe, AZ
SEPCO–ERIE, Erie, PA
STD Precision Gear & Instrument, West Bridgewater, MA
T & C Industries, Inc., Irwin, PA
T & E Manufacturing, Inc, Kent, WA
T & S Industrial Machining Corp., Lynn, MA
T C Precision Machine, Dayton, OH
T M S Inc., Cumberland, RI
T R Jones Machine Company, Inc., Woodstock, IL
T. J. Karg Company, Inc., Akron, OH
T-Mac Machine Company, Kent, OH
Talent Manufacturing, Star, ID
Tangent Machine & Tool Corporation, Farmingdale, NY
Tanksley Machine & Tool, Inc., Decatur, AL
Tarus Products Inc., Sterling Heights, MI
Task Industrial Corporation, Greenville, SC
Tate Andale, Inc., Baltimore, MD
Tech-Marine Enterprises, Inc., Seattle, WA
Techniplas, Inc., Ankeny, IA
Tek-Am Corporation, Springfield, VA
Tempco Manufacturing Co., Inc., Mendota Heights, MN
Tennessee Tool Corporation, Charlotte, TN
Textile Machinery, Inc., Greenville, SC
The Buckeye Stamping Company, Columbus, OH
The Freeman Company, Yankton, SD
The Will-Burt Company, Orrville, OH
Themac, Inc., Colorado Springs, CO
Thoms C N C Machining, Yorba Linda, CA
Thomas Tool and Manufacturing, Pleasanton, CA
Thorton Company, Wichita, KS
Thurman's Tool & Machine Co., Dayton, OH
Tight Tolerance Machining, Boise, ID
Timberland Tool & Die, Newberg, OR
Tool & Die Supply, Inc., Santa Ana, CA
Tooling & Production, Olathe, KS
Tooling Concepts, Nashville, TN
Tooling Designs, Inc., Humble, TX
Top Quality Tool & Machine, Grandview, MO
Toth Aerospace Manufacturing, Cherry Hill, NJ
Traco Manufacturing Corp., Houston, TX
Treblig, Inc., Greenville, SC
Tren Engineering Corporation, Beverly, MA
Tri J Machine Company, Gardena, CA
Tri-Gon Precision, Inc., Colorado Springs, CO
Triangle Mold & Machine Co., Inc., Hartville, OH
Trico Industries, Inc., Lexington, TN
Trico Machine Products Corp., Bedford Heights, OH
Tridecs Corporation, Hayward, CA
Trim Tech, Inc., Columbia Station, OH
True Cut EDM, Garland, TX
True Position, Fremont, CA
Tucson Tool & Manufacturing, Tucson, AZ
Turner and Walima Mfg. Co., Inc., Essex, MA
Turning Technology, Inc., Tipp City, OH
TTI Testron, Inc., Woonsocket, RI
U N C Manufacturing Technology, Uncasville, CT
Uddeholm Corporation, Sante Fe Springs, CA
Ultra Stamping & Assembly, Inc., Rockford, IL
Uni-Tek, Phoenix, AZ
Unique Model, Inc., Walker, MI
United Gage, Inc., North Hollywood, CA
United Machine Co., Inc., Wichita, KS
United States Fittings, Inc., Warrinsville Heights, OH
Universal Custom Process, Inc., Bedford Heights, OH
Universal Machine, Boise, ID
V I P Tooling, Inc., Shelbyville, IN
Valley Tool & Machine Co., Inc., Pomona, CA
Valv-Trol Company, Stow, OH
Van Os Machine Works, Inc., St. Louis, MO
Van Sanford Tool Company, E. Syracuse, NY
Vandeventer Machine Works Corp., St. Louis, MO
Vector Design and Mfg., Inc., Tucson, AZ
Venture Tool, Inc., Erie, PA
Versa Companies, St. Paul, MN
Vertex Tool and Die, Akron, OH
Vicount Industries, Farmington Hills, MI
Vitullo & Associates, Inc., Warren, MI
Vogel Tool and Die Corp., Stone Park, IL
Volume Machine, Pacoima, CA
Vortex Precision Services, Inc., Houston, TX
W E C Technologies Corporation, Deer Park, NY
W. or K. Precision Machining, Garden Grove, CA
W.R. Lathom Tool, Inc., Rockford, IL
Wagner Precision, Inc., N. Tonawanda, NY
Wajo Tool and Die, Inc., East Hampstead, NH
Waltz Industries, Ontario, CA
Walz & Krenzer, Inc., Rochester, NY
Waxler Machine and Tool, Inc., Houston, TX
Wayne Manufacturing, Inc., Boulder, CO
Webber Metal Products, Inc., Cascade, IA
Webco Machine Products, Inc., Valley View, OH
Webco Tool & Die, Inc., Toledo, OH
Weber Tool & Mfg. Inc., Cleveland, OH
Welding Service Company, Glendora, CA
West Fab Manufacturing, San Jose, CA

Westech Corporation, Muskegon, MI
Western Gage Repair Company, Santa Clara, CA
Western Grinding, Tempe, AZ
Western Metal Products, Inc., Seattle, WA
Western Precision, West Jordon, UT
Western Steel Cutting, Inc., San Jose, CA
Western Unitool Mfg. Inc., Burnaby, BC V3N 4A4, XX
Westhoff Tool & Die Company, St. Charles, MO
Westside Metal Fabricators, Inc., Canoga Park, CA
Whelan Machine & Tool Co., Inc., Louisville, KY
Whole Shop, Inc., Munroe Falls, OH
Wichita Manufacturing, Inc., Cerritos, CA
Wilkinson Mfg., Inc., Santa Clara, CA
William A. McGovern, Inc., Jamesburg, NJ
Winegard Co., Burlington, IA
Winter's Grinding Service, Menomonee Falls, WI
Wire Tech, Waterbury, CT
Wire Tech E D M, Inc., Los Alamitos, CA
Woehr Tool & Die, San Jose, CA
Wood's Service Corporation, Old Ocean, TX
Woodcraft Manufacturing Company, Pataskala, OH
X-Cel Machine Tool, Inc., Cochranton, PA
Yampa Valley Manufacturing, Prescott Valley, AZ
Yates Tool, Inc., Medina, OH
Yoder Die Casting Corporation, Dayton, OH
Youngstown Plastic Tooling, Youngstown, OH
Z M D Mold & Die Inc., Mentor, OH
Zacova Industries, Inc., Roseville, MI
Zellcon Industries, Milford, CT
Zetec, Inc., Issaquah, WA
4B Precision Products, Boring, OR

Appendix B

A & W Specialty Co., Inc., Deer Park, NY
A B C Machine Works, Ltd., Bethel, CT
A D Grinding, La Habra, CA
A I D Corporation, Clayton, GA
A.N.O. Machining Corporation, Santa Fe Springs, CA
Abbey Machine Products Company, Euclid, OH
Able Spinning & Stamping Inc., Riverside, CA
Accu-Turn Machine Works, Inc., Houston, TX
Accura Industries, Rochester, NY
Accurate Metal Fabricators, Long Beach, CA
Acro Tech, Redmond, WA
Adams Machine & Tools, Inc., Capitol Heights, MD
Aerodyne Mfg. Corp., North Hollywood, CA
Aeromach—LFP, Sylmar, CA
Alcatel Comptech, Inc., San Jose, CA
Algenic Machine Corporation, Farmingdale, NY
All Custom Form Tools, Inc., Anaheim, CA
Allied Machine Products, Inc., Smithfield, RI
Alto Systems, Inc., Houston, TX
Amco Precision Tool, Inc., Kensington, CT
American Machine Systems, Inc., Muncie, IN
American Metalcrafters, Inc., Stockton, CA
American Trion Corporation, Casa Grande, AZ
American Trion Corporation, Arizona City, AZ
American Tube, Nazareth, PA
Anaheim Gear, Anaheim, CA
Anco Precision Products, Inc., Fullerton, CA
Anmark Machine, Tempe, AZ
Apparatus Repair Company, Houston, TX
Applied Industrial Machining, Oklahoma City, OK
Arbor Model & Tooling, Inc., Grand Rapids, MI
Ardent Engineering, Seattle, WA
Aroplax Corporation, Minneapolis, MN
Asteric Tool & Die Mfg. Co., Inc, Philadelphia, PA
Atlas Machine Products Co., Cleveland, OH
Atlas Precision, Inc., Woodstock, VA
Aul Bros. Tool & Die, Muncie, IN
Aurora Technology Corporation, East Aurora, NY
B & C Engineering, Inc., Goshen, IN
B & C Machine, Inc., Pinellas Park, FL
B & R Machine Company Inc., New Britain, CT
B M I, Inc., Palatine, IL
Barberton Mold & Machine Co., Barberton, OH
Barth Industries, Inc., Cleveland, OH
Bartlett Enterprises, Hillsboro, OR
Baystate Machine, Warwick, RI
Beaverton Parts Mfg. Co., Inc., Hillsboro, OR
Belding Tool & Machine Corporati, Belding, MI
Bergdorf Engineering, Pomona, CA
Black Machine—B T Industries, Port Clinton, OH
Blackie's Grinding Service, Auburn, WA
Blessing Industries, Lockport, NY
Bond's Custom Manufacturing, Arvada, CO
Bradley Machine, Inc., Wichita, KS
Bratton Machine Works, Inc., Houston, TX
Briley's Machine Works, Kent, WA
Bristol Machining & Fabrication, Bristol, RI
Brontel/Bearing Bronze Company, Cleveland, OH
Burkey & Sons, Inc., Anaheim, CA
Burn-Rite Mold & Machine, Inc., Canton, OH
Busnardo Engineering, Inc., Nampa, ID
C & P Industries, Seneca, PA
C M S Graphite/Ed Welch Partners, Cheshire, CT
C N C Machining Inc., East Berlin, CT
C N C Manufacturing, Inc., Lynnwood, WA
Cal-Bay Grinding, Inc., San Jose, CA
Cal-Dan, Fountain Valley, CA
Cal-Tron Corporation, Bishop, CA
California Spline and Gage Co., Santa Ana, CA
Campanile Tool Co., Sunnyvale, CA
Canton Industrial Systems, Inc., East Canton, OH
Capitol Machine Company, Phoenix, AZ
Caretti Tool & Mfg., Inc., Pinellas Park, FL
Carlson-Formetec, Inc., Tacoma, WA
Carolina Tool & Die, Charlotte, NC
Central Manufacturing, Inc., Parker City, IN
Central Specialties Mfg. Co., Tulsa, OK
Cercon Division Howmet-Cercast, Hillsboro, TX
Clarence Machine Co., Inc., St. Louis, MO
Clark Precision Sheetmetal, Inc., Santa Clara, CA
Classic Craft, Inc., Tucson, AZ
Clearwater Engineering, Clearwater, KS
Columbia Machine Works, Inc., Columbia, TN
Commercial Grinding Company, Paramount, CA
Concept Components Co., Bohemia, NY
Cone Engineering, Inc., Hawaiian Gardens, CA
Continental Tool & Gage Company, N. Hollywood, CA
Contour Plastics, Inc., Baldwin, WI
Contour Tool & Die, Inc., South Bend, IN
Counts Precision Grinding, Inc., Hazel Park, MI
Couple-Up, Inc., Compton, CA
Cox Machine, Inc., Wichita, KS
Custom Lathe & Mfg., Inc., Graham, WA
D A Griffin Corp., West Seneca, NY
D M Z Machine Company, Eastlake, OH
D Y E Design, Inc., Louisville, KY
Dallen Precision CNC Machining, Paramount, CA
Damon Industries, Inc., Pompano Beach, FL
Dan Krall & Co., Inc., Franklin, WI
Danlyn Machine Co., Inc., Douglas, MA
Darco Products Incorporated, Albuquerque, NM
Davalor Mold Corporation, Chesterfield, MI
Decsa Precision Machining, Inc., Houston, TX
Dell Manufacturing Co., Farmington, CT
Delta Design & Manufacturing, Phoenix, AZ
Derleth & Kelley Tool & Die, Rochester, NY
Dern/Moore Machine Co., Inc., Lockport, NY
Design Tool & Machine, Macon, MO
Diematics, Inc., Littleton, CO
Digital Machine Co., Inc., Warminster, PA
Donal Machine, Inc., Petaluma, CA
Douglas Machining, Inc., Hillsboro, OR
Duluth Engineering, Duluth, MN
Duncan Industries, Inc., Los Angeles, CA
Dynamic Machine Service, Houston, TX
DEMCO, Inc., Milford, DE
E Fred Portwine, M.D., P.C., Waycross, GA
Eagle Tool & Die, Richmond, MI
Earl Mfg. Co., Inc., Santa Fe Springs, CA
East Side Tool & Die Co., Portland, OR
Eihinger Machine, Inc., Norton, OH
Eltee Tool & Die, Newark Valley, NY
Empire Machine & Manufacturing C, St. Louis, MO
Esteem Manufacturing Corporation, Ellington, CT
Eutsler Technical Products, Inc., Houston, TX
Exacta Tool & Engineering, Inc., Largo, FL
F B F Industries, Southhampton, PA
F M Machining, Santa Clara, CA
F. A. Wunder Associates, Inc., Adah, PA
Factum, Inc., Santa Clara, CA
Faivre Machine & Fabrication, Inc, Meadville, PA
Falcon Corporation, Ferrysburg, MI
Fech-Tech Precision, Palmdale, CA
Federal Machine Tool, Bristol, CT
Ferco Tech, Franklin, OH
Florida Custom Mold, Inc., Clearwater, FL
Florida Tri-City Fabricators, St. Petersburg, FL
Form-A-Tool South, Inc., Piedmont, SC
Francois Belvisi Co., Inc., Bohemia, NY
Futureweld Co., Inc., Phoenix, AZ
G L Bly Company, Wichita, KS
G N F, Inc., Olmsmar, FL
G Pruefer Manufacturing Co., Inc., Johnston, RI
G R McCormick, Inc., Burbank, CA
Gardner Tools Corporation, Broomfield, CO
Gaydash Industries, Inc., Uniontown, OH
Global Tool & Manufacturing Co I, Dayton, OH
Globe Grinding Corporation, Farmingdale, NY
Graduate N/C Machining, Rancho Cordova, CA

Graphite & Specialty Products, I, Paramount, CA
Greenfeather Tool & Gage, Euless, TX
Gundrilling Ltd., Paramount, CA
H & H Machine Tool Co., Inc., Dayton, OH
H & H Molds, Inc., Spokane, WA
H T M Corporation, Hillsboro, OR
Hall's Machining Services, Inc., Easley, SC
Hamilton Machine, West Point, PA
Hammock Machine & Welding Co., I, Perry, GA
Hedger Company, Los Angeles, CA
Heinz Plastic Mold Co., Elk Grove, IL
Hi-Tech Machine, Inc., Old Saybrook, CT
High Tech Machinists Inc., Chelmsford, MA
High Tech West, Inc., Long Beach, CA
High-Low, Inc., Tempe, AZ
High-Tech Manufacturing Service, Vancouver, WA
Hydel Engineering, San Jose, CA
I M C Magnetics Corp., Hauppauge, NY
Imo Industries, Manchester, CT
Industrial Design Company, Mill Valley, CA
Industrial Services Group, New Alexandria, PA
Inland Tool & Mfg. Co., Inc., Kansas City, KS
Innovative Plastics, San Jose, CA
Inter Precision Tools, Inc., Seattle, WA
International Lasersmiths, Compton, CA
J & Vee Precision Depp Hole, Roosevelt, NY
J B Armstrong Machine Co., Inc., Cypress, TX
J E B Tool & Manufacturing, Enfield, CT
J G Grinding, Redwood City, CA
J. G. Minter & Son, Inc., Brea, CA
Jacobi Industries, Santa Ana, CA
Jesse Industries, Inc., Newberry Park, CA
Jessee Brothers, Campbell, CA
Jeyan Engineering Group, Santa Ana, CA
Jim Talbot Machine Tool, North Hollywood, CA
John Weitzel, Inc., Wichita, KS
Justrite Machine Works, Inc., Kansas City, MO
K & A Tool Company, Cleveland, OH
K & M Machine Company, Inc., Newport, NH
K K Molds, Inc., Grand Rapids, MI
Kaman Industrial Technologies Co, Spokane, WA
Kirkwood Commutator, Cleveland, OH
Kofler's Tool & Die, Inc., Farmingdale, NY
Kyden Machine, Inc., Salt Lake City, UT
L & M Machining, Anaheim, CA
L C Miller Company, Monterey Park, CA
L F W Manufacturing, Stockton, CA
L J Machine Works, Houston, TX
L M B Industrial Services Corp., Menlo Park, CA
Lab Engineering & Mfg., Inc., Watertown, MA
Lake Quality Products, Inc., Wickliffe, OH
Lange Engineering, Inc., Minneapolis, MN
Larrus Engineering, Santa Fe Springs, CA
Larson Enterprises, Santa Clara, CA
Laser Applications, Inc., Westminster, MD
Laser Technology, Inc., North Hollywood, CA
Lemco, Danvers, MA
Lenape Forge, Inc., West Chester, PA
Lindberg Heat Treating, Orlando, FL
Lobsien's Machine Company, Tewksbury, MA
Lonero Engineering Co., Inc., Troy, MI
Lowry Tool & Cutter Grinding, Coconut Creek, FL
Lublink Tool & Die Co., Boring, OR
M & M Machine and Tool Company, Westminster, CA
M & N Machine Co., Simi Valley, CA
M & R Machine and Tool Co., Easthampton, MA
M & S Precision Company, Ft. Lauderdale, FL
M C Aero-Tech, Inc., Anaheim, CA
M I W Aerospace, Tacoma, WA
M M F Inc., Taylors, SC
M T C Industries, Inc., Corsicana, AZ
M W J, Inc., Clinton, MD
Malbert & Mitchell Grinding, Brea, CA
Malco Tool & Machine, Inc., Stanton, CA
Manchack Manufacturing, Inc., Houston, TX
Maryland MechTech, Inc., Catonsville, MD
Master Tool Engineering, Santa Clara, CA
MaTech Machining Technologies, I, Salisbury, MD
McAlpin Industries Inc., Rochester, NY
McGregor Manufacturing, Arcadia, CA
Mechtech, Inc., Amesbury, MA
Medina Tool & Die Co., Inc., Medina, OH
Memory Engineering Co., Gardena, CA
Mercury Engineering & Mfg., Inc., Canton, OH
Met-Tek, Inc., Clackamas, OR
Metra Electronics Corporation, Holly Hill, FL
Metro Dynamics, Franklin Square, NY
Micro Accurate Corporation, Tucson, AZ
Micro Precision Machining, Campbell, CA
Micro Tech Tool, Seekonk, MA
Mid-State Machine Products, Inc., Winslow, ME
Midway Machine & Instrument Co., South Houston, TX
Mika Prototype Eng. Co., Inc., Largo, FL
Milwaukee Bearing & Machining, Milwaukee, WI
Minnesota Fineblanking, Minneapolis, MN
Missouri Pressed Metals Inc., Sedalia, MO
Model Screw Products, Inc., Clearwater, FL
Multi-Swiss Technology, Inc., Sunnyvale, CA
Nadler, Incorporated, Plaquemine, LA
Nance Manufacturing, Inc., Wichita, KS
National Tooling Company, Tempe, AZ
Northeast Metrology Corp., Rochester, NY
Northwest Machine Products, Inc., Sumner, WA
Northwestern Palm Tool & Mfg. Co, Coon Rapids, MN
Numeric Systems, Fife, WA
Numerical Tool Division, Houston, TX
Ochs Industries, Inc., Vandalia, OH
Ogren Industries, Asheville, NC
Operating and Maintenance, Charlotte, NC
Optical Radiation Corp., Azusa, CA
Orange County Tool & Engineering, Santa Ana, CA
Oregon Tool and Die, Inc., Portland, OR
OMEGA Engineering Company, Kansas City, MO
P B Machine Co., Inc., Palmyra, NY
P D S, Bell Gardens, CA
P H Precision Products Corporati, Pembroke, NY
Pacific Machine & Development, I, Vancouver, WA
Pacific Precision Machine, Inc., Belmont, CA
Paradigm Metals, Inc., Sunnyvale, CA
Parallel Ventures, Inc., Tucson, AZ
Parker Kinetic Designs, Inc., Austin, TX
Paul Schurman Machine Inc., Ridgefield, WA
Paul's Products Corporation, Belmont, NC
Pease Grinding Service Inc., Dayton, OH
Pentz Design Pattern & Foundry, Duvall, WA
Pequot Tool & Mfg., Inc., Pequot Lakes, MN
Petersen Instruments, Inc., Concord, CA
Phoenix Precision Products, Inc., Hartford, WI
Phoenix Stainless & Alloy, Inc., Houston, TX
Pierce Precision Finishing, Santa Ana, CA
Pinnacle Tool, Bloomington, IN
Potter County Precision Co., Inc., Tucson, AZ
Power Mfg., Santa Clara, CA
Precision Fabricating & Tool, Bridgeport, CT
Precision Laser, Inc., High Point, NC
Precision Plus, Inc., Greenwood, SC
Precision Prototypes, Mineola, NY
Precision Rings Inc., Indianapolis, IN
Precision Tool Company, Englewood, CO
Precision Wheels, Inc., Ronkonkoma, NY
Prime Machine & Tool, Inc., Lantana, FL
Prior Lake Machine, Inc., Prior Lake, MN
Priority Mfg., Wood Dale, IL
Product Services, Inc., Santa Clarita, CA
Progressive Tool & Engineering, Mora, MN
PLASTECH, San Jose, CA
Q E C, Inc., La Mirada, CA
Q M, Inc., Connellsville, PA
Qualicut, Inc., Rochester, NY
Quality Concept, Arlington, WA
Quality Tool, Inc., E. Longmeadow, MA
Quasar Industries, Rochester Hills, MI
R & J Tool and Manufacturing, Livermore, CA
R & J Tool, Inc., Brookville, OH
R & R Grinding Company, Santa Fe Springs, CA
R M S Tool & Die, Foster, RI
R S Machining Inc., Manitowoc, WI
R W Dunn Machine, Inc., Arcadia, CA
Ram Precision Inc., Deer Park, NY
Rantom, Inc., Canton, MI
Raycon Corporation, Ann Arbor, MI
Reading Plastic Fabricators, Reading, PA
Refrigeration Research, Brighton, MI
Relli Manufacturing, Inc., Valley Stream, NY
Richard's Grinding, Inc., Cleveland, OH
Ricman Manufacturing, Hayward, CA
Rico's Tool and Engineering, Chandler, AZ
Riverside Foundry, Inc., Marysville, WA
Roberts Precision Machine, Inc., Duvall, WA
Robinson Precision Die Casting, Huntington Beach, CA
Rockhill Machining Industries, Akron, OH
Rockwood Swendeman Corp., S. Portland, ME
Rocky Mountain Precision Co. Inc., Windsor, CO
Rohrer, Incorporated, Boardman, OH
Ron Mills & Co., Walnut, CA
Rush Machine & Tool Co., Inc., Los Angeles, CA
Saturn Manufacturing, Inc., Mishawaka, IN
Scharers' Engineering, Gardena, CA
Select Mold, Anaheim, CA
Shackelford Machine, Clearwater, KS
Shiloh Corporation, Mansfield, OH
Simi Industries, Simi Valley, CA
Sirius Enterprises, Inc., Dallas, TX
Sizemore Machine, Inc., Wichita, KS
Snow Corporation, Fort Worth, TX
Sonic Engineering, Garden Grove, CA
Spec-Tech Unlimited, Orange, CA
Specialty Machines & Manufacturi, Kensington, MD
Standard-Hall Group, Greenville, SC
Stanley Tool & Die, Inc., Deerfield Beach, FL
Star Tool Service, Inc., Wichita, KS
Starwin Industries, Inc., Dayton, OH
Steel & O'Brien Manufacturing, I, Springville, NY
Steel Products Inc., Seattle, WA
Stelmar Mfg., Inc., Safety Harbor, FL
Stidd Systems, Inc., Greenport, NY
Stines Designs, Huntsville, AR

Sto-Kar Enterprises, Inc., Northridge, CA
Stringer Welding & Machine, Inc., Dugger, IN
Sumner Machining Center, Sumner, WA
Superior Plate Products, Inc., Cheshire, CT
Swissline Products, Inc., Woonsocket, RI
T L C Tool, Inc., Clearwater, FL
T-Tech Machine, Inc., Warwick, RI
Tampa Bay Machining, Inc., Tampa, FL
Target Manufacturing Company, Pasadena, MD
Taton's Machine Shop, Goddard, KS
Tennessee Precision Tool & Die C, Nashville, TN
Tessa Precision Products, Mentor, OH
The McGinty Machine Company, Inc., Wichita, KS
The Tool Room—Tool & Die Co., North Scituate, RI
Tice Industries, Portland, OR
Tool Services Co., Inc., Dayton, OH
Tool Technology Dist. Inc., Fremont, CA
Trans Spar, San Jacinto, CA
Triangle Engineering Corporation, Indianapolis, IN
Trinity Machine & Grinding, Inc., Phoenix, AZ
Triple S Industries, Linden, NJ
True Dimension Mfg. Inc., Kent, WA
Turning Technology, Inc., Golden, CO
Tydeman Machine Works Inc., Redwood City, CA
United Mold Incorporated, Milpitas, CA
UFE CalTec Inc., Brea, CA
Valley Fabricators, Simi Valley, CA
Valvtron Industries, Houston, TX
Ve-Ve, Incorporated, Anoka, MN
Vector Engineering, Chaska, MN
Vosky Precision Machining Corp., Deer Park, NY
W Machine Works, Panorama City, CA
Watson's Profiling Corp., Ontario, CA
Wichita Design & Mfg., Inc., Wichita, KS
Williams Metal Blanking Die Co., Paramount, CA
Willow Tool & Machining, Inc., Strongsville, OH
Wilson Tool & Manufacturing Comp, Spokane, WA
Wire—E D M Company, Inc., Middleburg Heights, OH
Wirecut Specialties, Owings Mills, MD
Woods Machining & Tooling, Inc., Akron, OH

[FR Doc. 93–13983 Filed 6–14–93; 8:45 am]
BILLING CODE 3510–DR–M

National Oceanic and Atmospheric Administration

[Docket No. 930499–3099; I.D. 031793B]

Tilefish Fishery

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

ACTION: Notice of control date for entry into the tilefish fishery.

SUMMARY: NMFS announces that owners of commercial vessels entering the tilefish fishery after June 15, 1993 (control date) will not be assured of future access to or an allocation of the tilefish resource if a management regime is developed and implemented under the Magnuson Fishery Conservation and Management Act (Magnuson Act) that limits the number of participants in the fishery. This announcement is intended to promote awareness of a potential eligibility criterion for access to the tilefish resource and to discourage new entries into this fishery based on economic speculation while the Mid-Atlantic Fishery Management Council (Council) contemplates whether and how access to the tilefish fishery should be controlled. This announcement does not prevent any other date for eligibility in the fishery or another method of controlling fishing effort from being proposed and implemented.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, 302–674–2331 or Richard Roe, NMFS, 508–281–9244.

SUPPLEMENTARY INFORMATION: Tilefish inhabit the outer edge of the continental shelf from Nova Scotia to South America and are relatively abundant in Mid-Atlantic/Southern New England areas at depths of 360 to 780 feet (110 to 240 m). They are commonly found in and around submarine canyons where they occupy burrows and depressions in the sedimentary substrate, as well as occurring around obstructions. Tilefish are relatively slow growing and long-lived, with a maximum age of 35 years and length of 47 inches (120 cm).

Commercial tilefish catches were first recorded in 1915 and reached an all-time peak in 1916 of 10 million pounds (4,500 mt). Landings averaged around 2 to 3 million pounds (900 to 1,400 mt) during the 1950s but declined to less than 100 thousand pounds (45 mt) during the late 1960s. Most recently, catches increased to over 8 million pounds (3,600 mt) in 1979 but have declined steadily to 1991 landings of only 2.5 million pounds (1,100 mt). Commercial catch-per-unit-effort during this time period declined from 13 thousand pounds (5.9 mt) per day fished to only 1,500 pounds (0.7 mt). A small recreational fishery developed during the early 1970s in New York and New Jersey with landings never exceeding 300 pounds (0.14 mt). Recent recreational catches are very low.

Landings and catch-per-unit-effort data indicate that tilefish were heavily overexploited during the height of the longline fishery between 1977 and 1982. Fishing mortality exceeded the estimates of the maximum sustainable yield level by three times. Catches during this period were well above the long-term potential yield of the stock (2.5 million pounds or 1,100 mt). This period was followed by steadily declining values in catch-per-unit-effort, and a lesser decline in both landings and average fish size. There were also changes in the spawning structure of the population, with decreases in the size and age of maturity in males. These declines since the early 1980s reflect significant stock decline and continued overexploitation.

The Council intends to address whether and how to limit entry of commercial vessels into this fishery in the Tilefish Fishery Management Plan. The Council's intent in making this announcement is to discourage speculative entry into the commercial tilefish fishery while potential management regimes to control access into the fishery are discussed and possibly developed by the Council. The control date will help to distinguish bona fide established fishermen from the speculative entrants to the fishery. Although fishermen are hereby notified that entering the fishery after the control date will not assure them of future access to the tilefish resource on the grounds of previous participation, other qualifying criteria also may be applied in the future.

This announcement establishes June 15, 1993 for potential use in determining historical or traditional participation in the tilefish fishery. This action does not commit the Council to develop any particular management regime or to use any specific criteria for determining entry to the fishery. The Council may choose a different control date, or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen in this fishery before and after the control date. The Council may also choose to take no further action to control entry or access to the fishery. Any action by the Council will be taken pursuant to the requirement for fishery management plan development established under the Magnuson Act.

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

Dated: June 9, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–13997 Filed 6–14–93; 8:45 am]
BILLING CODE 3510–22–M

[Docket No. 930516-3116; I.D. 041493A]

Financial Assistance for Research and Development Projects for Full and Wise Use and Enhancement of Fishery Resources in the Gulf of Mexico and South Atlantic

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

ACTION: Request for comments on proposed program emphasis areas.

SUMMARY: Funds are requested in the President's fiscal year (FY) 1994 budget to assist persons in carrying out research projects that optimize the use of U.S. Gulf of Mexico and South Atlantic (North Carolina to Florida) fisheries involving the U.S. fishing industry (recreational and commercial), including fishery biology, resource assessment, social-economic assessment, management and conservation, selective harvesting methods, and fish handling and processing. Emphasis is on research that will enhance social and economic benefits from living marine resources. NMFS issues this notice to solicit public comments on the FY 1994 proposed program emphasis areas for the Marine Fisheries Initiative (MARFIN) Financial Assistance Program. This is not a solicitation for proposals.

DATES: Public comments on the proposed areas of program emphasis for the FY 1994 MARFIN solicitation will be accepted between June 15, 1993 and July 15, 1993.

ADDRESSES: Send comments to: Regional Director, Attn: D. Pritchard, Southeast Regional Office, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Mr. David L. Pritchard, 813-893-3720.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Fish and Wildlife Act of 1956, at 16 U.S.C. 753a, authorizes the Secretary of Commerce to enter into cooperative agreements for the conduct of research to enhance U.S. fisheries. Funds are requested in the President's FY 1994 budget for financial assistance under the MARFIN program to manage and enhance the use of fishery resources in the Gulf of Mexico and off the States of North Carolina, South Carolina, Georgia and Florida. "U.S. fisheries" includes any fishery that is or may be engaged in by U.S. citizens. The phrase "fishing industry" includes both the commercial and recreational sectors of U.S. fisheries. This program is described in the Catalog of Federal Domestic Assistance under program number 11.433 Marine Fisheries Initiative.

A Notice of Availability of Financial Assistance for the FY 1994 MARFIN program is expected to be published in the **Federal Register** after public comments have been received on the proposed areas of emphasis in this notice.

II. Proposed Areas of Emphasis for the FY 1994 MARFIN Program

Research needs identified in fishery management plans (FMPs) and amendments prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and the Gulf and Atlantic States Marine Fisheries Commissions (Commissions) are included in this proposal. Areas of special emphasis include:

1. Shrimp Trawler Bycatch

Studies are needed to contribute to the regional shrimp trawler bycatch program being conducted by NMFS in cooperation with state fishery management agencies, commercial and recreational fishing organizations and interests, environmental organizations, universities, the Councils, and the Commissions. Specific guidance and research requirements are contained in the Regional Bycatch Plan prepared by the Gulf and South Atlantic Fisheries Development Foundation. In particular, the studies should address:

a. Data collections and analyses to expand and update current bycatch estimates, temporally and spatially, including offshore, nearshore, and inshore waters. Emphasis should be on inshore and nearshore waters (less than 10 fathoms (18.3 m)). Estimated numbers and weights should be included, plus samples of hard parts of fish to allow analysis of year-class impact.

b. Assessments of the status and condition of fish stocks significantly impacted by shrimp trawling, with emphasis given to overfished species under the jurisdiction of the Councils.

c. Identification, development, and evaluation of gear, non-gear, and tactical fishing options to reduce bycatch.

d. Economic studies of the dynamic effects of bycatch on the bycatch fisheries, e.g., mackerel, reef fish, demersal species, and estuarine species.

e. Improved methods for communicating with and improving technology and information transfer to the shrimp industry.

f. Measurement of the biological impacts of various management options to reduce shrimp fishery bycatch. Information is needed on trophic level interactions of changes due to bycatch reduction.

2. Highly Migratory Pelagic Fisheries

a. Longline Fishery, Including Bycatch

A number of pelagic longline fisheries exist in the Gulf and South Atlantic. Most target highly migratory species such as tunas, billfish, some sharks, and swordfish. These fisheries have evolved rapidly over the last decade, with increases in fishing effort and changes in fishing gear and tactics. These changes need to be characterized and their effects quantified. High priority areas include:

(1) Characterization of specific longline fisheries, including targeted species, stock identification, bycatch catch per unit effort, and biological parameters (e.g., sex and reproductive state) by gear type, area, and season.

(2) Evaluation of vessel log data for monitoring the fisheries.

(3) Development and evaluation of gear and fishing tactics to minimize the bycatch of undersized and unwanted species, including sea turtles and marine mammals.

(4) Assessment of the impact of longline bycatch on related fisheries, including biological, social, and economic factors and effects.

b. Sharks

Little is known about shark resources in the Gulf and South Atlantic. A Secretarial FMP for Atlantic sharks has been developed that identifies a number of research needs. These needs can be grouped as:

(1) Characterization of the directed and bycatch commercial and recreational fisheries from existing and new data. Emphasis should be on species, stock identification, size, and sex composition and catch per unit effort by season, area, and gear type.

(2) Collection and analysis of basic biological data on movements, habitats, growth rates, mortality rates, age composition, and reproduction. Especially needed are collection and analysis of data on the extent of geographic range, migration characteristics, and other movements of blacktip and sandbar sharks. Of particular interest for the sandbar shark are determination of its relationship to water depth and determination of the southern boundary of its range.

(3) Determination of baseline cost and returns for commercial fisheries that take and retain sharks, and estimations of demand curves for shark products and recreational shark fisheries.

(4) Development of species profiles and stock assessments for sharks taken

in significant quantities by commercial and recreational directed and bycatch fisheries. Assessments can be species-specific or for species groups, so long as the latter does not differ substantially from the groups identified in the Shark FMP.

(5) Identification of coastal sharks using laboratory (tissue analysis) methods.

(6) Characterization of the recreational shark fishery; research to improve the precision and accuracy of recreational catch estimates; increase in the size and species sampling of the recreational catch.

(7) Development of fishery-independent abundance indices.

3. Reef Fish

Many species within the reef fish complex are showing signs of being overfished, either by directed or bycatch fisheries. The ecology of reef fish makes them especially vulnerable to overfishing because they tend to concentrate over specific types of habitats that are patchily distributed (widely scattered, but often clustered). The patchy distribution of the resource can make traditional fishery statistics misleading, because catch per unit effort can remain relatively high as fishermen move from one area to another, yet overall abundance of the resource can be declining sharply. Priority research areas include:

a. Collection of basic biological data for species in commercially and recreationally important fisheries, with emphasis on stock and species identification, age and growth, early life history, the source of recruits (especially amberjack and vermilion snapper in the Gulf of Mexico and the possibility of a Caribbean source for Florida Keys snapper and grouper), reproductive biology, and movement and migration patterns. The behavior of age-0 and age-1 red snapper is another important research need. Also important is the effect of reproductive mode and sex change (protogynous hermaphroditism) on population size and characteristics, with reference to sizes of fish exploited in the fisheries and the significance to proper management.

b. Identification and quantification of natural and human-induced mortality.

c. Determination of the habitat and limiting factors for important reef fish resources (such as snapper in the Gulf of Mexico).

d. Identification and characterization of spawning aggregations by species, areas, and seasons.

e. Assessment of tag performance on primary reef fish species (snappers and groupers). Characteristics examined should include shedding rate, holding power, effects on growth and survival, and ultimately the effects of these characteristics on estimation of vital population parameters.

f. Stock assessments to establish the status of major recreational and commercial species. Especially needed are innovative methods for assessing stocks of aggregate species, including the impact of fishing on genetic structure.

g. Research in direct support of management techniques, including catch-and-release mortality, gear and fishing tactic modifications to minimize bycatch, balancing traditional fisheries use with alternate uses (e.g., ecotourism and sport diving), and economic and social profiles and studies to evaluate impacts of management options. Also needed are studies to determine effects of fishing closures and quotas on alternative commercial and recreational fisheries.

h. Research to evaluate the use of reef fish marine reserves (sanctuaries) as an alternative or supplement to current fishery management measures and practices, especially in the South Atlantic. Also needed is an examination of the effects of these sanctuaries on non-target species.

i. Use of available data to describe the social-economic behavior of recreational fishermen (e.g., effects of switching species and bag limits on recreational trips).

j. Characterization and quantification of the biological, economic and social impacts of the 1994 experimental longline fishery for reef fish in the 15–20 fathom (27–37 m) zone along Florida's west coast. This should include the following features:

(1) Characterization of the longline fishery, including the target species, bycatch catch per unit effort, and biological parameters (including size, sex, and reproductive state) by gear type, area, and season.

(2) Evaluation of vessel log data for monitoring the fishery.

(3) Development and evaluation of gear and fishing tactics to minimize the bycatch of undersized and unwanted species, including sea turtles and marine mammals.

(4) Assessment of the impact of longline bycatch on related fisheries including biological, social, and economic factors and effects.

k. A study designed to outline approaches to the development of multispecies individual transferable quotas (ITQs) and the economic performance resulting from ITQ management. The study should address the unique problems associated with the catch of multiple species with given units of effort. The implications for the costs of development and monitoring such ITQs should be included in the analysis. A suggested example species complex is Gulf of Mexico reef fish (snappers and groupers).

Additional explanation of research needs for Gulf reef fish is available from a MARFIN-supported plan for cooperative reef-fish research in the Gulf of Mexico.

1. Characterization of the Gulf of Mexico fish trap fishery, with emphasis given to onboard observer data, including information on bycatch and undersized target species, condition of the catch, catch handling techniques, fishing techniques, area and seasonal fishing practices, and fate of released fish.

4. Coastal Herrings

Preliminary studies indicate that substantial stocks of coastal herrings occur in the Gulf and South Atlantic. Most of the available data come from fishery-independent surveys conducted by NMFS and state fishery management agencies. Because of the size of these stocks, their importance as prey, and in some instances as predator species, their potential for development as commercial and recreational fisheries needs to be understood. General research needs include:

a. Collection, collation, and analysis of available fishery-independent and fishery-dependent data from state and Federal surveys, with emphasis on species and size composition, seasonal distribution patterns, biomass, and environmental relationships. Emphasis should be given to high-profile species, such as Spanish sardines.

b. Description and quantification of predator-prey relationships between coastal herring species and those such as the mackerels, tunas, swordfish, billfish, sharks, bluefish, and others in high demand by commercial and recreational fisheries.

5. Coastal Migratory Pelagic Fisheries

The demand for many of the species in this complex by commercial and recreational fisheries has led to overfishing for some, such as Gulf King and Spanish mackerel, and Atlantic Spanish mackerel. Additional, some are transboundary with Mexico and other countries and ultimately will demand international management attention. Current high priorities include:

a. Development of recruitment indices for king and Spanish mackerel, cobia, dolphin, and bluefish, primarily from fishery-indpendent data sources, though indices of year-class success using

occurrence in bycatch are also important.

b. Development of assessment and management models for coastal pelagic resources for which dynamics are dominated by single year classes (such as Spanish mackerel, dolphin, and bluefish).

c. Improved catch statistics for all species in Mexican waters, with special emphasis on king mackerel. This includes length frequency and life history information.

d. Information on populations of coastal pelagics overwintering off North Carolina, South Carolina, and Georgia; especially population size, age, food, and movements.

e. Collection of basic biostatistics for coastal pelagic species (e.g., cobia and dolphin) to develop age-length keys and maturation schedules for stock assessments, where significant gaps in the database exist.

f. Demand and supply functions for recreational and commercial fisheries for king mackerel in the South Atlantic and Gulf of Mexico. Emphasis can be on changes in marginal values of production and surplus since the studies would be used in allocation frameworks where total values are not necessarily required. Potential applicants must ensure that they are familiar with the status of research in this area.

