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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

Proclamation 6572 of June 14, 1993

Flag Day and National Flag Week, 1993

By the President of the United States of America

A Proclamation

In 1777, the Continental Congress adopted the Stars and Stripes as the official flag of the young United States of America. Describing the new flag, the Congress wrote, "White signifies Purity and Innocence; Red, Hardiness and Valor; Blue signifies Vigilance, Perseverance and Justice," with the stars forming "a new constellation."

The words of the Continental Congress ring truer to us today than ever before. Wherever the Stars and Stripes are flown, they represent the highest ideals of America: justice, purity, and strength. The flag has flown over smoky battlefields, peaceful demonstrations, and wherever else Americans strive to express their precious freedoms in the face of adversity. Today, in accordance with congressional joint resolutions (63 Stat. 492 and 80 Stat. 194), we set aside June 14 as Flag Day and the week beginning June 13 as National Flag Week to honor the colors and stars that have flown proudly over the United States for 216 years.

Just as we pay our respects to our flag, so must we honor our Nation's Founders, the brave people who inscribed their names on the Declaration of Independence and breathed life into its text. The ideals embodied by the Declaration have served as a guide for our Nation and an inspiration for people around the world. This document delineated the very idea of America, that individual rights are derived not from the generosity of the government, but from the hand of the Almighty. The Founders forever abandoned their allegiance to the old European notions of caste and dedicated themselves to the belief that all people are created equal.

The brilliant men who gathered in Philadelphia in 1776 to declare our Nation's independence risked their honor, their fortunes, and their very lives to create a better future for their children and grandchildren. We, the inheritors of freedom's legacy, owe our liberties to the fact that our Founders saw the need for dramatic change and acted upon it.

Today, vast changes are sweeping the globe. Nations that have known only tyranny for centuries are now dedicating themselves to the ideals of freedom and democracy. And wherever freedom is proclaimed, echoes of the American Declaration of Independence can be heard. Thomas Jefferson's words are being spoken in dozens of nations in hundreds of languages.

We are justly proud of the influence that our beliefs have had on the world. But the mission of America is far from complete. While the world is filled with opportunity, it is rife with uncertainty. We must dedicate ourselves to carrying on the dreams of the Founders and adding our own chapter to the unfinished American story. By embracing the changes that are altering the landscape of the world today, we help ensure a brighter, more democratic, and more peaceful world. As we celebrate our independence, I encourage all Americans to rededicate themselves to the conviction that our precious freedoms require constant vigilance and reaffirmation.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim June 14, 1993, as Flag Day and the week beginning June 13, 1993, as National Flag Week. I direct the appropriate officials of the government to display the flag of the United States on all government buildings during that week. I encourage all Americans to observe Flag Day and Flag Week by flying the Stars and Stripes from their homes and other suitable places. I also urge the American people to celebrate those days from Flag Day through Independence Day, as set aside by the Congress (89 Stat. 211), as a time to honor America, by having public gatherings and activities at which they can honor and pledge their allegiance to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of June, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93–14345
Filed 6–14–93; 2:02 pm]
Billing code 3195–01–P

Editorial note: For the President's remarks on signing this proclamation, see issue no. 24 of the *Weekly Compilation of Presidential Documents.*

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907 and 908

[FV92-907-6 FR]

Navel and Valencia Oranges Grown in Arizona and Designated Parts of California; Suspension of Provisions Regarding Committee Compensation and Correction in Committees' Address

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension and final rule.

SUMMARY: This document effectuates two actions regarding the California-Arizona navel and Valencia orange marketing orders. The marketing orders regulate the handling of navel and Valencia oranges grown in Arizona and designated parts of California and are administered locally by the Navel and Valencia Orange Administrative Committees (committees). The first action suspends, for an indefinite period, provisions of the marketing orders limiting compensation rates for committee members. Presently, such compensation is limited to $25 per day. The second action modifies the orders' rules and regulations to reflect the committees' current address. These actions were recommended by the committees at a meeting on November 24, 1992.

EFFECTIVE DATE: June 16, 1993.

FOR FURTHER INFORMATION CONTACT: Mark J. Kreaggor, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-5127; or Maureen Pello, 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 Order Nos. 907 and 908 [7 CFR parts 907 and 908], as amended, regulating the handling of navel and Valencia oranges grown in Arizona and designated parts of California, hereinafter referred to as the "orders." These 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 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 action.

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 130 handlers of navel oranges and 115 handlers of Valencia oranges who are subject to regulation under the respective marketing orders and 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.

A proposal was published in the Federal Register on February 18, 1993, [58 FR 8912] inviting comments on two actions regarding the California-Arizona navel and Valencia orange marketing orders. That proposal provided a 15-day comment period which ended March 5, 1993. Two comments were received on the proposal. Both comments were from the manager of the committees, supporting the suspension of the marketing order provisions limiting the compensation rate for committee members. The comments stated that the existing compensation rate of $25 per day for committee members is too low under current economic conditions.

This action suspends, for an indefinite period, provisions of the marketing orders limiting compensation rates for committee members. Presently, such compensation is limited to $25 per day. The final rule also modifies the orders' rules and regulations to reflect the committees' current address. These actions were recommended by the committees at a joint meeting on November 24, 1992, with a unanimous vote by the Valencia Orange Administrative Committee (VOAC) and a vote of 10 in favor and one opposed by the Navel Orange Administrative Committee (NOAC).

The NOAC and VOAC are responsible for locally administering the marketing orders for California-Arizona navel and

Valencia oranges, respectively. Each committee consists of 10 members who may be growers, employees of growers, handlers, employees of handlers, or employees of cooperative marketing organizations, and one non-industry member. Each grower member has an alternate and an additional alternate member. Each handler and non-industry member has a single alternate.

Sections 907.31 and 908.31 of the navel and Valencia orange marketing orders, respectively, currently provide that committee members and their respective alternates, when acting as members, be reimbursed for expenses necessarily incurred by them in the performance of their duties. Those sections also state that these members and alternates shall receive compensation at a rate determined by the respective committee, which rate shall not exceed $25 per day, or portion thereof, spent in performing such duties.

Sections 907.31 and 908.31 were amended in 1985 whereby the compensation rates for committee members and alternates were increased from $25 per day to a rate not to exceed $100 per day. In addition, the committees' non-industry members' compensation rate was set at a rate not to exceed $250 per day. However, those amendments were removed from the orders as a result of an August 21, 1992, decision by the U.S. Court of Appeals for the Ninth Circuit in San Francisco, California, invalidating the 1985 amendments to the Valencia orange marketing order on procedural grounds. The decision also relates to the navel orange marketing order because that order was amended concurrently with the Valencia orange order using the same procedures. Thus, with removal of the 1985 amendments, committee members' compensation rates as specified by the orders reverted to a maximum of $25 per day.

The committees believe that the $25 per day rate is too low under current economic conditions. Many committee members and alternates commute long distances and spend time away from their own or their employers' businesses in order to fulfill their obligations as committee members. In addition, committee members were reimbursed at a higher level during the past seven years. Therefore, the committees recommended that the provisions of the orders limiting compensation to $25 per day be suspended so that the committees may recommend an increase in the rates. Any increase in the rates will be subject to approval by the Secretary in the committees' annual budget.