6. Groundfish and Estuarine Fishes (Weakfish, Menhaden, Spot, Croaker, and Red Drum)

Substantial stocks of groundfish and estuarine species occur in the Gulf and South Atlantic. Most of the database comes from studies conducted by NMFS and state fishery management agencies. Because of the historic and current size of these fish stocks, their importance as predator and prey species, and their current or potential use as commercial and recreational fisheries, more information on their biology and conservation is needed. General research needs are:

a. Measurement of the effects of sport fishing on red drum populations in the Gulf of Mexico and the South Atlantic. Specific needs in the South Atlantic area are increased sampling of night-time fishing for red drum on the Outer Banks of North Carolina.

b. Definitions of the stocks of groundfish and estuarine fishes in the South Atlantic.

c. Information on the immigration and escapement of red drum from state waters into the exclusive economic zone (EEZ) in the Gulf of Mexico.

d. Determination of life history and stock identification parameters for weakfish, menhaden, spot, croaker and red drum in the Gulf of Mexico and the South Atlantic area. Research should include determination of migratory patterns through tagging, monitoring long-term changes in abundance, measurement of growth rates and age structure, and comparisons of the inshore and offshore components of the recreational and/or commercial fisheries.

e. Monitoring of juvenile populations and population indices to determine year-class strength, including recruitment indices and fishery-independent indices of spawning stock.

f. Catch and effort statistics from recreational and commercial fisheries, including size and age structure of the catch, to develop production models.

g. Biological and economic analyses of the optimum utilization of long-term fluctuating populations.

h. Quantification of the bycatch in the commercial menhaden purse seine fishery and the coastal herring purse seine and beach seine fisheries.

Note. Preliminary coastwide studies on menhaden have been conducted.

i. Quantification of the bycatch in finfish trawl fisheries (such as the flounder fishery and the fly-net fishery for sciaenids in the South Atlantic area).

j. Turtle excluder device (TED) development and testing for finfish trawl fisheries.

k. Determination of catch-and-release mortality rates for spotted seatrout and red drum in inshore and nearshore waters.

l. Consideration of options with the potential for implementing a limited access system for the menhaden fishery.

m. Cooperative red drum tag-recapture studies to estimate the standing stick biomass in the EEZ and to determine red drum escapement rates from state waters.

7. Crabs and Lobsters

a. Monitoring of fecundity and sex/size frequency for examination of spawning potential in relation to overfishing criteria for stone crabs and spiny lobsters.

b. Development of indices of recruitment and/or migration rates for stone crabs and spiny lobsters.

c. Development of assessment and management models for single year-class fisheries for stone crabs and spiny lobsters.

8. Sea Turtle Conservation

The conservation of endangered and threatened sea turtles in the southeast region continues to be of relatively high priority. Specific needs include:

a. Information on the distribution, abundance, species, and size composition of sea turtles in inshore waters, especially where these turtles may be affected by inshore fisheries (e.g., shrimp trawls, gill nets).

b. TED modifications or designs to exclude adult leatherback sea turtles effectively. The area of special concern is off South Carolina, Georgia, and Florida.

c. TED designs and modifications of existing designs for use in small, inshore shrimp trawls. Research on shrimp retention and on the effectiveness of the TEDs to operate in areas with debris is especially needed.

d. Sea turtle incidental catch in fisheries other than the shrimp fishery.

e. Definition, spatially and seasonally, of critical habitat areas for Kemp's ridley sea turtles in coastal and inshore areas.

9. General

There are many areas of research that need to be addressed for improved understanding and management of fishery resources. These include methods for data collection, management, analysis, and for better conservation. Examples of high priority research topics include:

a. Basic design and critical analysis of a data collection system, which may involve permits, logbooks, trip interviews, dealer reporting or other innovative methods. The system design should be applicable across the entire range of species that may be pursued throughout the Gulf and South Atlantic region and should address established social-economic and biological data needs.

b. Assessment of the changes in recreational and commercial values that have resulted from past management actions for red drum, shrimp, mackerels, and reef fish.

c. Development of improved methods and procedures for technology transfer and education of constituency groups concerning fishery management and conservative programs. Of special importance are programs concerned with controlled access and introductions of conservation gear and fishing practice modifications.

d. Development of new modeling and analytical approaches to understanding basic processes in fishery productivity and energy transfer that can be applied to specific fishery resource problems.

e. Development of baseline socio-demographic information on Federally managed South Atlantic and Gulf of Mexico fisheries.

Authority: 16 U.S.C. 753a.

Dated: June 9, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 93–14058 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council's Surf Clam and Ocean Quahog Committee will hold a public meeting on June 30, 1993, at the Ramada Inn, 76 Industrial Highway, Essington, PA. The meeting will begin at 10:00 a.m.

The primary purpose of the meeting is to discuss Amendment #9 to the Surf Clam and Ocean Quahog Fishery Management Plan.

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: June 9, 1993.

David S. Crestin,

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

[FR Doc. 93–13998 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council (Council) is commencing a review of stocks which have not met their spawning escapement objectives for three consecutive years. The review is required by Amendment #10 to the West Coast Ocean Salmon Fishery Management Plan. The Council has formed two teams to proceed with reviews of the Sacramento River and Klamath River fall chinook stocks. Each team will review the causes for the escapement failure of its respective stock and provide recommendations for resolving the problems to the Council prior to the 1994 ocean salmon season.

The Teams' agendas, and meeting dates, times and locations are as follows:

The Klamath River Fall Chinook Review Team will hold its initial meeting on June 24–25, 1993, in room 106 of Nelson Hall East, Humboldt State University, Arcata, CA. The meeting will begin at 1 p.m. on June 24 and continue on June 25 from 8 a.m. until about 12 noon. This Team will examine the causes which have led to a failure in meeting spawning escapement objectives for naturally produced Klamath River fall chinook. This stock has been below its floor spawning escapement level (35,000) for the past three years.

The Sacramento River Fall Chinook Review Team will hold its initial meeting June 29–30, 1993, in the Main Conference Room, Region 2 Headquarters of California Department of Fish and Game, 1701 Nimbus Road, Rancho Cordova, CA. The meeting will begin at 1 p.m. on June 29 and continue on June 30 from 8 a.m. until about 12 noon. This Team will examine the causes which have led to a failure in meeting the annual spawning escapement range (122,000 to 180,000 adults) for natural and hatchery produced Sacramento River fall chinook over the past three years.

For more information contact John Coon, Staff Officer (Salmon), Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326–6352.

Dated: June 9, 1993.

David S. Crestin,

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

[FR Doc. 93–13994 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Permits

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

ACTION: Issuance of scientific research permit No. 837 (P771#67).

SUMMARY: On April 1, 1993, notice was published in the **Federal Register** (58 FR 17208) that a request for a scientific research permit to take marine mammals (P771#67) had been submitted by the Alaska Fisheries Science Center, NMFS, NOAA, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., Building 4, Seattle, WA 98115, to conduct scientific research on northern fur seals (*Callorhinus ursinus*) over a 5-year period.

Notice is hereby given that on June 4, 1993, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), §§ 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), and the Fur Seal Act of 1966 (16 U.S.C. 1151–1187), the NMFS issued the requested Permit for the above activities subject to the Special Conditions set forth therein.

The Permit and other related documentation are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, NMFS, 1335 East-West Highway, room 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Alaska Region, NMFS, Federal Annex, 9109 Mendenhall Mall Road, suite 6, Juneau, AK 99802 (907/586–7221);

Director, Northwest Region, NMFS, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150); and,

Director, Southwest Region, NMFS, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802, (310/980–4016).

Dated: June 4, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–14010 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

June 9, 1993.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: June 17, 1993.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6714. For information on embargoes and quota re-openings, call (202) 482–3715. For information on categories on which consultations have been requested, call (202) 482-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Inasmuch as consultations have not resulted in a mutually satisfactory solution on Categories 334/634, the

United States Government has decided to control imports in these categories for the prorated period beginning on May 29, 1993 and extending through December 31, 1993 at a level of 91,264 dozen.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in further consultations with the Government of Pakistan, further notice will be published in the Federal Register.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 56904, published on December 1, 1992; and 58 FR 15486, published on March 23, 1993.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 9, 1993.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 25, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on June 17, 1993, you are directed to establish a limit for cotton and man-made fiber textile products in Categories 334/634 for the period beginning on May 29, 1993 and extending through December 31, 1993 at a level of 91,264 dozen[1].

For the import period February 28, 1993 through March 24, 1993, you are directed to charge 1,120 dozen for Category 634 to the limit established in the directive dated March 18, 1993 for Categories 334/634 for the period beginning on February 28, 1993 and extending through May 28, 1993.

Imports charged to the limit for Categories 334/634 for the February 28, 1993 through May 28, 1993 period shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

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

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

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–14077 Filed 6–14–93; 8:45 am]

BILLING CODE 3510-DR-F

[1] The limit has not been adjusted to account for any imports exported after May 28, 1993.

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

Title and OMB Control Number: Parent Subsidiary Verification System; OMB Control No. 0704–0236.

Type of Request: Revision.

Number of Respondents: 125.

Responses Per Respondent: 1.

Annual Responses: 125.

Average Burden per Response: 2 hours.

Annual Burden Hours: 250.

Needs and Uses: The annual publication entitled, "100 Companies Receiving the Largest Dollar Volume of Prime Contract Awards," provides total DoD awards reported during a fiscal year to a company and all of its subsidiaries. To ensure that the published data are accurate, a listing is sent to the companies likely to appear in this publication requesting information on their subsidiaries.

Affected Public: Businesses or other for-profit.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: June 10, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–14089 Filed 6–14–93; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF ENERGY

Financial Assistance Award; Intent To Award a Cooperative Agreement to Conference of Radiation Control Program Directors

AGENCY: Department of Energy.

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: The Department of Energy (DOE) announces that pursuant to 10 CFR 600.6(a)(5), it is making a discretionary financial assistance award based on the criteria set forth at 10 CFR 600.7(b)(2)(i) (A), (B) and (D) under Cooperative Agreement Number DE–FC01–93RW00284 to the Conference of Radiation Control Program Directors. The Department's purpose in negotiating a Cooperative Agreement with this non-profit national association of State radiation safety offices is to provide them assistance in establishing radiological inspection procedures and in reviewing emergency-response procedures for shipment of radioactive material, including transportation of nuclear waste pursuant to the Nuclear Waste Policy Act of 1982, as amended.

SCOPE: DOE intends to award a five year cooperative agreement at a total projected cost of $502,284 for the purpose of (1) evaluating the resources and needs of state agencies involved with the transportation of spent nuclear fuel and high-level radioactive waste (HLW), and adequately distribute that information; (2) providing a forum for, and enhancing, communications concerning HLW radiation control programs (RCPs), DOE Office of Civilian Radioactive Waste Management (OCRWM) Office of Storage and Transportation Systems (OSTS), other professional and governmental organizations involved in HLW, and the general public; (3) providing information and instruction by national authorities to first responders for transportation accidents involving radioactive materials, and to the general public; (4) reviewing documents and analyzing HLW transportation issues from the perspective of state radiation control authorities; and (5) representing the concerns, needs, and program developments of state radiation control programs to the OCRWM/OSTS and to

other related government agencies and professional associations.

Basis for Non-Competitive Award

DOE has determined that the circumstances of the proposed award meet the criteria of 10 CFR 600.7(b)(2)(i) A, B and D, in that DOE had determined that (1) this is an activity presently being funded under an expiring cooperative agreement with the Conference of Radiation Control Program Directors for which competition for support would have a significant adverse effect on the continuity or completion of the activity; (2) the Conference of Radiation Control Program Directors will use its own resources and those of third parties, however, DOE support will enhance the public benefits to be derived from this activity and DOE knows of no other entity which is conducting or planning to conduct such activities; and (3) the Conference of Radiation Control Program Directors has exclusive domestic capability to perform these activities successfully, based upon its unique position as the chartered board representing State radiation safety offices.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, Attn: Mr. Bill Heaps, PR–322.3, 1000 Independence Ave. SW., Washington, DC 20585.

Linda Strand,

Acting Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 93–14076 Filed 6–14–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. CP93–425–000, et al.]

CNG Transmission Corp., et al.; Natural Gas Certificate Filings

June 8, 1993.

Take notice that the following filings have been made with the Commission:

1. CNG Transmission Corp.

[Docket No. CP93–425–000]

Take notice that on June 3, 1993, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP93–425–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain pipeline facilities in New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, CNG proposes to construct and operate 3.68 miles of 30-inch pipeline in Bethlehem Township, Albany County, New York. The proposed pipeline would connect CNG's TL–383 pipeline to its TL–470 pipeline near Niagara Mohawk Power Corporation's South Albany Steam Plant, it is stated.

CNG states that the facilities are necessary to enable it to provide long-term, firm natural gas transportation service to the LG&E-Westmoreland Rensselaer Cogeneration Plant located in Rensselaer, New York.

CNG estimates the cost of the facilities to be $8,358,600, which would be financed from funds on hand or obtained from its parent, Consolidated Natural Gas Company.

Comment date: June 29, 1993, in accordance with Standard Paragraph F at the end of this notice.

2. Panhandle Eastern Pipe Line Co.

[Docket No. CP93–360–000]

Take notice that on May 27, 1993, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP93–360–000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service under five individually certificated transportation and exchange agreements with Western Gas Interstate Company (Western), Natural Gas Pipeline Company of America (NGPL), Cabot Corporation (Cabot), Lukens Steel Company (Lukens) and DeKalb Swine Breeders, Inc. (DeKalb), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Panhandle states that it proposes to abandon service under its Rate Schedules E–1, T–5, T–9, T–55 and T–63 contained in its FERC Gas Tariff, Original No. 2. Panhandle further states that the various transportation and exchange services are no longer required by Western, NGPL, Cabot, Lukens and DeKalb. Panhandle asserts that proper notices were given for the termination of these services under these rate schedules.

No facilities are proposed to be abandoned herein.

Comment date: June 29, 1993, in accordance with Standard Paragraph F at the end of this notice.

3. Williams Natural Gas Co. and Transwestern Pipeline Co.

[Docket No. CP93–367–000]

Take notice that on June 1, 1993, Williams Natural Gas Company (WNG) P.O. Box 3288, Tulsa, Oklahoma 74101, and Transwestern Pipeline Company (Transwestern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP93–367–000, a joint application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service provided pursuant to WNG's Rate Schedule X–17 and Transwestern's Rate Schedule X–16, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by order issued May 23, 1980, in Docket No. CP80–25, WNG (formerly Cities Service Gas Company) and Transwestern were authorized to exchange natural gas pursuant to an agreement dated August 9, 1979. The agreement, it is said, provided for natural gas produced from nine wells, and other wells added by mutual agreement, located near WNG's facilities and dedicated to Transwestern, would be gathered into WNG's system. WNG, it is said, would concurrently reduce the volumes received from Transwestern by an equivalent quantity at an existing delivery point between WNG and Transwestern located in Hemphill County, Texas.

WNG and Transwestern state that there has been no activity pursuant to this exchange for several years and therefore the agreement has been terminated pursuant to mutual written agreement of the parties.

No facilities are proposed to be abandoned herein.

Comment date: June 29, 1993, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to

jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13982 Filed 6–14–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–420–000]

Arkla Energy Resources Co.; Request Under Blanket Authorization

June 8, 1993.

Take notice that on June 3, 1993, Arkla Energy Resources Company (AER), Post Office Box 2174, Shreveport, Louisiana 71151, filed in Docket No. CP93–420–000, a request pursuant to §§ 157.205, 157.211, and 157.212 of the Commission's Regulations under the Natural Gas Act and pursuant to Northern's blanket certificate issued in Docket Nos. CP82–384–000 and CP82–384–001, for authority to construct and operate facilities in Louisiana, all as more fully set forth in the application which is on file and open to the public inspection.

AER specifically proposes to upgrade one existing meter station at an estimated cost of $13,000, for increased deliveries to Arkansas Louisiana Gas Company's (ALG's) new rural extension to serve customers in Claiborne Parish, Louisiana. AER also contends that ALG will reimburse AER for all construction costs, and that the volume of gas that will be delivered through this tap is approximately 2,190 Mcf on a peak day.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–13981 Filed 6–14–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–412–000]

Northwest Pipeline Corp.; Petition for Declaratory Order

June 9, 1993.

Take notice that on June 2, 1993, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP93–412–000 a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order confirming that Northwest's past and proposed accommodation and use of mobile compressors to temporarily replace existing permanent compressor units on its interstate natural gas pipeline qualifies as a miscellaneous rearrangement of facilities subject to 18 CFR 157.208, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Northwest states that it has modified seven existing compressor station sites to accommodate mobile compressors, to temporarily replace existing compressor units when such units are out-of-service. Northwest states further that such modifications were done as part of a miscellaneous rearrangement of facilities under Northwest's blanket construction certificate. The request, it is said, is made out of an abundance of caution to provide certainty that the activity complies with Commission regulations.

It is stated that in the alternative, Northwest requests the Commission to issue a certificate granting Northwest authority to construct facilities to accommodate temporary replacement mobile compressor units, operate and subsequently remove them.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 30, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13979 Filed 6–14–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–549–000]

Public Service Co. of New Mexico; Filing

June 9, 1993.

Take notice that on June 3, 1993, Public Service Company of New Mexico submitted (1) an additional Explanatory Statement relating to the Letter Agreement between Tucson Electric Power Company and PNM dated August 26, 1981, submitted on April 7, 1993 in the captioned proceeding, and (ii) Exhibits I–IV to the Co-Tenancy Agreement between PNM and TEP, which was inadvertently omitted from the April 7, 1993 filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 21, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13977 Filed 6–14–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–160–000]

Puget Sound Power & Light Co.; Filing

June 9, 1993.

Take notice that on May 5, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an amendment to its original filing filed in this docket on November 17, 1992.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before June 21, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13978 Filed 6–14–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES93–38–000]

Texas-New Mexico Power Co.; Application

June 8, 1993.

Take notice that on June 4, 1993, Texas-New Mexico Power Company (Texas-New Mexico) filed an application under § 204 of the Federal Power Act requesting authorization to issue not more than $150 million of First Mortgage Bonds and $150 million of Secured Debentures, over a two-year period. Also, Texas-New Mexico requests exemption from the Commission's competitive bidding and negotiated placement regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 21, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–13980 Filed 6–14–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–435–000]

Transcontinental Gas Pipe Line Corp.; Request Under Blanket Authorization

June 9, 1993.

Take notice that on June 7, 1993, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP93–435–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to construct and operate a new point of delivery to Public Service Electric & Gas Company (PSE&G), under the blanket certificate issued in Docket No. CP83–426–000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco states that it would construct, install, own, and maintain a new delivery point to PSE&G, one of its sales, transportation and storage customers. It is indicated that the facility, referred to as the Camden Cogen Delivery Point, would include a branch tee, a 12-inch valve and appurtenant facilities on Transco's existing 14-inch Plant "A" Lateral, all in Camden County, New Jersey and would cost estimated $143,000. It is also indicated that PSE&G would construct, or cause to be constructed, facilities to enable it to receive gas from Transco at the new delivery point.

Transco states that the Camden Cogen Delivery Point would be used by PSE&G to receive up to a maximum daily delivery point entitlement of 31,000 Mcf per day of gas from Transco on a firm and interruptible basis. It is stated that the facility is required to enable PSE&G to serve Cogen Technologies, an incremental cogeneration customer of PSE&G that would use the gas as fuel for its cogeneration plant. It is also stated that the authorized total transportation and sales service entitlement for PSE&G would not be altered from the current level, and the addition of the delivery point would have no effect on Transco's peak day or annual deliveries to PSE&G. It is further indicated that Transco has sufficient system delivery flexibility to accomplish deliveries at the new delivery point without determent or disadvantage to Transco's other gas transportation and sales customers. Also, Transco states that the addition of the new delivery point would have no effect on Transco's peak day or annual deliveries to other customers. Transco also states that the addition of the new delivery point in not prohibited by Transco's FERC Gas Tariff. It is indicated that PSE&G would continue to have total firm mainline sales and transportation capacity of 430,549 Mcf per day.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–13976 Filed 6–14–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Efficiency and Renewable Energy

[Case No. CW–001]

Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver From Clothes Washer Test Procedures of New Harmony Systems Corp.

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to New Harmony Systems Corporation (New Harmony) from the existing Department of Energy (DOE or Department) test procedure for clothes washers regarding its series 1 and 2 machines. The design features that differ from those covered by the existing clothes washer test procedure are: An internal electrical heater for heating wash water; a continuously variable wash temperature

control; and 120/208Y and/or 120/240 volt electrical power supply.

Today's notice also publishes a "Petition for Waiver" from New Harmony. New Harmony's Petition for Waiver requests DOE to grant relief from the DOE clothes washer test procedure relating to the series 1 and 2 machines. The design features that differ from those covered by the existing clothes washer test procedure are: an internal electrical heater for heating wash water; a continuously variable wash temperature control; and 120/208Y and/or 120/240 volt electrical power supply.

New Harmony seeks to test by internally heating the inlet cold water instead of using externally heated water; test by using a continuously variable wash temperature control instead of the 3 temperature requirements (i.e., hot (140°F), warm (100°F) and cold (60°F)); and test by using an electrical power supply of 120/208Y and/or 120/240 volts instead of 120 ±2 volts. DOE is soliciting comments and information regarding the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than July 15, 1993.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. CW–001, Mail Stop EE–90, room 6B–025, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC., 20585, (202) 586–0561.

FOR FURTHER INFORMATION CONTACT:

William W. Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–43, Forrestal Building, 1000 Independence Avenue, SW. Washington, DC., 20585 (202) 586–9145

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–41 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC., 20585, (202) 586–9507

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, and the Energy Policy Act of 1992 (EPAct), Public Law 102–486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including clothes washers. The intent of the test procedures is to provide a comparable measures of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter, DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to temporarily waive the test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On February 2, 1993, New Harmony filed an Application for Interim Waiver regarding its series 1 and 2 machines with design features that differ from those covered by the existing clothes washer test procedure: an internal water heating source; a various temperature testing capability; and an alternate electrical power supply. New Harmony's Application seeks an Interim Waiver from the DOE provisions that require an externally heated water supply, three specified temperature settings (i.e., 140°F, 100°F and 60°F), and 120 volt ±2 volt electrical power supply. Instead, New Harmony requests the allowance to test both machines with: A cold water supply that is heated internally for washing; continuously variable settings in water temperature; and manufactured specified voltages of 120/208Y and/or 120/240. New Harmony states that these energy-efficient machines are to be imported into the United States in the near future. Since current DOE test procedures do not address the design features discussed above, New Harmony asks that the Interim Waiver be granted.

New Harmony states in its application to the Department that being a small company, it will suffer economic hardship if it cannot commence sales in a short time. Comments received from the Speed Queen Company of March 4, 1993, support the waiver request. To encourage and foster the availability of these energy-efficient products is in the public interest and thus, the Department grants the application for interim waiver.

Therefore, DOE is granting New Harmony an Interim Waiver for its series 1 and 2 machines. Pursuant to paragraph (e) of § 430.27 of the Code of Federal Regulations Part 430, the following letter granting the Application for Interim Waiver to New Harmony was issued.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE would appreciate comments, data and other information regarding the petition discussed above.

Issued in Washington, DC., June 7, 1993.

Robert L. San Martin,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

Mr. Allen Jaisle, President

New Harmony Systems Corporation, 1660 South Highway 100, 122 Parkdale Plaza, Minneapolis, MN 55416.

Dear Mr. Jaisle: This is in response to your February 2, 1993, Application for Interim Waiver and Petition for Waiver request from the Department of Energy (DOE or Department) test procedure pursuant to title 10 CFR 430.27 for clothes washers regarding New Harmony System Corporation's (New Harmony) series 1 and 2 machines with the following features that differ from those covered by the existing test procedure: an internal electrical heater for heating wash water, a continuously variable wash temperature control, and 120/208Y and/or 120/240 volt electrical power supply.

New Harmony states in its letter to the Department that being a small company, it will suffer economic hardship if it cannot commence sales in a short time. Comments received from the Speed Queen Company of March 4, 1993, support the waiver request. To encourage and foster the availability of these energy-efficient products is in the public interest and thus, the Department grants New Harmony's Application for an Interim Waiver from the DOE test procedure for its New Harmony series 1 and 2 machines, with the following features that differ from those covered by the existing clothes washer test procedure: an internal electric heater for heating wash water, a continuously variable wash temperature control, and 120/208Y and/or 120/240 volt electrical power supply.

New Harmony Systems Corporation shall be permitted to test its clothes washers on the basis of the test procedures specified in 10 CFR part 430, subpart B, Appendix J, with the modifications set forth below:

(i) Add a new Section 1.19 in Appendix J to read as follows:

1.19 "Water heating clothes washer" means a clothes washer that has an internal electrical heater which provides all the energy needed to heat water for washing.

(ii) Sections 2.2 and 2.3 in Appendix J are amended to read as follows:

2.2 *Electrical energy supply.* Maintain the electrical supply to the clothes washer terminal block within 1 percent of 120/208Y or 120/240 volts as applicable to the particular terminal block wiring system as specified by the manufacturer. If the clothes washer has a dual voltage conversion capability, conduct the test at the highest voltage recommended by the manufacturer.

2.3 *Water Temperature.* The temperature of the water supply shall be maintained at 60°F ± 5°F.

(iii) Sections 3.2.1 through 3.3.5 in Appendix J shall be deleted and replaced with the following:

3.2.1 *Per-Cycle Electrical Energy Consumption at Maximum Fill.* Set the water level selector at maximum fill. Insert the appropriate test load, if applicable. Set the variable water temperature thermostat to the hot setting (140°F) and activate the normal cycle of the clothes washer. At the end of the wash cycle, interrupt the normal cycle by bypassing the antishock step to prevent mixing of hot waste water and cold rinse water. Verify the temperature of the discharged waste water in the drain pipe, which must be at 140°F ± 5°F. If the measured temperature is lower than the specified lower bound, adjust the variable water temperature thermostat and/or increase wash time increment and repeat the procedure. Otherwise, reactivate and complete normal cycle and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{h,max}$.

3.2.1.1 Repeat section 3.2.1 for warm wash setting at 100°F ± 5°F and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{w,max}$.

3.2.1.2 For cold wash setting at 60°F ± 5°F, set variable water temperature thermostat to its lowest temperature setting and activate the normal cycle of the clothes washer after inserting the appropriate test load. Record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{c,max}$.

3.2.2 *Per-Cycle Electrical Energy Consumption at Minimum Fill.* Set the water level selector at minimum fill and repeat section 3.2.1 for hot wash setting at 140°F ± 5°F. Record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{h,min}$.

3.2.2.1 Repeat section 3.2.2 for warm wash setting at 100°F ±5°F and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{w,min}$.

3.2.2.2 Repeat section 3.2.1.2 for cold wash setting at 60°F ± 5°F and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{c,min}$.

(iv) Sections 4.1 and 4.2 in Appendix J are amended to read as follows:

4.1 *Per-Cycle Temperature-Weighted Machine Electrical Energy Consumption For Maximum and Minimum Water Fill Levels.* Calculate the per-cycle temperature-weighted electrical energy consumption for the maximum water fill level, E_{max}, and for the minimum water fill level, E_{min}, expressed in kilowatt-hours per cycle and defined as:

$E_{min} = (0.30 \times E_{h,\,max}) + (0.55 \times E_{w,\,max}) + (0.15 \times E_{c,\,max})$

$E_{min} = (0.30 \times E_{h,\,min}) + (0.55 \times E_{w,\,min}) + (0.15 \times E_{c,\,min})$

where:

$E_{h,max}$ = as defined in section 3.2.1
$E_{w,max}$ = as defined in section 3.2.1.1
$E_{c,max}$ = as defined in section 3.2.1.2
$E_{h,min}$ = as defined in section 3.2.2
$E_{w,min}$ = as defined in section 3.2.2.1
$E_{c,min}$ = as defined in section 3.2.2.2

4.2 *Total Per-Cycle Machine Electrical Energy Consumption.* Calculate the total per-cycle energy consumption, E_{TE}, expressed in kilowatt-hours per cycle and defined as:

$E_{TE} = (0.72 \times E_{max}) + (0.28 \times E_{min})$

where:

E_{max} = as defined in section 4.1
E_{min} = as defined in section 4.1

(v) Delete sections 4.3 through 6.1 in Appendix J.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by New Harmony Systems Corporation. This Interim Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until the Department acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Sincerely,

Robert L. San Martin,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

February 2, 1993.

Assistant Secretary,

Conservation and Renewable Energy, United States Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

RE: Application for Interim Waiver and Petition for Waiver, Appendix J, subpart B CFR part 430, Test Method for Water Heating Clothes Washers

Honorable Assistant Secretary: This Application for Interim Waiver and Petition for Waiver is submitted pursuant to Title 10 CFR 430.27, which provides for modification of test method because of design characteristics preventing testing or producing data unrepresentative of a covered product's true energy consumption characteristics.

New Harmony Systems is a small business which intends to market innovative new clothes washing machines, with special design characteristics and addressed to a small specialized market niche. New Harmony Systems' water heating clothes washers have certain design characteristics, which make testing impractical and unrepresentative when tested according to the existing Appendix J test method. These design characteristics are:

—Internal electrical heater for heating wash water;
—Continuously variable wash temperature control;
—Cold water rinse only, no heated water rinses; and,
—120/208Y and 120/240 volt electrical power supply.

New Harmony Systems proposes an Interim Waiver and Waiver to amend Appendix J to provide a practical and representative method for testing of New Harmony Systems' clothes washers, according to the attached *Test Method for Water Heating Clothes Washers.* The proposed *Test Method* includes the following amendments to Appendix J to accommodate the special design characteristics of water heating clothes washers:

1. *Definitions*—"Water heating clothes washer" is defined to specify design characteristics. "Water heating factor" is defined to provide a means of weighting internal water heating energy consumption at different wash/rinse temperature settings. New Harmony Systems' clothes washers are front loading designs; however, these definitions do not limit water heating clothes washers to front or top load design.

2. *Testing Conditions*—This section establishes testing conditions to accommodate 120/208Y and 120/240 volt power supply and to include water heating clothes washers in the specification of water supply on a comparable basis with non-heating clothes washers.

3. *Test Measurements*—This section provides for machine electrical energy test measurements of water heating clothes washers at both maximum and minimum water fill, for each wash/rinse temperature setting.

4. *Calculation of Derived Results from Test Measurements*—The calculation section provides for weighting of machine electrical energy consumption to account for useage at different water fill levels and different wash/rinse water temperature settings.

5. and 6. *Temperature Use Factors*—No amendments are proposed to these sections. New Harmony clothes washers can use Temperature Use Factors in Section 5.5,

Alternate II, in cases where some hot water is supplied to the clothes washer before wash water is further heated by internal heating. Initial New Harmony Systems' clothes washers will only have cold water supply. All New Harmony Systems' clothes washers will have cold rinses exclusively.

7. *Water Heating Factors*—This section specifies the Water Heating Factors used to weight the machine electrical energy consumption at different wash/rinse temperature settings. The Water Heating Factors are based on the Temperature Use Factors in Section 5.5, Alternate II. The only change is that the use factor for Hot Wash (Temperature Use Factor=.30) is divided into two water heating categories: Hot Wash (Water Heating Factor=.25) and Ultra Wash (Water Heating Factor=.05). This is because the maximum temperature wash, Ultra Wash—maximum temperature of about 190°F, is intended only for extremely soiled clothes made of strong materials—for example, cotton diapers. Clothes washing instructions and temperature control settings will emphasize washing at the lowest wash temperature possible. New Harmony expects that less than 5% of the washes will be at the Ultra Wash setting. This will be verified by surveys of users in the United States after enough water heating clothes washers are in use for meaningful survey results.

New Harmony Systems requests immediate relief by grant of the proposed Interim Waiver, justified by the following reasons:

Economic Hardship—New Harmony Systems is a small business and will suffer economic hardship if it cannot commence sales in a short time. The developmental process has already been unexpectedly long, so that additional regulatory delay will jeopardize the company. Filing for Waiver was deferred until completion of development. In addition to the time required by the Department of Energy for approval of Waiver on the Test Method, New Harmony Systems also faces the delay associated with approval of an appropriate Energy Guide label for water heating clothes washers. Unless the Application for Interim Waiver is granted and the regulatory processes can be expedited, the combined regulatory delay could work severe economic hardship.

Likely Approval of Waiver—The Petition for Waiver is likely to be granted, because the design characteristics of water heating clothes washers are distinctly different from non-heating clothes washers. The proposed Test Method for Water Heating Clothes Washers is written to closely integrate with the existing test method of Appendix J. The weighting strategy for water heating clothes washers is modeled on the weighting strategy currently specified in Appendix J for non-heating clothes washers. It seems very likely that a test method generally on the lines of the proposed method will be approved, with any appropriate modifications by the Department of Energy.

In the period between Interim Waiver and Waiver, only a relatively small number of water heating clothes washers will be sold by New Harmony Systems. Any difference between the test method approved for Interim Waiver and that finally approved for the Waiver will have only minimal impact on energy consumption or consumer decisions.

Public Policy Merits—The public policy benefits of encouraging small business success and fostering innovation in clothes washer design are additional reasons for prompt approval of the requested Interim Waiver. New Harmony Systems' water heating clothes washers use less than *one-third* of the water for washing, compared to most clothes washers. This means much less energy for heating wash water. It also means a two-thirds reduction in washing chemicals introduced into the environment directly or during the chemical manufacturing process.

New Harmony Systems' water heating clothes washers are designed to efficiently extract more water from wet clothes by a high speed spin cycle, up to 1000 RPM. Such water extraction is many times more energy efficient than drying the same amount of water. This innovation in clothes washer design does not affect the test method for clothes washers, but does result in increased energy savings.

Thank you for your timely attention to this request for Interim Waiver and Waiver. All clothes washing machine manufacturers known to New Harmony Systems have been notified by letter of this application. A copy of the letter is attached.

Sincerely,

Allen Jaisle,

President, New Harmony Systems.

Attachments: *Test Method for Water Heating Clothes Washers*, Letter to Manufacturers of Clothes Washers.

Application for Interim Waiver and Petition for Waiver

TEST METHOD FOR WATER HEATING CLOTHES WASHERS

(Title 10 CFR part 430, subpart B, Appendix J)

1. Definitions

Add the following definitions for "Water Heating Clothes Washer" and "Water Heating Factor" in new subsections in Appendix J, Section 1:

1.XX "Water heating clothes washer" means a clothes washer having an internal electrical heater to provide some or all of the energy required to heat water for washing. Wash water temperature is selectable on a continuously variable basis, with control settings at Cold Wash (no heating), Warm Wash (100°F), Hot Wash (140°F) and Ultra Wash (maximum temperature). All rinses are Cold Rinse (no heating).

1.XX "Water heating factor" means the percentage of the total number of washes a user would wash with a particular wash/rinse temperature setting. Water heating factors are specified in Section 7 and used in the Section 4.4 calculation of water heating electric energy consumption for water heating clothes washers.

2. Testing Conditions

Amend the first sentence of Appendix J, Section 2.2, Electrical Energy Supply, to include clothes washers using 120/208Y and 120/240 volt supply as follows:

Maintain the electrical supply to the clothes washer at 120 volts ±2 volts or within one percent of 120/208Y and 120/240 volts as applicable.

Amend the second sentence of Appendix J, Section 2.3, Water Temperature, to include water heating clothes washers as follows:

For clothes washers equipped with thermostatic valves or for water heating clothes washers, the temperature of the hot water supply should be maintained at 140°F ± 5°F and the cold water supply should be maintained at 60°F ± 5°F.

3. Test Measurements

Amend Appendix J, Section 3.2.1, Per Cycle Electrical Energy Consumption, by adding a new sentence requiring measurement of machine electrical energy consumption for water heating clothes washers at both maximum and minimum water fill, as follows:

3.2.1 *Per cycle electrical energy consumption.* Set the water level selector at maximum fill and insert the appropriate test load, if applicable. For water heating clothes washers, repeat test to measure electrical energy consumption at minimum fill. Activate the normal cycle of the clothes washer and also any suds saver switch.

Amend Appendix J, Section 3.3.1, to require data recording of the machine electrical energy consumption, at maximum and minimum fill levels, for water heating clothes washers, as follows:

3.3.1 Total the kilowatt hours of electrical energy for clothes washers, M_E, consumed to operate the clothes washer without internal water heating in 3.2.1. For water heating clothes washers, record the machine kilowatt hours of energy consumed at maximum fill, $M_E\ max_i$, and at minimum fill, $M_E\ min_i$, for each of the wash/rinse temperature settings, i, in Section 7.

4. Calculation of Derived Results from Test Measurements

Amend Appendix J, Section 4.4, Per Cycle Electrical Energy Consumption, for calculation of the weighted per cycle machine electrical energy consumption for water heating clothes washers, as follows:

4.4 *Per cycle machine electrical energy consumption.* The value recorded in 3.3.1 is the per cycle machine electrical energy consumption, M_E, expressed in kilowatt hours per cycle, for clothes washers without internal water heating. The equivalent weighted per cycle machine electrical energy consumption, M_E, for water heating clothes washers is expressed in kilowatt hours per cycle and defined as follows:

$$M_E\ max = \sum_{i=0}^{n} [M_E\ max_i \times WHF_i]$$

$$M_E\ min = \sum_{i=0}^{n} [M_E\ min_i \times WHF_i]$$

$M_E = [M_E\ max \times F\ max] + [M_E\ min \times F\ min]$

where

M_E max_i and M_E min_i are per cycle machine electrical energy consumption, recorded according to Section 3.3.1, at maximum and minimum fill at each wash temperature selection, i, specified in Section 7.

WHF_i = Water Heating Factors from Section 7.

F max = Usage fill factor = 0.72.

F min = Usage fill factor = 0.28.

M_E max = Per cycle machine electrical energy consumption in kilowatt hours at maximum fill.

M_E min = Per cycle machine electrical energy consumption in kilowatt hours at minimum fill.

5. and 6. Temperature Use Factors

No amendments are proposed to these sections. Water heating clothes washers can use Table 5.3 Temperature Use Factors for automatic washers.

7. Water Heating Factors

Amend Appendix J by adding a new Section 7, Water Heating Factors, specifying water heating factors for water heating clothes washers as follows:

7. Water Heating Factors (WHF) for Water Heating Clothes Washer

Wash/rinse temperature setting	Water heating factor (WHF)
Ultra Wash (maximum temperature) Cold Rinse (no heating)	.05
Hot Wash (140°F) Cold Rinse (no heating)	.25
Warm Wash (100°F) Cold Rinse (no heating)	.55
Cold Wash (no heating) Cold Rinse (no heating)	.15

* * * * *

Allen Jaisle, President, New Harmony Systems

February 2, 1993.

Manufacturers of Domestically Marketed Clothes Washers

Re: Application for Interim Waiver and Petition for Waiver, Relating to Department of Energy Test Method for Water Heating Clothes Washers

Attached for your information is the referenced waiver application proposed by New Harmony Systems to the United States Department of Energy.

The Assistant Secretary for Conservation and Renewable Energy will receive and consider timely written comments on the Application for Interim Waiver. Title 10 CFR 430.27(d), Department of Energy rules, provides that: "Any person submitting written comments to DOE with respect to an Application for Interim Waiver shall also send a copy of the comments to the applicant."

Thank you for your kind consideration of the Application for Interim Waiver.

Attachments: Application Letter, Test Method.

[FR Doc. 93–14078 Filed 6–14–93; 8:45 am]

BILLING CODE 6450–01–P–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4665–8]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 15, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR CONTACT: Ms. Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: New Source Performance Standards (NSPS) for Kraft Pulp Mills–Subpart BB–Information Requirements (EPA ICR No. 1055.04; OMB No. 2060–0021). This is a request for renewal of a currently approved information collection.

Abstract: Owners or operators of kraft pulp mills must provide EPA, or the delegated State regulatory authority, with one-time notifications and reports, and must keep records, as required of all facilities subject to the general NSPS requirements. In addition, facilities subject to this subpart must install a continuous monitoring system (CMS) to record opacity, total reduced sulfur (TRS) emissions, temperature, and (for scrubbers) pressure drop, and must notify EPA or the State regulatory authority of the date upon which demonstration of the CMS performance commences. Owners or operators must submit semiannual reports of excess emissions and of monitoring system performance. The notifications and reports enable EPA or the delegated State regulatory authority to determine that best demonstrated technology is installed and properly operated and maintained and to schedule inspections.

Burden Statement: The public reporting burden for this collection of information is estimated to average 23 hours per response for reporting, and 175 hours per recordkeeper annually. This estimate includes the time needed to review instructions, search existing data sources, gather the data needed and review the collection of information.

Respondents: Owners or operators of kraft pulp mills.

Estimated Number of Respondents: 68.

Estimated Number of Responses Per Respondent: 2.

Estimated Total Annual Burden on Respondents: 14,996 hours.

Frequency of Collection: One-time notifications and reports for new facilities; semiannually reporting for existing facilities.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460.

and

Mr. Chris Wolz, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: June 9, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–14055 Filed 6–14–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4666–1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 15, 1993.

FOR FURTHER INFORMATION OR TO OBTAIN A COPY OF THIS ICR CONTACT: Ms. Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: New Source Performance Standards (NSPS) for Fossil-Fuel-Fired Steam Generating Units (Subpart D)–Information Requirements (EPA ICR No. 1052.04; OMB No. 2060–0026). This is

a request for renewal of a currently approved information collection.