This action will not have a significant economic impact on small producers or handlers. The compensation rate paid to committee members is derived from the administrative budget which consists of uniform assessments collected from handlers in order for the committees to operate and carry out their functions each season. The committees do not anticipate that it will be necessary to increase the current assessment rates to cover the additional expense. In fact, higher compensation rates were included in the committees' current budgets for the 1992–93 fiscal year which became effective on November 1, 1992. The compensation rates paid to committee members has not been a substantial portion of the committees' budgets, and is not expected to become a substantial item in the budgets in the future. Thus, there is no significant impact anticipated.

This rule also modifies the committees' address as specified in paragraphs (g) and (h) of §§ 907.100 and 908.100 and in §§ 907.101 and 908.101 of the orders' rules and regulations to reflect the committees' current address. The committees moved their office in the fall of 1990 from Los Angeles to Newhall, California. The committees' new address is 25129 The Old Road, Suite 300, Newhall, California, 91381.

Based on available information, 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 committees' recommendations, the comments received, and other available information, it is found that the provisions of the marketing orders limiting compensation for committee members no longer tend to effectuate the declared policy of the Act. It is further found that the correction of the committees' address will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) NOAC and VOAC meetings are ongoing; (2) this action needs to be in place as soon as possible to ensure adequate compensation of committee members; and (3) the proposed rule provided a 15-day comment period, and both comments received favored this action.

List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

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

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

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

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

Note: These amendments will appear in the Code of Federal Regulations.

§ 907.31 [Amended]

2. In § 907.31, the words ", which rate shall not exceed $25 per day or portion thereof spent in performing such duties" in the first sentence, and the words "at the rate provided in this section" in the second sentence are suspended indefinitely.

3. In § 907.100, paragraph (g) and the first sentence of paragraph (h) are revised to read as follows:

§ 907.100 Definitions.

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Newhall, Calif., except when specifically stated otherwise.

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Newhall. * * *

* * * * *

§ 907.101 [Amended]

4. Section 907.101 is amended to remove the words "117 West Ninth Street, Room 913, Los Angeles, CA 90015" and add in their place the words "25129 The Old Road, suite 300, Newhall, California, 91381".

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

Note: These amendments will appear in the Code of Federal Regulations.

§ 908.31 [Amended]

5. In § 908.31, the words ", which rate shall not exceed $25 per day or portion thereof spent in performing such duties" in the first sentence, and the words "at the rate provided in this section" in the second sentence are suspended indefinitely.

6. In § 908.100, paragraph (g) and the first sentence of paragraph (h) are revised to read as follows:

§ 908.100 Definitions.

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Newhall, Calif., except when specifically stated otherwise.

(h) The regular weekly meeting of the committee is held on Tuesday at the headquarters in Newhall. * * *

* * * * *

§ 908.101 [Amended]

7. Section 908.101 is amended to remove the words "117 West Ninth Street, room 913, Los Angeles, CA 90015" and add in their place the words "25129 The Old Road, Suite 300, Newhall, California, 91381".

Dated: June 3, 1993.

Eugene Branstool,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–14126 Filed 6–15–93; 8:45 am]

BILLING CODE 3410–02–M

FARM CREDIT ADMINISTRATION

12 CFR Part 620

RIN 3052–AB40

Disclosure to Shareholders

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final regulation under part 620 on May 12, 1993 (58 FR 27922). The final regulation amends 12 CFR part 620 to expand the options available to Farm Credit System institutions to comply with the requirements of the directors' certification pertaining to quarterly reports. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the Federal Register during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is June 17, 1993.

EFFECTIVE DATE: June 17, 1993.

FOR FURTHER INFORMATION CONTACT:

Tong-Ching Chang, Staff Accountant, Technical and Operations Division, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4483, TDD (703) 883–4444, or William L. Larsen, Senior Attorney, Regulatory Operations Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020

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

Date: June 10, 1993.

Curtis Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93–14168 Filed 6–15–93; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 27314]

RIN 2120–AE–49

Special Federal Aviation Regulation No. 64; Special Flight Authorizations for Noise Restricted Aircraft, Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; Correction.

SUMMARY: This action deletes the amendment number inadvertently used with SFAR 64 published on June 3, 1993; 58 FR 31640. SFAR No. 64 allows persons to bring a noise-restricted aircraft into the United States under certain conditions without requesting an exemption.

EFFECTIVE DATE: June 3, 1993.

FOR FURTHER INFORMATION CONTACT:

Ms. Laurette Fisher, Policy and Regulatory Division (AEE–300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone: (202) 267–3561.

SUPPLEMENTARY INFORMATION: The document was published June 3, 1993, 58 FR 31640. Please delete ", Amendment No. 91–232" from the heading in column one on page 31640.

Denise Castaldo,

Manager, Program Management Staff.

[FR Doc. 93–14144 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 260

[Release Nos. 33–7002, 39–2313; International Series Release No. 550]

RIN 3235–AC64

Multijurisdictional Disclosure; Eligibility of British Columbia Trustees and Exemption for British Columbia Trust Indentures From Specific Provisions of the Trust Indenture Act

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission ("Commission") today adopted an amendment to Rule 10a–5 under the Trust Indenture Act of 1939 ("Trust Indenture Act") to permit any person incorporated and regulated as a trust company under the laws of the province of British Columbia, who is authorized to exercise corporate trust powers and subject to federal supervision or examination under the laws of Canada, to act as sole trustee under indentures qualified or to be qualified under the Trust Indenture Act in connection with offerings under the Commission's multijurisdictional disclosure system with Canada.

In addition, the Commission today adopted an amendment to Rule 4d–9 under the Trust Indenture Act to exempt from the operation of specified provisions of the Trust Indenture Act trust indentures of British Columbia obligors filing registration statements in the United States under the multijurisdictional disclosure system.

EFFECTIVE DATE: June 16, 1993.

FOR FURTHER INFORMATION CONTACT:

Martin P. Dunn or Mark W. Green, (202) 272–2573, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission today adopted amendments to Rule 4d–9[1] and 10a–5[2] under the Trust Indenture Act.[3]

I. Executive Summary

In 1991, the Commission adopted rules implementing its multijurisdictional disclosure system with Canada ("MJDS").[4] Those rules generally provide an exemption from

[1] 17 CFR 260.4d–9.

[2] 17 CFR 260.10a–5.

[3] 15 U.S.C. 77aaa et seq.

[4] *See* Securities Act Release No. 6902 [56 FR 30036] (June 21, 1991).

the operation of specific provisions of the Trust Indenture Act (including the requirement for a United States institutional trustee) for trust indentures and trust companies subject to Canadian federal law and most Canadian provincial laws. Exemptive relief was not provided, however, for trust indentures or trust companies subject to British Columbia provincial law, because under the Company Act, R.S.B.C. 1979, c. 59 of British Columbia ("Company Act"), United States obligors who make offerings in British Columbia were precluded from using an indenture qualified only under the Trust Indenture Act.[5] Furthermore, because of the province's residency requirement, a United States institutional trustee ("United States trustee") was not permitted to act as sole trustee under an indenture.[6] Although British Columbia authorities advised that they would seek legislation to provide exemptive authority so that United States obligors could use trust indentures qualified under the Trust Indenture Act and appoint United States to act as sole indenture trustee, the timing of enactment of such legislation was not known at that time.[7] Rather than delay the implementation of MJDS until changes were made in British Columbia law, the Commission adopted Rules 4d–9 and 10a–5 under the Trust Indenture Act and excluded British Columbia obligors and trust companies.

After the adoption of Rules 4d–9 and 10a–5, the Company Act was amended to authorize the Superintendent of Brokers ("Superintendent"), appointed by the British Columbia Securities Commission, to exempt trust indentures from one or more provisions of the Company Act. Shortly thereafter, the Commission proposed that Rules 4d–9 and 10a–5 be amended to rescind the exclusion of British Columbia trust companies and trust indentures from exemptions presently available in MJDS offerings of debt securities.[8] The Superintendent has indicated that he will issue a "blanket order" exempting United States obligors from the requirements of the Company Act (including the residency requirements for institutional trustees) contemporaneously with the amendments to Rules 4d–9 and 10a–5 being adopted today.

[5] *Id.* at 71.

[6] *Id.* at 69–70.

[7] *Id.* at 71.

[8] *See*, Trust Indenture Act Release No. 2297 [57 FR 57713] (December 1, 1992) (the "Proposing Release"). No comments were received in response to the Proposing Release.

II. Discussion

The Commission today adopted amendments to Rules 4d–9 and 10a–5 under the Trust Indenture Act that rescind the exclusion of British Columbia trust companies and trust indentures from exemptions presently available in MJDS offerings of debt securities. Under the amended rules, a British Columbia obligor will be able to offer its debt securities pursuant to a trust indenture that complies with the Company Act. British Columbia obligors also will be permitted to appoint as sole trustee any trust company that is subject to supervision or examination under Trust Companies Act (Canada)[9] or the Canada Deposit Insurance Corporation.[10] Finally, any trust company incorporated and regulated under the Company Act that otherwise satisfies the requirements of Rule 10a–5(a)[11] will be eligible to act as sole trustee under a qualified indenture.

III. Effective Date

These amended rules shall be effective immediately upon publication in the **Federal Register**, in accordance with the Administrative Procedure Act, which allows effectiveness in less than 30 days after publication for a "substantive rule which grants or recognizes an exemption or relieves a restriction," 5 U.S.C. 553(d)(1).

IV Cost Benefit Analysis

No specific data was submitted in response to the Commission's invitation to provide information on the costs and benefits of the proposed amendments to Rules 4d–9 and 10a–5.

The rules provide an exemption from specified provisions of the Trust Indenture Act, and relate to a determination that British Columbia trust companies are eligible to act as sole trustees under qualified indentures, respectively. The benefit to British Columbia obligors and Canadian trustees (including British Columbia trust companies) of permitting appointment of trust companies subject to Canadian federal or provincial law for offerings made in the United States by British Columbia obligors, and exempting the trust indentures of such obligors from the operation of specified provisions of the Trust Indenture Act greatly outweighs any burden. The only entities eligible for exemption under the amended rules will be British Columbia obligors and Canadian trustees. Any impact on such entities would be minimal. The amended rules also benefit public security holders by facilitating the expansion of investment opportunities for United States citizens by removing barriers to public issuances of debt securities by British Columbia registrants in the United States.

[9] Trust Companies Act (Canada), R.S.C. 1985.

[10] Canada Deposit Insurance Corporation Act, R.S.C. 1985. III.

[11] 17 CFR 260.10a–5(a).

V. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act [5 U.S.C. 605(b)], at the time the Commission issued the Proposing Release the Chairman of the Commission certified that the amendments to Rule 4d–9 under section 304(d) of the Trust Indenture Act and Rule 10a–5 under section 310(a)(1) of the Trust Indenture Act will not have a significant impact on a substantial number of small entities. That certification, including the reasons therefor, was attached as Appendix A to the Proposing Release.

VI. Statutory Bases and Text of Adopted Regulations and Form

Rules 4d–9 and 10a–5 are amended pursuant to the authority of sections 304, 305, 307, 308, 310, 314, and 319 of the Trust Indenture Act of 1939, as amended [15 U.S.C. 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, and 77sss].

List of Subjects in 17 CFR Part 260

Reporting and recordkeeping requirements, Securities, Trusts and trustees.

Text of Regulations and Forms

In accordance with the foregoing, title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

1. The authority citation for part 260 continues to read as follows:

Authority: 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss, 78*ll*(d), 80b–3, 80b–4, and 80b–11.

2. In § 260.4d–9, amend the introductory text of paragraph (a) by removing the phrase "Subject to paragraph (b) of this section [17 CFR 260.4d–9], any" and adding in its place "Any"; in paragraph (a)(2) remove the word "or"; in paragraph (a)(3) remove the period and add "; or"; remove paragraph (b) and redesignate paragraphs (a) introductory text and (a)(1) through (a)(3) as the introductory text of the section and paragraphs (a) through (c); and add paragraph (d) to read as follows:

§ 260.4d–9 Exemption for Canadian trust indentures from specified provisions of the act.

* * * * *

(d) the Company Act, R.S.B.C. 1979, C. 59.

§ 260.10a–5 [Amended]

3. In § 260.10a–5, amend paragraph (a) by removing the phrase "paragraphs (b), (c), and (d)" and add in its place "paragraph (b)"; remove paragraphs (b) and (c) and redesignate paragraph (d) as paragraph (b).

Dated: June 10, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–14120 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD9–93–20]

Drawbridge Operation Regulations, Chicago River, IL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation.

SUMMARY: The Coast Guard is hereby providing notice that the City of Chicago has been granted permission to temporarily deviate from regulations governing the opening of certain drawbridges over the Chicago River, from June 1 to July 31, 1993, for the purpose of evaluating the reasonableness of possible changes to the permanent regulations. This deviation reduces the periods during which the City must open the draws for recreational vessels, requires the vessels to give advance notice, and requires vessels leaving the boatyards from winter storage to pass through the draws in organized flotillas. Boats returning to the boatyards for necessary repairs and service during the period of this deviation shall be passed through the draws of the bridges during the designated days and times. Boats returning for repairs shall be passed through the bridges without regard as to a minimum number of boats.

EFFECTIVE DATE: The period of deviation is from Tuesday, June 1, 1993, to Saturday, July 31, 1993.

ADDRESSES: Comments may be sent to Robert W. Bloom, Jr., Bridge Program Manager, Ninth Coast Guard District, room 2083D, 1240 East Ninth Street, Cleveland, Ohio 44199–2060, telephone (216) 522–3993.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Bridge Program Manager, Ninth Coast Guard District, room 2083D, 1240 East Ninth Street, Cleveland, Ohio 44199–2060, telephone (216) 522–3993.

SUPPLEMENTARY INFORMATION: The Coast Guard granted a temporary deviation to the regulations for bridges owned and operated by the City of Chicago presently governed in accordance with 33 CFR 117.391 which allows the City to not open the draws during peak vehicle traffic periods during the morning and afternoon rush hours. In addition, certain bridges need not open unless notice is given in advance of a vessel's time of intended passage through the draws. The boat yards that are located on the North and South Branches of the Chicago River are faced with two critical periods when there are as many as five to twenty-five boats leaving the Chicago River System on given days in the spring and returning in the fall. The City originally requested that multiple boat transits be restricted to only Saturday and Sunday mornings, unless there is a special event on these days, at which time a bridge may not be required to open for vessel traffic to pass. In addition, the City submits that it is unduly burdensome to open the bridges for the passage of single recreational vessels within the Chicago River System. This temporary period of deviation is being granted to the City of Chicago in order to evaluate the reasonableness of possible changes to the permanent regulations. In addition, the Tuesday and Thursday starting time for the flotillas to begin their trips to Lake Michigan has been changed and a Wednesday opening has been added. This deviation is intended to best accommodate the City of Chicago while still providing for the reasonable needs of recreational vessels transiting the Chicago River System.