Abstract: Owners or operators of fossil-fuel-fired steam generators of more than 73 megawatts heat input rate (250 million Btu per hour) must provide EPA, or the delegated State regulatory authority, with one-time notifications and reports, and must keep records, as required of all facilities subject to the general NSPS requirements. In addition, facilities subject to this subpart must install a continuous monitoring system (CMS) to monitor opacity and SO2 and NOx emissions, and must notify EPA or the State regulatory authority of the date upon which demonstration of the CMS performance commences. Owners or operators must submit quarterly reports of excess emissions and of monitoring system performance. The notifications and reports enable EPA or the delegated State regulatory authority to determine that best demonstrated technology is installed and properly operated and maintained and to schedule inspections.

Burden Statement: The public reporting burden for this collection of information is estimated to average 1 hour per response for reporting, and 91 hours per recordkeeper annually. This estimate includes the time needed to review instructions, search existing data sources, gather the data needed and review the collection of information.

Respondents: Owners or operators of fossil-fuel-fired steam generating units which are capable of combusting more than 73 megawatts heat input (250 mmBtu/hr) of fossil fuel.

Estimated Number of Respondents: 660.

Estimated Number of Responses Per Respondent: 4.

Estimated Total Annual Burden on Respondents: 62,865 hours.

Frequency of Collection: One-time notifications and reports for new facilities; quarterly reporting for existing facilities.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460.

and

Mr. Chris Wolz, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: June 9, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–14056 Filed 6–14–93; 8:45 am]

BILLING CODE 6560–50–F

Environmental Protection Agency

[FRL–4666–6]

Science Advisory Board; Clean Air Scientific Advisory Committee; June 29, 30, and July 1, 1993, Public Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board (SAB) will conduct a meeting to review: (1) the content of the Environmental Protection Agency's Research Strategy for Alternative Fuels, (2) the Office of Research and Development's Research Program for Motor Vehicles, and (3) revisions to the Air Quality Criteria Document for Nitrogen Oxides (NO_X). The Strategy and Program reviews will focus on the scientific and technical adequacy of the documents as well as their overall approach. The NO_X Air Quality Criteria Document has undergone previous public comment and CASAC review. At the upcoming public meeting, the main focus of discussions will be on proposed final revisions for that document made in response to the prior review. The meeting will be held at the Sheraton Imperial Hotel and Convention Center, 4700 Emperor Boulevard, Research Triangle Park, North Carolina 27709. The hotel telephone number is (919) 941–5050. The meeting will be held on June 29 and 30 from 9 a.m. to 5:30 p.m. and on July 1 from 9 a.m. to 2:30 p.m. Seating at the meeting is limited and will be on a first come basis.

Availability of Documents

The following documents are not available from the Science Advisory Board.

1. Single copies of proposed final text revisions for inclusion in the draft document *Air Quality Criteria for Oxides of Nitrogen* (NO_X) are available from Dr. Dennis Kotchmar, U.S. EPA, Environmental Criteria and Assessment Office, (MD–52), Research Triangle Park, NC, telephone (919) 541–4158.

Copies of the full NO_X Air Quality Criteria document will be available for inspection at the time and site of the public meeting.

2. Single copies of the ORD Alternative Fuels Research Strategy document (EPA/600/AP–92/002), are available from the Center for Environmental Research Information (CERI) library, Cincinnati, OH, telephone (513) 569–7562.

3. Single copies of the Issue Plan for Pollutants from Motor Vehicles are available from Dr. Judith A. Graham, U.S. EPA, Environmental Criteria and Assessment Office, (MD–52), Research Triangle Park, NC, telephone (919) 541–0349.

For Further Information

For additional information concerning this meeting or to obtain a draft agenda, please contact Mr. Randall Bond, Designated Federal Official, or Ms. Janice Jones, Management Analyst, at (202) 260–8414, Clean Air Scientific Advisory Committee, Science Advisory Board (A–101), U.S. Environmental Protection Agency 401 M St., SW, Washington, DC 20460. Anyone wishing to make a presentation at the meeting must notify Ms. Jones and forward twenty-five copies of a written statement to her no later than June 18, 1993. Oral comments to the Committee will be limited to five minutes per individual, and should not be repetitive of previously submitted written statements.

Dated: June 3, 1993.

A. R. Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 93–14054 Filed 6–14–93; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–59323A; FRL–4628–2]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME–93–19. The test marketing conditions are described below.

EFFECTIVE DATE: June 4, 1993.

FOR FURTHER INFORMATION CONTACT: William B. Lee, New Chemicals Branch, Chemical Control Division (TS–794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–613–A, 401 M St. SW., Washington, DC 20460, (202) 260–1769.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test

marketing purposes will not present an unreasonable risk of injury to human health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME–93–19. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to human health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME–93–19. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME substance.

TME–93–19

Date of Receipt: April 27, 1993.

Notice of Receipt: May 27, 1993 (58 FR 30788).

Applicant: Westvaco.

Chemical: (G) polymeric styrene/acrylic amidoamine.

Use: (G) air entraining, bond strength enhancing, and grinding aid for masonry/mortar cement.

Production Volume: Confidential.

Number of Customers: 52.

Test Marketing Period: 12 months, commencing on first day of commercial manufacture.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

Dated: June 4, 1993.

Denise M. Keehner,

Acting Director, Chemical Control, Division Office of Pollution Prevention and Toxics.

[FR Doc. 93–14053 Filed 6–14–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

June 8, 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) 632–0276. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0484.

Title: Amendment of Part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions (Section 63.100).

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit.

Frequency of Response: On occasion reporting and other: Initial report due 90 minutes after service disruption; final report required 30 days after incident.

Estimated Annual Burden: 56 responses; 2.3 hours average burden per response; 129 hours total annual burden.

Needs and Uses

Section 63.100 of the Commission's rules requires that "any local exchange or interexchange common carrier that operates transmission or switching facilities and provides access service or interstate or international telecommunications service that experiences an outage which potentially affects 50,000 or more of its customers on any facilities which it owns or operates must notify the Commission if such service outage continues for 30 or more minutes." The reporting requirement was implemented in light of a number of incidents where the introduction of new technology into the telecommunications infrastructure led to significant service disruptions. Carriers are required to file the Initial Service Disruption Report within 90 minutes of the carrier's knowledge of the incident. The Final Service Disruption Report is required not later than 30 days after the incident. The initial notification is to be served on the Commission's Monitoring Watch Officer, at its headquarter office in Washington, DC, who is on duty 24 hours a day, or on a secondary basis it may be served on the Commission's Watch Officer on duty at the FCC's facility at Grand Island, Nebraska. Notification shall be by facsimile or other record means. The Commission announced in its Public Notice of 4/2/92 that a facsimile dedicated for outage reporting by carriers had been installed at headquarters. After transmitting its report the carrier should telephone the Commission's Watch Officer to verify receipt by the Commission.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–13959 Filed 6–14–93; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

June 8, 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) 632–0276. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235

NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: None

Title: International PSN Quarterly Reports (MO, O&A, DA–438)

Action: New collection

Respondents: Businesses or other for-profit

Frequency of Response: Quarterly reporting

Estimated Annual Burden: 44 responses; 1 hour average burden per response; 44 hours total annual burden

Needs and Uses: The Commission received 11 applications requesting authority to establish and operate voice-grade international satellite circuits using the Intersputnik Statsionar 4 satellite located at 14 degrees W.L. to provide public switched services, including IMTS, data, and facsimile services, between appropriately licensed earth stations in the U.S. and the republics formerly comprising the Union of Soviet Socialist Republics and certain Eastern European countries. A total of 1,013 64-kbps equivalent circuits were requested by the applicants. In order to ensure that the limited number of 64-kbps circuits available for allocation will be placed in service as soon as possible, the Commission is requiring that the applicants file quarterly reports detailing the number of PSN circuits in use each month over the Intersputnik satellite system. The reports should also detail monthly the "no circuit" conditions during the reporting period. The reports must set forth the number of circuits each applicant has in use over each communications system for the countries served by the Intersputnik system. The quarterly reports shall be submitted within 60 days from the end of each calendar quarter. The quarterly reporting requirement will ensure that the circuits are being fully utilized.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–13960 Filed 6–14–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Petition No. P20–93, et al.]

Petitions for Temporary Exemption From Electronic Tariff Filing Requirements

In the Matter of Petition No. P20–93, of AEI Ocean Services Corp., ET AL.; Petition No. P21–93 of Distribution Services Ltd. and Distribution Services Export Ltd., Petition No. P22–93 of Wallenius Lines AB and Wallnos Far East Service; Petition No. P23–93 of Fritz Companies, Inc. D/B/A Fritz Transportation International; Petition No. P24–93 of Matson Navigation Co., Inc.

Notice is hereby given of the filing of petitions by the above named petitioners, pursuant to 46 CFR 514.8(a), for temporary exemption from the electronic tariff filing requirements of the Commission's ATFI System. Petitioners request exemption from the June 4, 1993, electronic filing deadline. Petitioners state they are unable to comply with the June 4, 1993, deadline for filing of World Wide/Asian and South Pacific tariffs for a variety of reasons.

To facilitate thorough consideration of the petitions, interested persons are requested to reply to the petitions no later than June 22, 1993. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001, shall consist of an original and 15 copies, and shall be served on petitioners or their representatives as follows:

P20–93—Edward D. Greenberg, Esq., Galland, Kharasch, Morse & Garfinkle, P.C., 1054 Thirty-first Street NW., Washington, DC 20007–4492

P21–93 & P22–93—David P. Street, Esq., Galland, Kharasch, Morse & Garfinkle, P.C., 1054 Thirty-first Street NW., Washington, DC 20007–4492

P23–93—Paul D. Coleman, Esq., Hoppel, Mayer & Coleman, 1000 Connecticut Avenue NW., Washington, DC 20036

P24–93—Peter P. Wilson, General Manager of Pricing, Matson Navigation Company, Post Office Box 7452, San Francisco, California 94120.

Copies of the petitions are available for examination at the Washington, DC, Office of the Secretary of the Commission, 800 N. Capitol Street NW., room 1046.

Joseph C. Polking,

Secretary.

[FR Doc. 93–14014 Filed 6–14–93; 8:45 am]

BILLING CODE 6730–01–M

[Petition No. P13–93, et al.]

Petitions for Temporary Exemption From Electronic Tariff Filing Requirements

In the Matter of Petition No. P13–93 of Sumner Tariff Service, Inc. on Behalf of A. Burghart, et al.; Petition No. P14–93 of Innovative Logistics Inc.; Petition No. P15–93 of Zim Israel Navigation Co.; Petition No. P16–93 of Seth Shipping Corp.; Petition No. P17–93 of Trans-American Steamship Agency; Petition No. P18–93 of China Ocean Shipping Co.; Petition No. P19–93 of ASG Forwarding, Inc.

Notice is hereby given of the filing of petitions by the above named petitioners, pursuant to 46 CFR 514.8(a), for temporary exemption from the electronic tariff filing requirements of the Commission's ATFI System. Petitioners request exemption from the June 4, 1993, electronic filing deadline. Petitioners state they are unable to comply with the June 4, 1993, deadline for filing of World Wide/Asian and South Pacific tariffs for a variety of reasons.

To facilitate thorough consideration of the petitions, interested persons are requested to reply to the petitions no later than June 21, 1993. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001, shall consist of an original and 15 copies, and shall be served on petitioners or their representatives as follows:

P13–93—Roy R. Sumner, President, Sumner Tariff Service, Inc., 1010 Massachusetts Avenue NW., Suite 240, Washington, DC 20001

P14–93—Donald G. Hichman, Director of International Pricing, Innovative Logistics, 377 Carowinds Blvd., Suite 127, Fort Mill, South Carolina 29716

P15–93—Michael Prudenti, Director, Regulatory Matters & Conferences, Zim Israel Navigation Company, One World Trade Center, 16th Floor, New York, New York 10048

P16–93—Michael Prudenti, Tariff Issuing Officer, Seth Line, One World Trade Center, 16th Floor, New York, New York 10048

P17–93—Meiko Geyer, Pricing Supervisor, Trans-American Steamship Agency, 140 W. 16th Street, San Pedro, California 90731

P18–93—Sean M. McChesney, Assistant Pricing Manager, China Ocean Shipping Company, Harmon Tower #1, Harmon Plaza, Secaucus, New Jersey 07094

P19–93—Carlos Rodriguez, Esq., Sonnenberg, Anderson & Rodriguez, 1120 Connecticut Avenue NW., Suite 470, Washington, DC 20036.

Copies of the petitions are available for examination at the Washington, DC, Office of the Secretary of the Commission, 800 N. Capitol Street NW., room 1046.

Joseph C. Polking,

Secretary.

[FR Doc. 93–14015 Filed 6–14–93; 8:45 am]

BILLING CODE 6730–01–M

[Petition No. P7–93, et al.]

Petitions for Temporary Exemption From Electronic Tariff Filing Requirements

In the Matter of Petition No. P7–93 of Pacific Coast Tariff Bureau; Petition No. P8–93 of Studley Associates, Inc.; Petition No.

P9–93 of Effective Tariff Management Corp.; Petition No. P10–93 of World Tariff Services, Inc.; Petition No. P11–93 of Transax Data; Petition No. P12–93 of Dart Maritime Service, Inc.

Notice is hereby given of the filing of petitions by the above named petitioners, pursuant to 46 CFR 514.8(a), for temporary exemption from the electronic tariff filing requirements of the Commission's ATFI System. Petitioners are tariff filing agents for a number of common carriers and, on behalf of their clients, request exemption from the June 4, 1993, electronic filing deadline. Petitioners state they are unable to comply with the June 4, 1993, deadline for filing of World Wide/Asian and South Pacific tariffs for a variety of reasons.

To facilitate thorough consideration of the petitions, interested persons are requested to reply to the petitions no later than June 21, 1993. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001, shall consist of an original and 15 copies, and shall be served on petitioners or their representatives as follows:

P7–93—James C. Olsson, President, Pacific Coast Tariff Bureau, 221 Main Street, Suite 530, San Francisco, CA 94105–1915

P8–93—Edna M. Studley, Studley Associates, Inc., Post Office Box 946, Marshall, VA 22115

P9–93—Tanga S. FitzGibbon, Executive Vice President, Effective Tariff Management Corporation, Omni Professional Center, 4000 Mitchellville Road, Suite 326–B, Bowie, MD 20716

P10–93—Paul Coleman, Esq. Hoppel, Mayer & Coleman, 1000 Connecticut Avenue, NW, Washington, DC 20036

P11–93—Steven Baker, Manager, Regulatory, Transax Data, 721 Route 202/206, Bridgewater, NJ 08807

P12–93—Willie Jefferson, President, Dart Maritime Service, Inc., 60 West Broad Street, Suite 203, Bethlehem, PA 18018.

Copies of the petitions are available for examination at the Washington, DC, Office of the Secretary of the Commission, 800 N. Capitol Street NW., room 1046.

Joseph C. Polking,

Secretary.

[FR Doc. 93–13963 Filed 6–14–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Amboy-Madison National Bank Employee Stock Ownership Plan, 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 July 1, 1993.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Amboy-Madison National Bank Employee Stock Ownership Plan, Old Bridge, New Jersey; to acquire 9.79 percent of the voting shares of Amboy Bancorporation, Inc., Old Bridge, New Jersey, and thereby indirectly acquire Amboy National Bank, Old Bridge, New Jersey.

2. George E. Scharpf, Colts Neck, New Jersey, and Ernest Scharpf, Old Bridge, New Jersey; to acquire 16.9 percent of the voting shares of Amboy Bancorporation, Inc., Old Bridge, New Jersey, and thereby indirectly acquire Amboy National Bank, Old Bridge, New Jersey.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Lawrence J. Del Papa, Galveston, Texas; to acquire an additional 5.3 percent for a total of 15.0 percent; Charles T. Doyle, Texas City, Texas, to acquire an additional 5.5 percent for a total of 15.0 percent; William J. Estrada, Houston, Texas, to acquire an additional 6.1 percent for a total of 15.0 percent of the voting shares of Texas Independent Bancshares, Inc., Texas City, Texas, and thereby indirectly acquire Gulf Shores Bank, Crystal Beach, Texas; Bank of the West, Galveston, Texas; First State Bank, Hitchcock, Texas; and Gulf National Bank of Texas, Texas City, Texas.

Board of Governors of the Federal Reserve System, June 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–14001 Filed 6–14–93; 8:45 am]

BILLING CODE 6210–01–F

F & M Bancorporation, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 9, 1993.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. F & M Bancorporation, Inc., and F & M Merger Corporation, both in Kaukauna, Wisconsin; to merge with Park Ridge Bancshares, Inc., Stevens Point, Wisconsin, and thereby indirectly acquire Bank of Park Ridge, Park Ridge, Wisconsin.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Farmers State Corporation, Mountain Lake, Minnesota; to acquire 100 percent of the voting shares of Green Lake Bancorporation, Inc., Spicer, Minnesota, and thereby indirectly acquire Green Lake State Bank, Spicer, Minnesota.

2. Northeast Bancorp, Inc., Brandon, South Dakota; to acquire 100 percent of

the voting shares of Wilmot State Bank, Wilmot, South Dakota.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Mountain Parks Financial Corp., Minneapolis, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank, National Association, Breckenridge, Colorado; The Bank, Evergreen, Colorado; and Mountain Parks Bank, Kremmling, Colorado.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. First United Bank Group, Inc., Albuquerque, New Mexico; Ford Bank Group Holdings, Inc., Dover, Delaware; and Ford Bank Group, Inc., Lubbock, Texas; to acquire 100 percent of the voting shares of Midland National Bank, Midland, Texas, and Texas Commerce Bank, N.A., Lubbock, Texas.

2. Morton Financial Corporation, Morton, Texas; South Plains Delaware Financial Corporation, Dover, Delaware; and South Plains Financial Corporation, Dover, Delaware, South Plains Financial, Inc., Morton, Texas; to acquire 100 percent of the voting shares of HUB Financial Corporation, Lubbock, Texas, and City Bank, Lubbock, Texas.

Board of Governors of the Federal Reserve System, June 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–14003 Filed 6–14–93; 8:45 am]

BILLING CODE 6210–01–F

First Baird Bancshares, Inc.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Correction

This notice corrects a previous notice (FR Doc. 93-13175) published at page 31714 of the issue for Friday, June 4, 1993.

Under the Federal Reserve Bank of Dallas heading, the entry for First Baird Bancshares, Inc. is revised to read as follows:

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. First Baird Bancshares, Inc., Baird, Texas, and First Baird Bancshares of Delaware, Inc., Dover, Delaware; to acquire 100 percent of the voting shares of First Parker Bancshares, Inc., Carson City, Nevada; First Weatherford Bancshares, Inc., Carson City, Nevada; Parker County Bancshares, Inc., Weatherford Texas; Weatherford Bancshares, Inc., Weatherford, Texas; and thereby indirectly acquire First National Bank of Weatherford, Weatherford, Texas.

Comments on this application must be received by June 28, 1993.

Board of Governors of the Federal Reserve System, July 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–14002 Filed 6–14–93; 8:45 am]

BILLING CODE 6210–01–F

Peoples State Bancshares, Inc., 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 July 6, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Peoples State Bancshares, Inc., Grant, Alabama; to engage *de novo* through its subsidiary, Gunter Mountain Finance, Inc., Grant, Alabama, in making consumer loans and taking assignments of consumer credit contracts that will be unsecured and secured by encumbrances on both real and personal property pursuant to § 225.25(b)(1); and to engage in insurance agency activities as agent or broker for insurance directly related to the extension of credit pursuant to § 225.25(b)(8)(ii) and (b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in the State of Alabama.

2. SunTrust Banks, Inc., Atlanta, Georgia; to engage *de novo* through its subsidiary, SunTrust BankCard, National Association, Orlando, Florida, in making, acquiring, or servicing loans or other extensions of credit pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted throughout the States of Florida, Georgia, Tennessee, and Alabama.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Menomonie Financial Services, Inc., Menomonie, Wisconsin; to engage *de novo* through its subsidiary, Electronic Strategies, Inc., Menomonie, Wisconsin, in data processing and data transmission services for the processing of financial, banking or economic data pursuant to § 225.25(b)(7); and providing management consulting advice to nonaffiliated bank and nonbank depository institutions pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 9, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–14004 Filed 6–14–93; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Privacy Act of 1974; Altered System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of an altered system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Agency for Health Care Policy and Research (AHCPR) in the Public Health Service (PHS), is publishing notice of a proposal to alter an existing system of records, 09–35–0001, "Agency for Health Care Policy and Research, Grants Information and Tracking System with Contracts Component (GIAnT), HHS/AHCPR/OM." The name of the system is being changed to reflect the inclusion of a contracts component and the entire system is being automated. The former name was "Agency for Health Care Policy and Research, Grants Record System, HHS/AHCPR/OPRM."

DATES: PHS invites interested parties to submit comments on the proposed internal and routine uses on or before July 15, 1993. PHS has sent a Report of Altered System to the Congress and to the Office of Management and Budget (OMB) on May 27, 1993. The alteration to the system will be effective 60 days from the date submitted to OMB unless PHS receives comments which would result in a contrary determination.

ADDRESSES: Please submit comments to: Privacy Act Officer, Agency for Health Care Policy and Research, Executive Office Center, Suite 601, 2101 E. Jefferson Street, Rockville, Maryland 20852, (301) 227–8445.

Comments received will be available for inspection at this same address from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: GIAnT Data Administrator, Agency for Health Care Policy and Research, Office of Management, Executive Office Center, Suite 601, 2101 E. Jefferson Street, Rockville, Maryland 20852, (301) 227–8433. The numbers listed above are not toll free.

SUPPLEMENTARY INFORMATION: This system has been altered to: (a) Change the system name to be more indicative of the purpose and scope of the system; and (b) to reflect the conversion of a manual system to an automated system.

The records in this system will be maintained in a secure manner commensurate with their use and sensitivity.

The AHCPR Automated Systems Security Officer will arrange for a risk analysis and assure that a system security plan is in place for the system of records. The system manager will control access to these data. Only authorized users whose official duties require the use of the data will have access to the records in this system.

We are not proposing any new routine uses.

We have also made editorial changes throughout the system notice to enhance clarity and specificity and to accommodate normal updating changes.

The following notice is written in the present, rather than future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the alteration becomes effective.

Dated: June 7, 1993.

Wilford J. Forbush,

Director, Office of Management.

09–35–0001

SYSTEM NAME:

Agency for Health Care Policy and Research, Grants Information and Tracking System with Contracts Component (GIAnT), HHS/AHCPR/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Agency for Health Care Policy and Research, Office of Management, Executive Office Center, Suite 601, 2101 E. Jefferson Street, Rockville, Maryland 20852.

Office of the Assistant Secretary for Health, Office of Management, Division of Acquisition Management, Parklawn Building, Room 5C–10, 5600 Fishers Lane, Rockville, Maryland 20857.

For a list of contractors, please write to the system manager at the address listed below.

Inactive Records will be stored at: Washington National Records Center, Room 125, 4205 Suitland Road, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Research grant applicants and principal investigators, research training grant program directors, and research fellowship recipients; peer and other special reviewers; contractor project directors and other contractor key personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

Research grant, research training grant, research fellowship, and contract files, including grant applications, grant award notices, individual credit reports, summary comments of peer reviewers, salary information, project staffing lists, and Social Security numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act: Sec. 902, 922, 924, 925 (42 U.S.C. 299a, 299c–1, 299c–3, 299c–4) (AHCPR grants and contract administration authorities and duties) and sec. 487 (42 U.S.C. 288) (National Research Service Awards).

PURPOSE(S):

The information in this system is used to facilitate day-to-day grants and contracts management operations and for purposes of review, analysis, planning and policy formulation by AHCPR staff members and by other components of DHHS which conduct research.

AHCPR also may refer these records to the appropriate office in the Department for the purpose of monitoring payback; if necessary, debt collection; and investigation of alleged scientific misconduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the records of an individual in response to an inquiry from the congressional office made at the request of the individual.

2. The Department may disclose information from this system of records to the Department of Justice, to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. AHCPR may disclose information about an individual grant application or fellowship applicant to credit reporting agencies to obtain a credit report in order to determine his/her credit worthiness.

4. Disclosure may be made to the National Technical Information Service (NTIS), U.S. Department of Commerce, to contribute to the Smithsonian Science Information Exchange, for dissemination of scientific and fiscal information on funded awards (abstracts and relevant administrative and financial data).

5. Disclosure may be made to qualified experts not within the definition of Department employees for

opinions as a part of the grant application review and award process.

6. Disclosure may be made to a private firm for the purposes of (a) carrying out research, and (b) providing services relating to grant review, or for carrying out quality assessment, program evaluation, and/or management reviews. The firm is required to maintain Privacy Act safeguards with respect to such records.

7. Disclosure may be made to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit of the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

8. Where Federal agencies having power to subpoena other Federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

9. Disclosure may be made to the cognizant Audit Agency for auditing.

10. In the event that a system of records maintained by the Department indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal (e.g., the Department of Justice), or State (e.g., the State Attorney General's Office) charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto for litigation.

11. Disclosure may be made to the grantee/contractor institution in connection with performance or administration under the terms and condition of the award, or in connection with problems that might arise in performance or administration if an award is made on a grant/contract proposal.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure Pursuant to 5 U.S.C. 552a (b)(12)

Disclosure may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal Government; typically, to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records.

Disclosure of records is limited to the individual's name, address, Social Security number, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency program under which the claim arose. This disclosure will be made only after the procedural requirement of 31 U.S.C. 3711(f) has been followed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

Records are stored on hard disks with magnetic tape backup as well as in manual files (file folders).

RETRIEVABILITY:

Electronic records are retrievable by key data fields such as investigator name, application, grant or contract number.

Paper records are retrievable by name and/or contract number.

SAFEGUARDS:

1. *Authorized users:* All AHCPR staff who work with grants or contracts will have access to the system. Level of access will be determined by individual need-to-know and controlled by passwork access. Levels of access will be granted by the System Manager.

Only staff members of the Grants Management Branch have regular access to paper grant files. Limited access to official grant files is granted to other AHCPR and DHHS staff with need-to-know about AHCPR research projects, only with authorization of the responsible Branch chief.

2. *Physical safeguards:* File servers and database servers are maintained in areas secured by combination lock. Data is backed up from hard drive to magnetic tape daily. Paper records are secured in locked file cabinets in locked offices. All file cabinet and computer equipment is maintained under general building security.

3. *Procedural safeguards:* Access to electronic records by non-AHCPR personnel is through the Systems Manager only. DHHS staff may inspect AHCPR grant records on a need-to-know basis only, with the approval of the Branch chief. Visitors are not left unattended in the office containing the files. Offices are locked when not in use. Grant records are either transmitted in sealed envelopes or are hand-carried.

4. *Technical safeguards:* Initial electronic access is through the AHCPR local area network which is controlled by password. Subsequent levels of security exist for access to the GIAnT system itself and, within the system, individual users are granted appropriated levels of access (read only, read/write) depending upon individual need. Levels of access are granted by the System Manager.

RETENTION AND DISPOSAL:

Electronic records containing portions of information from the paper applications of unfunded grants will be retained and accessible at AHCPR for ten years. The complete paper applications of unfunded grants will be retired to the Federal Records Retention Center after one year and subsequently disposed of after two years in accordance with the records retention schedule.

Electronic records containing portions of information from the paper applications of funded grants or contracts will be retained and accessible at AHCPR for fifteen years following final payment. Paper records of funded grant applications and contracts and their respective files are retained at AHCPR for one year beyond the termination date of the grant or until after the final report is received, whichever is sooner. They are then retired to the Federal Records Center and disposed of twelve years after final payment in accordance with the records retention control schedule. The records control schedule may be obtained by writing to the System Manager at the following address.

Contact records will be maintained and destroyed in accordance with the National Archives and Records Administration General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

GIAnT Policy-Coordinating Official, GIAnT Administrator, Office of Management, Agency for Health Care Policy and Research, Executive Office Center, Suite 601, 2101 E. Jefferson Street, Rockville, Maryland 20852, (301) 227–8433.

Chief, Grants Management Branch, Agency for Health Care Policy and Research, Executive Office Center, Suite 601, 2101 E. Jefferson Street, Rockville, Maryland 20852.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above

address. The requester must also verify his or her identity by providing either a notarization of the request or a written certification that the requester is who he or she claims to be. The requester should specify name and/or grant/contract number. The requester must also understand that the knowing and willful request for acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Act, subject to a five thousand dollar fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. Positive identification is required. Individuals may also request an accounting of disclosures that have been made of their record, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under System Manager above and reasonably identify the record, specify the information being contested, and state the corrective action sought and reasons(s) for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Grant applicants, contractor project director, reports and correspondence from the research community, and statements from grant review committees; consumer reporting agencies; IMPAC 09–25–0036, Extramural Awards: IMPAC (Grant/Contract/Cooperative Agreement Information), HHS/NIH/DRG.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 93–13966 Filed 6–9–93; 8:45 am]

BILLING CODE 4160–90

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. R–93–3576; FR–3372–C–02]

Housing Programs for Homeless Persons: Fund Availability for Supportive Housing Program, Shelter Plus Care, and Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings for Homeless Individuals, Notice of Fund Availability; Correction

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of fund availability, (NOFA); Correction.

SUMMARY: This notice corrects a typographical error that appeared in a Notice of Fund Availability with respect to Housing Programs for Homeless Persons, that was published in the **Federal Register**, on March 15, 1993 (58 FR 13904).

FOR FURTHER INFORMATION CONTACT: HUD address: Mark Johnston, Acting Director, Special Needs Assistance Programs, room 7262, telephones: (202) 708–4300; TDD, (202) 708–2565, (these are not toll-free numbers); or the HUD field office for the area in which the proposed project is located.

SUPPLEMENTARY INFORMATION: On March 15, 1993 (58 FR 13904), the Department published in the **Federal Register**, a notice that announced the availability of approximately $515 million in funds for applications for assistance under three of the Department's programs for homeless persons. These programs included Supportive Housing, Shelter Plus Care, and Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings for Homeless Individuals.

The purpose of this document is to correct a typographical error that appeared on page 13908, under the paragraph heading of "Allocation" for the section entitled, "Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals". The last sentence states: "In addition, no single applicant will receive assistance for more than 100 units." The word "applicant" was a typographical error and should have been "application."

Accordingly, in FR Doc. 93–5690, published in the **Federal Register** on March 15, 1993 (58 FR 13904), under the section entitled, "Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals", the following correction is made:

On page 13908, in the first column, under the paragraph heading, "Allocation", the last sentence in the paragraph is corrected to read, "In addition, no single application shall receive assistance for more than 100 units."

Dated: June 9, 1993.

Brenda W. Gladden,

Acting General Counsel for Regulations.

[FR Doc. 93–13986 Filed 6–14–93; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–060–03–4210–05]

Environmental Assessment; San Juan Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM) is proposing to amend the San Juan Resource Management Plan (RMP) and prepare the associated Environmental Assessment (EA).

DATES: The comment period for this proposed plan amendment will commence with the date of publication of this notice. Comments must be submitted on or before July 15, 1993.

FOR FURTHER INFORMATION CONTACT: Robert Turri, Acting San Juan Resource Area Manager, Bureau of Land Management, 435 North Main, P.O. Box 7, Monticello, Utah 84535, telephone (801) 587–2141. Existing planning documents and information are available at the above address or at the Moab District Office, 82 East Dogwood, Moab, Utah 84532, telephone (801) 259–6111.

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to identify certain lands as suitable for sale to San Juan County for the purpose of a sanitary landfill under authority of the Recreation and Public Purposes Act, as amended (44 Stat. 741; 43 U.S.C. 869 *et seq.*). The sanitary landfill will be for approximately 100 acres. In order to determine the proper location and consider alternative sites 1,050 acres in southern San Juan County are being studied. The lands being studied are described as follows:

Salt Lake Meridian, Utah

T. 39 S., R. 22 E.,

Sec. 3, S½N½, and S½,
Sec. 4, S½SE¼,
Sec. 9, NE¼, S½SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, and SW¼SE¼SE¼,
Sec. 10, NW¼.

The existing plan does not identify these lands for disposal. However, San Juan County has made a proposal to purchase public lands and this proposal appears to have merit and may be in the public interest, so it will be considered through the plan amendment process. The amendment will only be for the acreage needed (approximately 100 acres) and not the 1,050 acres being studied.

General issues to be addressed in the amendment include impacts of the proposed sale to livestock forage, wildlife habitat, water quality, cultural resources, visual resources, and public safety.

The amendment and environmental assessment will be prepared by an interdisciplinary team. Public participation will be sought during the issues identification phase and at various other stages of the process. Comments should be sent to Robert Turri, Acting San Juan Resource Area Manager, Bureau of Land Management, 435 North Main, P.O. Box 7, Monticello, Utah 84535, telephone (801) 587–2141.

G. William Lamb,

Acting State Director.

[FR Doc. 93–14007 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–DQ–M

[CA–060–4210–02]

Intent To Prepare an Environmental Impact Statement on Soda Ash Processing Facility, Mining Operation, Railroad Renovation, and Right-of-Way, Inyo and Kern Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is given that the Bureau of Land Management (BLM), Inyo County, and the California State Lands Commission will prepare a joint Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for a right-of-way on public land as part of proposed Soda Ash Processing Facility.

SUPPLEMENTARY INFORMATION: The Owens Lake Soda Ash Company (OLSAC), a joint venture of Lake Minerals Corporation and Vulcan Soda Ash Company, proposes to construct and operate a trona mining and soda ash production facility on the west shore of Owens Lake (Inyo County) on land owned by the State of California. An existing 73 mile railroad will be renovated in order to transport the soda ash in one 30–40 car train every other day, from the plant site to Searles Junction in Kern County. The proposed renovation will utilize standard railroad equipment operating mainly from the existing track. Proposed material storage areas or laydown areas, approximately one acre each, and access roads on public land would be placed at various locations along the route. The trona deposit covers approximately 16,120 acres in the center of the state owned lake bed. The lake bed would be dredged to mine the trona deposit which lies within a depth of nine feet or less. The dredged slurry would be pumped to the proposed plant facility for processing, located on the west side of the lake shore. Surface disturbance for the proposed plant site and its various facilities is approximately 78.9 acres. Initial soda ash production is anticipated at 500,000 tpy (tons per year), expandable to 600,000 tpy. Reserves are anticipated to allow a potential 40-year production period. The No Action alternative will be analyzed in the EIS. Other alternatives considered in the EIS will include alternate means of transporting the soda ash product (exclusively trucking, eliminating the railroad renovation), more extensive trucking, and alternate fuels. The EIR/EIS will consider a number of issues not restricted to air quality, groundwater, sensitive wildlife among others.

DATES: Written comments will be accepted until July 14, 1993.

ADDRESSES: Written comments should be sent to the BLM, Ridgecrest Resource Office, 300 South Richmond Rd, Ridgecrest, CA 93555, ATTN: OLSAC Soda Ash Project.

FOR FURTHER INFORMATION CONTACT: Greg Thomsen (619) 375–7125.

Dated: June 8, 1993.

Henri R. Bisson,

District Manager.

[FR Doc. 93–14011 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–40–M

[NM010–4340–01–ADVB/G910G20108]

District Advisory Council Meeting; Albuquerque, NM

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of Albuquerque District Advisory Council meeting.

SUMMARY: The BLM Albuquerque District Advisory Council will meet on July 15, 1993, in the Albuquerque District Office located at 435 Montano Blvd. NE., Albuquerque, New Mexico. The meeting will begin at 9:30 a.m. on Thursday the 15th and meet until 4 p.m. that day with lunch break from 12 noon to 1:30 p.m.

Topics on Thursday's agenda will include an overview of the Albuquerque District's current status and future direction by the District Manager, an update report on the Rio Puerco and Taos Resource Areas and the El Malpais National Conservation Area, a report on the establishment of the Cuba, NM, field office, an update on the Rio Puerco Watershed, and a discussion of Advisory Council roles. The agenda will also include time for public comments.

Members of the public are invited to attend all or part of the meeting. Persons wishing to address the Council should contact Charna Lefton, Public Affairs Specialist, 435 Montano Blvd. NE., Albuquerque, NM 87107, (505) 761–8700.

Dated: June 7, 1993.

Michael R. Ford,

District Manager.

[FR Doc. 93–13887 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–FB–M

[OR–010–02–4320–02: GP3–262]

Lakeview District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, DOI.

ACTION: Lakeview District Grazing Advisory Board meeting and tour.

SUMMARY: The Lakeview District Grazing Advisory Board will meet beginning at 9 a.m. to look at significant areas pertaining to grazing in the Lakeview Resource Area. The tour will begin at the Lakeview District Office located at 1000 South Ninth Street, Lakeview, Oregon. The following items will be discussed: the Beaty Butte grazing schedule for 1993 and 1994; the Hill Camp prescribed burn area history, objectives, results, and future grazing use; and juniper management objectives. The public is invited to attend. Those attending will be responsible for bringing their own sack lunch and wearing suitable field attire (trousers, boots, hat). Anyone planning to attend must contact the Lakeview District Office by close of business June 22nd, 1993.

DATES: Wednesday, June 23, 1993 at 9 a.m.

FOR FURTHER INFORMATION CONTACT: Dick Mayberry, Lakeview District Office, Post Office Box 151, 1000 South

Ninth Street, Lakeview, Oregon 97630, (Telephone 503–947–2177).

Terry H. Sodorff,

Acting District Manager.

[FR Doc. 93–14080 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–33–M

[UT–020–93–4210–05, U–70286]

Realty Action; Tooele County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, Recreation and Public Purposes (R&PP) Act classification in Tooele County, Utah.

SUMMARY: The following public lands in Tooele County, Utah have been examined and found suitable for classification for conveyance to the County of Tooele under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The County of Tooele proposes to use the lands for waste transfer stations and class IV landfills.

This notice provides a public comment period and segregates the lands described from entry and mining under the public land laws and the United States mining laws.

DATES: Comments must be received by August 16, 1993.

ADDRESSES: Comments should be sent to the District Manager, BLM Salt Lake District, 2370 South 2300 West, Salt Lake City, Utah 84119.

FOR FURTHER INFORMATION CONTACT: Sharon Knowlton, BLM Salt Lake District Office, (801) 977–4300.

SUPPLEMENTARY INFORMATION: The following described lands have been found suitable for conveyance by sale under the Recreation and Public Purposes Act as amended (43 U.S.C. 869 *et seq.*).

Salt Lake Meridian, Utah

T. 6 S., R. 5 W.,
Section 6, SE¼NE¼SE¼; 10.00 acres
T. 6 S., R. 7 W.,
Section 4, SE¼SW¼NE¼; 10.00 acres
T. 8 S., R. 5 W.,
Section 28, NW¼SE¼SW¼; 10.00 acres
T. 9 S., R. 19 W.,
Section 10, SW¼SW¼SW¼; 10.00 acres
Section 15, NW¼NW¼NW¼; 10.00 acres
Containing a total of 50.00 acres

The lands described above are hereby segregated from entry and mining under the public land laws and the United States mining laws. The segregative effect will terminate upon notice in the Federal Register or eighteen months from the date of this publication, whichever occurs first.

The lands are not needed for Federal Purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest. There will be no reduction in grazing preference. The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All minerals will be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

3. A right-of-way for ditches and canals constructed by the authority of the United States.

4. The patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances (substance as defined in 40 CFR part 302) and indemnify the United States against any legal liability or future costs that may arise out of any violation of such laws.

Upon publication of this notice in the Federal Register, the land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested persons may submit comments regarding the proposed conveyance or classification to the District Manager at the address listed above. Notice is hereby given that an opportunity for the public to comment is given within the comment period identified above.

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 in the Federal Register.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a waste transfer station site and class IV landfill. Comments on the classification are restricted to whether the land is physically suited for a waste transfer station site and class IV landfill, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a waste transfer station site and class IV landfill.

Deane H. Zeller,

District Manager.

[FR Doc. 93–14008 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–DQ–M

Fish and Wildlife Service

Possible New Listing Criteria for the Appendices, and Possible Nursery Registration of Appendix I Plants, for the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention) regulates particular international trade in animals and plants. Species for which trade in specimens is controlled are listed in Appendices I, II, and III to the Convention.

Possible new criteria for listing species in the CITES appendices have been circulated by the CITES Standing Committee. The U.S. Fish and Wildlife Service (Service) announces the availability (upon request) of these draft criteria, and solicits comments on them, and on their potential application. Also, a draft resolution to register nurseries artificially propagating Appendix I plants is being considered by the CITES Plants Committee. The Service announces a public meeting to receive comments on the draft criteria, to provide information presented at the most recent CITES Standing Committee meeting, and to provide information on a draft resolution on nursery registration.

DATES: A public meeting will be held on June 16, 1993. The Service will consider all comments received by June 23, 1993, in developing a response on the draft criteria, for transmittal to the CITES Secretariat by June 30, 1993. Further, the Service will consider all comments received by July 15, 1993: (1) In determining the U.S. negotiating position on the draft criteria for U.S. representatives to a joint committee

meeting established to prepare a draft resolution on the criteria; and (2) on the possible draft resolution on nursery registration, for consideration at the seventh meeting of the CITES Plants Committee (PC7). Any resulting final draft resolutions would be submitted to the Parties for their consideration at the ninth meeting of the Conference of the Parties to CITES (COP9), to be held in the second half of 1994.