On Wednesday, May 12, 1993, the Coast Guard published a temporary deviation in the **Federal Register**, FR 27933 and 27934, granting the City of Chicago permission to open their bridges from 6 a.m. on Saturdays through 7 p.m. on Sundays for the passage of organized flotillas consisting of no less than five and not more than twenty-five vessels; on Tuesdays and Thursdays the draws were required to open for the passage of organized flotillas consisting of no less than five and not more than twenty-five vessels, from 6:30 p.m. until all organized flotillas have safely completed passage. This deviation will change the starting time from 6:30 p.m. to 6 p.m. on Tuesdays and Thursdays and add Wednesdays to the 6 p.m. starting time for the passage of recreational boat flotillas. The new starting time of 6 p.m., combined with late sunsets, will provide recreational vessels with more daylight hours to navigate the river. The times for the Saturday and Sunday transits have not been changed.

There were 69 comments received as a result of the temporary deviation published in the **Federal Register**, Docket Number (CGD9–93–08). Of these 69 comments; 32 were concerned with the safety of vessels navigating at night and the number of vessels required to transit through the Chicago River System during the late hours; 52 comments were totally opposed to the deviation; 60 comments requested that the deviation be rescinded; 51 thought a public hearing should have been held prior to the granting of the deviation; 18 comments were concerned with the length of time it takes to transit the Chicago River System into Lake Michigan; 22 comments were concerned with the reliability of the bridges and their operators; 6 comments were not opposed to the deviation but would like to have regulations less restrictive; 6 comments wanted more day openings.

The City of Chicago has agreed to add an additional day during the week, Wednesdays, and has adjusted the starting time of the flotillas to begin one-half hour earlier during the weekday openings. In addition, the City has attempted to shorten the length of time it takes for flotillas transiting the river. When the organized trips began, the average time it took for vessels to get out into Lake Michigan was 6 to 9 hours. The City has strived to improve the reliability of the bridges to open in a timely manner and has been able to get the flotillas through the bridges in a little more than three hours.

Traditionally, the Coast Guard has sought to avoid regulations which specify the type and number of vessels entitled to demand an opening. However, it appears that this may be a case in which such a regulatory structure is appropriate, and this deviation is intended to provide an evaluation period which will provide the Coast Guard a valuable test of the reasonableness of such a regulatory structure.

Request for Comments

The Coast Guard encourages interested persons to participate in this evaluation of possible changes to the regulations governing bridges operated by the City of Chicago by submitting written data, views, or arguments to the

address above. Persons submitting comments should include their name and address, identify this docket number (CGD9–93–20) and specific provisions to which each comment applies, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. At such time as it appears appropriate to propose a permanent change to the regulations, the Coast Guard plans to publish a notice of proposed rulemaking which will again request comments, and which will state a different period for the consideration of comments for those proposed regulations.

Notice

Notice is hereby given that:

1. The Coast Guard has granted the City of Chicago, Department of Transportation, a temporary deviation from the operating requirements at 33 CFR 117.391 governing certain bridges owned by the City of Chicago over the Chicago River, as follows:

Main Branch

Lake Shore Drive
Columbus Drive
Michigan Avenue
Wabash Avenue
State Street
Dearborn Street
Clark Street
La Salle Street
Wells Street
Franklin-Orleans Street

South Branch

Lake Street
Randolph Street
Washington Street
Madison Avenue
Monroe Street
Adams Street
Jackson Boulevard
Van Buren Street
Eisenhower Expressway
Harrison Street
Roosevelt Road
18th Street
Canal Street
South Halsted Street
South Loomis Street
South Ashland Avenue

North Branch

Grand Avenue
Ohio Street
Chicago Avenue
North Halsted Street

2. This deviation from normal operating regulations is authorized in accordance with the provisions of title 33 of the Code of Federal Regulations, § 117.43, for the purpose of evaluating possible changes to the permanent regulations. This temporary deviation applies only to the passage of recreational vessels. Under this deviation the bridges listed above operated by the City of Chicago need not open for the passage of recreational vessels unless the City of Chicago receives a twenty-four hour advance notice for passage, and need not open for recreational vessels except during the following periods, subject to the conditions indicated:

a. From 6 a.m. on Saturdays through 7 p.m. on Sundays, the draws shall open for the passage of organized outbound flotillas consisting of no less than five and not more than twenty-five vessels.

b. On Tuesdays, Wednesdays, and Thursdays the draws shall open for the passage of organized outbound flotillas consisting of no less than five and not more than twenty-five vessels, from 6:00 p.m. until all organized flotillas have safely completed passage.

c. Vessels returning to the boatyards for necessary repairs and service shall give advance notice and be passed through the draws of the bridges. However, there shall be no established minimum for the number of boats inbound or outbound for these trips.

3. Notwithstanding this deviation, the City of Chicago, after receiving notice twenty-four hours in advance of the intended passage of the flotilla through the draws of the bridges, shall ensure that:

a. The necessary bridgetenders are provided for the safe and prompt opening of the draws;

b. The operating machinery of each draw is maintained in a serviceable condition; and

c. The draws are operated at sufficient intervals to assure their satisfactory operation.

4. The Kinzie Street bridge, mile 1.81 across the North Branch, and Cermak Road bridge, mile 4.05 across the South Branch, shall continue to operate in accordance with requirements presently established in 33 CFR 117.391.

5. All draws shall open for commercial vessels in accordance with current regulations in 33 CFR 117.391. In accordance with current regulations, including 33 CFR 117.391, government vessels of the United States, state and local vessels used for public safety, and vessels in distress shall be passed through the draws of all bridges as soon as possible at all times.

6. This period of deviation is effective from the beginning of Tuesday, June 1, 1993, to the beginning of Saturday, July 31, 1993.

(Authority: P.L. 102–241; 105 Stat. 208)

Dated: May 27, 1993.

G.A. Penington,

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

[FR Doc. 93–14067 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4–2–5364; FRL 4659–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; RACT for VOC From Pharmaceutical Tablet Coating Facilities in the City of Philadelphia

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Pennsylvania Department of Environmental Resources (PADER), at the request of the Philadelphia Air Management Service (AMS), to revise the Philadelphia portion of the S.E. Pennsylvania ozone SIP. This revision establishes reasonably available control technology (RACT) measures to reduce volatile organic compound (VOC) emissions from pharmaceutical tablet coating facilities located in the City of Philadelphia. The intended effect of this action is to approve a VOC RACT regulation adopted by Philadelphia AMS to fulfill commitments made in the Pennsylvania SIP in accordance with section 110 and subchapter I, part D of the Clean Air Act Amendments of 1990 (CAAA or the Act) 42 U.S.C. 7410.

EFFECTIVE DATE: This action will become effective August 16, 1993 unless notice is received on or before July 16, 1993 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401

M Street, SW., Washington, DC 20460; Commonwealth of Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, P.O. Box 8468, Market Street Office Building, 12th floor, Harrisburg, PA 17105–8468; and the City of Philadelphia, Department of Public Health, Air Management Services, 321 University Avenue, Spelman Building, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Lewis at: (215) 597–6863.

SUPPLEMENTARY INFORMATION: On February 23, 1987, at the request of AMS, PADER submitted revisions which proposed to amend the Philadelphia portion of the Pennsylvania ozone SIP. These revisions amend AMS's Regulation V by adding new definitions to Section I pertaining to pharmaceutical tablet coating, and by adding a new section XII and compliance guidelines, both entitled "Pharmaceutical Tablet Coating." AMS incorporated the recordkeeping and reporting requirements into the compliance guidelines on February 29, 1988, and submitted them to EPA as an addendum to the SIP submittal.

On May 26, 1988, EPA notified the Governor of Pennsylvania that the Philadelphia portion of the SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient RACT rules for ozone and establish a deadline of May 15, 1991 for States to submit corrections of those deficiencies.

Although this submittal preceded the date of enactment of the Act [1], it serves to fulfill part of the "RACT fix-up" requirements of amended section 182(a)(2)(A) of the Act, 42 U.S.C. 7511(a)(2)(A) for the Philadelphia nonattainment area. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet that RACT Fix-up requirement. Under section 182(a)(2)(A) of the Act, 42 U.S.C. 7511(a)(2)(A), States were required by May 15, 1991, to correct RACT as it was required under pre-amended section 172(b) of the Act, 42 U.S.C. 7502(b) as that requirement was interpreted in pre-amendment guidance.[2] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Southeastern Pennsylvania (Philadelphia) area is classified as severe.[3] Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

In addition to the regulations for pharmaceutical tablet coating, the PADER's February 23, 1987 submittal included regulations for petroleum solvent dry cleaning, compliance with Pennsylvania standards for VOC and a revised definition of VOC. Only the portion of the February 23, 1987 SIP revision submittal pertaining to pharmaceutical tablet coating is being addressed by this rulemaking action.

Summary of SIP Revision

This revision adds a new Section XII, "Pharmaceutical Tablet Coating," to AMS Regulation V, "Control of Emissions of Organic Substances From Stationary Sources." This regulation was developed to impose RACT on pharmaceutical tablet coating sources whose actual emissions are greater than 50 tons/year of VOCs or that have the potential to emit greater than 33 lb/day of VOCs. Section XII requires affected facilities to achieve 90% overall reduction of VOC emissions by use of carbon adsorption or incineration if the subject source's daily VOC emissions exceed 330 lb/day. The regulation also requires the use of a carbon adsorption system or incinerator if a subject source's VOC emissions fall below 330 lb/day to reduce emissions to 33 lb/day. The compliance guidelines submitted to accompany section XII require daily records of consumption, purchasing and inventory be kept and retained for at least two years in order to determine compliance with section XII.

Further details are contained in the Technical Support Document (TSD) prepared to accompany this action. Copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this notice.

EPA has reviewed this SIP submittal and has determined that it constitutes RACT for this source category. EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days from the date of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establish a comment period. If no such comments are received, the public is advised that this action will be effective on August 16, 1993.

Final Action

EPA is approving a revision to the Philadelphia portion of the Pennsylvania ozone SIP, submitted on February 23, 1987 by PADER. This revision consists of amendments to Regulation V, Section I, "Definitions," and Section XII, "Pharmaceutical Tablet Coating" and Compliance Guidelines to accompany Regulation V, Section XII.

The Agency has reviewed this request for revision of the federally-approved State Implementation Plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

[1] Pub. L. 101–549, 104 Stat. 2399 (1990).

[2] Among other things, the pre-amendment guidance consists of (a) the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); (b) the "Blue Book", "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register" (of which notice of availability was published in the **Federal Register** on May 25, 1988); (c) the existing Control Technology Guidelines (CTG's).

[3] The City of Philadelphia retained its designation of nonattainment and was classified by operation of law pursuant to section 107(d) and 181(a) of the Act, 42 U.S.C. 7407 & 7511, upon enactment of the Amendments. 56 FR 56694 (November 6, 1991).

SIP approvals under Section 110 and subchapter I, and Part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action approving Philadelphia revisions to the portion of the Pennsylvania SIP, consisting of amendments to Sections I, and XII of Regulation V, "Control Of Emissions Of Organic Substances From Stationary Sources," and the associated compliance guidelines, must be filed in the United States Court of Appeals for the appropriate circuit August 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (Section 307(b)(2) of the Act, 42 U.S.C. 7607(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by Reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 11, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

Part 52 chapter I, title 40 of the Code of Federal Regulations is to be amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(82) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(82) Revision to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987 at the request of Philadelphia Air Management Services.

(i) *Incorporated by reference.* (A) Letter from the Pennsylvania Department of Environmental Resources dated February 23, 1987 submitting a revision to the Philadelphia portion of the Pennsylvania Ozone State Implementation Plan effective November 28, 1986.

(B) Regulation V, Section I, "Definitions" for the term Pharmaceutical Tablet Coating; and Section XII, "Pharmaceutical Tablet Coating" only.

(C) Compliance Guidelines for Air Management Regulation V, "Control of Emissions of Organic Substances from Stationary Sources," Section XII: "Pharmaceutical Tablet Coating," effective November 28, 1986, (containing amendments and revisions through February 29, 1988).

[FR Doc. 93–14140 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[CA–14–12–5771; FRL 4657–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District; San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing a limited approval and a limited disapproval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on September 17, 1992. The revisions concern rules from the following local agencies: Bay Area Air Quality Management District (BAAQMD), and San Diego County Air Pollution Control District (SDCAPCD). This final action will incorporate these rules into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended (CAA or the Act). The revised rules control VOC emissions from pressure relief valves at petroleum refineries and chemical plants, and from polyester resin operations.

EFFECTIVE DATE: This action is effective July 16, 1993.

ADDRESSES: Copies of these rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX 75 Hawthorne Street, San Francisco, CA 94105.

Jerry Kurtzweg ANR–443, Environmental Protection Agency, 401 "M" Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation, 2020 L Street, Sacramento, CA 95814.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1187.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 1992 in 57 FR 42913, EPA proposed granting limited approval and limited disapproval of the following rules into the California SIP: BAAQMD Rule 8–28, Pressure Relief Valves at Petroleum Refineries and Chemical Plants and SDCAPCD Rule 67.12, Polyester Resin Operations. Rule 8–28 was adopted by BAAQMD on September 6, 1989. This rule was submitted by the California Air Resources Board (CARB) to EPA on December 31, 1990. Rule 67.12 was adopted by SDCAPCD on December 4, 1990. This rule was submitted by CARB to EPA on April 5, 1991. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their

Reasonably Available Control Technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amended Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the above-referenced notice of proposed rulemaking (NPR).

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in 57 FR 42913. EPA is today finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval thereby requiring correction of the remaining deficiencies. A detailed discussion of the rule provisions and evaluations has been provided in 57 FR 42913 and in technical support documents (TSDs) available at EPA's Region IX office (TSD for BAAQMD Rule 8–28 and TSD for SDCAPCD Rule 67.12 both dated January 8, 1992.)

Response to Public Comments

A 30-day public comment period was provided in 57 FR 42913. EPA received one comment letter from BAAQMD on the NPR. The comment has been evaluated by EPA and a summary of the comment and EPA's response are set forth below.

Comment: BAAQMD does not agree that the elements of this rule identified by the EPA as constituting policy deficiencies are, in fact, deficiencies. The District suggests that the CTG *EPA–450/3–83–006: Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical and Polymer Manufacturing Equipment* was misapplied by the EPA; that the recent EPA regulatory negotiation for fugitive emissions from synthetic organic chemical and polymer manufacturing equipment (SOCMI) excluded the petroleum refining industry and that "therefore, it is inconsistent for EPA Region 9 to extend the requirement of this CTG for chemical plants to include petroleum refining industry when the EPA regulatory negotiation participants consider the two industries to be significantly different." For this reason, BAAQMD requests an approval rather than the proposed simultaneous limited approval and limited disapproval.