ADDRESSES: Comments, information, and questions should be sent to Chief, Office of Management Authority; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, room 420c; Arlington, Virginia 22203; fax number 703–358–2280. Express and messenger deliveries should be addressed to the Office of Management Authority; 4401 North Fairfax Drive, room 420c; Arlington, Virginia 22203. Comments and materials received will be available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the above address in Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Marshall P. Jones, Chief, Office of Management Authority concerning policy and administrative matters (telephone 703–358–2093) and Dr. Charles W. Dane, Chief, Office of Scientific Authority concerning the biological criteria and assessment thereof (telephone 703–358–1708).

SUPPLEMENTARY INFORMATION:

Background

The Convention (TIAS 8249) regulates import, export, re-export, and introduction from the sea of certain animal and plant species and specimens. Those species for which such trade is controlled are included in three appendices. Appendix I lists species threatened with extinction that are or may be affected by the trade. Under the provisions of CITES Article II, paragraph 2(a), Appendix II lists species that although not necessarily now threatened with extinction may become so, unless the trade in them is strictly controlled. Under the provisions of Article II.2(b), Appendix II lists other species that must be subject to regulation, in order that the trade in those currently and potentially threatened species may be brought under effective control (*e.g.*, because of difficulty in distinguishing specimens of those currently or potentially threatened species among the specimens of other species). Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of the other Parties in controlling trade.

Any country that is a Party to this treaty may propose amendments to Appendix I and II, for consideration usually at a meeting of the Conference of the Parties. Criteria on: (1) Addition or up-listing of species and other taxa for Appendix I or II, and on (2) deletion or down-listing of species and other taxa for Appendix I or II, were established in Resolutions Conf. 1.1 and 1.2 respectively, in 1976 at the first meeting of the Conference of the Parties to CITES (COP1). These criteria have been supplemented with criteria for particular situations in several other resolutions adopted at subsequent COPs.

At COP8 in March 1992, the Parties adopted Resolution Conf. 8.20, which directed the CITES Standing Committee (SC) to undertake, with the assistance of the CITES Secretariat, a revision of the criteria for amending the appendices. This resolution directed a joint meeting of the CITES Animals Committee (AC) and CITES Plants Committee (PC) to prepare a draft resolution on such criteria. In June 1992, the Standing Committee provided further direction to the process, and (1) designated the World Conservation Union (IUCN) along with individuals selected by the Standing Committee to provide recommendations on new criteria and a report for the March 1993 SC meeting; and (2) determined (a) that the joint meeting of the Animals and Plants Committees (AC/PC) to prepare the draft resolution would take place in closed sessions, and (b) that this meeting would consist of the alternate and the Regional representatives of the AC and PC, and also the members of the Standing Committee (which is comprised of six Regional representatives, the depository government, the country that hosted the last COP, and the country hosting the next COP).

The CITES Parties are recognized within six Regions: Africa, Asia, Europe, North America, Oceania, and South America, Central America and the Caribbean. Canada is the North American Regional representative on the Standing Committee, and the alternate member on the Animals Committee. Mexico is the Regional representative on the Animals Committee, and the alternate member on the Plants Committee. The United States is a member of the Standing Committee as the next host country (for COP9 in 1994), and is the Regional representative on the Plants Committee.

IUCN submitted their report with recommendations on possible new listing criteria to the Standing Committee meeting in March 1993. Several concerns with the IUCN draft were discussed. The draft was revised by the IUCN, and the revision was circulated to the Parties by the SC Chairman on April 16, 1993, for review and comment; it has not been adopted by the SC.

Report on Possible New Criteria

The report with recommendations from IUCN on possible new criteria for listing species in the CITES appendices has been received by the Service, and is available upon request to the Office of Scientific Authority (see the **ADDRESSES** section). The report contains the draft criteria for appendix I species, for including species that "look like" appendix I species, for Appendix II species under CITES Article II.2(a), and for Appendix II species under Article II.2(b). In addition, the report contains a section on Application of the Criteria, with subsections on Movement between Appendices, Use of Export Quotas, Ranching Criteria, Split-Listings, Consultation with Range States, Extremely Rare and Extinct Species, the Use of Higher Taxa Listings, and Supporting Information. The report also contains a proposed format for submission of amendments to the appendices.

Information Sought

The Service is interested in receiving any comments on the scientific and technical adequacy of the draft criteria as well as the following questions posed by the SC Chairman:

(1) Are the trade criteria adequately developed? [Are the criteria only restrictive of trade when appropriate?]

(2) Could the proposed criteria, and in particular the requirement for a number of quotas and management plans, be implemented or enforced in a practical way by Parties?

(3) Are the proposed criteria practical and will they produce satisfactory results when applied to specific cases? [For example, are the draft criteria sufficiently clear for general use? Are the criteria appropriate for the proper protection of species, or has some key biological factor not been considered?]

(4) Are there taxa to which these criteria can not be applied and for which some different formulation will be necessary, especially marine species or plants?

(5) Should the proposed criteria be non-discriminatory, as defined in the Terms of Reference (see Annex 1 of the report)?

(6) Are all of the proposed criteria consistent with the terms of the

Convention, especially with respect to listings based on concerns for by-catches or the ecological role of a species?

In addition to submitting comments on these questions, if efforts also are made to assess the criteria in terms of whether a particular species would be classified in Appendix I, or II, or neither, the Service would be interested in receiving all the information used in making that assessment. If it is found that the biological or trade information was not adequate to determine on which appendix the species should be placed, the Service would be interested in a discussion of what information was insufficient for application of the criteria. The Service would be interested in receiving any other comments on the interpretation and the application of the draft criteria.

The Service is also interested in any input from scientific or other experts on alternative listing criteria, should the IUCN draft criteria not be recommended to the Parties by the Joint committee.

Future Actions

The World Conservation Union (IUCN) is seeking to "validate" the draft criteria based on information available on a selected number of species. The IUCN's Species Survival Commission Specialist Groups are trying to use the criteria to determine how particular species would be classified. Information from this undertaking may not be available until shortly before the joint AC/PC/SC meeting. The SC Chairman, in his letter to the CITES Management Authorities, asked that the Parties send comments to their Regional representative on at least one of those three committees before June 30, 1993, with a copy to the CITES Secretariat. This early date was established to provide the Regional representatives, especially from those Regions with a large number of Party countries, adequate opportunity to consider the comments from the Region before participating in the joint meeting.

Inasmuch as the Regional representative to the PC for the North American Region is an employee of the Service, the Service does not believe that comments need to be received by the SC Chairman's requested date in order for them to be fully considered by the United States. Nonetheless, any major issue should be identified and submitted to the CITES Secretariat by June 30, 1993, and so the Service is requesting that any such comments be submitted to the Service by June 23, 1993. In addition, the Service is requesting that all comments on the draft criteria or application of the criteria be submitted by July 15, 1993. The United States also will consult with Canada and Mexico (the other members of the North American Region) prior to participation in the joint meeting. The AC/PC/SC meeting is scheduled to be held August 30 through September 3, 1993, in Brussels, Belgium.

Nursery Registration

The CITES Plants Committee plans to meet separately after the joint meeting, on September 6–8, 1993, in Brussels. One of the PC topics will be review of a provisional draft resolution for COP9 on whether and how to register internationally those nurseries that the Parties determine are artificially propagating Appendix I taxa, in order to facilitate the trade in those specimens. The Service anticipates receiving the latest revision of that resolution from the CITES Secretariat's Plants Officer in early June 1993, and will make the draft available to those who contact the Service (see the **ADDRESSES** section). The United States seeks comments on this topic by July 15, 1993, in preparation for PC7.

Public Meeting

The Service announces a public meeting on June 16, 1993, at 2 p.m. in the auditorium of the Department of the Interior at 18th and C Streets, NW., Washington, D.C. This meeting is being held to provide information obtained at the March 1993 SC meeting and on nursery registration, and to receive comments on the draft listing criteria and the potential application of the draft criteria.

This notice was prepared by Drs. Charles W. Dane and Bruce MacBryde, Office of Scientific Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 8, 1993.

Bruce Blanchard,

Acting Director.

[FR Doc. 93–14207 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–55–P

National Park Service

National Register of Historic Places; Process, Criteria, Effects of Listings and Determinations of Eligibility

AGENCY: National Park Service, Interior.

ACTION: Public notice and request for comment.

SUMMARY: In section 4025 of the 1992 Amendments to the National Historic Preservation Act, the Department of the Interior is required to prepare a report on the manner in which properties are listed or determined to be eligible for listing in the National Register, the appropriateness of the criteria used in determining such eligibility, and the effect, if any, of such listing or finding of eligibility. The Department of the Interior invites comments on the National Register criteria, the process for listing historic properties in or determining them eligible for the National Register, and the effects of listings and determinations. The relevant regulations include 35 CFR part 60 (National Register of Historic Places), 36 CFR part 63 (Determinations of Eligibility for inclusion in the National Register of Historic Places), and 36 CFR part 800 (Advisory Council on Historic Preservation).

DATES: Comments must be received on or before August 16, 1993.

ADDRESSES: Written comments should be sent to the Chief of Registration, National Register of Historic Places, National Park Service, U.S. Department of the Interior, P.O. 37127, Washington, DC 20013–7127. Attention: Report on National Register Criteria and Effects.

FOR FURTHER INFORMATION CONTACT: Ms. Carol D. Shull, Chief of Registration, National Register of Historic Places, Interagency Resources Division, National Park Service, U.S. Department of the Interior, P.O. Box 37127, Washington, DC 20013–7127, (202/343–9536).

SUPPLEMENTARY INFORMATION: Authorized by the 1966 National Historic Preservation Act, as amended, the National Register of Historic Places is the nation's official list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. In establishing the National Register, Federal recognition of historic properties extended to those of State and local as well as national importance. Today, the National Register includes over 61,000 properties. National Register status qualifies properties for Historic Preservation Fund grants, Federal preservation tax incentives, and consideration in the planning of Federally-assisted projects. It encourages the acceleration of survey and identification activities and the accumulation of information about cultural resources available for planning, development of protection strategies, and education and interpretation. The Department of the Interior, through the National Park

Service, expands and maintains the National Register.

Beth Boland,

Acting Chief of Registration, National Register.

[FR Doc. 93–13953 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 5, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by June 30, 1993.

Beth M. Boland,

Acting Chief of Registration, National Register.

ALABAMA

Marengo County

Altwood (Plantation Houses of Alabama Canebrake and Their Associated Outbuildings MPS), W of Marengo Co. Rd. 51, S of jct. with Co. Rd. 51, Faunsdale vicinity, 93000598

Cedar Grove Plantation (Plantation Houses of Alabama Canebrake and Their Associated Outbuildings MPS), Marengo Co. Rd. E of jct. with AL 25, Faunsdale vicinity, 93000599

Cedar Haven (Plantation Houses of Alabama Canebrake and Their Associated Outbuildings MPS), Marengo Co. Rd. 61 SE of jct. with AL 25, Faunsdale vicinity, 93000600

Cuba Plantation (Plantation Houses of Alabama Canebrake and Their Associated Outbuildings MPS), Marengo Co. Rd. 54 W of jct. with AL 25, Faunsdale vicinity, 93000601

Faunsdale Plantation (Plantation Houses of Alabama Canebrake and Their Associated Outbuildings MPS), Marengo Co. Rd. 54 just W of jct. with AL 25, Faunsdale vicinity, 93000602

CALIFORNIA

Orange County

Hetebrink House, 515 E. Chapman, Fullerton, 93000597

San Bernardino County

Hofer Ranch, 11248 S. Turner Ave., Ontario, 93000596

DISTRICT OF COLUMBIA

District of Columbia State Equivalent

Whitelaw Hotel, 1839 13th St. NW, Washington, D.C., 93000595

FLORIDA

Marion County

Aver, Alfred House (Early Residences of Rural Marion County MPS), US Alt. 27/441 W of Oklawaha, Oklawaha vicinity, 93000590

Aver, Thomas R. House (Early Residences of Marion County MPS), 11885 SE. 128th Pl., Oklawaha, 93000588

Bullock, General Robert House (Early Residences of Rural Marion County MPS), Jct. of SE. 119th Ct. and SE. 128 Pl., Oklawaha, 93000589

Josselyn James Riley House (Early Residences of Rural Marion County MPS), 13845 Alt. US 27, East Lake Weir, 93000591

St. Johns County

Lopez, Xavier, House, 93½ King St., St. Augustine, 93000579

GEORGIA

Bibb County

Tindall Heights Historic District, Roughly bounded by Broadway, Eisenhower Pkwy., Felton and Nussbaum Aves., Central of Georgia RR tracks and Oglethorpe St., Macon, 93000587

MINNESOTA

Hennepin County

Stevens Square Historic District, Roughly bounded by E. 17th St., 3rd Ave. S., Franklin and 1st Aves. S., Minneapolis, 93000594

MISSISSIPPI

Yazoo County

Hart, Big John, House, Castle Chapel Rd., SE of Yazoo City, Yazoo City vicinity, 93000580

NEW YORK

Cortland County

Unitarian Universalist Church (Cobblestone Architecture of New York State MPS), 3 Church St., Cortland, 93000592

Sullivan County

St. Joseph's Seminary (Upper Delaware Valley MPS), Seminary Rd. W side, Callocoon, 93000582

NORTH CAROLINA

Gaston County

Belmont Abbey Historic District, 100 Belmont—Mt. Holly Rd. (NC 2093, E side), Belmont, 93000584

RHODE ISLAND

Providence County

Ladd Observatory, 210 Doyle Ave. (Jct. of Doyle Ave. and Hope St.), Providence, 93000583

SOUTH CAROLINA

Sumter County

Brogdon, J. Clinton, House, 3755 Boots Branch Rd., Sumter vicinity, 93000585

TENNESSEE

Hardin County

White, Meady, House, Main St. (TN 69), Saltillo, 93000586

VERMONT

Windham County

Canal Street—Clark Street Neighborhood Historic District, Roughly bounded by Canal, S. Main, Lawrence and Clark Sts., Brattleboro, 93000593

[FR Doc. 93–13952 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927–5750 or (202) 927–6245.

Comments on the following assessment are due 15 days after the date of availability:

Comments on the following assessment are due 30 days after the date of availability: AB–55 (SUB–NO. 458X, CSX Transportation, Inc.—Abandonment—Barbour County, West Virginia. EA available June 11, 1993.

Sidney L. Strickland,

Secretary.

[FR Doc. 93–19034 Filed 6–14–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32293]

Union Pacific Railroad Company—Petition for Declaratory Order—Feeder Line Acquisition by Wyoming & Colorado Railroad, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Institution of declaratory order proceeding.

SUMMARY: In response to a request by the Union Pacific Railroad Company (UP), the Commission institutes this declaratory order proceeding under 5 U.S.C. 554(e) to determine whether Wyoming & Colorado Railroad, Inc. (WYCO), is required by the Feeder Railroad Development Program in 49 U.S.C. 10910 to operate a line of railroad

acquired from UP for 3 years and to provide UP a right of first refusal to repurchase the line. An opportunity to participate in the proceeding is provided interested persons and their comments are invited.

DATES: Written comments (original and 10 copies) must be filed by July 30, 1993, and concurrently served on the representatives of petitioner UP and respondent WYCO. Each comment must contain the basis for the party's position either in support or opposition to petitioner's position.

ADDRESSES: Send an original and 10 copies of all comments to: Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32293, Interstate Commerce Commission, Washington, DC 20423.

In addition, concurrently send one copy to each of the following:

UP's representatives: Arthur M. Albin, Joseph D. Anthofer, 1416 Dodge Street, room 830, Omaha, NE 68179.

WYCO's representatives: Douglas M. Durbano, 3340 Harrison Blvd. #200, Ogden, UT 84403 and Karl Morell, Suite 210, 919 18th Street, NW, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 927–5610 or Joseph C. Levin (202) 927–6287 [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: The Commission approved WYCO's purchase of UP's Oregon Eastern Branch Line between milepost 1.88, near Ontario, OR, and milepost 157.2, at Burns, OR, in Finance Docket No. 31377, Wyoming Colorado Railroad, Inc.—Feeder Line Acquisition—Union Pacific Railroad Company Line between Ontario and Burns, Oregon (not printed), served April 3, 1989, petition to reopen denied by decision (also not printed) served September 3, 1991, under the Feeder Railroad Development Program, 49 U.S.C. 10910 and 49 CFR part 1151. The statute authorizes a feeder line operator to elect to be exempt from any of the provisions of title 49 of the United States Code (except certain joint-rate provisions). WYCO elected the full exemption available under section 10910(g)(1).

UP alleges that WYCO discontinued rail service over the line less than 3 years after acquiring the line contrary to section 10910(a)(1) and commenced to dismantle and remove track material without according UP the "right of first refusal" to acquire the line under section 10910(h). UP is suing WYCO in the United States District Court for the District of Oregon, in a proceeding docketed as *Union Pacific Railroad Company* v. *Wyoming Colorado Railroad, Inc., Continental Rail Company, and A & K Railroad Materials*, No. 92–1131–JE. WYCO sought to dismiss the court action alleging, among other things, that having elected to be exempt (except with respect to joint rates) from the requirements of title 49 U.S.C., it is not subject to requirements in section 10910, a part of title 49.

The court has stayed the proceeding and referred the "issues relating to the effect and scope of the exemption granted to WYCO under 49 U.S.C. 10910(g)(1)" to the Commission. UP filed its petition seeking a declaratory order from the Commission determining whether WYCO is required: (1) to provide service over the line for a minimum of 3 years under section 10901(a) (1); and (2) to accord UP a right of first refusal to purchase the line at a price determined under section 10910(h) should WYCO wish to sell or abandon all or part of the line.

Under 49 CFR 1011.8(c), the Director of the Office of Proceedings has the delegated authority to institute or decline to institute Commission declaratory order proceedings under 5 U.S.C. 554(e) to terminate a controversy or removing uncertainty. While the institution of a proceeding is discretionary, petitions for issuance of a declaratory order premised on referral from a court are granted routinely when matters within the Commission's jurisdiction are involved. Delegation of Authority—Declaratory Order Proceedings, 5 I.C.C.2d 675, 676 (1989). A declaratory order proceeding to address the issues UP has raised is instituted and WYCO is made the respondent.

The issues presented in UP's petition are unprecedented and involve interpretation of the statute. For these reasons, public comments are invited. Any person seeking to participate in support of, or, in opposition to petitioner's position, is invited to submit written representations, views, or arguments to the Commission.[1] No oral hearing is contemplated.

Copies of UP's petition and WYCO's response are available for public inspection and copying at the Office of Secretary, Interstate Commerce Commission, Washington, DC 20423, and from the representatives identified above. Petitioner and respondent should make copies immediately available to those who request them so that potential commenters will be able to submit informed comments on a timely basis.

Decided: June 9, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland,

Secretary.

[FR Doc. 93–14033 Filed 6–14–93; 8:45 am]

BILLING CODE 7053–01–M

[1] By letter filed May 8, 1993, UP requested that the procedural schedule be postponed for 45 days to accommodate discovery. By motion filed June 5, 1993, UP seeks an order to compel certain discovery. While these requests were premature because they were made before this proceeding was instituted, they have been considered in setting the comment date. Now that the proceeding is being instituted, UP may renew its motion to compel and request any extension of the schedule needed. However, if extensions are granted for discovery purposes, they will not automatically extend the time for public comments from parties other than UP and WYCO.

DEPARTMENT OF LABOR

Office of the Secretary

Service Members Occupational Conversion and Training Act (SMOCTA); Request for OMB Approval

AGENCY: Office of the Secretary, Labor.

ACTION: Request for expedited review under the Paperwork Reduction Act.

SUMMARY: The Office of the Assistant Secretary for Veterans' Employment and Training (OASVET), Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35, 5 CFR part 1320 (53 FR 16618, May 10, 1988)), is submitting a request for approval to the Office of Management and Budget for an information collection to support the Service Members Occupational Conversion Training Act (Pub. L. 102–484, sec. 4481–4495). VETS has requested an expedited review of this submission under the Paperwork Reduction Act; this OMB review has been requested to be completed by July 15, 1993.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the information collection should be directed to Kenneth A. Mills, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., room N–1301, Washington, DC 20210 (202–219–5095). Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for VETS, Office of Management and Budget, room 3001, Washington, DC 20503 (202 395–6880). Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Average Burden Hours/Minutes Per Response: 50 minutes
Frequency of Response: Quarterly
Number of Respondents: 1,600
Annual Burden Hours: 5,333
Affected Public: State Employment Security Agency's Local Veterans Employment Representatives and Local Office Managers.
Respondents Obligation To Reply: Statutory (Pub. L. 102–484, Sec. 4491, 4494(f)).

Signed at Washington, DC, this 9th day of June 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

Supporting Statement

General Instructions

A supporting statement must accompany each request for approval of a collection of information. The statement must be prepared in the format described below, and all statements must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. If Section B does not apply, indicate that the collection does not employ statistical methods.

OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification.—Requests for Approval Shall

1. Explain the circumstances that make the collection of information necessary. Include identification of any legal or administrative requirements that necessitate the collection.

A copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information should be attached to the supporting statement.

1. Title 38, United States Code, 2004(c) requires the providing of reports by each Local Veterans' Employment Representative (LVER) to the manager of each local employment service office and to the Director for Veterans' Employment and Training (DVET) for the State. These reports are to be submitted not less than quarterly and set forth information pertaining to compliance with federal law and regulations with respect to special services and priorities for eligible veterans and other eligible persons.

Public Law 102–484, the National Defense Authorization Act of 1992, title XLIV, subtitle G (codified under 10 U.S.C. 1143 note, 106 Stat. 2315 *et seq.*) enacted the Service Members Occupational Conversion and Training Act of 1992 (SMOCTA), under which U.S.D.O.L. has the responsibility, at sections 4494(b) and 4494(f) for this information collection. SMOCTA requires the establishment of a program to assist eligible newly separated veterans in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. SMOCTA requires DOL, in conjunction with and through a Memorandum of Agreement (MOA) between itself and the Departments of Defense and Veterans Affairs, to develop and implement the Defense and Veterans Affairs, to develop and implement the program, and to provide case management services to eligible and monitor case management contacts with veterans participating in the program as well as the effectiveness of training and employment efforts under the program's provisions. The forms upon which this approval is being sought are necessary to the program's legislative mission and intent. The Act also requires collection of information from eligible veterans and employers, and under the MOA between the Departments, the Department of Veterans' Affairs will be submitting a justification and request for that information collection.

2. Indicate how, by whom, and for what purpose the information is to be used and the consequence to Federal program or policy activities if the collection of information was not conducted.

2. The information collected is used by the Office of the Assistant Secretary of Labor for Veterans' Employment and Training to monitor compliance with performance standards that are imposed at 38 U.S.C. 2007 (b) and (c)(2); and to ensure that veterans are provided with priority and special emphasis services as required by 38 U.S.C. 2002. If the reports are not developed and submitted the Department of Labor would not be in compliance with 38 U.S.C. 2007 (b) and (c)(2) 2004(c), and 2002.

The new information collection necessitated by Public Law 102–484 will enable the Departments of Defense, Veterans' Affairs and Labor to obtain information from eligible veterans and employers to determine eligibility in the program (DVA's information collection) and to monitor the effectiveness of the program and in particular, the reasons for noncompletion in the training program, the salaries, and the nature of the training programs (DOL information collection).

3. Describe any consideration of the use of improved information technology to reduce burden and any technical or legal obstacles to reducing burden.

3. The regulations provide for the submission of the data, if the State has the capability, in electronic media. Automatic Data Planning capability is currently in use for development of the data used by LVERs to analyze services to veterans in all but a few States. Insufficient availability to LVERs of computer terminals or personal computers prohibits data processing technology from reducing the burden of subsequent reporting to the Department of Labor.

With regards to SMOCTA the statute requires a process to allow prospective trainees and employer/trainers access. In all instances where States have the necessary equipment and skills to allow for electronic collection, processing and transmittal of the information via improved technology will be utilized in an effort to lessen the burden on all individuals involved.

Specifically, State Employment Security Agencies (SESAs) already collect and compile information electronically to develop and submit their VETS 200 and ETA 9002 reports. Coordination has taken place with their information services provider and they are agreeable to changes in the electronic forms used to collect this data. The LVER quarterly Technical Report is a narrative that does not lend itself to automation, however, the data necessary to assess program problems or barriers will be automated to the greatest extent feasible.

4. Describe efforts to identify duplication.

4. Information concerning the provision of special services and priorities for eligible veterans and eligible persons is not being reported by others. This is a legislative requirement

SMOCTA addresses specifically the needs of newly separated and certain disabled veterans by offering them training opportunities with private sector employers by reimbursing employers for a portion of their wages during a training program. Because of the specific eligible and nature of the program, there is no duplication of other existing programs. To avoid duplication with respect to the information collection, the DVA and DOL will submit separate information collections based on the division of responsibility established in the SMOCTA MOA between the Departments. In particular, DVA's information collection addresses eligible veterans and employers and DOL's program activity and outcomes. This particular modification requires reporting on problems and barriers to participation and statutorily required case management follow-up contacts

after placement of an eligible in a training program.

5. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2.

5. Other data collection does not include analysis (as is done by the LVERs), but rather ensures that the data necessary for this analysis is collected in a manner which facilitates this effort.

For purposes of SMOCTA, this request modifies existing information collections to minimize burden and facilitate expeditious collection of information. The ETA 9002 and VETS 200 reports will be used to capture the bulk of the information required by statute. (1205–0240)

6. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

6. The narrative report does not affect small business or other small entities. Likewise, with SMOCTA, no data collection requirements are imposed upon small businesses relative to this request.

7. Describe the consequence to Federal program or policy activities if the collection were conducted less frequently.

7. If the analysis and narrative report were less frequent than quarterly, there would be little time within a funding cycle (one year) to remedy any potential compliance problem.

The requirement that the narrative analysis be submitted on "not less than quarterly" basis is contained in the U.S. Code (38 U.S.C. 2004(c)).

The SMOCTA data will be collected as DVOP/LVER staff contact participants to ensure appropriate progress in the training program. Reporting will be on a quarterly basis which corresponds with the reporting cycle of the report being modified. Less frequent reporting would impose an additional burden on the respondent state agencies rather than reduce such a burden.

8. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

8. No special circumstance requires data collection in conflict with 5 CFR 1320.6 for either information collection process.

9. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the date elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained, or those who must compile records, should occur at least once every three years—even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained in the supporting statement.

In the supporting statement, provide:

a. The names and telephone numbers of those consulted and the year in which the consultation took place. Indicate the agencies, companies, State or local governments, or other organizations represented by those consulted.

b. A summary of any major problems that could not be resolved during consultation.

c. A description of other public contacts and opportunities for public comment, and a summary of the comments received.

9. Several LVER and LESO offices were consulted for input as to burden based on size of office (large or small), and particularly as to its use and value, and any changes that could be made to make it more effective, less burdensome, or facilitate its ease of completion. Respondents indicated that resources were available and easily accessible to complete the report; that quarterly reports were adequate, in one instance a narrative report was prepared monthly on their own volition to better manager operations; State instructions were viewed as clear, and only in one instance did a LVER mention that the instructions from his State be revised; no concerns were raised over the manner in which the information was collected, while some respondents stated that the information was very useful to the operation of the DVOP/LVER programs; and finally, responses ranged from 30 minutes to one hour with regard to the time it takes to prepare for and write the narrative report. It was interesting to us that the narrative report is also used as a means of identifying success stories or other matters of interest within the office of State. (See Attachment A)

With regards to SMOCTA information collection, over 40 SESAs are supported by a centralized automation services provider (ESSI), 3 more use their programs, but changed to fit their particular State needs and the remainder normally uses some of ESSIs programs and, or, instructional materials. DOL has consulted with and coordinated with ESSI to identify the least burdensome manner in which to collect this information from existing forms, programs and reports.

In developing this information collection process, USDOL has consulted with and coordinated with staff of the Departments of Defense and Veterans' Affairs. Additionally, several meetings were held which involved representatives from the Interstate Conference of Employment Security Agencies (ICESA) and Employment Security Systems Institute (ESSI). In addition, weekly contact for coordination purposes was established with ESSI to minimize problems or additional burdens and, indeed, the forms on which this request is based are representative of changes to a present system of data collection which has resulted from those deliberations.

Formal Contacts:

—Briefing by the Assistant Secretary to the ICESA Veterans' Affairs Committee (May 1993)
—VETS meeting with the ICESA Coordinator (May 1993)
—VETS meeting with Automation and Technology Committee of ICESA (May 1993)

Opportunities for comment:

—A Veterans' Program Letter will be issued in June 1993 notifying SESAs of reporting needs, this information collection and providing sample draft forms of changes that need to be made to their input and reporting formats to be able to meet the statutory requirements. This policy issuance will provide an opportunity for comment and suggestions.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

10. None of the data collected identifies individuals, for either collection process. The information collection from the public (eligible veterans and employers) for SMOCTA will be submitted by the Department of Veterans' Affairs. The process guarantees no anonymity. The information provided will be reviewed by all involved agencies, as necessary.

This information collection addresses only program activity and barriers or problems. Thus the assurance of confidentiality does not apply.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the

information is requested, and any steps to be taken to obtain their consent.

11. No data collected relative to services to veterans is of sensitive nature. No questions of a sensitive nature are necessary to the SMOCTA program's process. The focus will be on ascertaining numbers of eligible seeking assistance from State Agencies, case management services provided by DVOP and LVER staff, and generic identification of problems or barriers to successful completion of the training program.

12. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours operational expenses (such as equipment, overhead, printing and support staff), and any other expenses that would not have been incurred without the paperwork burden.

12. For the LVER report, Federal involvement mainly consists of Director for Veterans' Employment and Training (or Assistant Directors) review of the narrative reports (less than one quarter of one hour per report per quarter unless problems are identified requiring technical assistance or corrective action). This translates into roughly sixty (60) hours of Federal involvement. For respondent State agencies, there is involvement by LESO managers in reviewing each report equal to that of Federal involvement or roughly sixty-four (64) hours. In addition, SESA Administrators may review those reports that denote failure to meet standards (one quarter hour per report that denote failure to meet standards (one quarter hour per report for one quarter of reports), resulting in roughly 16 hours of review effort. LVER time is addressed above. LVERs spend approximately 4,800 hours in the compilation of data for, and preparation of the narrative report (from 30 minutes to one hour depending on office size and volume of clientele, by 1,600 LVERs on quarterly basis). Federal costs are roughly $1,800 (DVET/ADVET time—2.9% of staff year multiplied by GS–13/7 salary plus overhead). State costs are roughly $101,381 (LESO Managers, including overhead $1,472; SEAS Administrators $537; and LVERs $99,372).

The only additional Federal costs imposed by this approval request for SMOCTA relate to the training of staff which, depending on need, will be conducted by the National Veterans' Training Institute and costs of reducing the burden on states by addressing the programming of current information systems. LVER staff prepare a narrative report on activity, problems and degree to which priority of services are being provided. This modification will ask for narrative information on SMOCTA case management follow-ups and problems or barriers affecting participation or completion of training programs.

13. Provide estimates of the burden of the collection of information. The statement should:

- Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not make special survey to obtain information on which to base burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden, and explain the reasons for the variance.
- If the request for approval is for more than one form, provide burden estimates for each form for which approval is sought and summarize the burdens on the SF 83.
- If only one form is submitted, you need not duplicate the information entered on the SF 83.
- If the proposed collection of information was not included in the agency's Information Collection Budget (ICB) or if the burden shown on the SF 83 is different from that in the ICB, explain the difference.

13. Additions to the ICR are as a result of new legislation and were not anticipated during the FY 1993 ICB submission.

There are no more than 1,600 LVERs at any one time. Each prepares a quarterly narrative report for review by the LESO manager. The data used is readily available from other approved data collections (for which separate requests are being made to modify to facilitate collection of SMOCTA information). The burden was estimated from knowledge available within VETS as to operations, then corroborated by consultation with actual LVERs. LVERs compare data in VETS–200 and ETA–9002 (1205–0240) as well as making a qualitative assessment of consultation, often add success stories as anecdotal references to the quality of services.

The comparison of data and computations of percentages necessary to address quantitative performance standards may be performed by automatic data processing, either by the production of a sub-report to VETS–200 and ETA–9002; as a spreadsheet in a personal computer, which implies entry of the data; or manually. The qualitative assessment and case management narrative entail review of a sample of records and personal observation throughout the quarter. Success stories and anecdotal references are generally culled from the records review or personal experience.

Compiling the information, analyzing it and preparing the report takes from 20 minutes to one hour, with the majority of those consulted responding under 30 minutes. Obviously, LVERs using automatic data processing capabilities take less time preparing the report, as do those with offices with lesser volume of activity. We estimate the average time to prepare at 40 minutes per LVER (this assumes that less than half of the LVERs have automatic data processing support), and five minutes on the average for the LESO manager to read the report.

Since this modification adds SMOCTA and case management followups, an additional five minutes per LVER are estimated as the burden for this modification.

Current Burden: 1,600 LVERs × 45 min × 4 quarters=4,800.

Proposed Burden: 1,600 LVERs × 50 min × 4 quarters=5,333.

(an increase of 533 hours over the existing information collection)

14. Explain reasons for changes in burden, including the need for any increase.

14. The reason for a program increase is the SMOCTA legislation, which increases the burden by + 533 hours. This request adds reporting on problems or barriers to management activities associated with SMOCTA for each local office.

15. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

15. For the LVER report this question is not applicable. The information is used for program management purposes only.

The data collected will be tabulated within USDOL/VETS to report to DOD and DVA as required by the interdepartmental MOA for inclusion in reports to Congress. The information will also be reported to Congress as part of VETS' Annual Report to Congress pursuant to 38 U.S.C. 4007.

[FR Doc. 93–14048 Filed 6–14–93; 8:45 am]

BILLING CODE 4510–79–P–M

Service Members Occupational Conversion and Training Act (SMOCTA)

AGENCY: Office of the Secretary, Labor.

ACTION: Request for expedited review under the Paperwork Reduction Act.

SUMMARY: The Employment and Training Administration (ETA), Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35, 5 CFR part 1320 (53 FR 16618, May 10, 1988)), is submitting a request for approval to the Office of Management and Budget for an information collection to support the Service Members Occupational Conversion Training Act (Pub. L. 102–484, Sec. 4481–4495). ETA has requested an expedited review of this submission under the Paperwork Reduction Act; this OMB review has been requested to be completed by July 15, 1993.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the information collection should be directed to Kenneth A. Mills, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC., 20210 (202 219–5095). Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for VETS, Office of Management and Budget, room 3001, Washington, DC 20503 (202 395–6880).

Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Form No.	Affected public	Respondents	Frequency	Average time per response
ETA 9002A–C (Operation)	States	54	Quarterly	3 hours
ETA 9002A–C (Programming)	States	54	One-time	30 minutes
Recordkeeping	States	54	One-time	12 hours
VETS 200A	States	54	One-time	45 minutes
VETS 200B	States	54	Quarterly	45 minutes
VETS 300	States	54	Quarterly	1 hour
ETA 9002A/9002B–S/9002C–S (Reprogramming)	States	54	One-time	20 hours
2,944 Total Burden Hours				

RESPONDENTS OBLIGATION TO REPLY: Statutory (Pub. L. 102–484, Sec. 4494(f)).

Signed at Washington, DC this 9th day of June 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

A. Justification.—Requests for Approval Shall:

1. Explain the circumstances that make the collection of information necessary. Include identification of any legal or administrative requirements that necessitate the collection.

A copy of the appropriate section of each statute and of each regulation mandating or authorizing the collection of information should be attached to the supporting statement.

1. Circumstances Necessitating the Collection

a. Basic Labor Exchange

Information on basic labor exchange services is necessary to assure that States are complying with legal requirements of the Wagner-Peyser Act as amended by the Job Training Partnership Act (JTPA). Section 18(c) of the amended Wagner-Peyser Act reads:

"(c) Each State receiving funds under this Act shall—

(1) Make sure reports concerning its operations and expenditures are in such form and containing such information as shall be prescribed by the Secretary, and

(2) Establish and maintain a management information system in accordance with guidelines established by the Secretary designed to facilitate the compilation and analysis of programmatic and financial data necessary for reporting, monitoring, and evaluating purposes."

20 CFR 652.3 states:

"At a minimum, each State shall administer a labor exchange system which has the capability:

(a) To assist jobseekers in finding employment;

(b) To assist employers in filling jobs;

(c) To facilitate the match between jobseekers and employers;

(d) To participate in a system for clearing labor between the States including the use of a standardized classification system issued by the Secretary * * *

(e) To meet the work test requirements of the State unemployment compensation system"

Program data items are required from States reporting to DOL as part of other information in order to determine if States are complying with the basic labor exchange requirements. Individuals placed, placement transactions, obtained employment, and individual registrants data are required to determine if States are assisting jobseekers. Individuals referred, and job openings data are required to determine if States are assisting employers. UI claimant and interstate clearance data are required to determine if States are administering the UI work test and participating in interstate clearance activities. Four data elements relating to Migrant Seasonal Farm Workers (MSFW) are required.

b. Veterans' Employment and Training Service

Information regarding employment and training services provided to veterans by State public employment service agencies must be collected by the Department of Labor to satisfy legislative requirements, as follows: (a) To report annually to Congress on specific services (38 U.S.C. 2007(c) and 2012(c)); (b) to establish administrative controls (38 U.S.C. 2007(b)); and (c) for administrative purposes. Enactment of the Veterans' employment, Training, and Counseling Amendments of 1988 (Pub. L. 100–323), added several new data items to the specific reporting requirements at 38 U.S.C. 2007(c). Public Law 100–323 also added requirements for reporting case management activities according to section 15(b) of the Veterans' Job Training Act, Public Law 98–77, as amended. See Attachment I for copies of 38 U.S.C. 2007(c) and Section 15(f) of Public Law 98–77, as amended.

Public Law 102–484, the National Defense Authorization Act of 1992, Title XLIV, Subtitle G (codified under 10

U.S.C. 1143 note, 106 Stat. 2315 et. seq.) enacted the Service Members Occupational Conversion and Training Act of 1992 (SMOCTA), under which U.S.D.O.L. has the responsibility, at section 44914(f) for a new information collection. SMOCTA requires the establishment of a program to assist eligible newly separated veterans in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. SMOCTA requires DOL, in conjunction with and through a memorandum of agreement (MOA) between itself and the Departments of Defense and Veterans Affairs, to develop and implement the program, and to effect the attendant collection of information relative to the outcomes from the program as well as the effectiveness of training and employment efforts under the program's provisions. The forms upon which this approval is being sought are necessary to the program's legislative mission and intent. The Act requires the Secretary of Labor to collect the proposed information on a quarterly basis. The Act also requires collection of information from eligible veterans and employers, and under the MOA between the Departments, the Department of Veterans' Affairs will be submitting a justification and request for that information collection.

2. Indicate how, by whom, and for what purpose the information is to be used and the consequence to Federal program or policy activities if the collection of information was not conducted.

2. Use of Information

a. Labor Exchange Service Reporting

These data will be used primarily by the USES to monitor services provided by State agencies.

Major DOL users include:

Employment and Training Administration

United States Employment Service (USES)
Office of the Comptroller
Office of Strategic Planning and Policy Development
Office of Regional Management

Other DOL Components

Office of the Assistant Secretary for Policy (ASP)
Office of the Assistant Secretary for Veterans' Employment and Training (OASVET)

Data will also be available for members of Congress and others needing information on ES activities. These data are used at Regional and National levels for conducting compliance reviews (1205–0270 expiring 12/31/94) of ES program operations. If these data are not collected, DOL and Congress would have no means of measuring the national impact of the ES Program.

b. Veterans' Service Reporting

Data will be provided to Congress by OASVET to meet the reporting requirements of 38 U.S.C. Other users are DOL components (primarily the Employment and Training Administration and the Office of the Assistant Secretary for Policy), veterans organizations, the Interstate Conference of employment Security Agencies, and other interested parties.

If data are not collected, DOL would fail to comply with:

(a) the legislative mandate for reporting specific veterans' services information to Congress (38 U.S.C. 2007 (c), and 2012 (c)), and (b) the legislative mandate to establish administrative controls and performance standards by which to ensure that State Employment/Job Service agencies provide priority services to veterans (38 U.S.C. 2007 (a) and (b)).

For SMOCTA, this information collection will enable the Departments of Defense, Veterans' Affairs and Labor to obtain information from eligible veterans and employers to determine eligibility in the program (DVA's information collection) and to monitor the effectiveness of the program and in particular, the reasons for noncompletion in the training program, the salaries, and the nature of the training programs (DOL information collection).

3. Describe any consideration of the use of improved information technology to reduce burden and any technical or legal obstacles to reducing burden.

3. ETA and the States plan to develop an electronic reporting protocol that will allow ETA access to State databases and, thus, remove from the States any reporting burden associated with ES reporting.

For SMOCTA the statute requires a process to allow prospective trainees and employer/trainers access. In all instances where States have the necessary equipment and skills to allow for electronic collection, processing and transmittal of the information via improved technology will be utilized in an effort to lessen the burden on all individuals involved.