Response: Because Rule 8–28 contains Appendix D/RACT deficiencies related to test method references and recordkeeping requirements, it is not approvable as submitted. EPA considers the old petroleum refinery CTG, which predates the research used for New Source Performance Standards for the petroleum refining industry and for the CTG *EPA–450/3–83–006: Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical and Polymer Manufacturing Equipment*, as technologically inadequate. EPA believes that the SOCMI CTG can represent RACT for petroleum refineries. In addition, the decision in the December 1992 Regulatory Negotiation to exclude the petroleum refining industry was specifically with respect to MACT standards for toxics as opposed to VOC rules. Therefore, applying the SOCMI CTG to a VOC rule for petroleum refineries does not involve EPA in any inconsistencies. And finally, several districts have refinery rules which are as stringent as, or more stringent than, the SOCMI CTG. Therefore the SOCMI CTG can be thought of as representing control technology that is available and currently in use at petroleum refineries.

EPA Action

EPA is today finalizing a limited approval and a limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is granting limited approval of these rules under section 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of Part D of the Act. The sanctions schedule pursuant to section 179 will be triggered upon publication of this NFR. The 18-month period referred to in section 179(a) and the 24-month period referred to in section 110(c) will begin July 16, 1993. A detailed discussion of the procedures that will be followed pursuant to section 179 can be found in the above-referenced NPR. It should be noted that the rules covered by this NFR have been adopted by BAAQMD and SDCAPCD and are currently in effect in the San Francisco-Bay Area and in San Diego County. EPA's limited disapproval action in this NFR does not prevent EPA, BAAQMD, and SDCAPCD from fully enforcing these rules.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1993. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these rules for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rules or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 29, 1993.

John C. Wise,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended to read as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (182)(i)(B)(*2*) and (183)(i)(A)(*7*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(182) * * *

(i) * * *

(B) * * *

(*2*) Amended Rule 8–28, Adopted September 6, 1989.

* * * * *

(183) * * *

(i) * * *

(A) * * *

(*7*) New Rule 67.12, Adopted December 4, 1990.

* * * * *

[FR Doc. 93–14141 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 12–13–5757; FRL–4657–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District, and San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking (NFR).

SUMMARY: EPA is finalizing a limited approval and a limited disapproval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on December 24, 1991. The revisions concern rules from the Placer County Air Pollution Control District (PCAPCD) and the San Diego County Air Pollution Control District (SDCAPCD). This final action will incorporate PCAPCD Rules 410, and 223, and SDCAPCD Rule 67.4 into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended (CAA or the Act). These rules control VOC emissions from can and coil operations (PCAPCD Rule 223, SDCAPCD Rule 67.4), and provide recordkeeping requirements for VOC emissions from various sources (PCAPCD Rule 410).

EFFECTIVE DATE: This action is effective July 16, 1993.

ADDRESSES: Copies of the rule revisions for Rule 223, Rule 67.4, new Rule 410, and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Rulemaking Section II (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Jerry Kurtzweg ANR–443, 401 "M" Street SW., Washington, DC 20460.

Placer County Air Pollution Control District, 11464 B Avenue, Auburn, CA 95603.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

FOR FURTHER INFORMATION CONTACT: Chris Stamos, Rulemaking Section II A–5–3, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 44–1187.

SUPPLEMENTARY INFORMATION:

Background

On December 24, 1991 in 56 FR 66612, EPA proposed granting limited approval and limited disapproval of the following rules into the California SIP: PCAPCD Rule 223—Can and Coil Coating Operations and Rule 410—Recordkeeping for Volatile Organic Compound Emissions; SDCAPCD Rule 67.4, Metal Container, Metal Closure, and Metal Coil Operations. Rules 410 and 223 were adopted by the PCAPCD on September 25, 1990 and Rule 67.4 was adopted by SDCAPCD on July 3, 1990. These rules were submitted by the California Air Resources Board (CARB) to EPA on April 5, 1991. These rules were submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their Reasonably Available Control Technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the above-referenced notice of proposed rulemaking.

EPA has evaluated the above rules for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in 56 FR 66612. EPA is today finalizing the limited approval of these rules in order to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. A detailed discussion of these rule provisions and evaluations has been provided in 56 FR 66612 and in technical support documents (TSDs) available at EPA's Region IX office (TSD for PCAPCD Rule 410, TSD for PCAPCD Rule 223, and TSD for SDCAPCD Rule 67.4, all dated November 20, 1991).

Response to Public Comments

A 30-day public comment period was provided in 56 FR 66612. EPA received two comment letters on the notice of proposed rulemaking for SDCAPCD Rule 67.4 from Richard Smith, Deputy Director of the SDCAPCD, and Mark Johnson of NAPP Systems, Inc. The comments on SDCAPCD Rule 67.4 have been evaluated by EPA and a summary of the comments and EPA's responses are set forth below.

Comment: SDCAPCD commented that submitted Rule 67.4 was originally revised and adopted with input from EPA, but that EPA's comments on the rule during public workshops and hearings never mentioned the deficiencies that are now being cited as the reason for a limited disapproval. SDCAPCD believes that Rule 67.4 should be approved because the district revised the rule according to EPA's comments and no other deficiencies in the rule were cited by EPA at the time the rule was adopted. The district also believes that they should not be required to expend the time and cost of revising the rule as a result of EPA's original failure to identify all rule deficiencies. The district would like to wait and correct the deficiencies when the rule is next amended to meet State requirements.

Response: EPA regrets that not all of the deficiencies in the rule were noted by EPA at the time that the district revised the rule, and that revising the rule again may be a burden to the district. However, the primary responsibility for identifying rule deficiencies is with the district, and EPA's failure to identify all rule deficiencies during the local public workshops and hearings for the rule does not excuse compliance with CAA requirements. EPA believes that the CAA allows the district adequate time to revise the rule before sanctions would be required.

Comment: Mr. Mark Johnson, Manager of the Environmental Compliance and Safety Branch at NAPP Systems, Inc. argues that the allowance of non-specified test methods in Rule 67.4 is necessary and should not be disallowed or considered a deficiency in the rule. He argues that without the assurance of a precise and accurate test

method for determining volatile organic compound (VOC) content of products used in coil coating operations, NAPP and companies like it "could potentially be exposed to adverse enforcement actions with severe economical repercussions." It is NAPP's position that EPA's standard test methods for the determination of VOC, Test Methods 24 and 24A, are not applicable for multi-component, water reducible, monomeric resins and that it would be arbitrary for the EPA to require all coating materials to be screened by these two standard methods. NAPP also contends that EPA's categorization of Rule 67.4 as deficient because it allows non-specified test methods for VOC determination of coatings, fails to recognize that EPA's standard test methods are unsuitable for certain coatings.

Response: It is EPA's position that for determination of VOC content in coatings and inks, EPA Test Method 24 should be used. However, if it can be adequately demonstrated to EPA that the use of RM24 is not appropriate for certain types of coatings or inks, EPA may consider on a case-by-case basis any proposed modifications or new methods to be used for determination of VOC content. As written, Rule 67.4 precludes any review or decision on proposed modifications or new methods by EPA because in 67.4 test method approval is solely at the discretion of the Air Pollution Control Officer (APCO). Therefore, for reasons set forth in the proposed action, EPA still considers the allowance of APCO discretion for approval of equivalent methods to be a rule deficiency requiring correction.

EPA Action

EPA is today finalizing a limited approval and a limited disapproval of the above-referenced rules. The limited approval of these rules is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is granting limited approval of these rules under section 110(k)(3) and 301(a) of the CAA. This action approves the rules into the SIP as federally enforceable rules.

At the same time, EPA is finalizing the limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of part D of the Act. The sanctions schedule pursuant to section 179 will be triggered upon publication of this NFR. The 18 month period referred to in section 179(a) and the 24 month period referred to in section 110(c) will begin July 16, 1993, the effective date of this action. A detailed discussion of the procedures that will be followed pursuant to section 179 can be found in the above-referenced NPR. It should be noted that the rules covered by this NFR have been adopted by PCAPCD and by SDCAPCD and are currently in effect in the PCAPCD and in the SDCAPCD. EPA's limited disapproval action in this NFR does not prevent EPA, Placer County, or San Diego County from enforcing these rules.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend publication). Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and record-keeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 27, 1993.

John C. Wise,

Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, Part 52 is amended to read as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (183)(i)(A)(*5*), (183)(i)(C)(*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(A) * * *

(*5*) Amended Rule 67.4, adopted July 3, 1990.

(C) * * *

(*3*) New Rule 410 and Amended Rule 223, adopted on September 25, 1990.

* * * * *

[FR Doc. 93–14136 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[PA–15–2–5570; FRL–4659–8]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania Group III CTG: RACT for VOC Emissions From Synthetic Organic Chemical Manufacturing Industries (SOCMI) Air Oxidation Processes—Aristech Chemical Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a request from the Pennsylvania Department of Environmental Resources (PADER) to revise the Allegheny County portion of the Commonwealth of Pennsylvania State Implementation Plan (SIP). This revision consists of an installation permit which defines and imposes

reasonable available control technology (RACT) to control volatile organic compound (VOC) emissions from air oxidation processes at the Aristech Chemical Corporation plant on Neville Island, Pennsylvania. This source-specific revision has been submitted by PADER, at the request of the Allegheny County Bureau of Air Pollution Control, to fulfill requirements of the Pennsylvania SIP. The intended effect of this action is to approve RACT for VOC emissions from the Aristech Chemical Corporation. This action is being taken under section 110 and part D of the Clean Air Act (CAA) 42 U.S.C. 7401 *et seq.*

EFFECTIVE DATE: This action will become effective August 16, 1993 unless notice is received on or before July 16, 1993 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division; U.S. Environmental Protection Agency; Region III; 841 Chestnut Building; Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, Market Street Office Building, 12th Floor, P.O. Box 8468, Harrisburg, Pennsylvania 17120–8468; and Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline R. Lewis, (215) 597–6863.

SUPPLEMENTARY INFORMATION: On September 12, 1978 EPA promulgated a list of ozone nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA or pre-amended Act) that included the Southwest Pennsylvania Intrastate Air Quality Control Region (AQCR) in the Commonwealth of Pennsylvania. Allegheny County is in this AQCR 43 FR 40513, 40 CFR 81.339. Because Allegheny and other counties were unable to reach attainment by the statutory attainment date of December 31, 1982, Pennsylvania requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.2022. The Pittsburgh-Beaver Valley metropolitan area, containing Allegheny County, did not attain the ozone standard by the approved attainment date. To fulfill the requirements of section 172 (a)(2) and (b)(3) of the 1977 CAA and its 1982 SIP, PADER submitted a revision to the Allegheny County portion of the Pennsylvania ozone SIP to EPA on July 13, 1987.

On May 26, 1988, EPA notified the Governor of Pennsylvania that the Pittsburgh-Beaver Valley portion of the SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q (the 1990 Amendments). In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient RACT rules for ozone and establish a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

In addition, although the July 13, 1987 SIP revision preceded the date of enactment of the 1990 Amendments, it serves to fulfill part of the "RACT fix-up" requirement of section 182(a)(2)(A) of the amended Act for the Pittsburgh-Beaver Valley nonattainment area. Areas designated nonattainment before enactment of the 1990 Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet that RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT. RACT fix-ups were also required under pre-amended section 172(b) as that requirement was interpreted in pre-amended guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Pittsburgh-Beaver Valley nonattainment area is classified as moderate, and is, therefore, subject to the RACT fix-up requirement.[2]

[1] Among other things, the pre-amendment guidance consists of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the "Bluebook," "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (of which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTGs.

[2] The Pittsburgh-Beaver Valley area retained its designation and was classified by operation of law pursuant to sections 107(d) and 181(a) of the CAA upon the date of enactment of the 1990 Amendments. See 56 FR 56694 (Nov. 6, 1991).

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the CAA and specify the presumptive norms for what is RACT for specific source categories. Under the Amendments, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to Allegheny County's SIP revision is entitled, "Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry" (SOCMI) (EPA 450/3–84–015, published December 1984).

Further interpretations of EPA policy are found in the "Bluebook." In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

This source-specific SIP revision establishes and imposes RACT for the control of VOC emissions from air oxidation processes at the Aristech Chemical Corporation, adopted in accordance with the recommendations made in the SOCMI CTG. EPA has determined that the requirement imposed in Aristech's permit are consistent with the recommendations made in the SOCMI CTG. The July 13, 1987 SIP revision also included the addition of section 534, "Synthetic Organic Chemical and Polymer Manufacturing Industry—Fugitive Sources," and section 605 I, referencing the test method required to determine compliance with section 534. Only the portion of the July 13, 1987, SIP revision submittal pertaining to the control of VOC emissions from air oxidation processes at the Aristech Chemical Corporation is addressed by this rulemaking action and notice. The remaining amendments are the subject of a separate rulemaking action.

Summary of SIP Revision

On August 28, 1986, the Allegheny County Health Department imposed an installation permit (86–I–0024–P) to the Aristech Chemical Corporation Plant, formerly the USX Corporation, Neville Island, Pennsylvania, for the modification of an existing phthalic anhydride fume incinerator to treat tail gases containing carbon monoxide and residual butane from two maleic anhydride reactor trains. Subsequently, the permit was revised on March 3, 1987, to reflect current EPA policy.

The Aristech permit standards specify that the maleic anhydride process off-

gas incineration destruction of organic chemical components must be at least 98%, and for carbon monoxide at least 93.5%. As an alternative to meeting a 98% VOC destruction efficiency, equivalent RACT of at least 1600 degrees fahrenheit incinerator temperature and at least 0.75 seconds residence time must be demonstrated and maintained.

Consistent with the recommendations of the SOCMI CTG, if a total resource effectiveness (TRE) index value greater than 1.0 is demonstrated (using the calculation procedures of the CTG), then the 98% VOC emission reduction requirement would not apply to these streams.

EPA has reviewed this SIP submittal and has determined that it constitutes RACT for the Aristech Chemical Corporation SOCMI-Air Oxidation processes on Neville Island. EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days from the date of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establish a comment period. If no such comments are received, the public is advised that this action will be effective on August 16, 1993.

Final Action

EPA is approving this source-specific revision to the Allegheny County portion of the Pennsylvania SIP submitted on July 13, 1987. This source-specific SIP revision consists of the RACT requirements imposed in an installation permit to control VOC emissions from air oxidation processes at the Aristech Chemical Corporation plant on Neville Island, Pennsylvania.