Specifically, State Employment Security Agencies (SESAs) already collect and compile information electronically to develop and submit their ETA 9002 report. Coordination has taken place with their information services provider and they are agreeable to changes in the electronic forms used to collect this data. DOL is exploring contracting with the Employment Security Systems Institute (ESSI) to develop the programs necessary to obtain this information with the resultant reduction in burden to its client SESAs. We are also exploring a contract to assist non-ESSI client states by providing technical assistance and programming support as necessary to reduce their collection and reporting burden. Care has been exercised, in coordination with the Interstate Conference of Employment Security Agencies (ICESA), and their information systems' service provider (ESSI), to ensure that the basic forms used to collect the data are only changed by adding new codes to existing input forms and new outputs (reports to be generated) to further reduce the burden. All these efforts will likely result in a substantial reduction in the collection and reporting burden to states.

4. Describe efforts to identify duplication.

4. There is no duplication.

SMOCTA addresses specifically the needs of newly separated and certain disabled veterans by offering them training opportunities with private sector employers by reimbursing employers for a portion of their wages during a training program. Because of the specific eligibles and nature of the program, there is no duplication of other existing programs. To avoid duplication with respect to the information collection, the DVA and DOL will submit separate information collections based on the division of responsibility established in the SMOCTA MOA between the Departments. In particular, DVA's information collection addresses eligible veterans and employers and DOL's program activity and outcomes.

5. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2.

5. No similar information is available for the uses described in 2.

This request, for SMOCTA, modifies existing information collections to minimize burden and facilitate expeditious collection of information. The ETA 9002 and VETS 200 reports will be used to capture the bulk of the information required by statute.

6. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

6. The information collection does not involve small business.

No data collection requirements are imposed upon small businesses relative to this modification request.

7. Describe the consequence to Federal program or policy activities if the collection were conducted less frequently.

7. a. Basic Labor Exchange reporting is needed quarterly to provide data for compliance reviews and to adequately monitor State activities.

b. For the Veterans' Employment and Training Service, if the information is collected less than quarterly as requested, the information would be almost valueless in (a) determining progress against performance standards, or, (b) in obtaining cost accounting information for Normal Budgetary Adjustments. A primary purpose of performance standards is to enable identification of emerging problems as early as possible and take appropriate corrective actions in a timely manner. If reports on services to veterans were received less than quarterly, such corrective actions could not be taken in time to be effective during any Program Year and the information collected would be of historical value only.

Similarly, it is necessary to have a regular flow of information available (in this case, quarterly reporting is the minimum frequency deemed adequate) upon which to base administrative decisions. If appropriate reports are not available on a timely basis, the DOL will fail to comply with its legislative mandate to take necessary actions to ensure that veterans receive priority services through the State Employment Service/Job Service agencies.

For SMOCTA, data will be collected as applicants for services complete an individual application and are interviewed for services by SESA and VETS staff. Reporting will be on a quarterly basis which corresponds with the reporting cycle of the reports being modified. Less frequent reporting would impose an additional burden on the respondent state agencies rather than reduce such a burden.

8. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

8. Information will be collected consistent with 5 CFR 1320.6.

9. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the date elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained, or those who must compile records, should occur at least once every three years—even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained in the supporting statement.

In the supporting statement, provide:

a. The names and telephone numbers of those consulted and the year in which the consultation took place. Indicate the agencies, companies, State or local governments, or other organizations represented by those consulted.

b. A summary of any major problems that could not be resolved during consultation.

c. A description of other public contacts and opportunities for public comment, and a summary of the comments received.

9. a. These data are for Federal level use and consultations between ETA components have determined the level of reporting needed from the States.

b. For Vets, several consultations were held with ETA during the past year since ETA is responsible for the information collection covered by the request. In addition, comprehensive information and detailed estimates were obtained from VETS field staff and the Employment Security Systems Institute (ESSI) regarding burden estimates, availability of data, frequency of collection, etc. (ESSI) provides computer programming and system support to most of the State employment services—42 of 54 jurisdictions—for the Public Employment Reporting System.) Comments and recommendations of the above parties were addressed.

c. *Standard Form 269 Activity*: (Attachment III)

Reporting instructions for the use of SF 269 are attached. There is no burden incurred for the use of this Standard Form.

For SMOCTA, over 40 SESAs are supported by a centralized automation services provider (ESSI), as noted above. Three more use their programs, but changed to fit their particular State needs and the remainder normally uses some of ESSIs programs and, or, instructional materials. DOL has consulted with and coordinated with ESSI to identify the least burdensome manner in which to collect this information from existing forms, programs and reports. In addition, we are exploring contracting for their services to eliminate the burden of changing automated programs or forms used to collect the information, and to assist non-ESSI serviced states.

In developing this information collection process, USDOL has consulted and coordinated with staff of the Departments of Defense and Veterans' Affairs. Additionally, several meetings were held which involved representatives from the Interstate Conference of Employment Security Agencies (ICESA) and Employment Security Systems Institute (ESSI). In addition, weekly contact for coordination purposes was established with ESSI to minimize problems or additional burdens and, indeed, the forms on which this request is based are representative of changes to a present system of data collection which has resulted from those deliberations.

Formal Contacts:

—Briefing by the Assistant Secretary to the ICESA Veterans' Affairs Committee (May 1993)

—VETS meeting with the ICESA Coordinator (May 1993)

—VETS meeting with Automation and Technology Committee of ICESA (May 1993)

Opportunities for comment:

—A Veterans' Program Letter will be issued in June 1993 notifying SESAs of reporting needs, this information collection and providing sample draft forms of changes that need to be made to their input and reporting formats to be able to meet the statutory requirements. This policy issuance will provide an opportunity for comment and suggestions.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

10. Data reported are not considered confidential. State level aggregated data does not identify individual employers or applicants and are available to the general public.

For SMOCTA, the information collection from the public (eligible veterans and employers) will be submitted by the Department of Veterans' Affairs. The process guarantees no anonymity. The information provided will be reviewed by all involved agencies, as necessary. This information collection addresses only program activity and summary numbers. Thus the assurance of confidentiality does not apply.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made

of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

11. No information of a sensitive nature or that which is commonly considered private will be collected.

For SMOCTA, no questions of a sensitive nature are necessary to the program's process. The focus will be on ascertaining the numbers of eligibles seeking assistance from State Agencies, services provided, and summary information on the nature of the training programs, their salaries and reasons for non-completion, as well as data on those completing training as well as their subsequent employment, as required by the statute.

12. Provide estimates of annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expenses that would not have been incurred without the paperwork burden.

12. Federal Cost: Total Federal cost for reporting requirement is $14,812. This cost is distributed as follows:

a. Basic Labor Exchange

Federal cost for the report is estimated at .25 positions for GS–12/5 ($39,192) or $9,789.

b. Veterans' Employment and Training Service

Federal cost to process and compile the data is broken down as follows:

- Data entry takes about three-quarters of an hour per State per quarter (.75 × 54 × 4 = 162 for GS–4/5 ($7.64/hr.) = $1,238.
- Database management takes about 240 hours per year for GS–13/5 or $22.33 × 240 = $5,359.
- Production of reports takes about 5 hours per quarter or 20 hours annually for GS–7/5 ($10.59/hr.) = $212.

For SMOCTA, the only additional Federal costs imposed by this approval request relate to the training of staff which, depending on need, will be conducted by the National Veterans' Training Institute and costs of reducing the burden on states by addressing the programming of current information systems. We estimate that the costs will be $100,000 for both these activities. A more accurate estimate can be made upon completion of the development of the program.

13. Provide estimates of the burden of the collection of information. The statement should:

- Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not make special survey to obtain information on which to base burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated burden, and explain the reasons for the variance.
- If the request for approval is for more than one form, provide burden estimate for each form for which approval is sought and summarize the burdens on the SF 83. If only one form is submitted, you need not duplicate the information entered on the SF 83.
- If the proposed collection of information was not included in the agency's Information Collection Budget (ICB) or if the burden shown on the SF 83 is different from that in the ICB, explain the difference.

13. Estimate of Data Collection Burden

Burden Hour Summary: The combined total burden hours are 2,944.

USES Reporting Burden: 648 hours.

Recordkeeping Burden: 648 hours.

Reprogramming: 28 hours.

Total USES Burden: 1,324 hours.

VETS Reporting Burden: 540 hours.

a. *Basic Labor Exchange Reporting Burden:* 1,324 hours.

Data Collection: 648 hours.

Operating the reporting system requires about two hours and 45 minutes per quarter for processing, maintaining and reporting the data. Estimates are based on meetings with the States.

Operation:

2.75 hours × 4 reports for ES × 54 Reporting Units = 594 hours

.25 hours × 4 reports for VETS × 54 =54 hours

Programming System will require on time burden of an additional 15 minutes per State:

15 minutes × 1 × 54 Reporting Units for ES hours.

15 minutes × 1 × 54 Reporting Units for VETS = 14 hours.

Recordkeeping Burden: 648 hours.

States are required to maintain records on several MSFW data items for monitoring purposes:

54 States × 12 hours = 648 hours

b. *Veterans Employment and Training Service* 540 hours

Number of Respondents: 54 (All States plus District of Columbia and Puerto Rico, Virgin Islands and Guam).

Frequency of Response: Quarterly (4 times per year)

The overall hours required for each respondent per quarter to produce the required reports are:

Form VETS 200 A—.75 hour × 4 × 54 = 162

VETS 200 B—.75 hour × 4 × 54 = 162

VETS 300—1 hour × 4 × 54 = 216

Reporting burden hours: 540

The disclosure statement appears on each form.

Additions to the ICR are as a result of new legislation (Pub. L. 102–484—SMOCTA) not anticipated during the FY 1993 Information Collection Budget.

The data collection burden on the collection of eligibles for SMOCTA and their program participation is only related to the administrative effort to include more choices in existing forms. The actual identification of eligibles requires no additional questions or effort from interviewers than currently asked, since as part of the initial interview for veterans they are asked when they separated to determine whether eligible as recently separated veterans for JTPA participation; whether they are unemployed and for how long as part of the barrier assessment; and the other choices relate only to participation in a training program, which is simply a code added to the input forms.

DOL is looking to contract with ESSI for the administration of changing input forms, the handbooks that carry the definitions and the programming involved, so the administrative burden to State Agencies will be reduced to arrangements to install the new programs.

We estimate this one-time burden to the States at 20 hours per State for 54 states or 1,080 hours.

14. Explain reasons for changes in burden, including the need for any increase.

14. For SMOCTA, this request is for revision of an information collection process which has previously been approved by OMB under 1205–0240. The need for the 1,080-hour increased burden (as noted above in item 13) is to comply with the statutory requirement at Section 4494(f) of Public Law 102–484.

15. For collections of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

15. Collection of the data does not employ statistical methods, and an actual count of all transactions is required.

For SMOCTA, the data collected will be tabulated within USDOL/VETS, DOD

and DVA for inclusion in reports to Congress. A report will be prepared 120 days after the end of the fiscal year addressing the legislative requirements and transmitted to DOD and DVA. Summary data and analysis of the information collected will also be incorporated into the VETS Annual Report to Congress pursuant to 38 U.S.C. 4107 which is required by February 1 of each year.

Directive: ET Handbook No. 406, Change 1
To: Regional and State Offices
From: Barbara Ann Farmer, Administrator for Regional Management
Subject: ETA 9002 Data Preparation Handbook

1. *Purpose.* To transmit changes to subject Handbook and to announce the extension of Office of Management and Budget (OMB) approval of collection of information on the ETA Form 9002.

2. *Background.* Public Law 102–484, the National Defense Authorization Act of 1992, Title XLIV, Subtitle G, enacted the Service Members Occupational Conversion and Training Act of 1992 (SMOCTA). The Labor Department is responsible for providing case management services to veterans who are participating in training under SMOCTA. State Employment Security Agencies (SESAS) Job Service will be the primary focal point for developing training opportunities, matching qualified applicants with certified employers and providing case management services. Quarterly reports are required to comply with SMOCTA.

3. *Changes.* To accommodate SMOCTA reporting requirements, the definition of SMOCTA has been added to page III–5; a column has been added to page four of Form 9002A; and two forms, 9002B–S and 9002C–S have been added for reporting information on SMOCTA.

4. *OMB Approval.* Reporting requirements in this Handbook have been approved by the Office of Management and Budget (OMB) according to the Paperwork Reduction Act of 1930, under OMB Approval No. 1205–0240, expiration date _____.

5. *Action Required.* Administrators are requested to provide above information to appropriate staff.

6. *Instructions for Handbook Maintenance*

Remove & destroy	Insert
Page III–5 ..... 7/93	Page III–5.
Page 4 of Form 9002A 3/93.	Page 4 of Form.
Page 4 of 7/93	9002A.
	Form 9002B–S.
7/93	
	Form 9002C–S.
7/93	

7. *Attachments*
Page III–5
Page 4 of Form 9002A
Form 9002B–S
Form 9002C–S

BILLING CODE 4510–30–M

Average Wage on Orders and Placements for Job Orders Received and Job Openings Received and Filed by Occupational Category and Agricultural Status

U.S. Department of Labor
Employment Service Programs

State | Program Year | Quarter

	Occupational Categories		Job Orders Received	OPENINGS RECEIVED						OPENINGS FILLED					
				Total	Non-AG		AVERAGE	Agricultural		Total	Non-AG		AVERAGE	Agricultural	
				Non-AG and AG	Temp	Perm	WAGE ON ORDE	Temp	Perm	Non-AG and AG	Temp	Perm	WAGE ON PLCM	Temp	Perm
	DOT	Title	A	B	C	D	E	F	G	H	I	J	K	L	M
1		TOTAL													
2	0-1	Professional, Technical & Managerial													
3	20-24	Clerical													
4	25-29	Sales													
5	30	Domestic Services													
6	31-29	Other Services													
7	4	Farm, F & F													
8	5	Processing													
9	6	Machine Trades													
10	7	Bench Work													
11	8	Structural													
12	90	Motor Freight													
13	91	Transportation													
14	92	Pkg Materials Handling													
15	93-97	Other													

CERTIFICATION	Signature of Authorized Certifying Official	Date report submitted
I certify to the best of my knowledge and belief that this report is correct and complete.	Type or print name and title	Telephone (area code, number and extension

ETA-9002C-S
Rev. Jul 1993

Job Openings Received and Filled
by Occupational Category and
Standard Industrial Classification (SIC)

U.S. Department of Labor

Employment Service Programs

State | Program year | Quarter

	DOT	Title	TOTAL	Agri F & F	Mining	Const.	Mfg.	Transp. & Util.	Wholesale Trade	Retail Trade	Finance Ins. & Real Est.	Services	Public Admin.	Nonclass. Est.
			A	B	C	D	E	F	G	H	I	J	K	L
1.	JOB OPENINGS REC													
2.	0-1	Prof., Tech & Mgr.												
3.	20-24	Clerical												
4.	25-29	Sales												
5.	30	Domestic Services												
6.	31-39	Other Services												
7.	4	Farm, F & F												
8.	5	Processing												
9.	6	Machine Trades												
10.	7	Bench Work												
11	8	Structural												
12.	90	Motor Freight												
13.	91	Transportation												
14.	92	Pkg. Mat. Hand.												
15.	93-97	Other												

	DOT	Title	
16.	JOB OPENINGS REC		
17.	0-1	Prof., Tech & Mgr.	
18.	20-24	Clerical	
19.	25-29	Sales	
20.	30	Domestic Services	
21.	31-39	Other Services	
22.	4	Farm, F & F	
23.	5	Processing	
24.	6	Machine Trades	
25.	7	Bench Work	
26.	8	Structural	
27.	90	Motor Freight	
28.	91	Transportation	
29.	92	Pkg. Mat. Hand.	
30.	93-97	Other	
31.	FCJL Openings		
32.	No. of Fed. Contractors		

ETA-9002B-S

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time of reviewing instructions, searching existing data sources gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden, incuding estimates or any other aspect of the collection of information, including suggestions for reducing this burden to the Office of Information and Management, Department of Labor, Room N-1301, 200 Constitution Avenue, N.W. Washington, D.C. 20210, and to the Office of Management and Budget, Paperwork Reduction Project (1205-0240), Washington, D.C. 20503

ETA 9002 Quarterly Report (Cont'd)

State | Program Year | Quarter

J
VETERANS

Cumulative year-to-date	DISABLED		SPECIAL DISABLED				ELIGIBLE PERSONS				SMOCTA
	55+	Total	22-44	45-54	55 +	Total	22-44	45-54	55 +	Total	Total
	28	29	30	31	32	33	34	35	36	37	38
1 Total Active Applicants											
2 Veterans											
3 Male											
4 Female											
5 Youth											
6 Adult (22 and over)											
7 22-44											
8 45-54											
9 55 and over											
10 Economically Disadvantaged Total											
11 Welfare											
12 Assesment services											
13 Interviewed											
14 Counseled											
15 Tested											
16 Assigned Case Manager											
17 Provided Case Management services											
18 Vocational Guidance services provided											
19 Referred to other services											
20 Referred to skills training											
21 Referred to Federal training											
22 Referred to JTPA											
23 Referred to other training											
24 Referred to Educational services											
25 Referred to supportive services											
26 Training Placements											
27 Federal training placements											
28 Job Search Activities											
29 Referred to Employment											
30 Referred to Federal job											
31 Referred to FCJL job											
32 Referred to perm job (+150 days)											
33 Entered Employment											
34 Placed Total											
35 Placed (Under 22)											
36 Placed (22-44)											
37 Placed (45-54)											
38 Placed (55 & Over)											
39 Placed in Federal job											
40 Placed in FCJL job											
41 Placed in perm. job (+ 150 days)											
42 Obtained Employment											
43 Rec. Some Reportable Service Transactions											
44 Assessment services total											
45 Interviewed											
46 Counseled											
47 Tested											
48 Referred to Employment											
49 Placed											
50 Obtained Employment											

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ETA 9002 Quarterly Report (Cont'd)

State Program Year Quarter

J
VETERANS

Cumulative year-to-date	DISABLED		SPECIAL DISABLED			ELIGIBLE PERSONS					SMOCTA
	55 +	Total	22-44	45-54	55 +	Total	22-44	45-54	55 +	Total	Total
	28	29	30	31	32	33	34	35	36	37	38
1 Total Active Applicants											
2 Veterans											
3 Male											
4 Female											
5 Youth											
6 Adult (22 and over)											
7 22-44											
8 45-54											
9 55 and over											
10 Economically Disadvantaged Total											
11 Welfare											
12 Assessment services											
13 Interviewed											
14 Counseled											
15 Tested											
16 Assigned Case Manager											
17 Provided Case Management services											
18 Vocational Guidance services provided											
19 Referred to other services											
20 Referred to skills training											
21 Referred to Federal training											
22 Referred to JTPA											
23 Referred to other training											
24 Referred to Educational services											
25 Referred to supportive services											
26 Training Placements											
27 Federal training placements											
28 Job Search Activities											
29 Referred to Employment											
30 Referred to Federal job											
31 Referred to FCJL job											
32 Referred to perm job (+150 days)											
33 Entered Employment											
34 Placed Total											
35 Placed (Under 22)											
36 Placed (22-44)											
37 Placed (45-54)											
38 Placed (55 & Over)											
39 Placed in Federal job											
40 Placed in FCJL job											
41 Placed in perm. job (+ 150 days)											
42 Obtained Employment											
43 Rec. Some Reportable Service											
Transactions											
44 Assessment services total											
45 Interviewed											
46 Counseled											
47 Tested											
48 Referred to Employment											
49 Placed											
50 Obtained Employment											

ETA 9002A
Rev. Jul 1993

Public reporting burden for this collection of information is estimated to average XX minutes per response, including the time of reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden, including estimates or any other aspect of the collection of information, including suggestions for reducing this burden to the Office of Information and Management, Department of Labor, Room N-1301, 200 Constitution Avenue, N.W. Washington, D.C. 20210, and to the Office of Management and Budget, Paperwork Reduction Project (1205-0240), Washington, D.C. 20503.

[FR Doc. 93–14049 Filed 6–14–93; 8:45 am]
BILLING CODE 4510–30–C

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/ reporting requirement.

The title of the recordkeeping/ reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/ reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills (202) 219–5095. Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 (202) 395–6880.

Any member of the public who wants to comment on recordkeeping/ reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics

Response Analysis Survey (RAS) of BLS 790 and ES–202 Reporters 1220–0089; CES/UI RAS

On occasion

State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations

10,800 respondents; 30 minutes per response; 5,400 total hours; 1 form

The Current Employment Statistics Survey and Employment and Wages Program are the primary sources of employment and wage information used to measure economic performance. The RAS continues the Bureau of Labor Statistics' efforts to review the sources of information available to respondents, to better match available records to program definitions, and to improve the quality of data.

Revision

Bureau of Labor Statistics

Application for BLS Labor Market Information Cooperative Agreement

1220–0079

Information collection	Frequency	Time	Respondents	Total hours
Work Statements	1	4 min	55	4
BIF (LMI 1A, 1B)	1	6 hr, 42 min	55	369
BLS Cooperative Statistics Financial Report (LMI 2A) Quarterly Financial Reports	4	8 hr, 2 min	10	321
(CAS or FARS) Quarterly Status Report	4	6 min	45	18
LMI 2B	4	45 min	27	81
Total burden hours				793

Cooperative Agreements (CAs) between BLS and State Employment Security Agencies are entered into annually to provide financial assistance for the following Labor Market Information statistics programs: Current Employment Statistics, Local Area Unemployment Statistics, Occupational Employment Statistics, and Employment and Wages Report. The CAs provide the basis for administrative planning, financial planning and monitoring. Respondents are State government agencies.

Signed at Washington, DC, this 8th day of June, 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–14050 Filed 6–14–93; 8:45 am]

BILLING CODE 4510–24–P

Employment and Training Administration

[TA–W–28,525]

Bethlehem Steel Corporation Bar, Rod and Wire Division, Johnstown, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated for workers of the subject firm. The Department inadvertently issued a certification on June 7, 1993 irrespective of the fact that the workers were under an existing, certification. However, the notice was not published in the **Federal Register**. This notice corrects the above noted inadvertent action.

On May 18, 1993, under petition TA–W–27,118, the Department certified all workers of Bethlehem Steel Corporation in Johnstown, Pennsylvania except the workers in the wire mill. The wire mill workers were denied because the wire mill had increased sales and production and was sold to another domestic company.

Therefore, since the subject workers were previously certified or, in the case of the wire mill workers, determined otherwise ineligible, further investigation into TA–W–28,525 would serve no purpose and the investigation has been terminated.

Signed at Washington, DC, this 9th day of June 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–14044 Filed 6–14–93; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-28,523]

Conemaugh & Black Lick Railroad Co., Johnstown, PA; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) as amended by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the Group Eligibility Requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated in response to a petition received on April 5, 1993 and filed by the United Steelworkers of America on behalf of workers at Conemaugh & Black Lick Railroad Company, Johnstown, Pennsylvania. The workers firm is an affiliate of Bethlehem Steel Corporation and provides rail services to the Johnstown plant of Bethlehem Steel Corporation.

The investigation revealed that the subject firm provides rail services primarily for the Johnstown plant of Bethlehem Steel Corporation. The Bethlehem Steel Corporation Johnstown plant is under an existing certification (TA-W-27,118).

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with steel bar and semi-finished products produced at Bethlehem Steel Corporation, Johnstown, Pennsylvania with rail services performed by Conemaugh & Black Lick Railroad Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of Conemaugh & Black Lick Railroad Company. In accordance with the provisions of the Act, I make the following certification:

All workers of Conemaugh & Black Lick Railroad Company, Johnstown, Pennsylvania who became totally or partially separated from employment on or after March 19, 1992 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 7th day of June 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-14043 Filed 6-14-93; 8:45 am]

BILLING CODE 4510-30-M

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of May & June 1993.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,507; Holden Manufacturing Co., Holden, MO

TA-W-28,143; Thumb Plastics-McAllen, Inc., Traverse City, MI

TA-W-28,320; Cytemp Specialty Steel, Titusville, PA

TA-W-28,426; NACCON, Inc., Pennsauken, NJ

TA-W-28,482; Jacks Industries, Inc., Saranac, MI

TA-W-28,481; Moog, Inc., East Aurora, NY

TA-W-28,340; Giddings & Lewis Automation (Kearney & Trecker Corp.), West Allis, WI

TA-W-28,341; Echo Ultrasound, Reedsville, PA

TA-W-28,338; Hecla Mining Co., Lucky Friday Mine, Mullan, ID

TA-W-28,366; Armco Stainless & Alloy Products, Bridgeville, PA

TA-W-28,583; Camco Products & Services, Houston, TX

TA-W-28,433; R&S Pants Co., Inc., Wilkes Barre, PA

TA-W-28,370; Armco Stainless & Alloy Products, Baltimore, MD

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-28,521; Digital Equipment Corp., Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-28,452; Bell Petroleum Laboratories, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-28,569; ITT Avionics, Clifton, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,475; Airfoil Forgings Textron, Euclid, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,593; Big Mac Welding, Inc., New Iberia, LA

U.S. imports of oil and gas field machinery was negligible in 1991 and 1992.

TA-W-28,194; Arco Oil & Gas Co., Arco Alaska, Inc., Anchorage, AK

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,385; Electro-Wire Products, Divisional Maintenance Dept., El Paso, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-28,380; Geodyne Resources, Inc., Tulsa, OK

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,566; Southwestern Energy Production Co., Oklahoma City, OK

The investigation revealed that criterion (1) and criterion (2) have not

been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification. Sales or production did not decline during the relevant period as required for certification.

TA–W–28,344; Tektronix, Inc., Corporate Benefits Dept., Beaverton, OR

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,550; Bolen Leather Products, Springfield, TN

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–28,501 & TA–W–28,502; B & B Tool Co., Inc., Ada, OK and Lindsay, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,432; Western Electric Corp., Nuclear & Advanced Technology Div., Advanced Energy Systems Dept., Madison, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,510; Alyeska Pipeline, Anchorage, AK

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–28,490; Anheuser-Bush, Inc., Newark, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,576; IBM Corp., Buffalo, NY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,464 Austin Computer Systems, El Paso, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,378; Houston Engineers, Inc., Oklahoma City, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,471; Laurel Metal Processing, Inc., Johnstown, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,602 & TA–W–28,603; Pennington Seismic Exchange, Inc., Tulsa, OK & Oklahoma City, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,440; Energy Gathering, Inc., Corpus Christi, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,495; Union Texas Petroleum Service Corp., Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–28,534; University of Oklahoma, Oklahoma City, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–28,462; Pennzoil Sulphur Co., The Woodlands, TX

A certification was issued covering all workers separated on or after March 9, 1992.

TA–W–28,212; Gregg Originals, Inc., Hoboken, NJ

A certification was issued covering all workers separated on or after January 5, 1992.

TA–W–28,444; North American Brine Resources, Woodward, OK

A certification was issued covering all workers separated on or after March 5, 1992.

TA–W–28,325; Union Oil Co of California, Unocal Energy Resources Div., Bakersfield District, Bakersfield, CA

TA–W–28,326; Union Oil Co of California, Unocal Energy Resources Ventura District, Ventura, CA

TA–W–28,327; Union Oil Co of California, Unocal Energy Resources Div., Santa Maria District, Orcutt, CA

TA–W–28,328; Union Oil Co of California, Unocal Energy Resources Div., Santa Fe Springs District, Santa Fe Springs, CA

A certification was issued covering all workers engaged in employment related to the production of crude oil, natural gas and natural gas liquids separated on or after December 30, 1991.

TA–W–28,488; The Florsheim Shoe Co., 550 Highway AB, Cape Girardeau, MO

A certification was issued covering all workers separated on or after March 15, 1992.

TA–W–28,376; National Semiconductor, South Portland, ME

A certification was issued covering all workers engaged in the production of semiconductors separated on or after February 11, 1992.

TA–W–28,436; TA Corp., Newark, NJ

A certification was issued covering all workers separated on or after February 16, 1992.

TA–W–28,520; Granada Industries Corp., Martinsburg, WV

A certification was issued covering all workers engaged in the production of ladies' shirts, blouses, loungewear, robes and dresses separated on or after March 25, 1992.

TA–W–28,567; Simpson Paper Co., Humboldt Pulp Mill, Eureka, CA

A certification was issued covering all workers engaged in the production of bleached kraft softwood pulp separated on or after March 31, 1992.

TA–W–28,301; Syracuse China Corp., Syracuse, NY

A certification was issued covering all workers separated on or after January 26, 1992.

TA–W–28,476 & TA–W–28,477; M–I Drilling Fluids, Denver, CO & Williston, ND

A certification was issued covering all workers engaged in the production of exploration and drilling for oil and gas separated on or after February 26, 1992.

TA–W–25,451; A.F. Gallun & Sons Co., Milwaukee, WI

A certification was issued covering all workers separated on or after March 2, 1992.

TA–W–28,493; Charm Corp., Ridgeway, SC

A certification was issued covering all workers separated on or after March 15, 1992.

TA–W–28,311; BHP Petroleum (Americas), Inc., Houston, TX & Operating Out of Various Other Locations: A; CO, B; NM, C; TX

A certification was issued covering all workers separated on or after January 29, 1992.

TA–W–28,518; Joey Mfg, Inc., Pittston, PA

A certification was issued covering all workers separated on or after March 29, 1992.

TA–W–28,025; Lido Fashions, Paterson, NJ

A certification was issued covering all workers separated on or after June 29, 1992.

TA–W–28,497; GE Aerospace Aircraft Controls, dba Martin Marietta, Johnson City, NY

A certification was issued covering all workers engaged in the production of printed circuit boards separated on or after March 26, 1993. Also workers engaged in the production of analog and disital flight and engine controls are denied.

TA–W–28,503; Tucker Drilling Co. Services, San Angelo, TX

A certification was issued covering all workers separated on or after June 8, 1992.

TA–W–28,516; C.A. Reed, Inc., Williamsport, PA

A certification was issued covering all workers engaged in the production of napkins and table covers separated on or after March 24, 1992.

TA–W–28,573; FMR Grinding Wheel Co., Inc., West Haven, CT

A certification was issued covering all workers separated on or after March 30, 1992.

TA–W–28,539; Apparel Service Industries, Hialeah Gardens, FL

A certification was issued covering all workers separated on or after March 10, 1992.

TA–W–28,622; Oshkosh B'Gosh, Camden, TN

A certification was issued covering all workers separated on or after April 16, 1992.

TA–W–28,381 & TA–W–28,382; Dixie Yarns, Inc., Cumberland, NC & Hope Mills, NC

A certification was issued covering all workers separated on or after February 7, 1992 and before May 1, 1993.

TA–W–28,658; Sharon Steel Corp., Masury Steel Center Div., Masury, OH

A certification was issued covering all workers separated on or after May 5, 1992.

TA–W–28,499; Kraft/General Foods, Dover, DE

A certification was issued covering all workers separated on or after March 22, 1992.

TA–W–28,484 & TA–W–28,485; Harken Exploration Corp., Dallas, TX & Midland, TX & Operating Out of Various Other Locations: A; CA, B; CO, C; OK, D; NM

A certification was issued covering all workers separated on or after March 1, 1992.

TA–W–28,540; South Buffalo Railway Co., Lackawanna, NY

A certification was issued covering all workers separated on or after March 29, 1992.

TA–W–28,575; AAI/Microflite Simulation International, Binghamton, NY

A certification was issued covering all workers engaged in the production and modifying full flight simulators and flight training devices separated on or after April 1, 1992.

I hereby certify that the aforementioned determinations were issued during the month of May and June 1993. Copies of these determinations are available for inspection in room C–4318, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, during normal business hours or will be mailed to persons to write to the above address.

Dated: June 8, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–14045 Filed 6–14–93; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–28,620]

Pyke Manufacturing Co., Salt Lake City, UT; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 3, 1993 in response to a worker petition which was filed on May 3, 1993 on behalf of workers at Pyke Manufacturing Company, Salt Lake City, Utah.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 7th day of June 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93–14046 Filed 6–14–93; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93–055]

NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee.

DATES: June 28, 1993, 8:15 a.m. to 5:30 p.m.; June 29, 1993, 8:30 a.m. to 5:30 p.m.; and June 30, 1993, 8:30 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, room MIC–5, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Lawrence J. Caroff, Code SZF, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0342.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Comments by the Administrator
—NASA FY 1994 Budget Overview
—Office of Space Science Report
—Office of Life and Microgravity Sciences and Applications Report
—Office of Mission to Planet Earth Report
—Comments by the Chief Scientist
—Subcommittee Reports
—Space Station Redesign
—NASA Strategic Planning
—Advanced Concepts and Technology
—Report on Mission Operations and Data Analysis
—Committee Writing Assignments

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: June 8, 1993.

Timothy M. Sullivan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93–14030 Filed 6–14–93; 8:45 am]

BILLING CODE 7510–01–M

[Notice 93–054]

Procedures To Comment on NASA's Draft Section 504 Self-Evaluation and Transition Plan

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice; request for comments.

SUMMARY: NASA is soliciting comments on the draft of its Self-Evaluation and Transition Plan for section 504 of the Rehabilitation Act of 1973, as amended.

DATES: Comments must be received on or before August 16, 1993.

FOR FURTHER INFORMATION CONTACT: Christopher Rodriguez, Agencywide Section 504 Program Manager, Office of

Equal Opportunity Programs, NASA Headquarters, Washington, DC 20546, 202–358–0950.

SUPPLEMENTARY INFORMATION: This notice announces the availability of NASA's Section 504 Self-Evaluation and Transition Plan Draft document. Responsibility for coordinating the Self-Evaluation and Transition Plan process was delegated to the NASA Office of Equal Opportunity Programs. NASA is evaluating its current policies and practices to ensure that discrimination against individuals with disabilities does not occur in its programs or activities. This evaluation is being conducted to comply with NASA's final regulations for the enforcement of nondiscrimination on the basis of disability in NASA programs or activities. This regulation was issued in the **Federal Register** on July 8, 1988, through NASA's adaption of the concurrently published common rule (53 FR 25881–82) and 25885–89 and is codified at 14 CFR 1251.5). It requires NASA to perform the Self-Evaluation and Transition Plan and to provide an opportunity for individuals with disabilities, organizations representing individuals with disabilities, and other interested parties to participate in the process.

NASA believes that public involvement in the Self-Evaluation and Transition Plan process is not only valuable, but is essential to the effective and efficient implementation of section 504.

Copies of the Self-Evaluation and Transition Plan Draft document are available for public inspection in room CV74 at the NASA User Resource Center, 300 E Street, SW., Washington, DC 20546, during regular business hours (8 a.m.–4:30 p.m.) Monday through Friday. Persons needing assistance to review the document should contact NASA's Office of Equal Opportunity Programs by calling 202–358–3807 (Voice) or 202–358–3748 (TDD) 48 hours in advance to ensure that assistance or aids are available. Several aids are available on a continuing basis at the User Resource Center (room CV74). These include voice recognition systems, voice output systems, magnification of words on the screen, and key easy recognition

Information about how the general public can obtain this document and/or submit written or oral comments is as follows. Copies of the Self-Evaluation and Transition Plan Draft document are available by request in standard format, large print format, braille, audio tape, and computer disk. All requests must specify the desired format(s). Written comments should be sent to NASA Headquarters, Office of Equal Opportunity Programs, Code E, 300 E Street, SW., room 3A11, Washington, DC 20546.

Oral comments may be submitted by calling 202–358–3807 (Voice) or 202–358–3748 (TDD). Callers should be advised that these are not toll-free numbers. Comments must be received no later than August 16, 1993, in order to assure consideration. NASA will consider revisions to the draft document based on comments received, as well as any further evaluations performed by NASA Field Installations or other NASA offices by the end of the comment period.

Dated: June 8, 1993.

Yvonne B. Freeman,

Associate Administrator for Equal Opportunity Programs.

[FR Doc. 93–14031 Filed 6–14–93; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before July 30, 1993. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Agriculture, Animal and Plant Health Inspection Service (N1–463–93–1). Medical monitoring records.

2. Department of the Air Force (N1–AFU–93–13). Routine records of closing bases.

3. Department of the Air Force (N1–AFU–93–8). Preprocessed sets of photographs provided by Defense Mapping Agency.

4. Department of Justice, Asset Forfeiture Office (N1–60–93–10). Case files relating to the transfer of Federally forfeited property and related records.

5. Department of Transportation, Office of the Secretary (N1–398–93–2). Poor quality, unidentified and incomplete videotapes.

6. Department of Treasury, Office of Thrift Supervision, Congressional Affairs (N1–483–93–3). Comprehensive schedule.

7. Department of Treasury, Office of Thrift Supervision (N1–483–93–4). General program and administrative records relating to public affairs.

8. Department of Treasury, Office of Thrift Supervision, Washington Operations (N1–483–93–8). Routine records relating to oversight of thrift institution operation.

9. Department of Treasury, Office of Thrift Supervision, Washington Operations (N1–483–93–9). Routine correspondence, background files, and training materials supporting policy and standards development.

10. ACTION (N1–362–93–2). Volunteers In Service To America training program files, 1964–71.

11. Federal Bureau of Investigation (N1–65–93–5). Reduction in retention period for electronic surveillance audio tapes.

12. Federal Labor Relations Authority (N1–480–93–1). Labor-management arbitration case files.

13. Peace Corps (N1–490–93–01). Subject files of the Administration and Finance Division, 1961–69.

14. United States Information Agency, Office of Administration (N1–306–93–5). Routine and facilitative records.

Dated: June 2, 1993.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 93–14079 Filed 6–14–93; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

Field Hearings

AGENCY: National Commission on Judicial Discipline and Removal.

ACTION: Field hearings.

Time and Place: Notice is hereby given in the public interest that field hearings of the National Commission on Judicial Discipline and Removal will occur on June 23, 1993, in Philadelphia, Pennsylvania, on June 24, 1993, in Chicago, Illinois, and on June 25, 1993, in San Francisco, California. Each hearing will commence at 9:30 a.m. and continue, subject to the rule of the chair, until 4:30 p.m. The precise location of the Philadelphia hearing will be the Ceremonial Courtroom of the United States Courthouse at 601 Market Street. The precise location of the Chicago hearing will be the Main Courtroom of the United States District Circuit, at 219 Dearborn Street. The precise location of the San Francisco hearing will be Courtroom 7 in the United States District Court in the Philip Burton Federal Building at 450 Golden Gate Avenue.

Status and Authority: Each hearing will be open to the public. The National Commission is a body composed of thirteen members appointed by the Speaker of the House, the President *pro tem* of the Senate, the President, the Chief Justice of the United States and the Conference of Chief Justices. The National Commission, established by Public Law 101–650 (title IV), is assigned three statutory duties. The first is to investigate and study the problems and issues involved in the tenure (including discipline and removal) of Article III (appointed to serve for life) Federal judges. The second is to evaluate the advisability of proposing alternatives for current arrangements with respect to such problems and issues, including alternatives for the discipline or removal of Federal judges that would require constitutional amendments. Finally, the Commission is required to prepare and submit a report to the Congress, the Chief Justice and the President setting forth a detailed statement of its findings and conclusions together with any recommendations for legislative and administrative actions as are considered appropriate. The Commission is not authorized to consider the factual underpinnings of specific complaints against Federal judges.

Ordinarily the provisions of the Governments in the Sunshine Act are not applicable to legislative or judicial agencies. Nonetheless, since the Commission is composed of representatives of all three branches of the Federal government, good faith attempts will be made to follow the spirit of the law. This good faith commitment to open meetings and hearings is incorporated in the Commission's By-laws.

MATTERS TO BE CONSIDERED: The Commission will receive testimony concerning its Draft Report and Tentative Recommendations.

CONTACT PERSONS FOR FURTHER INFORMATION:

For more information, contact Michael J. Remington or William J. Weller at the National Commission on Judicial Discipline and Removal, suite 690, 2100 Pennsylvania Avenue NW., Washington, DC 20037–3203; or call (202) 254–8169.

William J. Weller,

Deputy Director.

[FR Doc. 93–14063 Filed 6–14–93; 8:45 am]

BILLING CODE 6820–DB–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts in Education Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Arts in Education Advisory Panel (Arts Plus Roundtable) to the National Council on the Arts will be held on June 29, 1993 from 9 a.m.–5:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. Topics of discussion will include a discussion of needs, opportunities and various issues related to a future restructuring of the Arts Plus Program.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, art least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: June 8, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–14017 Filed 6–14–93; 8:45 am]

BILLING CODE 7537–01–M

Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel

(Expansion Arts Challenge Section) to the National Council on the Arts will be held on July 14, 1993, from 9 a.m.–5:30 p.m. This meeting will be held in room M–07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on July 14 from 9 a.m.–9:45 a.m. for introductions.

The remaining portion of this meeting on July 14 from 9:45 a.m.–5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: June 9, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–14019 Filed 6–14–93; 8:45 am]

BILLING CODE 7537–01–M

Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Folk Arts Challenge Section) to the National Council on the Arts will be held on July 2, 1993 from 10 a.m.–2 p.m. This meeting will be held in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on July 14 from 10 a.m.–10:45 a.m. for introductions.

The remaining portion of this meeting on July 2 from 10:45 a.m.–2 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: June 9, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–14020 Filed 6–14–93; 8:45 am]

BILLING CODE 7537–01–M

Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Opera Musical Theatre Challenge Section) to the National Council on the Arts will be held on July 1, 1993 from 9 a.m.–5:30 p.m. This meeting will be held in room M–07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on July 1 from 9 a.m.–9:45 a.m. for introductions.

The remaining portion of this meeting on July 1 from 9:45 a.m.–5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: June 9, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–14021 Filed 6–14–93; 8:45 am]

BILLING CODE 7537–01–M

Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Overview Section) to the National Council on the Arts will be held on June 28–29, 1993 from 9 a.m.–5:45 p.m. on June 28, 1993 and from 9 a.m.–5:30 p.m. on June 29, 1993 in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. Topics of discussion will include a discussion

of the various design disciplines, the FY 94 Budget, and review of guidelines.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: June 8, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–14022 Filed 6–14–93; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Special Projects Section) to the National Council on the Arts will be held on July 1, 1993 from 9 a.m.–5:30 p.m. This meeting will be held in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on July 1 from 4:30 p.m.–5:30 p.m. Topics for discussion will include policy and guidelines recommendations.

The remaining portions of this meeting on July 1 from 9 a.m.–1:30 p.m. and from 2:30 p.m.–4:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5439.

Dated: June 8, 1993.

Yvonne M. Sabine,

Director, Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 93–14018 Filed 6–14–93; 8:45 am]

BILLING CODE 7537–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32432; File No. SR–NASD–93–18]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Approval of Proposed Rule Change Relating to Autoquote Policy for the Nasdaq Market

June 8, 1993.

I. Description of the Rule and Background

On April 19, 1993,[1] the National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted a proposed rule change to the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[2] and Rule 19b–4 thereunder.[3] The rule change extends a policy banning the automated update of quotations by Nasdaq market makers. With two long-standing exemptions, the policy prohibits so-called "autoquote" systems from effecting automated quote updates or tracking of inside quotations in Nasdaq. Autoquoting is permitted to update quotations in response to an execution in the security by that firm (such as execution of an order that partially fills a market marker's quotation size) or when it requires physical entry, such as a manual entry to the market maker's internal system which then automatically forwards the update to Nasdaq.

Notice of the proposed rule change, together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 32235, April 29, 1993) and by publication in the **Federal Register** (58 FR 26805, May 5, 1993). No comments were received on the proposal. This order approves the proposed rule change.

In 1990, the Commission approved a policy banning autoquoting in the Nasdaq system for a period of one year, and subsequently extended the policy for another six months.[4] Like the instant rule proposal, the policy prohibited autoquote systems from effecting automated quotation updates or tracking of inside quotations in the Nasdaq market with two expections: automated update of quotations has been permitted when the update is in response to an execution in the security by that firm; and automated update has been permitted when it requires a physical entry to the market maker's internal system which then automatically forwards the update to Nasdaq.

In effect this policy prohibits autoquote systems from effecting automated quote updates or the tracking away from the inside quotations in the Nasdaq system. There currently are a variety of autoquote systems employed in the securities industry and the NASD's policy seeks to curb the processing impact of such systems that track changes to the inside quotation on Nasdaq and automatically react to keep a market maker's quote away from the best market. The NASD proposes this policy because of the potential impact of additional quotation traffic on the capacity of the Nasdaq system.[5]

[1] The NASD originally filed the proposed rule change on March 25, 1993. On April 19, the NASD filed Amendment No. 1 to the proposal, which states that the Association's Policy Statement on autoquoting will be included in the *NASD Manual* at Schedule D to the By-Laws, Part VI, (CCH) ¶ 1818 and Part VII, (CCH) ¶ 1818.

[2] 15 U.S.C. 78s(b)(1) (1988).

[3] 17 CFR 240.19b–4 (1992).

[4] *See* Securities Exchange Act Rel. No. 28338 (August 13, 1990), 55 FR 34636, approving File No. SR–NADS–90–5; and Securities Exchange Act Rel. No. 29304 (June 13, 1991), 56 FR 28207, notice of effectiveness of File No. SR–NASD–91–25.

[5] The Commission is presently reviewing a proposed rule change by the NASD that, in part, would allow a market maker to elect to have Nasdaq automatically "refresh" its quotation once its exposure limit has been exhausted on the Small Order Execution System ("SOES"). *See* Securities Exchange Act Rel. No. 32143 (April 14, 1993), 58 FR 21484 (April 21, 1993), providing notice of File No. SR–NASD–93–16. The NASD has represented that its computer network has the capacity to handle the increased volume of information necessary to process this new feature.

In December 1991, when the formal policy expired, the NASD asked members to comply voluntarily with the policy on autoquoting. The NASD had conducted a study earlier in 1991 on the impact of autoquoting upon the network. The study raised serious questions of network and system capacity and the NASD determined that it was not feasible to permit autoquoting within the current network architecture and band width. The NASD states that it would need to substantially increase transmission speed and Workstation capacity to accommodate traffic levels that have been forecast for an autoquote environment. The addition of autoquote would be particularly problematic from a network capacity perspective during the planned transition to a new network architecture which will take approximately two years to phase in for all subscribers. The study also revealed that all members surveyed indicated strong objections to any kind of capability that would allow Nasdaq market makers to automatically track away from the Nasdaq inside quotation or another market marker's quotation. In the members' view, allowing automatic tracking could create a "fair-weather" market making environment that would not contribute to the depth or liquidity for trading the security. The NASD believes, however, that automation in the securities markets should be encouraged, and is therefore proposing to reevaluate the question of eventually allowing autoquoting in certain additional prescribed circumstances. For example, several members believe that an autoquoting capability that would keep a market maker's quotation at the inside Nasdaq quote, thus reducing the need for manual quote updates and fostering depth and liquidity should be permitted as soon as the system is capable of processing the additional traffic.

II. Discussion and Conclusion

Extending the current ban on autoquoting will provide the NASD with the opportunity for additional consideration of autoquote functions that could facilitate member trading at the inside market and for study of the technology required to process additional traffic on Nasdaq. The NASD has undertaken a major redesign of the technology that supports the Nasdaq system which the NASD represents will lead to significant long-term improvement to the infrastructure of that system. The NASD believes this redesign will enhance flexibility in the accommodation of automated quotation changes. However, during this phase, the NASD believes it would be imprudent to allow the higher traffic rates that may result from unrestricted autoquoting. The Commission is in accord with this course and, therefore, has determined to approve the instant rule change extending the autoquote policy until the migration effort to the new Nasdaq platforms has been completed. The NASD estimates that the migration will be completed by the fourth quarter 1995, at which time the application of autoquote technology will be reevaluated.

The Commission finds that the rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, including the requirements of sections 15A(b)(6) and 15A(b)(11) of the Act.[6] Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. Section 15A(b)(11) requires, in part, that NASD rules include provisions designed to produce fair and informative quotations and promote orderly procedures for collecting, distributing, and publishing quotations. A ban on autoquoting except in certain prescribed instances is necessary to control the potential negative impact on the capacity of the network, to foster deep and liquid markets, and is a reasonable means to ensure the continued viability of the Nasdaq network and related systems.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–13985 Filed 6–14–93; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78o–3 (1988).

[7] 17 CFR 200.30–3(a)(12).

[Release No. 34–32431; International Series Release No. 549; File No. SR–NYSE–92–33]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 2 and 3 Relating to an Interpretation to Rule 345 ("Employees Registration, Approval Records")

June 8, 1993.

I. Introduction

On November 4, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to add an interpretation to existing Exchange Rule 345 ("Employees—Registration, Approval, Records") with respect to the payment of transaction related compensation to nonregistered foreign persons (or "finders") who refer foreign customer business to NYSE members or member organizations. On December 23, 1992, the NYSE submitted to the Commission Amendment No. 1 to the proposal.[3] On February 3, 1993, the NYSE submitted Amendment No. 2 to the Commission.[4] On March 29, 1993, the NYSE submitted Amendment No. 3 to the Commission.[5] The proposed rule change, together with Amendment No. 1, was published for comment in Securities Exchange Act Release No.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1992).

[3] See letter from Mary Ann Furlong, Director, Rule and Interpretative Standards, NYSE to Cheryl Evans-Dunfee, Attorney, Exchange Branch, Division of Market Regulation, Commission, dated December 17, 1992. Amendment No. 1 to the proposed rule change changed the citation to the descriptive document from that required by IAA Brochure Rule 204–3(a) of the Investment Advisers Act of 1940 to that required by Rule 206(4)–3(b) of the Investment Advisers Act of 1940.

[4] See letter from Mary Ann Furlong, Director, Rule and Interpretative Standards, NYSE to Cheryl Evans-Dunfee, Attorney, Exchange Branch, Division of Market Regulation, Commission, dated January 29, 1993. Amendment No. 2 to the proposed rule change clarified that item b) of the proposed interpretation (Rule 345, (a)(i), /04, b)) would apply to foreign entities as well as to foreign nationals.

[5] See letter from Donald van Weezel, Managing Director, Regulatory Affairs, NYSE, to Sharon Lawson, Assistant Director, Exchange and Options Regulation, Division of Market Regulation, Commission, dated March 29, 1993 ("March 29, 1993 Letter"). Amendment No. 3 to the proposed rule change clarified that a written customer acknowledgement must be available for inspection by the Exchange. It also stated that records required to be kept pursuant to the Interpretation are subject to the record retention requirements of Rules 17a–3 and 17a–4 of the Act and that the Exchange will implement procedures to monitor compliance with conditions of the Interpretation.

31708 (January 8, 1993), 58 FR 4726 (January 15, 1993). No comments were received on the proposal. This order approves the proposed rule change, including all three amendments.

Currently, the NYSE's Interpretation Handbook contains an interpretation under Rule 345 which limits compensation to nonregistered persons for business they direct to members and member organizations other than on an isolated basis and only to persons not routinely engaged in making such referrals.[6] Under this interpretation, a member or member organization is prohibited from paying to nonregistered persons compensation based upon the business of customers they direct to members or member organizations if the compensation is formulated as a direct percentage of the commissions or income generated. The NYSE states that the existing interpretation is intended to ensure that persons who regularly solicit customer business for a member or member organization and who are paid transaction-related compensation are associated with or registered as a broker-dealer and are qualified and approved to perform the function of a registered representative.

II. Description of the Proposal

The Exchange proposes to adopt an interpretation under Rule 345 to permit the payment of transaction related compensation to foreign finders[7] who refer foreign customer[8] business to NYSE members or member organizations, under the conditions specified in the interpretation.

Specifically, the proposed interpretation would require that the member or member organization assure itself that the foreign finder who will receive the compensation is not required to register in the U.S. as a broker-dealer and has further assured itself that the compensation arrangement does not violate applicable foreign law. The proposed interpretation also would require that customers receive a descriptive document similar to that required by Rule 206(4)–3(b)[9] of the Investment Advisers Act of 1940,[10] that discloses what compensation is being paid to the finders. The interpretation would require customers to provide written acknowledgement to the member or member organization of the existence of the compensation arrangement and that such acknowledgement be retained and made available for inspection by the Exchange. The proposed interpretation would further require that the member or member organization maintain records on its books reflecting payments to foreign finders and require that actual agreements between the member or member organization and the foreign finder be available for inspection by the Exchange. Finally, the proposed interpretation would require that the confirmation of each transaction indicate that a referral or finder's fee is being paid pursuant to an agreement.[11]

If all of the specified conditions of the proposed interpretation are met, NYSE members and member organizations would be able to pay transaction related compensation to non-registered foreign finders based on the business of non-U.S. customers that the finders refer to the NYSE member or member organization. Under the new interpretation, compensation could be made on an ongoing basis and tied to such variables as the level of business generated or assets under control, notwithstanding the fact that the foreign finders' sole involvement would be the initial referral to a member or member organization.

The Exchange has represented that it will issue an Interpretation Memo concerning the proposed interpretation to Rule 345.[12] According to the Exchange, the memo will remind member organizations that records required by the interpretation are subject to the record retention requirements of Securities Exchange Act Rules 17a–3 and 17a–4.[13] The Interpretation Memo also will indicate that the Exchange will implement procedures to monitor compliance with the conditions stated in the interpretation.

The Exchange believes that the proposed interpretation will give members and member organizations the opportunity to enhance their competitive position in foreign countries where new accounts are routinely opened on a referral basis with ongoing compensation arrangements. The Exchanges states that the proposed rule change is consistent with section 6(b)(5) of the Act which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market,

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[6] Rule 345, EMPLOYEES—REGISTRATION, APPROVAL, RECORDS (a)(i) TRANSFER OF REGISTERED REPRESENTATIVES

/02—*Compensation to Non-Registered Persons*, states that:

Rule 345(a) precludes members and member organizations from paying to non-registered persons compensation based upon the business of customers they direct to members or member organizations if:

(a) The compensation is formulated as a direct percentage of the commissions or income generated, or

(b) Payment is on other than an isolated basis, or

(c) The customers have the use of the facilities of such person for the transmission of orders or messages directly to the member or member organization, or

(d) Such person has formal discretionary authority to place orders or instructions with the member or member organization, or

(e) Such person regularly engages in activity which may be reasonably expected to result in the procurement of new customers or orders.

[7] The proposed interpretation only applies to finders who are foreign nationals (not U.S. citizens) or foreign entities domiciled abroad.

[8] The proposed interpretation only applies to customers who are foreign nationals (not U.S. citizens) or foreign entities domiciled abroad transacting business in either foreign or U.S. securities.

[9] 17 CFR 275.206(4)–3(b) (1992). Rule 206(4)–3(b) requires, among other things, that a separate written disclosure document be furnished by the solicitor to the client containing: the name of the solicitor; the name of the investment adviser; the nature of the relationship between the solicitor and the investment adviser; a statement that the solicitor will be compensated for his solicitation services by the investment adviser; the terms of such compensation arrangement, including a description of the compensation paid or to be paid to the solicitor; and the amount, if any, for the cost of obtaining his account, the client will be charged in addition to the advisory fee.

[10] 15 U.S.C. 80b (1991).

[11] The proposed interpretation would state: Rule 345, *EMPLOYEES—REGISTRATION, APPROVAL, RECORDS* (a)(i) *TRANSFER OF REGISTERED REPRESENTATIVE*

/04—*Compensation to Nonregistered Foreign Persons Acting as Finders*

Members and member organizations may pay to nonregistered foreign persons transaction-related compensation based upon the business of customers they direct to members or member organizations if the following conditions are met:

(a) The member or member organization has assured itself that the nonregistered foreign person who will receive the compensation (the "finder") is not required to register in the U.S. as a broker-dealer and has further assured itself that the compensation arrangement does not violate applicable foreign law;

(b) The finders are foreign nationals (not U.S. citizens) or foreign entities domiciled abroad;

(c) The customers are foreign nationals (not U.S. citizens) or foreign entities domiciled abroad transacting business in either foreign or U.S. securities;

(d) Customers received a descriptive document, similar to that required by Rule 206(4)–3(b) of the Investment Advisers Act of 1940, that discloses what compensation is being paid to finders;

(e) Customers provide written acknowledgement to the member or member organization of the existence of the compensation arrangement and that such acknowledgement is retained and made available for inspection by the Exchange;

(f) Records reflecting payments to finders are maintained on the member's or member organization's books and actual agreements between the member or member organization and persons compensated are available for inspection by the Exchange; and

(g) The confirmation of each transaction indicates that a referral or finders fee is being paid pursuant to an agreement.

[12] See March 29, 1993 Letter, *supra* note 5.

[13] 17 CFR 240.17a–3 and 240.17a–4 (1992). Rules 17a–3 and 17a–4 set forth the requirements for records to be made and preserved by certain Exchange members, brokers and dealers.

and, in general, to protect investors and the public interest.

III. Discussion and Conclusion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with the requirements of sections 6(b)(5) and (8) of the Act.[14] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. Section 6(b)(8) requires that exchange rules do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission believes that the proposed interpretation to Rule 345 adequately balances competitive concerns with the promotion of just and equitable principles of trade and the protection of investors and the public interest, consistent with the requirements of sections 6(b)(5) and 6(b)(8) of the Act. In this regard, the Commission believes that the proposed foreign finders interpretation should provide NYSE members and member organizations with the opportunity to enhance their competitive position in foreign countries where, according to the Exchange, new accounts are frequently opened on a referral basis with ongoing compensation arrangements. The proposed rule change will permit NYSE members and member organizations to pay transaction related compensation to foreign finders based on the business of non-U.S. customers on a referral basis, under certain specified conditions. Accordingly, the Commission believes that the proposed interpretation should enhance competition and will allow NYSE firms to compete more equally with foreign entities for securities business from foreign customers. The Commission notes, however, that the proposed interpretation only pertains to specific situations involving foreign finders[15] and foreign customers.[16] The NYSE's existing interpretation under Rule 345, Compensation to Non-Registered Persons, generally will continue to preclude NYSE members and member organizations from paying non-registered persons compensation based upon the business of customers they direct to members and member organizations.[17] Thus, the proposed foreign finders interpretation is limited solely to foreign nationals or foreign entities currently not subject to the jurisdiction of the U.S. securities laws, and will not extend to compensation arrangements involving U.S. citizens or entities which continue to be prohibited under existing NYSE Rule 345 (a)(i) /02.

The Commission believes that the proposed interpretation contains sufficient investor protection provisions. As an initial matter, the proposed interpretation will require that the NYSE member or member organization assure itself that the foreign finder is not required to register in the U.S. as a broker-dealer and further assure itself that the compensation arrangement does not violate foreign law. The proposed interpretation also should ensure that the foreign customer is aware of the compensation arrangement with the foreign finder. As noted above, the proposed interpretation requires that such customers receive a descriptive document disclosing what compensation is being paid to a foreign finder, that customers provide written acknowledgement to the member or member organization of the existence of the compensation arrangements, and that the confirmation of each transaction indicate that a referral or finders fee is being paid pursuant to an agreement. Members or member organizations will also be required to make available for Exchange inspection the customer's written acknowledgement and records on payments and agreements with finders. These requirements should serve investors and the public interest by assuring meaningful disclosure of the compensation arrangement as well as assisting the Exchange in its oversight of foreign finders compensation arrangements.

Finally, the Commission believes that the proposed amendment is consistent with section 17(a) of the Act[18] and Rules 17a–3 and 17a–4 thereunder.[19] Section 17(a), requires, among other things, that every national securities exchange, member thereof, and broker-dealer make and keep records, furnish copies thereof, and make and disseminate such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. Rules 17a–3 and 17a–4 specify the records to be made by certain exchange members, brokers and dealers. The Commission believes that the proposed interpretation imposes record maintenance requirements which will allow the Exchange to surveil for compliance with the interpretation requirements. As noted above, the proposed interpretation requires that NYSE members and member organizations retain, and make available for NYSE inspection, copies of the customer's written acknowledgement of the compensation arrangement, records reflecting payments to foreign finders, and agreements between members or member organizations and persons compensated. The records required by this interpretation will be subject to the record retention requirements of Rules 17a–3 and 17a–4 which require records to be maintained for at least three years.[20] In addition, the NYSE has informed the Commission that it intends to implement specific procedures to monitor compliance with the requirements of the foreign finders interpretation.[21] The Commission, therefore, believes that the record maintenance requirements in the proposed rule change should prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade and protect investors and the public interest.

The Commission finds good cause for approving Amendment Nos. 2 and 3 prior to the thirtieth day after the day of publication of notice of filing thereof. Amendment No. 2 revised the proposed interpretation to clarify that the interpretation applies to both foreign nationals and foreign entities. This clarifying amendment will help forestall any future confusion on this point. Amendment No. 3 revised the proposed interpretation to reflect the Exchange's intention that the customer's written acknowledgement of the existence of the compensation arrangement be retained and made available for inspection by the Exchange. This amendment serves to clarify the record retention requirements of the interpretation. In addition, the proposed rule change was published in the **Federal Register** for the full statutory period[22] and no comments were received.

Interested persons are invited to submit written data, views and arguments concerning Amendments No.

[14] 15 U.S.C. 78f(b) (5) and (8) (1988).

[15] See *supra* note 7.

[16] See *supra* note 8.

[17] See *supra* note 6 for the specific prohibitions under Rule 345(a)(i) /02, *Compensation to Non-Registered Persons.*

[18] 15 U.S.C. 78q(a) (1988).

[19] 17 CFR 240.17a–3 and 240.17–4 (1992).

[20] See March 29, 1993 Letter, *supra note* 5.

[21] *Id.*

[22] See Securities Exchange Act Release No. 31708 (January 8, 1993), 58 FR 4726 (January 15, 1993).

2 and 3 to the proposed rule change. 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 submissions, 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 Amendments 2 and 3 between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–92–33 and should be submitted by July 6, 1993.

It is therefore ordered, Pursuant to Section 19(b)(2)[23] of the Act, that the proposed rule change, including Amendments No. 2 and 3 on an accelerated basis (SR–NYSE–92–33), is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[24]

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14026 Filed 6–14–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32433; File No. SR–NYSE–93–20]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Rescission of Exchange Rules 391 and 392 and an Amendment to Exchange Rule 393.10

June 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1993, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") 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 by the self-regulatory organization. On May 27, 1993, the NYSE submitted to the Commission Amendment No. 1 to the proposed rule change.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to rescind Rules 391 and 392 and to amend Rule 393.10 to delete any references to Rules 391 and 392.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In light of the Commission's rescission of Rule 10b–2, promulgated under the Act,[2] the Exchange is proposing to rescind its Rules 391 and 392. Rule 10b–2, adopted by the Commission in 1937, was part of a comprehensive package of anti-fraud provisions.[3] Its purpose was to prevent persons participating in the distribution of a security from stimulating the purchase of such, on an exchange, by paying compensation to any person for soliciting such purchases.

In 1942, the Commission amended Rule 10b–2 to permit an exemption for special offerings under a plan filed with the Commission by an exchange.[4] The NYSE's plan, contained in Rule 391, permits special offerings, at a fixed price and for a fixed period of time, on the Exchange where the quantity of stock involved cannot be absorbed in the regular auction market within a reasonable time and at a reasonable price. Rule 391 permits a person making a special offering to pay a special commission to a broker for a purchasing customer.

Rule 391 specifies a minimum share size of 1,000 shares, with a value of $25,000. By today's standards, 1,000 shares of stock with a value of $25,000 is not a quantity of stock that cannot readily be absorbed in the regular auction market. Rule 391 predates special NYSE block trading rules, such as Rule 127, which defines a block of stock as 10,000 shares or a quantity of stock with a market value of $200,000 or more.

In 1953, the Commission amended Rule 10b–2 to expand the scope of its exemption by eliminating the requirement that the compensation paid be a "special commission."[5] NYSE Rule 392, which permits distributions of stock of the type addressed under Exchange Act Rule 10b–2, was also amended to require that compensation be paid in accordance with the terms of a Commission approved plan for an exchange distribution, and that the payer not know or have reasonable grounds to believe that transactions violating the terms of an approved plan were taking place.

In proposing the rescission of Rule 10b–2, the Commission indicated that it believed that the significant changes that have taken place in the securities markets since Rule 10b–2's adoption, and the coverage of other anti-fraud and anti-manipulation provisions of the federal securities laws, such as Rule 10b–5 and Rule 10b–6, made it appropriate to rescind the Rule 10b–2.[6] The Exchange is now proposing to rescind Rules 391 and 392, its plans adopted in response to Rule 10b–2, because they are obsolete and have not been utilized in the past ten years. The Exchange is also proposing to amend Rule 393.10 (which pertains to secondary distributions) to delete a reference to the Exchange plans contained in Rules 391 and 392.

(b) Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to, and perfect the

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[23] 15 U.S.C. 78s(b)(2) (1988).

[24] 17 CFR 200.30–3(a)(12) (1992).

[1] See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Diana Luka-Hopson, Branch Chief, Commission, dated May 25, 1993, clarifying the statement of purpose section of the proposed rule change.

[2] See Securities Exchange Act Release No. 32100 (April 2, 1993), 58 FR 18145 (April 8, 1993) (File No. S7–37–92).

[3] See Securities Exchange Act Release No. 1330 (August 4, 1937).

[4] See Securities Exchange Act Release No. 3146 (February 6, 1942).

[5] See Securities Exchange Act Release No. 4922 (August 20, 1953).

[6] The Exchange supported the Commission proposal to rescind Rule 10b–2. *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan Katz, Secretary, Commission, dated December 29, 1992.

mechanism of a free and open market and, in general, to protect investors and the public interest. The Exchange proposal to rescind Rules 391 and 392 and to amend Rule 393.10 is consistent with these objectives in that it deletes inefficient and unused Exchange plans.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–93–20 and should be submitted by July 6, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14029 Filed 6–14–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19520; 812–8146]

First Variable Rate Fund, dba Calvert First Government Money Market Fund, et al.; Notice of Application

June 9, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Exemption Under the Investment Company Act of 1940 (the "Act").

APPLICANTS: First Variable Rate Fund, dba Calvert First Government Money Market Fund; Calvert Tax-Free Reserves; The Calvert Fund; Calvert Cash Reserves, dba Money Management Plus; Calvert Social Investment Fund; Acacia Capital Corporation ("ACC"); Calvert Municipal Fund, Inc. ("CMF"); Ariel Growth Fund, dba Calvert-Ariel Growth Fund; and Calvert World Values Fund, Inc ("CWVF") (collectively, the "Funds").

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) from sections 13(a)(2), 13(a)(3), 17(a)(1), 18(f)(1), 22(f), and 22(g) and rule 2a–7 thereunder, and pursuant to rule 17d–1 under the Act to permit certain transactions in accordance with section 17(d) of the Act and rule 17d–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order that would permit the Funds to offer a deferred compensation plan to their independent directors under which an independent director may elect to have his or her deferred compensation adjusted at a rate equal to the rate of return of shares of a Calvert investment company.

FILING DATE: The application was filed on November 5, 1992, and amended on April 7, 1993. Applicants have agreed to file an additional amendment, the substance of which is incorporated herein, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 6, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 4500 Montgomery Avenue, Suite 1000N, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Robert A. Robertson, Branch Chiefs, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. The Funds are open-end, management investment companies registered under the Act. All of the Funds are Massachusetts Business Trusts, except for ACC, CMF, and CWVF which are Maryland corporations. Various investment advisers, including Calvert Asset Management Company, Inc. ("Calvert"), serve as investment advisers for the Funds.

2. Each of the Funds' board of directors/trustees ("directors") consists of a majority of members who are not "interested persons" of the Funds within the meaning of section 2(a)(19) of the Act ("Independent Directors"). Each Independent Director currently receives an annual retainer and meeting fees for each board or committee meeting attended. The retainer and meeting fees are shared by the Funds based on their relative net assets. No director who is an interested person receives any renumeration from the Funds.

3. Applicants request relief so that the Funds may offer their Independent Directors deferred compensation agreements (the "Agreements") under the terms of a deferred compensation plan (the "Plan"). The purpose of the Agreements is to permit Independent Directors to elect to defer receipt of all or a portion of their directors' compensation to enable them to defer payment of income taxes, or for other reasons.

4. Applicants request that the exemption requested, other than the

exemption from section 13(a)(3) that applies only to the Funds named above, also apply to any registered open-end investment company for which Calvert, or any entity under common control or controlled by Calvert, subsequently serves as investment adviser.

5. The Agreements will allow each Independent Director to elect to defer receipt of all or a percentage of the fees which otherwise would become payable to the director for services performed after the date of the election. An Independent Director may request that the deferred compensation be adjusted at a rate equal to the rate of return on shares of any of the Funds or be placed in Calvert Insured Plus Account.[1] If the Independent Director elects to have the deferred compensation adjusted according to the rate of return on a Fund or combination of Funds, the investment yield will be the same as that achieved by the selected Funds' public shareholders. The director's benefits will not be transferable or assignable except in the event of death. Each Independent Director will receive a statement of his or her deferred compensation account at least annually.

6. The value of a director's account will be credited to a book reserve account maintained by the Fund on which the director serves in the director's name. The value of each account will be determined by the rate of return earned on shares of the chosen Fund. Accordingly, when the Fund's net asset value is determined, the income, realized again or loss on investments, or unrealized appreciation or depreciation of a Fund attributed to a director's account through the Agreements will be identical in amount to the income, gain, loss, appreciation, or depreciation which would be received by a shareholder of that respective Fund. No segregated account will be established for the benefit of the Independent Directors and the Funds' payment obligation will be a general unsecured obligation of the Funds. Additionally, the Agreements will not obligate the Funds to retain a director in such capacity, nor will it obligate the Funds to pay any (or any particular level of) directors' fees to any director.

7. The Funds will be under no obligation to an Independent Director to purchase, hold, or dispose of any investment to fund the obligations under the Agreement. However, if the Fund chooses to purchase investments to cover these obligations, then any and all such investments will continue to be a part of the general assets and property of the Fund. In this regard, the Funds may purchase their own shares or the shares of affiliated investment companies ("underlying securities") to fund the deferred compensation. Each Fund's purchase of underlying securities is made for the benefit of shareholders and not for the benefit of participating directors.

8. Under existing deferral arrangements, certain Independent Directors have deferred receipt of their compensation on a basis similar to that proposed in the application. Applicants acknowledge that the grant of the exemptive order requested will not imply Commission approval, authorization, or acquiescence in any particular deferred fee account already in existence prior to the effective date of any order which may be issued by the Commission. Applicants agree that they will not transfer any amounts accumulated under the existing deferred fee agreements to a participating director's deferred fee account in reliance upon any order issued in connection with the application.[2]

Applicants' Legal Analysis

1. Section 18(f)(1) generally prohibits a registered open-end investment company from issuing senior securities. Section 13(a)(2) requires that an open-end company obtain shareholder authorization before issuing any senior security not contemplated by the recitals of policy in its registration statement. Applicants assert that the Plan contains none of the characteristics of senior securities that led Congress to enact the restrictions. The Funds would not be "borrowing" from their directors in the sense that concerned Congress, *e.g.*, borrowing for securities speculation. In addition, all liabilities created under the Plan would be offset by essentially equal assets of the Funds that would not otherwise exist if the Independent Directors' compensation were paid on a current basis. Applicants also believe that, given the common existence of deferred compensation plans, the Plan would not confuse investors.

2. Section 13(a)(3) provides that no registered investment company shall, unless authorized by the vote of a majority of its outstanding voting securities, deviate from any investment policy that is changeable only by shareholder vote. Applicants request an exemption from the section to enable the Funds named in the application to purchase shares of affiliated investment companies as underlying securities without a shareholder vote. Each of the Funds has an investment policy that prohibits it from purchasing the securities of other investment companies, except as they may be acquired as part of a merger, consolidation, or acquisition of assets. This policy would prevent the Funds from purchasing shares of any other Funds without a shareholder vote. Applicants will provide notice to shareholders in the prospectus of each Fund of the deferred fee arrangement with the Independent Directors. Applicants contend that the value of each Independent Directors' account is *de minimis* compared to the total net assets of the respective Fund and would not affect control of the Fund or disrupt the Fund's operations. Changes in the value of the underlying securities will not affect the value of shareholders' investments. Applicants assert that permitting the Funds to invest in the underlying securities without obtaining the shareholder approval, therefore, would result in no harm to shareholders.

3. Section 17(a)(1) generally prohibits an affiliated person of a registered investment company, or any affiliated person of such person, from selling any security to such registered investment company. The section was designed to prevent sponsors of investment companies from using investment company assets as capital for their enterprises with which they were associated or to acquire controlling interests in such enterprises. The Funds are affiliated because they are under the common control of Calvert. Applicants contend that the sale of securities issued by a Fund to another Fund does not implicate Congress' concerns but would merely facilitate the matching of a Fund's liabilities for deferred trustees' fees with the underlying securities that determine the amount of the Funds' liability.

4. Section 22(f) bars undisclosed restrictions on transferability or negotiability of redeemable securities issued by open-end investment companies. The section is designed to bar only those restrictions on transferability or negotiability either not disclosed to the holder of the subject security or expressly prohibited by Commission rule or regulation. Applicants assert that neither of these circumstances apply to the restriction on transferability of a director's benefits under the Plan. The restrictions would be clearly set forth in the Plan and would not adversely affect the interests

[1] Calvert Insured Plus Account is a bank product (not a mutual fund) distributed by Calvert Securities Corporation.

[2] Applicants have not requested, and any order will not grant, an exemption to allow the implementation or continuance of the existing deferred compensation arrangements.

of the Independent Directors or of any Fund shareholder.

5. Section 22(g) prohibits a registered open-end investment company from issuing any of its securities for services or for property other than cash or securities. The provision is designed to prevent the dilution of equity and voting power that can result when securities are issued for consideration that is not readily valued. Applicants believe that the Funds' obligation to make payments under the Plan would not be "issued" for services or for property other than cash or securities. Any fees which might become payable to an Independent Director would clearly be for services, but any such fees would become payable independent of the Plan.

6. Rule 2a–7 provides that the current price per share of a "money market fund" may be computed by use of the amortized cost method under certain circumstances. Two of these circumstances require that the money market fund: (a) limit its investments to securities that have a remaining maturity of 397 days or less and that meet certain credit quality standards; and (2) maintain a dollar-weighted average portfolio maturity that does not exceed 90 days. Applicants request an exemption from rule 2a–7 for each money market fund solely to the extent necessary to permit each money market fund to invest in underlying securities so that an exact match of underlying securities with the investments chosen by the Independent Directors under the Agreements will be achieved. This matching would ensure that the deferred fee accounts will not affect the net asset value of the particular Fund.

7. Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, transaction, or any class or classes of persons, securities, or transactions, from any of the provisions of the Act, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe the requested exemption meets the section 6(c) standard.

8. Section 17(d) of the Act prohibits affiliated persons from participating in joint transactions with a registered investment company in contravention of rules and regulations prescribed by the Commission. Rule 17d–1 under the Act prohibits affiliated persons of a registered investment company from entering into joint transactions with the investment company unless the Commission has granted an order permitting such transaction after considering whether the participation of such investment company is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants represent that while the Plan does possess profit-sharing characteristics, it does not have the effect of making the participation of the Funds less advantageous than that of any Independent Director. The effect of the Plan is to defer the payment of fees that the Funds otherwise would be obligated to pay on a current basis as services are performed by the directors.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief shall be subject to the following conditions:

1. The balance sheet for each Fund will show liability and asset entries for deferred fees or will include a footnote explaining that such Fund has offset its liability for deferred fees with the assets that determine the amount of such Funds' liability.

2. With respect to the requested relief from rule 2a–7, any money market series that values its assets using the amortized cost method will buy and hold the securities that determine the performance of the deferred compensation fee accounts to achieve an exact match between such Funds' liability to pay deferred fees and the assets that offset that liability.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14028 Filed 6–14–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–19519; 811–960]

Capital Investments, Inc.; Application for Deregistration

June 9, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Capital Investments, Inc.

RELEVANT 1940 ACT SECTIONS: Sections 3(c)(1) and 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATES: The application was filed on January 14, 1993, and amended and restated applications were filed on March 24 and June 2, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, either personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 2, 1993, and should be accompanied by proof of service on Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Capital Investments, Inc., 744 North Fourth Street, Milwaukee, WI 53203.

FOR FURTHER INFORMATION CONTACT: H.R. Hallock, Jr., Special Counsel (202) 272–3030, or Barry D. Miller, Senior Special Counsel (202) 272–3018 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a Wisconsin corporation, filed a registration statement on Form N–8A under the 1940 Act as a closed-end management investment company on July 7, 1960. On July 15, 1960, Applicant filed a registration statement on Form N–5 with respect to an offering of 60,000 shares of common stock, which was declared effective on September 9, 1960. Applicant subsequently filed registration statements in connection with rights offerings in 1962 and 1969 of an additional 86,370 and 170,140 shares, respectively. Applicant has not made any public offering of its shares of common stock since 1969.

2. Applicant also is a small business investment company ("SBIC") under the Small Business Investment Act of 1958, and is regulated by the United States Small Business Administration ("SBA"). As an SBIC, Applicant's policy is to invest in small business concerns with experienced management and long-term growth potential.

3. In April 1992, Applicant's Board of Directors approved a proposal to amend

Applicant's articles of incorporation to provide for a reverse stock split, whereby each 3,000 shares issued and outstanding on November 16, 1992 would be combined into one share of Applicant's common stock. Each fractional share interest would be converted into the right to receive a cash payment equal to 100% of the net asset value of such share interest as of the effective date of the reverse stock split. The primary effect of the reverse stock split and repurchase of fractional interests created thereby would be to reduce the number of beneficial owners of Applicant's common stock to not more than 100 persons so that Applicant would no longer be an "investment company" as defined in the 1940 Act and could seek to deregister from the 1940 Act.

4. On August 14, 1992, Applicant filed an application for an order under section 23(c)(3) of the 1940 Act to permit it to effect the proposed reverse stock split and repurchase the fractional interests created thereby. On November 13, 1992, the SEC issued a notice of the application (Investment Company Act Release No. 19098), and, on December 21, 1992, the SEC issued the requested order under section 23(c)(3) of the 1940 Act (Investment Company Act Release No. 19171).

5. At a special meeting held on December 28, 1992, Applicant's shareholders approved the reverse stock split. An information statement describing the reverse stock split and the reasons for it had been sent to Applicant's shareholders on or about December 8, 1992. In addition, Applicant had mailed a copy of the notice of application under section 23(c)(3) of the 1940 Act to all shareholders on or before November 19, 1992.

6. As set forth in the information statement, nine shareholders owning approximately 93% of the outstanding shares of Applicant's common stock on the record date for the special meeting owned a sufficient number of shares to approve the reverse stock split, and did in fact vote their shares in favor of the reverse stock split. The reverse stock split was effected on December 31, 1992, through the filing of Articles of Amendment with the Wisconsin Secretary of State. The holders of fractional share interests are to be paid at a rate of $8.20 per share, which was the net asset value per share on December 31, 1992 prior to the reverse stock split. The net asset value per share was computed based on Applicant's net assets of $4,476,956 as of December 31, 1992 (*i.e.*, total assets of $12,388,295 less total liabilities of $7,911,339) divided by 545,764 shares, the total number of issued and outstanding shares on December 31, 1992.

7. On January 5, 1993, and again on March 19 and May 1, 1993, Applicant's transfer agent mailed to each of the record holders a letter of transmittal and instructions for use in effecting the surrender of the certificates representing fractional share interests in exchange for payment. As of May 17, 1993, 55 of the 95 shareholders of record as of December 31, 1992 had been paid $344,015 for their 41,953 shares, representing 87.1% of the total amount of fractional interests created by the reverse stock split.

8. The remaining fractional interests, representing 6,205 shares, are held by 40 record owners. Applicant will cause the transfer agent to make additional reminder mailings in July, August, and November 1993 to those holders who have not yet submitted the proper documentation in order to redeem their fractional interests. In January and June 1994, Applicant itself will mail a reminder to those holders of fractional interests who have not yet submitted the proper documentation for redemption and will make a mailing at least once a year thereafter until 1999. In connection with all of these mailings, the transfer agent and Applicant will take appropriate additional action as indicated by the postal service to communicate with remaining holders of fractional interests. In addition, Applicant represents that it and the transfer agent will diligently take all reasonable steps during June and July 1993 to contact all remaining fractional interest holders, including telephone contact, and facilitate payment to such persons for their holdings.

9. On June 1, 1993, Applicant remitted to the transfer agent an amount necessary to redeem the remaining outstanding fractional interests, which thereafter shall be held in trust for the benefit of the holders of such interests. Under Wisconsin law, if fractional interest payments are not claimed by the respective holders by December 31, 1999 (*i.e.*, seven years following consummation of the reverse stock split), and provided certain other events have not occurred, the remaining unclaimed fractional interest payments shall be presumed abandoned and will escheat to the State of Wisconsin.

10. The SEC order under section 23(c)(3) dated December 21, 1992 also allowed Applicant to offer to repurchase shares of common stock held by three of the 12 remaining shareholders following the reverse stock split who, to Applicant's knowledge, would have been its only remaining unaffiliated shareholders. Under the terms of the order, at the same time the information statement was mailed, Applicant offered to repurchase the shares of such unaffiliated shareholders at a price equal to 100% of their net asset value at the effective date of the reverse stock split. All of these shareholders accepted the offer, and Applicant has repurchased their shares. As a result, the number of holders of Applicant's common stock has been reduced to nine.

11. Applicant has no intention at this time to dissolve, liquidate, or merge with any party. Applicant is now engaged, and proposes to continue to engage, in substantially the same business as it has in the past: investing in "small business concerns" as that term is defined by the SBA.

12. Even if the holders of the remaining fractional interests were to be counted as beneficial owners for purposes of section 3(c)(1) of the 1940 Act, the number of beneficial owners of Applicant's securities is still well below 100. In this connection, Applicant does not believe that any of the remaining 40 record owners represent more than one beneficial owner. In addition, Applicant is not making and presently does not propose to make a public offering of any of its securities. Applicant therefore believes it has ceased to be within the definition of an "investment company" under the 1940 Act by virtue of the exclusion provided in section 3(c)(1) thereof.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14027 Filed 6–14–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended June 4, 1993

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48830.

Date filed: June 1, 1993.

Parties: Members of the International Air Transport Association.

Subject:

TC2 Reso/C0361 dated May 21, 1993
TC2 Areawide Expedited Reso 501 r–1

TC2 Reso/C0362 dated May 21, 1993
TC2 Africa Expedited Reso 590 r–2

TC2 Reso/C0363 dated May 21, 1993
TC2 Eur-Africa EXP. Resos 552 & 590 r–3–4
TC2 Reso/C0364 dated May 21, 1993
TC2 Eur-MidEast Exp. Resos 552 & 590 r–5–6
TC2 Reso/C0365 dated May 21, 1993
TC2 Eur-Israel Exped. Resos. 552 & 590 r–7–8
TC2 Reso/C0366 dated May 21, 1993
TC2 MidEast-Africa Exped. Reso 590 r–9
TC2 Reso/C0367 dated May 21, 1993
TC2 Europe Expedited Resos 552 & 590 r–10–11
TC2 Reso/C0368 dated May 21, 1993
TC2 Europe Expedited Reso 500 r–12
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48831.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: CSC/Reso/062 dated April 16, 1993. Reso 600b. 15th IATA Cargo Services Conference.
Proposed Effective Date: October 1, 1995.

Docket Number: 48832.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: COMP Reso/C0553 dated May 21, 1993. COMPOSITE Expedited Reso 033d.
Proposed Effective Date: Expedited July 1, 1993.

Docket Number: 48833.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC31 Reso/C0237 dated May 18, 1993. TC31 (except USA/UST) SEast Asia-TC1 r–1–116n & r–2–556a.
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48834.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC123 Reso/C dated May 18, 1993. TC123 TC1–S.Asian Subcontinent (except USA/UST) via Atlantic r–1–002gg.
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48835.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC1 Reso/C 0247 dated May 18, 1993. TC1 (except USA/UST) Expedited Reso r–1–002dd.
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48836.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC12 Reso/C0917 dated May 18, 1993. TC12 Mid Atlantic (no US) Expedited Reso r–1–554b.
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48837.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC12 Reso/C 0915 dated May 18, 1993. TC12 Areawide (except USA/UST) Expedited Resos r–1–002LL & r–2–501.
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48838.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC3 Reso/C 0081 dated May 18, 1993. TC3 (except UST) Expedited Resos r–1–553 & r–2–590.
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48839.
Date filed: June 1, 1993.
Parties: Members of the International Air Transport Association.
Subject: CSC/Reso/062 dated April 16, 1993. Book Of Finally Adopted Resos R–1 to R–12 15th IATA Cargo Services Conference.
Proposed Effective Date: October 1, 1993.

Docket Number: 48841.
Date filed: June 3, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC31 Reso/C 0239 dated May 18, 1993. TC31 Southeast Asia-USA/UST. Expedited Resos 556a R–1.
Proposed Effective Date: Expedited August 1, 1993.

Docket Number: 48842.
Date filed: June 3, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC123 Reso/C 0033 dated May 18, 1993. TC!-South Asian Subcontinent via Atlantic (to/from USA/UST) Expedited Resos r–1–501 r–2–554d r–3–590.
Proposed Effective Date: August 1, 1993.

Docket Number: 48843.
Date filed: June 3, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC12 Reso/C 0916 dated May 21, 1993. North Atlantic (USA/UST) Expedited Resos r–1–501 & r–2–554a.
Proposed Effective Date: August 1, 1993.

Docket Number: 48844.
Date filed: June 3, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC23 Reso/C 0214 dated May 28, 1993. TC23/123 Areawide (except UST) (except UST) r–1 to r–11.
Proposed Effective Date: August 1, 1993.

Docket Number: 48845.
Date filed: June 3, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC23 Reso/C 0215 dated May 28, 1993. TC23/123 Resos (to/from UST) Reso 501.
Proposed Effective Date: August 1, 1993.

Docket Number: 48846.
Date filed: June 3, 1993.
Parties: Members of the International Air Transport Association.
Subject: TC23 Reso/P 0596 dated May 28, 1993. Europe-Japan/Korea Expedited Reso 085Z r–1. TC23 Reso/P 0597 dated May 28, 1993. Europe-Japan/Korea Exped. Resos r–2 to r–21.
Proposed Effective Date: September 1, 1993/November 1, 1993.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 93–14082 Filed 6–14–93; 8:45 am]
BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended June 4, 1993

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48827.
Date filed: June 1, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 29, 1993.
Description: Application of USAir, Inc., pursuant to Section 401 of the Act and Subpart Q of the Regulations, applies for a new or amended certificate of public convenience and necessity so as to authorize USAir to provide

scheduled foreign air transportation on a nonstop basis between Charlotte, North Carolina and Tampa, Florida, on the one hand, and Grand Cayman, Grand Cayman Islands, on the other hand.

Docket Number: 48847.
Date filed: June 3, 1993.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 23, 1993.

Description: Application of American International Airways, Inc., TCA, Inc. and Trans Continental Airlines, Inc., requests approval of the transfer of TCA's certificates of public convenience and necessity, which were recently sold together with other assets to AIA pursuant to a Bankruptcy Court Order, to New TCA, a recently formed Michigan corporation. The proposed transfer clearly meets the Department's well-articulated standards for approval under Section 401(h) of the Act, as well as the fitness requirements enumerated in Part 204 of the Department's Economic Regulations.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 93–14081 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–62–M

Coast Guard

[CGD8–93–13]

Lower Mississippi River Waterway Safety Advisory Committee; Solicitation for Membership

AGENCY: Coast Guard, DOT.

ACTION: Notice, extension of application deadline.

SUMMARY: The U.S. Coast Guard has extended the deadline for applications for appointment to membership on the Lower Mississippi River Waterway Safety Advisory Committee.

DATES: Completed applications should be returned no later than June 30, 1993.

ADDRESSES: Persons interested in applying should write to Commander, Eighth Coast Guard District (oan), Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396.

FOR FURTHER INFORMATION CONTACT: Mr. Monty Ledet, USCG, Recording Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander Eighth Coast Guard (oan) Room 1209, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396, telephone number (504) 589–4686.

SUPPLEMENTARY INFORMATION: The Committee shall consist of twenty-four members, who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the waters of the Lower Mississippi River:

(1) Five members representing River Port Authorities between Baton Rouge, Louisiana, and the head of passes of the Lower Mississippi River, of which one member shall be from the Port of St. Bernard and one member from the Port of Plaquemines.

(2) Two members representing vessel owners or ship owners domiciled in the State of Louisiana.

(3) Two members representing organizations which operate harbor tugs or barge fleets in the geographical area covered by the Committee.

(4) Two members representing companies which transport cargo or passengers on the navigable waterways in the geographical area covered by the Committee.

(5) Three members representing State Commissioned Pilot organizations, with one member each representing the New Orleans/Baton Rouge Steamship Pilots Association, the Crescent River Port Pilots Association, and the Associated Branch Pilots Association.

(6) Two at-large members who utilize water transportation facilities located in the geographical area covered by the Committee.

(7) Three members representing consumers, shippers, or importers/exporters that utilize vessels which utilize the navigable waterways covered by the Committee.

(8) Two members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on those vessels which utilize navigable waterways covered by the Committee.

(9) One member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

(10) One member representing an environmental organization.

(11) One member representing the general public.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women.

The purpose of the committee is to provide local expertise on such matters as communications, surveillance, traffic control, anchorages, aids to navigation, and other related topics dealing with navigation safety in the Lower Mississippi River area as required by the Coast Guard. The committee normally meets four times a year. Members serve voluntarily, without compensation from the Federal Government for salary, travel, or per diem. Term of membership will not exceed the expiration of the charter, October 1, 1995.

(P.L. 102–241, 105 Stat. 208)

Dated: May 27, 1993.

J. C. Card,

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

[FR Doc. 93–14069 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–14–M

[CGD 93–036]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Towing Safety Advisory Committee (TSAC) and workgroups. A preliminary meeting of the TSAC workgroups will be held on Tuesday, July 20, 1993, in Room 2415 of U.S. Coast Guard Headquarters. This meeting is scheduled to run from 8:30 a.m. to 4 p.m. Attendance is open to the public. The Committee meeting will be held on Wednesday, July 21 1993, from 8:30 a.m. to 12 noon in the same room. This meeting is also open to the public. The agenda for the Committee meeting follows:

1. Workgroup Reports
   a. Model Company Concept
   b. Training Standards for Entry-Level
   c. Improve Timeliness and Effectiveness
2. Other Topics of Discussion

With advance notice, and at the discretion of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the TSAC Executive Director no later than the day before the meeting.

Written statements or materials may be submitted for presentation to the Committee at any time; however, to ensure distribution to each Committee member, 20 copies of the written material should be submitted to the Executive Director by July 14, 1993.

FOR FURTHER INFORMATION CONTACT: LCDR Roger Dent, Towing Safety Advisory Committee, room 1300, U.S. Coast Guard Headquarters (G–MTH), 2100 Second Street, SW., Washington, DC 20593–0001, (202) 267–2206.

Dated: May 28, 1993.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93–14075 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review; Stockton Metropolitan Airport (SCK), Stockton, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed Noise Compatibility Program that was submitted by the San Joaquin County for Stockton Metropolitan Airport (SCK), Stockton, California, under the provisions of title 1 of the Aviation Safety ad Noise Abatement Act of 1979 (Pub. L. 96–193) (hereinafter referred to as "the Act") and 14 CFR part 150. This program was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps submitted under 15 CFR part 150 for Stockton Metropolitan were in compliance with applicable requirements effective May 10, 1991. The proposed Noise Compatibility Program will be approved or disapproved on or before November 22, 1993.

EFFECTIVE DATE: The effective date of the start of the FAA's review of the Noise Compatibility Program is May 26, 1993. The public comment period ends July 25, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph Rodriguez, Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Burlingame, California 94010–1303, Telephone (415) 876–2805. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed Noise Compatibility Program for Stockton Metropolitan Airport which will be approved or disapproved on or before November 22, 1993. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted Noise Exposure Maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a Noise Compatibility Program for the FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the Noise Compatibility Program for Stockton Metropolitan Airport effective on May 26, 1993. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to maximum of 180 days, will be completed on or before November 22, 1993. The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591

Federal Aviation Administration, Western-Pacific Region, Airports District Office, SFO–600, 831 Mitten Road, room 210, Burlingame, California 94010–1303

Mr. Dan DeAngelis, Airport Manager, County of San Joaquin, Department of Aviation, 5000 South Airport Way, Stockton, California 95206–3996

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on May 26, 1993.

Ellsworth L. Chan,

Acting Manager, Airports Division, AWP–600, Western-Pacific Region.

[FR Doc. 93–14060 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–13–M

[Docket No. 26987]

Draft Environmental Impact Statement; Effects of Changes of Aircraft Flight Patterns Over the State of New Jersey; Extension of Comment Period

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Extension of the comment period.

SUMMARY: On November 12, 1992, the FAA issued a Draft Environmental Impact Statement (DEIS) to assess the impact of changes in aircraft flight patterns caused by the implementation of the Expanded East Coast Plan (EECP) over the State of New Jersey for public review and comment. The DEIS evaluates the EECP and alternatives to its continued use.

In December, 1992, the FAA extended the period for public comment from January 22, 1993 to March 5, 1993 because of the technical complexity of the DEIS. On March 15, 1993 the FAA reopened the comment period through June 14, 1993 due to a request from the New Jersey Citizens for Environmental Research (NJCER) and a joint request from the Governor of New Jersey and the Chairman of the Port Authority of New York and New Jersey.

In response to a request from NJCER dated May 28, 1993, the FAA is again extending the comment period through August 6, 1993.

COMMENT PERIOD: The comment period is extended to August 6, 1993.

ADDRESS: Written comments on the document should be addressed to: Federal Aviation Administration, Office of the Chief Counsel: Docket Number 26987, 800 Independence Avenue SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION: The FAA will consider and respond to all comments directly within the scope of the DEIS. The most useful comments are those which provide facts and analyses to support the reviewer's recommendations or conclusions. The FAA will consider comments received after the close of the comment period to the extent practicable. The FAA will issue a final EIS that includes corrections, clarifications and responses to comments on the DEIS.

Issued in Washington, DC, on June 11, 1993.

Bill F. Jeffers,

Acting Deputy Associate Administrator for Air Traffic.

[FR Doc. 93–14183 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–13–M

Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Binghamton Regional Airport, Binghamton, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Binghamton Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before July 15, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Manager, New York Airports District Office, 181 South Franklin Avenue, room 305, Valley Stream, New York 11581.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to William C. Finn, Commissioner of Aviation, Broome County Department of Aviation at the following address: 2534 Airport Road, Box 16, P.O. Box 51, Johnson City, New York 13790.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Broome County Department of Aviation under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Philip Brito, Manager New York Airports District Office, 181 South Franklin Avenue, room 305, Valley Stream, New York 11581 (Tel 718–553–1882). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Binghamton Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 5, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Broome County Department of Aviation was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 25, 1993. The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: November 1, 1993

Proposed charge expiration date: October 31, 1997

Total estimated PFC revenue: $1,872,264

Brief description of proposed projects: The PFC funds will be utilized to fund the local share of the following proposed AIP projects.

—Airfield Signage Update
—Terminal Apron Overlay
—Airport Master Plan Study
—Runway Sweeper Refurbishing
—Ga Apron and Selected Taxiway Overlay
—Equipment Replacement
—Land Acquisition (Impose Only)
—Equipment Replacement (Impose Only)
—Maintenance Facility Replacement (Impose Only)
—Emergency Access Road Construction (Impose Only)
—Remove obstructions (Impose Only)

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: All air taxi/commercial operators filing form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **"FOR FURTHER INFORMATION CONTACT"** and at the FAA regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Binghamton Regional Airport.

Issued in Jamaica, New York on May 25, 1993.

Louis P. DeRose,

Manager, Airports Division, Eastern Region.

[FR Doc. 93–14059 Filed 6–14–93; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

Safety of Private Highway-Rail Grade Crossings; Open Meeting

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of open meeting.

SUMMARY: FRA announces an open meeting to consider issues regarding draft "Preliminary Guidelines: Safety of Private Highway-Rail Crossings" previously circulated to members of the highway-rail crossing safety community. Open for discussion will be the rationale, form and substance of this proposal. Specific issues to be addressed will include, but not be limited to, safety treatments at private crossings, crossing closure itself and private crossings on high speed rail corridors.

DATES: (1) The open meeting will be held on July 15, 1993, at 11 a.m. (2) Written comments are invited and must be received by FRA by July 6, 1993, in order to be available for distribution at the open meeting. (3) Any person wishing to participate in the open meeting must register with the Highway-Rail Crossing and Trespasser Programs Division by close of business July 7, 1993.

ADDRESSES: (1) The open meeting will be held at the Hyatt Regency St. Louis, One St. Louis Union Station, St. Louis, Missouri. (2) Written comments should be submitted to the Highway-Rail Crossing and Trespasser Programs Division, RRS–23, FRA, 400 Seventh Street SW., Washington, DC 20590. Telephone registration may be made by contacting Ms. Monica Shaw at 202–366–0533. (3) Persons wishing to receive a copy of the draft preliminary guidelines should contact Ms. Shaw.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Belk, Program Analyst, Highway-Rail Crossing and Trespasser Programs Division, Office of Safety Analysis, FRA, 400 Seventh Street, SW., Washington, DC 20590 telephone 202–366–0533, or Mark Tessler, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202–366–0628).

SUPPLEMENTARY INFORMATION: On January 15, 1993, FRA began distribution of a draft of "Preliminary Guidelines: Safety of Private Highway-Rail Crossings" in which FRA intended to initiate industry-wide discussions concerning safety at private highway-rail crossings. The draft preliminary guidelines have already stimulated discussion of the various safety issues surrounding private crossings.

It is hoped that when guidelines are issued by FRA in the future, they will help to define safety responsibilities of the various parties and will help to identify minimum safety standards for those crossings.

While FRA solicits discussion and comments on all areas of safety at private crossings, and all aspects of the draft preliminary guidelines, we particularly encourage comments on the following areas:

1. Should the Federal government, and particularly FRA, be involved in private highway-rail crossing safety issues? If yes, how, and to what extent should FRA be involved?

2. How would FRA's involvement, or lack of involvement, affect the authority or involvement of States in the area of private crossing safety?

3. How should responsibilities of the interested parties be allocated? Should the Federal government become involved in determining those responsibilities?

4. Under what circumstances should railroads close private crossings?

5. Can the U.S. DOT/AAR National Rail-Highway Crossing Inventory be relied upon for information relative to the number, location and category of warning devices currently extant?

6. Should a survey be initiated to determine the present allocation of safety and maintenance responsibilities.

7. Should train horns be sounded at all private crossings? If not, for what categories of crossings, if any, should horns be sounded? Should such action be mandatory?

Please note that any person wishing to participate in the open meeting must register with the Highway-Rail Crossing and Trespasser Programs Division at the address and telephone number provided above by close of business July 7. Persons not registering in advance will be free to observe the meeting but will not be permitted to participate in the discussion.

Issued in Washington, DC, on June 8, 1993.

Philip Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 93-13988 Filed 6-14-93; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

Customs Service

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of calculation and interest.

SUMMARY: This notice advises the public of the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts and refunds of Customs duties. For the quarter beginning July 1, 1993, the rates will be 6 percent for overpayments and 7 percent for underpayments. This notice is published for the convenience of the importing public and Customs personnel.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: John V. Accetturo, National Finance Center, Revenue Branch, (317) 298-1308.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of Customs duties shall be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Interest rates are determined based on the short-term Federal rate. The interest rate that Treasury pays on overpayments will be the short-term Federal rate plus two percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus three percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less and fluctuate quarterly. The rates effective for a quarter are determined during the first-month period of the previous quarter.

The rates of interest for the period of July 1, 1993-September 30, 1993, are 6 percent for overpayments and 7 percent for underpayments. These rates will remain in effect through September 30, 1993, and are subject to change on October 1, 1993.

Dated: June 7, 1993.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 93-14006 Filed 6-14-93; 8:45 am]

BILLING CODE 4820-02-M

Performance Review Board—Appointment of Members

AGENCY: Customs Service, Department of Treasury.

ACTION: General notice.

SUMMARY: This Notice announces the appointment of the menbers of the United States Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executives' performance appraisals and make recommendations regarding performance appraisals and performance awards.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Loretta J. Goerlinger, Director, Office of Human Resources, United States Customs Service, Post Office Box 636, Washington, DC 20044; telephone (202) 634-5270.

Background

There are two (2) PRB's in the U.S. Customs Service.

Performance Review Board 1

The purpose of this Board is to review the performance appraisals of senior executives rated by the Commissioner or Deputy Commissioner of Customs. The members are:

Daniel R. Black, Associate Director, Office of Compliance Operations, Bureau of Alcohol, Tobacco & Firearms

Guy P. Caputo, Deputy Director, U.S. Secret Service

John C. Dooher, Director, Washington Center, Federal Law Enforcement Training Center

Ray M. Rice, Assistant Director, Office of General Training, Federal Law Enforcement Training Center

Jay Weinstein, Assistant Inspector General, Audit, Inspector General Office

Performance Review Board 2

The purpose of this Board is to review the performance appraisals of all senior executives *except* those rated by the Commissioner or Deputy Commissioner of Customs. All are Assistant Commissioners or Regional Commissioners of U.S. Customs Service. The members are:

Assistant Commissioners:

Samuel H. Banks, Office of Commercial Operations

John E. Hensley, Office of Enforcement

Charles W. Winwood, Office of Inspection and Control

James W. Shaver, Office of International Affairs

George D. Heavey, Office of Internal Affairs

Carlton L. Brainard, Office of Management

William F. Riley, Office of Information Management
Regional Commissioners:
Philip W. Spayd, Northeast Region
Anthony N. Liberta, New York Region
Garnet J. Fee, North Central Region
George C. Corcoran, Jr., Southeast Region
J. Robert Grimes, South Central Region
Robert S. Trotter, Southwest Region

Dated: June 7, 1993.

Michael H. Lane,

Acting Commissioner of Customs.

[FR Doc. 93–14005 Filed 6–14–93; 8:45 am]

BILLING CODE 4820–02–M

Fiscal Service

[Dept. Circ. 570, 1992—Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds Termination of Authority: Acceleration National Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Acceleration National Insurance Company, of Dublin, Ohio, under the United States Code, title 31, sections 9304–9308, to qualify as an acceptable surety on Federal bonds is terminated effective today.

The Company was last listed as an acceptable surety on Federal bonds at 57 FR 29357, July 1, 1992.

With respect to any bonds currently in force with Acceleration National Insurance Company, bond-approving officers should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, telephone (202/FTS) 874–6765.

Dated: June 4, 1993.

Diane E. Clark,

Assistant Commissioner, Financial Information, Financial Management Service.

[FR Doc. 93–13964 Filed 6–14–93; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1992—Rev., Supp. No. 24]

Surety Companies Acceptable on Federal Bonds Termination of Authority: Pinnacle Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Pinnacle Insurance Company, of Carrollton, Georgia, a Georgia corporation under the United States Code, Title 31, Sections 9304–9308, to qualify as an acceptable surety on Federal bonds is terminated effective today.

The Company was last listed as an acceptable surety on Federal bonds at 57 FR 29387, July 1, 1992.

With respect to any bonds currently in force with Pinnacle Insurance Company, bond-approving officers should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, telephone (202/FTS) 874–6696.

Dated: June 4, 1993.

Diane E. Clark,

Assistant Commissioner, Financial Information, Financial Management Service.

[FR Doc. 93–13965 Filed 6–14–93; 8:45 am]

BILLING CODE 4810–35–M

Internal Revenue Service

[Delegation Order No. 67 (Rev. 22)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority to sign on behalf of the Commissioner, Internal Revenue Service, is given to Margaret Milner Richardson, Commissioner, Internal Revenue Service.

EFFECTIVE DATE: May 12, 1993.

FOR FURTHER INFORMATION CONTACT: Marcene Austin, Acting Chief, Office of Directives Management, PR:P:D, room 3139, 1111 Constitution Avenue NW., Washington, DC 20224, telephone (202) 622–6890 (not a toll-free call).

Order No. 67 (Rev. 22)
Effective date: May 12, 1993
Signing the Commissioner's Name or on the Commissioner's Behalf

Effective 8:10 a.m., May 12, 1993, Margaret Milner Richardson became Commissioner of Internal Revenue. All outstanding authorizations are hereby amended to authorize the signing of the name of, or on behalf of Margaret Milner Richardson, Commissioner of Internal Revenue.

Delegation Order No. 67 (Rev. 21), effective January 20, 1993, is superseded.

Dated: June 2, 1993.

Approved:

Michael P. Dolan,

Deputy Commissioner.

[FR Doc. 93–13969 Filed 6–14–93; 8:45 am]

BILLING CODE 4830–01–U

Office of Thrift Supervision

Western Federal Savings Bank; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) and (E) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Western Federal Savings Bank, Marina Del Rey, California, on June 4, 1993.

Dated: June 9, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–13973 Filed 6–14–93; 8:45 am]

BILLING CODE 6720–01–M

Vista Federal Savings Assoc., City of Industry, CA; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly replaced the Resolution Trust Corporation as Conservator for Vista Federal Savings Association, City of Industry, California ("Association"), OTS No. 10651, with the Resolution Trust Corporation as sole Receiver for the Association on June 4, 1993.

Dated: June 9, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–13974 Filed 6–14–93; 8:45 am]

BILLING CODE 6720–01–M

Western Federal Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Western Federal Savings and Loan Association, Marina Del Rey, California, OTS Number 3865, on June 4, 1993.

Dated: June 9, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–13972 Filed 6–14–93; 8:45 am]

BILLING CODE 6720–01–M

[AC–25: OTS No. 0492]

Leader Federal Bank for Savings, Memphis, TN; Approval of Conversion Application

Notice is hereby given that on June 4, 1993, the Deputy Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Leader Federal Bank for Savings, Memphis, Tennessee, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 800, Chicago, IL 60601–4360.

Dated: June 9, 1993.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 93–13971 Filed 6–14–93; 8:45 am]

BILLING CODE 6720–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 113
Tuesday, June 15, 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).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, June 16, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

Enforcement Matter OS# 5750

The staff will brief the Commission on issues related to enforcement matter OS# 5750.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Dated: June 9, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–14242 Filed 6–11–93; 3:28 pm]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, June 17, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

1. Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

2. Enforcement Matter OS# 4360

The staff will brief the Commission on issues related to enforcement matter OS# 4360.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Shelton D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Dated: June 9, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–14243 Filed 6–11–93; 3:28 pm]

BILLING CODE 6355–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, June 21, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 11, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–14216 Filed 6–11–93; 2:37pm]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD: .

TIME AND DATE: 10:00 a.m., June 21, 1993.

PLACE: 4th Floor, Conference Room, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the last meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review of audit reports:

KPMG Peat Marwick audit report entitled "Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Forfeiture and Forfeiture Restoration Operations at the United States Department of Agriculture, Office of Finance and Management, National Finance Center."

KPMG Peat Marwick audit report entitled "Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Participant Support Process at the United States Department of Agriculture, Office of Finance and Management, National Finance Center."

4. Review of memorandum on additional TSP funds.

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: June 11, 1993.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 93–14184 Filed 6–11–93; 1:25 pm]

BILLING CODE 6760–01–M

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 10–93

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date and Time	*Subject Matter*
Tues., June 22, 1993 at:	Oral Hearings on objections to Proposed Decisions in the following claims against Iran:
11:00 a.m	IR–1102, IR–1429—Ocean-Air Cargo.
2:00 p.m	IR–1565—John Rost.
2:30 p.m	IR–2423—James Ruffin.
3:00 p.m	IR–2333, IR–2334—Mark & Judith Forrest.
Wed., June 23, 1993 at 10:30 a.m.	Consideration of Proposed Decisions on claims against Iran.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., Room 10000, Washington, DC 20579. Telephone: (202) 208–7727.

Dated at Washington, DC, on June 11, 1993.

Judith H. Lock,

Administrative Officer.

[FR Doc. 93–14214 Filed 6–11–93; 2:36 pm]

BILLING CODE 4410–01–M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, June 22, 1993.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

Ex Parte No. MC–43 (Sub-No. 20), *Petition to Amend Lease and Interchange of Vehicles Regulations—Household Goods Carriers*

Ex Parte No. 394 (Sub-No. 11), *Cost Ratio for Recyclables—1993 Determination*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927–5350, TDD: (202) 927–5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–14164 Filed 6–11–93; 11:39 am]

BILLING CODE 7035–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Wednesday, June 23, 1993.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5848A—Highway Accident Report: Charter Bus Loss of Control, Overturn and Fire, Vernon, New Jersey, July 26, 1992.

NEWS MEDIA CONTACT: Telephone (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: June 11, 1993.

[FR Doc. 93–14248 Filed 6–11–93; 3:36 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of June 14, 21, 28, and July 5, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 14

Thursday, June 17

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of June 21—Tentative

Thursday, June 24

8:30 a.m.
Briefing on Status of Pacific Northwest Laboratories (PNL) Study of Decommissioning Costs (Public Meeting) (Contact: Cheryl Trottier, 301–492–3640)

10:00 a.m.
Briefing on Status of Design Basis Threat Reevaluation (Public Meeting) (Contact: Robert Burnett, 301–504–3365)

11:30
Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.
Briefing on Internal Management Review of NRC Program for Medical Use of Byproduct Material (Public Meeting) (Contact: Carl Paperiello, 301–504–2659)

Friday, June 25

9:30 a.m.
Periodic Briefing on Operating Reactors and Fuel Facilities (Public Meeting) (Contact: William Bateman, 301–504–1711)

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Week of June 28—Tentative

Thursday, July 1

1130 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of July 5—Tentative

Thursday, July 8

2:00
Briefing by Nuclear Safety Research Review Committee (NSRRC) (Public Meeting) (Contact: George Sege, 301–492–3904)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill, (301) 504–1661.

Dated: June 11, 1993.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–14241 Filed 6–11–93; 3:27 pm]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

TIME AND DATE: 2:00 p.m., June 23, 1993.

PLACE: Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket No. MC93–2.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW, Washington, DC 20268–0001, Telephone (202) 789–6840.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 93–14132 Filed 6–10–93; 4:49 pm]

BILLING CODE 7710–FW–P–M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of June 14, 1993.

A closed meeting will be held on Thursday, June 17, 1993, at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Beese, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, June 17, 1993, at 2:00 p.m., will be:

Settlement of injunctive action.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

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: Brian Lane at (202) 272–2400.

Dated: June 11, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14253 Filed 6–11–93; 3:55 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 58, No. 113
Tuesday, June 15, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 93-010-1]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

Correction

In notice document 93-4979 beginning on page 12355 in the issue of Thursday, March 4, 1993, make the following corrections:

1. On page 12356, in the table, under the heading Organisms, in the eighth and ninth entries, in the second line, "5-enolpyruvly" should read "5-enolpyruvyl".

2. On the same page, under the same heading, in the 12th entry, in the 2d line, "phosphionthricin" should read "phosphinothricin".

3. On the same page, under the same heading, in the 16th entry, in the 1st line, insert "engineered to" after "genetically".

4. On page 12357, under the heading Organisms, in the 18th entry, in the 2d line, "(MCDV)" should read "(MCMV)".

5. On the same page, under the heading Applicant No., in the 19th entry, in the 2d line, "92-156-01," should read "91-156-01,".

6. On the same page, under the heading Field test location, in the 21st and 22d entries, "Indiana" was misspelled.

BILLING CODE 1505-01-D

COMMODITY FUTURES TRADING COMMISSION

Correction

In Sunshine Act meeting notice document 93-13531 appearing on page 32171 in the issue of Tuesday, June 8, 1993, make the following corrections:

1. In the first column, under **TIME AND DATE:**, in the second line, "June 19," should read "June 29,".

2. In the same column, under **CONTACT PERSON FOR MORE INFORMATION:**, "254-6315." should read "254-6314."

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-943-4210-06; GP3-209; OR-48744]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

Correction

In notice document 93-10923 beginning on page 27582 in the issue of Monday, May 10, 1993, make the following corrections:

On page 27582, in the first column under **FOR FURTHER INFORMATION CONTACT:**, in the third line the phone number should read "503-280-7162".

1. On the same page in the second column, under *Eagle Rock Section*, in Sec. 10, in the fifth line, "89°16'28" should read "89°16'55".

2. On the same page in the second column, in Sec. 11, in the sixth line, "111.85 feet" should read "111.86 feet" and in the fourth line from the end of that section, remove "Thence along the north line of the NW¼SW¼" the first time it appears.

3. On the same page in the third column, under *Eagle Rock Section*, in the fifth line, "SE½NW¼" should read "SE¼NW¼". .

BILLING CODE 1505-01-D

federal register

Tuesday
June 15, 1993

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Proposed Endangered Status and Designation of Critical Habitat for the Alabama Sturgeon; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB73

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Designation of Critical Habitat for the Alabama Sturgeon (Scaphirhynchus suttkusi)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list the Alabama sturgeon as an endangered species and to delineate areas of critical habitat. This small sturgeon is endemic to the Mobile River system, Alabama and Mississippi. Its current range is restricted to the lower Alabama River and the Cahaba River in Alabama. Both of these areas and the free flowing portion of the lower Tombigbee River are proposed as critical habitat. Factors in the sturgeon's decline include dams, and possible adverse effects from altered water flows, channel maintenance and gravel dredging. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by October 13, 1993. A public hearing will be held to answer questions and gather additional information on the biology of the Alabama sturgeon and the proposed listing and critical habitat designation. The date, time, and location of the public hearing will be announced as soon as possible under a separate Federal Register notice and in newspapers of general circulation within the counties that may be affected.

ADDRESSES: Comments and materials concerning this proposal should be sent to U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, suite A, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Stewart at the above address (601/965–4900).

SUPPLEMENTARY INFORMATION:

Background

The Alabama sturgeon, also referred to as the Alabama shovelnose sturgeon, was described in 1991 by Williams and Clemmer as *Scaphirhynchus suttkusi*. The Alabama sturgeon has been recognized since 1976 as a distinct, undescribed taxon that is most similar to the shovelnose sturgeon, *S. platorynchus* (Ramsey 1976). The Alabama sturgeon is known only from the Mobile Bay drainage of Alabama and Mississippi. Shovelnose sturgeons were first reported from the Mobile River basin in an anonymous article in the *Alabama Game and Fish News* in 1930 and in scientific literature by Chermock in 1955 (Burke and Ramsey 1985). Confirmed records of this species are uncommon. Clemmer (1983) listed 23 specimens in museum collections. In their status survey, Burke and Ramsey (1985) captured only five Alabama sturgeon. Williams and Clemmer (1991) located 32 specimens in museum, university, and private collections. All verified localities have been large channels of big rivers in the Mobile Bay drainage.

Despite the scarcity of recent records, the Alabama sturgeon was once common in Alabama. In a statistical report to Congress in 1898, the total catch of shovelnose sturgeon from Alabama was 42,900 pounds. Of this total, 39,500 pounds came from the Alabama River, 2,300 pounds from the Black Warrior River, and 1,100 pounds from the Tennessee River. The shovelnose sturgeon from the Alabama and Black Warrior Rivers is the same fish that was recently determined to be a distinct species, the Alabama sturgeon. It is apparent from this statistical report that historical records of sturgeon from the Mobile River system are uncommon but that the sturgeon was once abundant.

Since the Burke and Ramsey report (1985), there have been several anecdotal reports of Alabama sturgeon. In a recent interview, a commercial fisherman stated that he catches 8 to 10 small slim sturgeon per year during the colder winter months (pers. comm. 1992). This fisherman nets upstream of Claiborne Lock and Dam and very obviously differentiates between the Alabama sturgeon and the larger Gulf sturgeon. There are two reports of small sturgeon being caught by fishermen in 1992, one from the Cahaba River and one from the Alabama River below Millers Ferry Lock and Dam. Neither fish was made available for positive confirmation of the species. However, both were described as small and slender, more descriptive of Alabama sturgeon than the Gulf sturgeon. The site of capture for both fish and those captured by the commercial fisherman would also indicate they are Alabama sturgeon, since a Gulf sturgeon would have to pass through or over Claiborne Lock and Dam, a possible though improbable feat.

Biologists from the Alabama Department of Conservation and Natural Resources have conducted periodic electrofishing for sturgeon. A single sturgeon has been observed, but eluded capture. The boat operator (a biotechnician) believed the sturgeon to be *Scaphirhynchus suttkusi* but could not confirm that belief. The most recent firm evidence consists of the capture of five sturgeon in 1985 (Burke and Ramsey 1985), of which two were gravid females and one was a juvenile of about 2 years old. Burke and Ramsey (1985) aged two other Alabama sturgeon at 7 and 10 years of age. The gravid females and juvenile Alabama sturgeon captured by Burke and Ramsey are sufficient evidence that reproduction was occurring during the 1980's and likely continues into the 1990's, since habitat changes have been minimal during the past 7 years. Several studies have aged sturgeon with all of them indicating this group of fish are long lived. Rochard *et al.* (1990) in a general statement about sturgeon gives 40 years as a life expectancy. Helms (1974) aged shovelnose sturgeon up to 12 years old and referenced work by Zweiacker (1967) and Fogle (1963) that aged shovelnose sturgeon at 27 and 10 years respectively. Neither Zweiacker nor Fogle could validate the marks interpreted as annuli (Moos 1978). Durkee *et al.* (1979) aged shovelnose sturgeon at 14 years of age. Ruelle and Keenlyne (in press) aged three pallid sturgeon, *Scaphirhynchus albus*, at 10, 41, and 37 years of age. It is apparent that captures of 7 years ago are relatively recent for such a species. Based upon the evidence at hand, both confirmed and anecdotal, it is highly probable that Alabama sturgeon continue to exist in the Alabama River system, albeit in low numbers.

The Alabama sturgeon, (*Scaphirhynchus suttkusi*) is a relatively small sturgeon, the maximum standard length is about 72 centimeters (cm) or 28 inches. It has an elongate, heavily armored, depressed body and an attenuated caudal peduncle (the area immediately anterior to the tail fin). The tail fin has the long filament on the upper lobe characteristic of the genus. Sexual dimorphism is slight. Morphological characteristics of young Alabama sturgeon are unknown.

The Alabama sturgeon is distinguished from the closely related shovelnose sturgeon by a larger eye, differences in plate and fin ray counts, placement of the dorsal and anal fins, and in head morphology (Williams and Clemmer 1991). The shovelnose

sturgeon has not been found in the Mobile River drainage. The Alabama sturgeon was once called the Alabama shovelnose sturgeon or just shovelnose sturgeon. References to the shovelnose sturgeon in the Mobile River system are to the Alabama sturgeon, rather than the shovelnose sturgeon that occurs in the Mississippi River system.

The specific habitat needs of the Alabama sturgeon are largely unknown. One Alabama sturgeon, tracked by telemetry, preferred swift currents in water 25 to 40 feet deep (Burke and Ramsey 1985). Closely related sturgeon species are most common in river channels with strong currents and sand and gravel sediments but may occur over soft substrates. The closely related shovelnose sturgeon often uses channel training devices, i.e., wing walls and closing dams, as habitat (Helms 1974, Hurley and Nickum 1984, Hurley *et al.* 1987). Sturgeon seem to be tolerant of high turbidity (Pflieger 1975). Based upon the limited information available, the Alabama sturgeon seems to prefer unmodified main channels of large rivers as non-spawning habitat (Burke and Ramsey 1985).

Sturgeon swim upstream to spawn. Spawning habitats may be tributaries with hard substrates, main channel areas, or training devices (water diversion structures used in directing currents to maintain channels) in major rivers (Hurley and Nickum 1984). Currents are required for the development of the sturgeon's adhesive eggs, which require 5 to 8 days to hatch (Burke and Ramsey 1985). Spawning of the shovelnose sturgeon in the Mississippi River system apparently occurs from April to early July. The spawning period for sturgeon probably depends upon water temperature and current as it does for numerous other fish species. Anecdotal reports of sturgeon captures in the Alabama River during the period of January through March indicate that sturgeon spawning in this river system may be earlier than at more northerly latitudes. Recent capture efforts have been conducted during the late spring under the assumption that the Alabama sturgeon would be moving to spawning sites and more vulnerable to capture. The failure to capture Alabama sturgeon during this period is more likely due to the sturgeon not moving very much, thereby reducing susceptibility to capture, than it is to an absence of the species.

This species has been included in Federal Register notices of review for candidate animals in 1982, 1985, and 1989. In the notice of 1982 (47 FR 58454) and 1985 (50 FR 37958), this species was listed as a category 2 (sufficient information indicates proposing to list may be appropriate, but conclusive data is not currently available to support a proposed rule). In the notice of 1989 (54 FR 554), the species was listed as a category 1 (substantial information supports listing).

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Alabama sturgeon, *Scaphirhynchus suttkusi*, are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The historic range of the Alabama sturgeon totaled 1022 river miles (RM) and included the Black Warrior, Tombigbee, Alabama, Coosa, Tallapoosa, Mobile, Tensas, and Cahaba Rivers (Burke and Ramsey 1985). This sturgeon has been extirpated from 586 RM (57 percent), its status in 90 RM (9 percent) is unknown, 194 RM (19 percent) is thought to be marginal habitat, and only 152 RM (15 percent) apparently still supports a good population (recalculated from Burke and Ramsey 1985). Channel maintenance for navigation, gravel mining, and flow regulation may be threats to this species. Based upon the absence of collecting records, the Alabama sturgeon has been extirpated from the Black Warrior River and the Tombigbee River. The Alabama sturgeon may also be extirpated from the Coosa, Tallapoosa, and upper Alabama Rivers. If so, it may be because the Robert F. Henry Lock and Dam (=Jones Bluff Lock and Dam) interrupted the sturgeon's migration to spawning habitat and perhaps caused siltation of spawning grounds. The continued existence of this species in downstream reservoirs may be because suitable spawning habitat, i.e., Cahaba River, is still accessible in those areas. The Alabama sturgeon is known to survive in 346 of the 1022 RM of the historic habitat [Cahaba River from the Little Cahaba River downstream to the confluence with the Alabama River (91 RM), and the Alabama River from Robert F. Henry Lock and Dam downstream to its confluence with the Tombigbee River, (255 RM) (Burke and Ramsey 1985)]. The Claiborne Lake reach (61 RM) and the lower Alabama River (91 RM) probably support the largest Alabama sturgeon populations (Burke and Ramsey 1985).

Population declines of the Alabama sturgeon have occurred because of habitat modification (impoundments and likely also channel maintenance). Dam and hydroelectric facility construction by the U.S. Army Corps of Engineers (Corps) and the Alabama Power Company have transformed the Coosa, Tallapossa, and upper Alabama Rivers into a series of impoundments. Impoundment of the lower Tombigbee and Black Warrior Rivers and construction of the Tennessee-Tombigbee Waterway for navigation likely extirpated this sturgeon from the Tombigbee River drainage, at least upstream of Coffeeville Dam. Many of these dams are capable of completely blocking water flow during low flow conditions. In addition to regulating waterflow, except under extreme flood conditions, these dams block the upstream migration of sturgeon. The Alabama sturgeon has not been observed to accumulate below dams as do anadromous species of sturgeon.

Research on sturgeon has been more extensive in Russia than in this country. However, with the recent listing of the pallid sturgeon, there is renewed interest in this group of fishes. Henry and Ruelle (1992) conducted a study of pallid and shovelnose sturgeon reproduction in the Mississippi River drainage. They concluded that shovelnose sturgeon do not spawn every year and that poor body condition may result in the production of fewer eggs or less frequent spawning. Shovelnose sturgeon in the Mississippi River system feed primarily on aquatic insect larvae now, where forage fish were once an important food item (Modde and Schmulbach 1977, Durkee *et al.* 1979). This change is believed to be the result of channelization reducing the number of shoal areas and deep holes in the river, with sturgeon now moving to sandbar areas and the mouths of fertile tributary streams to forage. The changes in channel configuration and control of flows altered aquatic habitats and produced a uniformly fast current that eliminated or reduced populations of many smaller aquatic species. This caused a decrease in the availability of the food supply for sturgeon and eliminated forage fish as a part of the diet (Henry and Ruelle 1992). Sturgeon are opportunistic bottom feeders. Shovelnose sturgeon may have become more opportunistic as river channelization reduced the availability

of prey organisms resulting in fish of poorer body condition (Henry and Ruelle 1992). Stomach analyses of a few Alabama sturgeon have found aquatic insect larvae to be a major dietary component. Fish eggs, snails, mussels and fish are also taken (Burke and Ramsey 1985).

In Russia, the effect of dams on sturgeon reproduction has been studied extensively (Khoroshko 1972, Zakharyan 1972, Veshchev 1982, Veshchev and Novikova 1983). These studies have shown that the Russian sturgeon species are adversely affected by impoundments, and by water discharge fluctuations and altered temperature regimes resulting from them. Among the effects recorded were increased activity and physical injury, increased egg predation, decreased growth rates, increased juvenile mortality, deviation in gonad development, egg resorption, and a decrease in spawning.

The apparent extirpation of Alabama sturgeon in the Alabama River system upstream of Robert F. Henry Lock and Dam does not mean the remaining population is not adversely affected by upstream reservoirs. As discussed earlier, water flow fluctuations can be adverse to sturgeon. To a large extent, the amount of water available for release through R.E. Bob Woodruff Lake, William Bill Dannelly Reservoir, and Claiborne Lake is a function of the inflows from upstream reservoirs. Therefore, flow regulation by all the reservoirs in the Mobile River drainage must be considered a threat, even when the nearest known sturgeon population is many river miles downstream. However, the Service believes that coordination of hydropower production between the various entities can provide the necessary water for minimum flows without increasing the cost of electricity.

Flow regulation is affected by the amount of water available. With increasing demands for water by municipalities, industry, and agriculture, the maintenance of minimum flows will be more difficult. There are plans to construct reservoirs and divert water for municipal purposes in Georgia and in Birmingham, Alabama. Undoubtedly, other interests will look toward the Mobile River system for water as the demand increases. This water depletion will adversely impact the river fauna, including the Alabama sturgeon, if the amount of water falls below that necessary to maintain adequate flows. Until more is known about the Alabama sturgeon's life history, the Service expects that continuous minimum flows of approximately 3,000 cubic feet per second (cfs) will be required below Robert F. Henry Lock and Dam and Millers Ferry Lock and Dam on the lower Alabama River. This amount of continuous flow should have negligible impact to water levels in the respective reservoirs since there is a minimum flow into the Alabama River of 3,400 cfs already required from the Coosa and Tallapoosa Rivers, and there is a substantial contribution of water from other tributary streams to the Alabama River in this area. Evaluation of the impact of these minimum flows on the river over a period of time may require some level of adjustment that can only be determined by monitoring continuous minimum flows combined with actual flow conditions. Minimum flows below Claiborne Lock and Dam are already maintained at approximately 5,000 cfs to provide for cooling water intake of downstream industry. This amount of continuous flow should also benefit the Alabama sturgeon and other aquatic organisms in the lower Alabama River.

Channel maintenance for navigation may be a threat to the sturgeon. This threat can be minimized by using methods that reduce dredging of the channel. Dredging removes gravel and sand bars essential for spawning and habitat for prey. Reduction of dredging while still maintaining a navigation channel has been accomplished in the Apalachicola, Mississippi, and Missouri Rivers by installation of channel training devices, i.e., training dikes, wing walls, and closing dams (Wells 1982, Cobb and Magoun 1985, Sigrest and Cobb 1987, U.S. Army Corps of Engineers 1987). Channel training devices are structures that direct water flows to improve sediment transportation capabilities of the river as a means of maintaining a navigation channel. Dikes on the Apalachicola River were constructed in the 1960's and were found to be effective in eliminating 55 percent of the dredging requirements within the effective range of the dikes (U.S. Army Corps of Engineers 1987). In that report, the Corps states, "This is known to be a conservative value because of changes in maintenance dredging practices since the dikes were constructed and therefore the Alabama River dikes were assumed to be slightly more effective at 60 percent." This same document predicts that with channel training devices in place, dredge disposal acres will be reduced by more than half and that quantities dredged will be reduced by over 400,000 cubic yards at a savings of over $500,000. The report further concludes that under existing conditions of 8450 cfs, the addition of training devices saves a total of over $900,000 per year in transportation delays and damages and in reduced dredging.

In the lower Alabama River, the Corps of Engineers has constructed over 60 channel training works since 1988 that are intended to reduce the need for dredging. Installation of these structures is too recent to fully evaluate their effectiveness at reducing dredging in the Alabama River. However, the more training devices reduce the need to dredge, the more the Alabama sturgeon and other aquatic species will benefit from stabilization of the river bed. Based upon the Corps' demonstrated desire to use methods of channel maintenance that reduce the need to dredge, the Service expects the Corps to be able to maintain the navigation channel in the Alabama River while reducing the threat to the Alabama sturgeon's existence. Where dredging is required for channel maintenance, the placement of dredge disposal can likely be accomplished in such a way that deep water areas around channel training devices are maintained. This should allow for a greater amount of stable substrate than occurred prior to installation of channel training devices, especially in the deep water areas near the training devices. This should also maintain deep water refugia for the Alabama sturgeon.

It is not expected that channel training devices will be effective on the lower Tombigbee River since there is practically no slope to the river bed. Since this river stretch has not been demonstrated as preferred habitat for the Alabama sturgeon and is only considered as potential habitat for eventual recovery, it is not expected that any changes to the channel maintenance program in the lower Tombigbee River will be required, relative to the Alabama sturgeon, within the next several years. If the population of this species becomes more numerous and there is evidence that it is using the lower Tombigbee River, there may be a need to consider modification of the channel maintenance program.

There is evidence that sturgeon may use training devices for egg deposition, and they do use them as preferred habitat at various water flows (Helms 1974, Hurley and Nickum 1984, Hurley *et al.* 1987, Curtis 1990). Shovelnose sturgeon have been observed to use areas with a primarily sand bottom (Curtis 1990). Alternative channel maintenance methods that allow gravel and sand bar formation and reduce spoil deposition on gravel bars reduce the threat to, and might actually benefit, the

sturgeon. While alternate methods are not expected to eliminate the need for dredging, they should reduce that need and possibly allow only site specific dredging to maintain navigation while benefiting the Alabama sturgeon and its riverine habitat.

Gravel mining destroys gravel and sand bars that provide habitat for food organisms, spawning substrate, and stability to sturgeon habitat. Current methods that remove gravel and sand have an adverse impact on the Alabama sturgeon. If the Alabama sturgeon is to survive, instream gravel and sand mining within certain areas of proposed critical habitat will probably have to cease. However, in the impounded areas proposed as critical habitat, where sand and gravel is covered by thick layers of sediment, it is possible that commercial dredging of these deposits can continue without adversely affecting the Alabama sturgeon.

Since the Alabama sturgeon occurs in the larger channel areas, the impact of water quality degradation by point discharges is somewhat minimized by dilution. However, there is an increasing demand to use the Mobile River system for point discharges. As an example, in the Cahaba River basin, there are 10 municipal wastewater treatment plants, 35 surface mining areas, and 67 other permitted discharges (Alabama Department of Environmental Management, *in litt.* 1990) and there is considerable interest in methane gas extraction with the release of produced water into the Cahaba River and subsequent movement downstream. The potential impact of these wastewaters on fish or the prey organisms on which they depend is unknown. There is some indication that invertebrates may be more sensitive to chlorides from methane-produced water and sewage treatment plants than are vertebrates. If that is the case, permits may seem to protect the fish while allowing the discharge of substances that would eliminate the food base. Of course, this would indirectly affect the survival of the fish. The threat that methane-produced water presents to the Cahaba River system may not materialize due to local opposition. The methane drilling industry is seeking other ways to dispose of the produced water (Dennis Latham, Coalbed Methane Association of Alabama, pers. comm. 1991). The Alabama sturgeon may be more susceptible to water quality degradation in smaller rivers, e.g., Cahaba River, that are used for spawning, because the dilution capability is substantially less than in large rivers. Until there is evidence that current water quality standards are inadequate, it is expected the existing fish and wildlife standards of the Clean Water Act are sufficient to protect the Alabama sturgeon, provided they are enforced. Violation of these water quality standards is a violation of the Clean Water Act, and listing the Alabama sturgeon may increase the penalty for non-compliance, but would not increase the standards.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

This uncommon species is occasionally taken by commercial fishermen on trot lines or with other fishing gear. Alabama State law requires the immediate release of any incidentally caught sturgeon. As a result, the sturgeon is neither commercially nor recreationally valuable, and is not pursued by humans. The effort required to capture this species would make overutilization very difficult.

C. Disease or Predation

There is no known threat from disease or natural predators. To the extent that disease or predation occurs, it becomes a more important consideration as the total population decreases in number.

D. The Inadequacy of Existing Regulatory Mechanisms

Existing State law precludes the possession of and requires the release of all sturgeon caught by any gear, whether dead or alive (Burke and Ramsey 1985, F. Harders, Alabama Department of Conservation and Natural Resources, pers. comm. 1991). There are no regulations that require the consideration of the Alabama sturgeon within the scope of other environmental laws.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

In addition to impacts discussed under Factor A, the Alabama sturgeon's reproductive capability is likely adversely impacted by low numbers of mature individuals. As the sturgeon's range and population are reduced, populations become more scattered and isolated. This isolation probably reduces levels of successful reproduction and also reduces gene flow among populations. As genetic diversity is reduced, the ability of the sturgeon to adapt to adversity may be reduced. Reduction of reproductive success will exacerbate the problems impacting this species.

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 the Alabama sturgeon as endangered, defined under the Act as being in danger of extinction throughout all or a significant portion of its range. This preferred action is chosen due to the restricted range, continued adverse impacts to its habitat, low numbers, unusual biological traits, and possible water quantity and quality problems. Critical habitat is designated for reasons discussed in that section.

Critical Habitat

Critical habitat, as defined by Section 3 of the Act means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features: (I) Essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being proposed for the Alabama sturgeon to include lower portions of the Alabama, Cahaba, and Tombigbee Rivers. These areas are precisely delineated below in the "Proposed Regulations Promulgation" section.

The three designated river portions contain the entire known range of the Alabama sturgeon, plus the free flowing portion of the Tombigbee River that may, or could, provide habitat for this species. The continued existence of the Alabama sturgeon in the lower Alabama River and the Cahaba River indicates that life history requirements for food, water quantity, breeding sites, reproduction, and rearing of offspring exist in some portions of these areas to some extent. The continued decline of this species in recent years indicates that some life history requirements are marginal or lacking. These could be sufficient space for individual and population growth, sufficient breeding and spawning habitat, water quantity or quality, some unknown factors or any combination of factors. It is for this reason the Service is proposing to include the lower free-flowing portion of the Tombigbee River in its designation of critical habitat, despite

the lack of recent records of Alabama sturgeon.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) that may adversely modify such habitat or may be affected by such designation. Activities that could adversely affect the habitat include dredging for channel maintenance, mining of sand and gravel, water flow regulation, and water quality degradation from point discharges. Activities that may be affected by the designation of critical habitat include: (1) Those by the Corps of Engineers involving channel maintenance, permit regulation programs, and the regulation of water flows from reservoirs; (2) the permitting of effluents under the authority of the Environmental Protection Agency; and (3) relicensing of hydropower plants by the Federal Energy Regulatory Commission.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service will consider the critical habitat designation in light of all additional relevant information obtained before making a decision on whether to issue a final rule.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. 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 States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened 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) 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 ensure 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. Federal actions potentially affected are discussed under the "Critical Habitat" section above.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

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 this species;

(2) The location of any additional populations of this species 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 this species;

(4) Current or planned activities in the subject area and their possible impacts on this species; and,

(5) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat.

Final promulgation of the regulations on this species 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 a public hearing 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, 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).

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Author

The author of this proposed rule is James H. Stewart (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulations Promulgation

PART 17—[AMENDED]

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:

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 § 17.11(h) by adding the following, in alphabetical order under "FISHES", to the List of Endangered and Threatened Wildlife, to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
Fishes							
*	*	*	*	*	*		*
Sturgeon, Alabama (=Alabama shovelnose).	*Scaphirhynchus suttkusi.*	U.S.A. (AL, MS)	Entire	E	17.95(e)	NA	
*	*	*	*	*	*		*

3. It is further proposed to amend § 17.95(e) by adding critical habitat for the Alabama sturgeon in the same alphabetical order as the species occurs in § 17.11(h) to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

(e) * * *

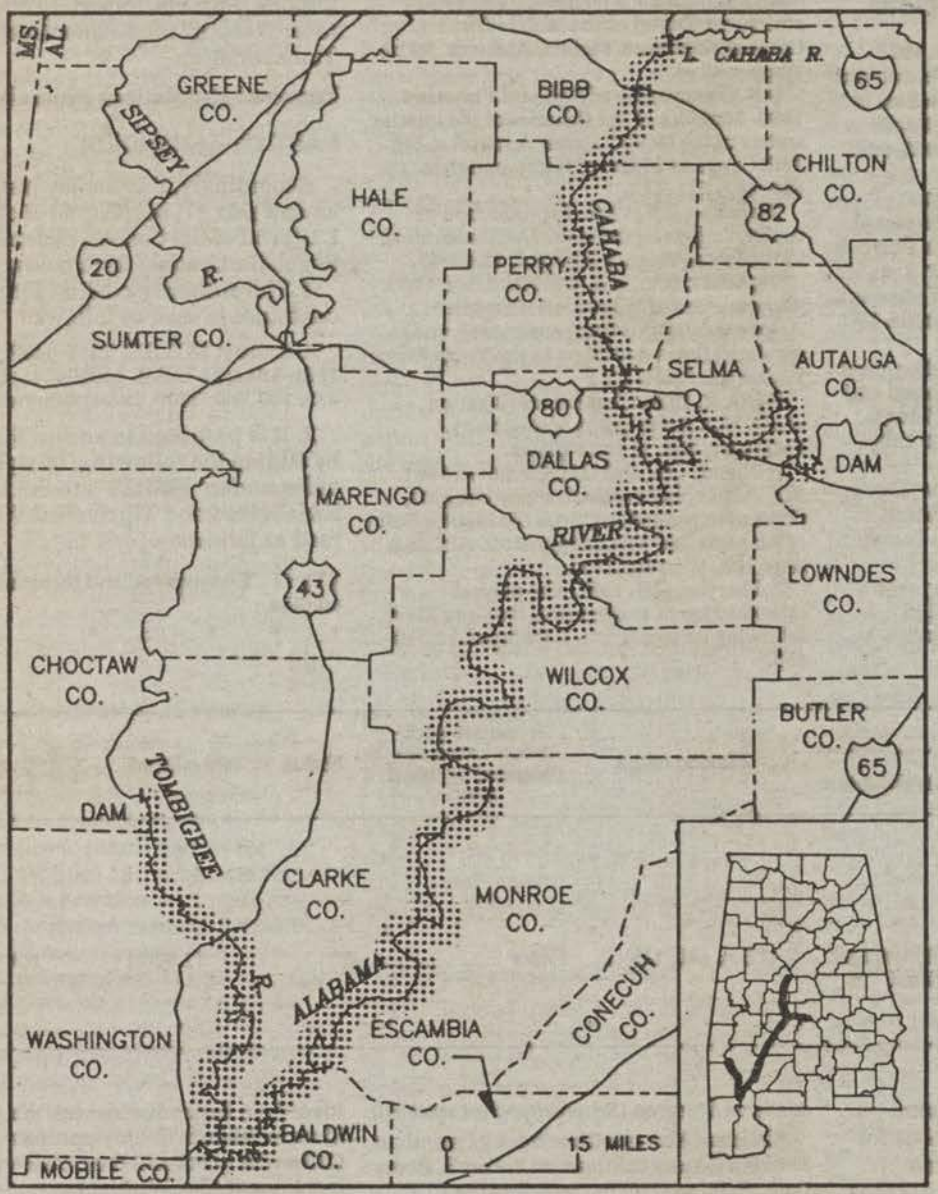
* * * * *

Alabama Sturgeon (*Scaphirhynchus suttkusi*)

Alabama: Alabama River from its mouth in Baldwin County upstream to Robert E. Henry Dam, Autauga County, including the Counties of Clarke, Monroe, Wilcox, and Dallas; Cahaba River from its confluence with the Alabama River in Dallas County upstream to the confluence of the Cahaba and Little Cahaba Rivers, Bibb County, including that portion in Perry County; and the Tombigbee River from its confluence with the Alabama River in Baldwin County upstream to Coffeeville (=Jackson) Dam, Choctaw County, including Clarke, Washington, and Mobile Counties.

Constituent elements include breeding and spawning sites, feeding sites, water quality and quantity, and room for individual and population growth.

BILLING CODE 4310-55-P



BILLING CODE 4310-55-C

Dated: March 4, 1993.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 93-13903 Filed 6-14-93; 8:45 am]

BILLING CODE 4310-55-P

federal register

Tuesday
June 15, 1993

Part III

Department of the Interior

Bureau of Indian Affairs

Indian Child Welfare Act (ICWA) Grant Program; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Fiscal Year (FY) 1993 Indian Child Welfare Act (ICWA) Grant Program, FY 1992 Grant Extensions for Indian Tribes

ACTION: Notice of FY 1992 Grant Extensions for Indian Tribes.

SUMMARY: This notice provides an update on the status of the promulgation of a revised Final Rule for the Indian Child Welfare Act (ICWA) grant program as codified at 25 CFR part 23, and informs federally recognized Indian tribes of the Fiscal Year (FY) 1993 ICWA grant funds distribution plan.

DATES: This notice takes effect June 15, 1993.

ADDRESSES: Indian tribes with FY 1992 ICWA grant programs must contact their Agency Superintendent or appropriate Area Director to initiate their ICWA grant extensions.

FOR FURTHER INFORMATION CONTACT: Betty Tippeconnie, Bureau of Indian Affairs, Division of Social Services, room 310–SIB, 1849 C Street NW., Washington, DC 20240. Telephone number 202/208–2721.

SUPPLEMENTARY INFORMATION: Title II of the Indian Child Welfare Act, Public Law 95–608 (25 U.S.C. 1901 et seq.; 25 U.S.C. 1931), authorizes the utilization of funds for grants to Indian tribes to operate Indian child and family service programs which promote the intent and purposes of the Act. The Assistant Secretary—Indian Affairs is announcing procedures for the extension of existing ICWA programs operated by Indian tribes in accordance with existing regulations at 25 CFR 23.51 and 276.14. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Bureau has assigned the highest priority to the preparation, finalization and publication of the final ICWA regulations. When published, these regulations will authorize the conversion from the current competitive grant award process to a noncompetitive system for eligible Indian tribes as proposed in the January 12, 1993, Notice of Proposed Rulemaking. The Final Rule is currently undergoing review. Before publication, the Final Rule must undergo a final review by the Office of Management and Budget. The time required for these reviews and subsequent publication of the Final Rule precludes the timely distribution of FY 1993 ICWA funds to all eligible Indian tribes on a noncompetitive basis.

For the reasons given above and for purposes of program continuity, the BIA will be extending the FY 1992 ICWA grant programs operated by Indian tribes in accordance with existing authorities for grant revisions/amendments.

Approximately $9,308,875 in FY 1993 ICWA funds will be available for distribution to the BIA Area Offices for the purpose of extending existing FY 1992 ICWA programs operated by Indian tribes. The extended programs will be funded with FY 1993 ICWA grant funds at approximately 65 percent of their FY 1992 ICWA grant award amounts until such time as all eligible Indian tribes are able to access FY 1994 ICWA funds.

Dated: June 9, 1993.

Thomas Thompson,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 93–14064 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–02–P

federal register

Tuesday
June 15, 1993

Part IV

Department of the Interior

Fish and Wildlife Service
50 CFR Part 20
Migratory Bird Hunting; Meeting; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AA24

Migratory Bird Hunting; Meetings; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; correction.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) announced in an earlier document the meetings of the Service Migratory Bird Regulations Committee. This document announces a change in location for the June 22 meeting (58 FR 31244, June 1, 1993).

DATES: The Service Migratory Bird Regulations Committee will meet to consider proposed regulations for early seasons on June 22, 23, and 24. The June 22 meeting will be delayed until 9 a.m.

ADDRESSES: The June 22 meeting of the Service Migratory Bird Regulations Committee will be held in the Diplomat Room of the State Plaza Hotel, 2117 E Street, NW., Washington, DC. The June 23 and 24 meetings will be held in the Large Buffet Room of the Department of the Interior Building, 1849 C Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION: Due to a conflict in the schedule for the Large Buffet Room in the Main Department of the Interior Building, the location of the June 22 meeting of the Service Migratory Bird Regulations Committee has been moved to the Diplomat Room at the State Plaza Hotel. Announcements of this change and directions to the new location will be posted at the Large Buffet Room. The meeting will be delayed for 30 minutes (until 9 a.m.) to accommodate those persons who may not be aware of the change in location until arriving at the Large Buffet Room.

Dated: June 9, 1993.

Bruce Blanchard,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–14083 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–55–M

federal register

Tuesday
June 15, 1993

Part V

Department of the Interior

Bureau of Indian Affairs

Approved Nation-State Compact; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved nation-state compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority has approved the Nation-State Compact Between the Oneida Indian Nation of New York and the State of New York, which was enacted on April 16, 1993.

DATES: This action is effective June 15, 1993.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: June 4, 1993.

Thomas Thompson,

Assistant Secretary, Indian Affairs.

[FR Doc. 93–14065 Filed 6–14–93; 8:45 am]

BILLING CODE 4310–02–M

federal register

Tuesday
June 15, 1993

Part VI

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Correction to Competitive Discretionary Assistance Program Announcement and Extension of Time To Submit for ABC Intervention Program; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Notice of Correction to the Competitive Discretionary Assistance Program Announcement and Extension of Time To Submit for the Accountability-Based Community (ABC) Intervention Program

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

ACTION: This notice clarifies (1) joint application requirements and (2) issues about the required population to be an eligible jurisdiction. This notice also extends the due date.

SUPPLEMENTARY INFORMATION: This is a clarification to 58 FR, page 27170, May 6, 1993.

Eligibility Requirements

Joint Application Requirements

Public applicants must be the primary applicant under this initiative. However, to clarify the intent of the statement concerning joint applicants, applicant organizations may submit joint proposals with other organizations that are eligible to receive funds under part C of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. This means that a public applicant may submit a joint application with a private non-profit organization or individual. A public applicant may also contract with private non-profit organizations or individuals to carry out functions under this initiative.

Population Eligibility Requirements

This clarification is provided in response to telephone calls concerning the eligibility requirement that an applicant must be involved in planning a community-based juvenile justice system that is located in and serves: (1) A Metropolitan Statistical Area (MSA) of 350,000 to 500,000 population (2) counties of 350,000 to 500,000; or (3) states certifying a county or MSA with a population of 350,000 to 500,000. It was the intent of the Office of Juvenile Justice and Delinquency Prevention to set a threshold population for eligibility at 350,000—not in the range of 350,000 to 500,000. Therefore the corrected eligibility requirement is as follows:

The applicant must be involved in a juvenile justice system that is located in and serves: (1) A Metropolitan Statistical Area (MSA) with a minimum population of 350,000; (2) counties with a minimum population of 350,000; or (3) states certifying a county or MSA with a population of a minimum of 350,000. The jurisdiction must document this population level in the supporting documents to the application. The jurisdiction must also have documented risk factors.

Due Date

Because of these changes, the due date for submission of applications by mail or delivery to OJJDP is extended to July 15, 1993.

Contact

For further information contact Douglas C. Dodge, Special Emphasis Division, (202) 307–5914.

John J. Wilson,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 93–14035 Filed 6–14–93; 8:45 am]

BILLING CODE 4410–18–P

federal register

Tuesday
June 15, 1993

Part VII

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

The Honorable Albert Gore, Jr.,
President of the Senate, Washington, DC 20510

Dear Mr. President: In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report six proposed rescissions, totaling $176.0 million in budgetary resources.

These proposed rescissions affect the Departments of Housing and Urban Development, Justice, and Transportation. The details of the proposed rescissions are contained in the attached reports.

Sincerely,

William J. Clinton,

The White House, June 4, 1993.

The Honorable Thomas S. Foley,
Speaker of the House of Representatives, Washington, DC 20515

Dear Mr. Speaker: In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report six proposed rescissions, totaling $176.0 million in budgetary resources.

These proposed rescissions affect the Departments of Housing and Urban Development, Justice, and Transportation. The details of the proposed rescissions are contained in the attached reports.

Sincerely,

William J. Clinton,

The White House, June 4, 1993.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

RESCISSION NO.	ITEM	BUDGET AUTHORITY
	Department of Housing and Urban Development:	
	Housing Programs:	
R93–2	Annual contributions for assisted housing	13,000
R93–3	Homeownership and opportunity for people everywhere grants	100,000
	Department of Justice:	
	Legal Activities:	
R93–4	Assets forfeiture fund	20,000
	Department of Transportation:	
	Federal Aviation Administration:	
R93–5	Operations	3,100
R93–6	Grants–in–aid for airports	36,750
	Coast Guard:	
R93–7	Operating expenses	3,150
	Total, rescissions	176,000

R93-2

Department of Housing and Urban Development

Housing Programs

Annual contributions for assisted housing

Of the funds made available under this heading for non-incremental housing assistance in Public Law 102-389 and prior years, $13,000,000 are rescinded.

Rescission Proposal No. R93–2

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93–344

AGENCY: Department of Housing and Urban Development	New budget authority..... $ 8,778,665,000 (P.L. 102–389)
BUREAU: Housing Programs	Other budgetary resources.. $ 1,722,740,947
Annual contributions for assisted housing 86X0164	Total budgetary resources... $ 10,501,405,947
	Amount proposed for rescission..... $ 13,000,000
OMB identification code: 86–0164–0–1–604	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multi–year: _____ (expiration date) ☒ No–Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds a variety of new construction and rental assistance programs, including amendments to existing rental assistance contracts. Estimating the need for contract amendments in a given year is an imprecise art. From FY 1992 into FY 1993, there was a larger–than–expected carryover of unobligated balances, particularly for Project Reserve contract amendments, which are unlikely to be used in FY 1993. Therefore, the Administration proposes rescinding $13 million of this carryover in FY 1993.

ESTIMATED PROGRAM EFFECT: There is no programmatic effect since these unobligated balances would not be obligated during the current fiscal year.

OUTLAY EFFECT: (in thousands of dollars):

1993 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
13,393,000	13,393,000	---	---	---	---	---	---

R93-3

Department of Housing and Urban Development

Housing Programs

Homeownership and opportunity for people everywhere grants

Of the funds made available under this heading in Public Law 102-389 and prior years, $100,000,000 are rescinded: Provided, That of the foregoing amount, $63,000,000 shall be rescinded from the HOPE for the Public and Indian Housing Homeownership Program, and $37,000,000 shall be rescinded from the HOPE for Homeownership of Multi-family Units Program and from amounts earmarked for assistance to mutual housing associations.

Rescission Proposal No. R93–3

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93–344

AGENCY: Department of Housing and Urban Development	New budget authority..... $ 661,000,000 (P.L. 102–388)
BUREAU: Housing Programs	Other budgetary resources.. $ 179,987,742
Homeownership and opportunity for people everywhere grants 8630196 86X0196	Total budgetary resources... $ 840,987,742 Amount proposed for rescission..... $ 100,000,000
OMB identification code: 86–0196–0–1–604	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multi–year: _____ (expiration date) ☒ No–Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds the Homeownership and Opportunity for People Everywhere (HOPE) Grants, which provide homeownership opportunities that are affordable for low–income families. Units will be converted to homeownership from public and Indian housing properties in HOPE 1, from FHA–insured and Government held multi–family properties in HOPE 2, and from Government–owned or held single–family properties in HOPE 3. HOPE grants will be used for property acquisition where appropriate, rehabilitation, mortgage subsidies, security measures, operating reserves, and technical assistance.

An excess of unreserved balances for FY 1993 and prior year funding is being proposed for rescission from the HOPE for Public and Indian Housing Homeownership Program and the HOPE for Homeownership of Multi–family Units Program as a partial offset to proposed increases in Community Development Grants and HOME Investment Partnerships programs. The amounts requested under the two programs will be used to aid residents of areas impacted by Hurricane Andrew, Hurricane Iniki, and Typhoon Omar.

ESTIMATED PROGRAM EFFECT: The availability of funds is reduced for the HOPE program.

OUTLAY EFFECT: (in thousands of dollars):

1993 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
59,078	58,935	–143	–17,147	–30,779	–26,274	–13,479	–11,051

R93-4

Department of Justice

Legal Activities

Assets forfeiture fund

Of the funds made available under this heading in Public Law 102-395, $20,000,000 are rescinded.

Rescission Proposal No. R93–4

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93–344

AGENCY: Department of Justice	New budget authority..... $ 93,000,000 (P.L. 102–395)
BUREAU: Legal Activities	Other budgetary resources.. $ 419,531,000
Assets forfeiture fund 1535042	Total budgetary resources... $ 512,531,000 Amount proposed for rescission..... $ 20,000,000
OMB identification code: 15–5042–0–2–752	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi–year: _____ (expiration date) ☐ No–Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds the Assets forfeiture fund. The Comprehensive Crime Control Act of 1984 established the Assets forfeiture fund, into which forfeited cash and the proceeds of sale of forfeited property are deposited. Authorities of the fund have been amended by various public laws enacted since 1984. Under current law, authority to use the fund for investigative expenses is required to be specified in annual appropriation acts.

The amounts appropriated for the Assets forfeiture fund for 1993 by Public Law 102–395 are in excess of current needs as a result of enactment of legislation amending the Assets forfeiture fund authorities. Therefore, the rescission of $20 million is proposed. This rescission will be used to offset other higher priority programs.

ESTIMATED PROGRAM EFFECT: No program effect is anticipated as the rescission affects appropriated amounts that are in excess of current needs.

OUTLAY EFFECT: (in thousands of dollars):

1993 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
479,944	471,944	–8,000	–8,000	–4,000	---	---	---

R93-5

Department of Transportation

Federal Aviation Administration

Operations

Of the funds made available under this heading in Public Law 102-388, $3,100,000 are rescinded.

Rescission Proposal No. R93–5

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93–344

AGENCY: Department of Transportation	**New budget authority.....** $ 2,258,679,000 (P.L. 102–388)
BUREAU: Federal Aviation Administration	**Other budgetary resources..** $ 2,340,342,000
Operations 6931301 69x1301	**Total budgetary resources...** $ 4,599,021,000 **Amount proposed for rescission.....** $ 3,100,000
OMB identification code: 69–1301–0–1–402	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi–year: _____ (expiration date) ☒ No–Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds the operation and maintenance of the Federal Aviation Administration. It finances the personnel and support costs of operating and maintaining the air traffic control system and ensuring the safety and security of aircrafts, flight procedures, navigation aids, and airports through periodic inspections. It also supports overall policy direction and guidance. This rescission proposal reflects reduced estimates of overhead costs.

ESTIMATED PROGRAM EFFECT: There is no programmatic effect as the rescission proposal reflects the more efficient conduct of current programs.

OUTLAY EFFECT: (in thousands of dollars):

1993 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
2,227,687	2,224,959	–2,728	–372	---	---	---	---

R93-6

Department of Transportation

Federal Aviation Administration

Grants-in-aid for airports

Of the funds available under this heading, $36,750,000 are rescinded.

Rescission Proposal No. R93–6

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93–344

AGENCY: Department of Transportation	New budget authority..... $ 2,907,237,629 (P.L. 102–388)
BUREAU: Federal Aviation Administration	Other budgetary resources.. $ –1,022,237,629
Grants–in–aid to airports 69X8106	Total budgetary resources... $ 1,885,000,000 Amount proposed for rescission..... $ 36,750,000
OMB identification code: 69–8106–0–7–402	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multi–year: _____ (expiration date) ☒ No–Year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other _____

JUSTIFICATION: This account funds the Grants–in–aid to airports program, which supports airport development and noise mitigation programs through grants to States, localities, and airports. The contract authority proposed to be rescinded is part of the approximately $1 billion in contract authority that is unavailable for obligation due to the obligation limitation placed upon this account in the FY 1993 appropriations act (P.L. 102–388). There are no plans to use this contract authority in the future.

ESTIMATED PROGRAM EFFECT: There is no programmatic effect since this contract authority is not available for obligation.

OUTLAY EFFECT: (in thousands of dollars):

1993 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
2,071,800	2,071,800	---	---	---	---	---	---

R93-7

Department of Transportation

Coast Guard

Operating expenses

Of the funds made available under this heading in Public Law 102-388, $3,150,000 are rescinded.

Rescission Proposal No. R93–7

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93–344

AGENCY: Department of Transportation	**New budget authority.....** $ 2,247,750,000 **(P.L. 102–388)**
BUREAU: United States Coast Guard	**Other budgetary resources..** $ 443,050,900
Operating expenses 6930201 69x0201	**Total budgetary resources...** $ 2,690,800,000 **Amount proposed for rescission.....** $ 3,150,000
OMB identification code: 69–0201–0–1–999	**Legal authority (in addition to sec. 1012):** ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi–year: _____ (expiration date) ☒ No–Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds the operating expenses of the United States Coast Guard to carry out its unique duties as a peacetime operating agency and one of the military services. The Coast Guard employs multi–purpose vessels, aircraft, and shore units, strategically located along the coasts and inland waterways of the United States and in selected areas overseas. This account funds public safety and law enforcement programs. The rescission is proposed to reflect revised estimates of overhead costs.

ESTIMATED PROGRAM EFFECT: There are no programmatic effects as the rescission proposal reflects the more efficient conduct of current programs.

OUTLAY EFFECT: (in thousands of dollars):

1993 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998
2,604,689	2,602,169	–2,520	–630	---	---	---	---

[FR Doc. 93–13975 Filed 6–14–93; 8:45 am]
BILLING CODE 3110–01–C

federal register

Tuesday
June 15, 1993

Part VIII

The President

Executive Order 12851—Administration of Proliferation Sanctions, Middle East Arms Control, and Related Congressional Reporting Responsibilities

Federal Register
Vol. 58, No. 113
Tuesday, June 15, 1993

Presidential Documents

Title 3—

The President

Executive Order 12851 of June 11, 1993

Administration of Proliferation Sanctions, Middle East Arms Control, and Related Congressional Reporting Responsibilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code; sections 1701–1703 of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510 (50 U.S.C. App. 2402 note, 2405, 2410b; 22 U.S.C. 2797–2797c); sections 303, 324, and 401–405 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, Public Law 102–138; sections 305–308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, Public Law 102–182 (50 U.S.C. App. 2410c; 22 U.S.C. 2798, 5604–5606); sections 241 and 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, Public Law 102–190; and section 1364 of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484, I hereby order as follows:

Section 1. *Chemical and Biological Weapons Proliferation and Use Sanctions.* (a) *Chemical and Biological Weapons Proliferation.* The authority and duties vested in me by section 81 of the Arms Export Control Act, as amended ("AECA") (22 U.S.C. 2798), and section 11C of the Export Administration Act of 1979, as amended ("EAA") (50 U.S.C. App. 2410c), are delegated to the Secretary of State, except that:

(1) The authority and duties vested in me to deny certain United States Government contracts, as provided in section 81(c)(1)(A) of the AECA and section 11C(c)(1)(A) of the EAA, pursuant to a determination made by the Secretary of State under section 81(a)(1) of the AECA or section 11C(a)(1) of the EAA, as well as the authority and duties vested in me to make the determinations provided for in section 81(c)(2) of the AECA and section 11C(c)(2) of the EAA are delegated to the Secretary of Defense. The Secretary of Defense shall notify the Secretary of the Treasury of determinations made pursuant to section 81(c)(2) of the AECA and section 11(c)(2) of the EAA.

(2) The authority and duties vested in me to prohibit certain imports as provided in section 81(c)(1)(B) of the AECA and section 11C(c)(1)(B) of the EAA, pursuant to a determination made by the Secretary of State under section 81(a)(1) of the AECA or section 11C(a)(1) of the EAA, and the obligation to implement the exceptions provided in section 81(c)(2) of the AECA and section 11C(c)(2) of the EAA, insofar as the exceptions affect imports of goods into the United States, are delegated to the Secretary of the Treasury.

(b) *Chemical and Biological Weapons Use.* The authority and duties vested in me by sections 306–308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5604–5606) are delegated to the Secretary of State, except that:

(1) The authority and duties vested in me to restrict certain imports as provided in section 307(b)(2)(D), pursuant to a determination made by the Secretary of State under section 307(b)(1), are delegated to the Secretary of the Treasury.

(2) The Secretary of State shall issue, transmit to the Congress, and notify the Secretary of the Treasury of, as appropriate, waivers based upon findings made pursuant to section 307(d)(1)(A)(ii).

(3) The authority and duties vested in me to prohibit certain exports as provided in section 307(a)(5) and section 307(b)(2)(C), pursuant to a determination made by the Secretary of State under section 306(a)(1) and section 307(b)(1), are delegated to the Secretary of Commerce.

(c) *Coordination Among Agencies.* The Secretaries designated in this section shall exercise all functions delegated to them by this section in consultation with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Director of the Arms Control and Disarmament Agency, and other departments and agencies as appropriate, utilizing the appropriate interagency groups prior to any determination to exercise the prohibition authority delegated hereby.

Sec. 2. *Missile Proliferation Sanctions.* (a) *Arms Export Control Act.* The authority and duties vested in me by sections 72–73 of the AECA (22 U.S.C. 2797a–2797b) are delegated to the Secretary of State, except that:

(1) The authority and duties vested in me by section 72(a)(1) to make determinations with respect to violations by United States persons of the EAA are delegated to the Secretary of Commerce.

(2) The authority and duties vested in me to deny certain United States Government contracts as provided in sections 73(a)(2)(A)(i) and 73(a)(2)(B)(i), pursuant to a determination made by the Secretary of State under section 73(a)(1), as well as the authority and duties vested in me to make the findings provided in sections 72(c), 73(f), and 73(g)(1), are delegated to the Secretary of Defense. The Secretary of State shall issue, transmit to the Congress, and notify the Secretary of the Treasury of, as appropriate, any waivers based upon findings made pursuant to sections 72(c) and 73(f).

(3) The authority and duties vested in me to prohibit certain imports as provided in section 73(a)(2)(C), pursuant to a determination made by the Secretary of State under that section, and the obligation to implement the exceptions provided in section 73(g), are delegated to the Secretary of the Treasury.

(b) *Export Administration Act.* The authority and duties vested in me by section 11B of the EAA (50 U.S.C. App. 2410b) are delegated to the Secretary of Commerce, except that:

(1) The authority and duties vested in me by sections 11B(a)(1)(A) (insofar as such section authorizes determinations with respect to violations by United States persons of the AECA), 11B(b)(1) (insofar as such section authorizes determinations regarding activities by foreign persons), and 11B(b)(5) are delegated to the Secretary of State.

(2) The authority and duties vested in me to make the findings provided in sections 11B(a)(3), 11B(b)(6), and 11B(b)(7)(A) are delegated to the Secretary of Defense. The Secretary of Commerce shall issue, transmit to the Congress, and notify the Secretary of the Treasury of, as appropriate, waivers based upon findings made pursuant to section 11B(a)(3). The Secretary of State shall issue, transmit to the Congress, and notify the Secretary of the Treasury of, as appropriate, waivers based upon findings made pursuant to section 11B(b)(6).

(3) The authority and duties vested in me to prohibit certain imports as provided in section 11B(b)(1), pursuant to a determination by the Secretary of State under that section, and the obligation to implement the exceptions provided in section 11B(b)(7), are delegated to the Secretary of the Treasury.

(c) *Reporting Requirements.* The authority and duties vested in me to make certain reports to the Congress as provided in section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 and section 1364 of the National Defense Authorization Act for Fiscal Year 1993 are delegated to the Secretary of State.

(d) *Coordination Among Agencies.* The Secretaries designated in this section shall exercise all functions delegated to them by this section in consultation with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Director of the Arms Control and Disarmament Agency, and other departments and agencies as appropriate, utilizing the appropriate interagency groups prior to any determination to exercise prohibition authority delegated hereby.

Sec. 3. *Arms Control in the Middle East.* The certification and reporting functions vested in me by sections 403 and 404 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, are delegated to the Secretary of State. The Secretary of State shall exercise these functions in consultation with the Secretary of Defense and other agencies as appropriate.

Sec. 4. *China and Weapons Proliferation.* The reporting functions regarding China and weapons proliferation vested in me by sections 303(a)(2) and 324 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, are delegated to the Secretary of State. The Secretary of State shall exercise these functions in consultation with the Secretary of Defense and other agencies as appropriate.

Sec. 5. *Arrow Tactical Anti-Missile Program.* The authority and duties vested in me to make certain certifications as provided by section 241(b)(3)(C) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 are delegated to the Secretary of State.

Sec. 6. *Delegations.* The functions delegated herein may be redelegated as appropriate. Regulations necessary to carry out the functions delegated herein may be issued as appropriate.

Sec. 7. *Priority.* This order supercedes the Memorandum of the President, "Delegation of Authority Regarding Missile Technology Proliferation," June 25, 1991. To the extent that this order is inconsistent with any provisions of any prior Executive order or Presidential memorandum, this order shall control.

William J. Clinton

THE WHITE HOUSE,
June 11, 1993.

[FR Doc. 93–14289
Filed 6–14–93; 10:26 am]
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