The Agency has reviewed this request for revision of the federally-approved State Implementation Plan for conformance with the provisions of the 1990 amendments. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, and part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected.

Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, approving a revision to the Allegheny County portion of the Pennsylvania SIP, consisting of the addition of an installation permit (86–I–0024–P) to impose RACT for VOC emissions from the air oxidation processes at the Aristech Chemical Corporation plant on Neville Island, must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: May 18, 1993.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

Part 52 chapter I, title 40 of the Code of Federal Regulations to be amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(80) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(80) Revision to the Allegheny County portion of the Pennsylvania State Implementation Plan submitted on July 13, 1987, which consists of the addition of an installation permit (86–I–0024–P) which defines and imposes RACT to control VOC emissions from air oxidation processes at the Aristech Chemical Corporation plant on Neville Island.

(i) Incorporation by reference.

(A) A letter from the Pennsylvania Department of Environmental Resources dated July 13, 1987, submitting revisions to the Allegheny County portion of the Pennsylvania ozone State Implementation Plan.

(B) The original permit (86–I–0024–P), issued and effective August 28, 1986, and the modification and amendments to the original permit, issued and effective March 3, 1987.

[FR Doc. 93–14138 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[A-1-FRL-PA4-3-5365; FRL-Y663-3]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Emissions of Volatile Organic Compounds From Stationary Sources in Philadelphia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania Department of Environmental Resources (PADER) at the request of the Philadelphia Air Management Services (AMS). These revisions amend Air Management Regulation V Section I, by adding the new definition of volatile organic compound (VOC) as defined in 25 Pa Code § 121.1 of the Pennsylvania Air Pollution Control Regulations. These revisions also amend Regulation V by adding Section X entitled, "Compliance with Pennsylvania Standards for Volatile Organic Compounds." The intended effect of this action is to approve Philadelphia's revised definition of VOC and its new Section X of Regulation V. This action is being taken in accordance with section 110 and part D of the Clean Air Act (CAA), as amended, 42 U.S.C. 7410.

EFFECTIVE DATE: This action will become effective August 16, 1993 unless notice is received on or before July 16, 1993 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; Commonwealth of Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, Harrisburg, PA 17105-8468; Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Aquanttta Dickens, (215) 597-4554.

SUPPLEMENTARY INFORMATION: On February 23, 1987, the Commonwealth of Pennsylvania on behalf of the City of Philadelphia's Air Management Services (AMS), submitted a formal revision to its SIP. The SIP revision amends the definition of VOC, and adds Section X, "Compliance with Pennsylvania Standard for Volatile Organic Compounds" in Air Management Services Regulation V, "Control of Emission of Organic Substances from Stationary Sources." The February 23 submittal also includes new definitions pertaining to Petroleum Solvents, Petroleum Solvent Dry Cleaning, Pharmaceutical Tablet Coating, Section XI entitled, "Petroleum Solvent Dry Cleaning," and Section XII entitled, "Pharmaceutical Tablet Coating."

Only the portion of the February 23 SIP submittal pertaining to the definition of VOC and Section X revision to Regulation V are addressed by this rulemaking and notice. The remaining portions of the SIP submittal are the subjects of separate rulemaking actions and notices.

Background

On May 26, 1988, EPA issued a SIP call letter to Pennsylvania notifying the Commonwealth that its SIP was substantially inadequate to achieve the National Ambient Air Quality Standard for ozone in Philadelphia. In a June 14, 1988 follow-up letter, EPA notified Philadelphia of deficiencies in its VOC regulations which needed to be corrected in order to make the regulations consistent with EPA policy and guidance. A SIP call letter is a finding made by EPA that the SIP does not provide for attainment by the required date, (section 110(a)(2)(H) of the Act, as amended, 42 U.S.C. 7410(a)(2)(H); 42 U.S.C. 7410 (A)(K)(5)). Although this submittal preceded the date of enactment of the Clean Air Act Amendments of 1990, the changes to the regulation submitted on February 23, 1987 satisfies the deficiencies cited in the June 14, 1988 SIP call letter. The revision consists of changes to Air Management Regulation V, "Control of Emissions of Organic Substance from Stationary Sources."

Summary of SIP Revision

Section I. Definitions—Volatile Organic Compounds (VOCs)

The amendment adds a new definition of VOCs which was revised to reflect the Pennsylvania Air Pollution Control Regulations, defined in 25 Pa Code § 121.1. The revised definition deletes vapor pressure as a criterion for determining whether an organic compound is a VOC, and adds the requirement that any organic compound which participates in atmospheric photochemical reactions is a VOC.

Section X. Compliance With Pennsylvania Standards for VOCs

The amendment adds a new Section X, subsection A which requires sources that emit VOCs to comply with the standards in Chapter 129 of the Pennsylvania Air Pollution Control Regulations, in addition to its Regulation V requirements.

B. A source may be determined in compliance with Chapter 129 of the Pennsylvania Air Pollution Control Regulations provided that the Pennsylvania VOC standard reflects reasonable available control technology (RACT) and has been incorporated into the SIP. Subsection B is applicable to sources that are subject to dual compliance under Section VI and VII of Regulation V of Philadelphia's regulations and Chapter 129 of Pennsylvania's regulations.

C. Under subsection C, if a source is subject to Section VI or VII of Air Management Regulation V and would be regulated under Chapter 129 of Pennsylvania's regulation, but has been considered exempt because its emissions are below the applicability threshold in the Pennsylvania regulation, the owner or operator of that source can petition the AMS for a waiver of the applicability limit of Section VI or VII of its Regulation V. The source may then request an application of the Pennsylvania VOC standard in lieu of Regulation V. If approved, the source will be subject to the provisions of Section X(B) of Regulation V.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on August 16, 1993.

Final Action

EPA is approving the amended definition of VOC in Section I and the addition of new Section X in Air Management Regulation V as a revision to the Philadelphia portion of the Pennsylvania SIP. The Agency has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA, as amended, 42 U.S.C. 7410, do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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

Under section 307(b)(1) of the CAA, as amended, 420 U.S.C. 7607(b)(1) petitions for judicial review of this action to revise the Air Management Regulation V of the Philadelphia portion of the Pennsylvania SIP must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: May 19, 1993.

W.T. Wisniewski,

Acting Regional Administrator, Region III.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(83) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(83) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on February 23, 1987.

(i) *Incorporation by reference.* (A) A letter from the Pennsylvania Department of Environmental Resources dated February 23, 1987 submitting a revision to the Pennsylvania State Implementation Plan.

(B) A revision to Section I—Definitions—for the term Volatile Organic Compound (VOC) of Philadelphia Air Management Regulation V "Control of Emissions of Organic Substances from Stationary Sources." The effective date is November 28, 1986.

(C) The addition of Section X—Compliance with Pennsylvania Standards for VOC to Philadelphia Air Management Regulation V. The effective date is November 28, 1986.

(ii) *Additional materials.* (A) The remainder of the Commonwealth's February 23, 1987 submittal.

[FR Doc. 93–14139 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[IN6–3–5789; FRL–4661–8]

Approval and Promulgation of State Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On December 31, 1992, USEPA proposed to approve as a revision to the Indiana Total Suspended Particulate (TSP) State Implementation Plan (SIP) an emissions trade for Joseph E. Seagram & Sons, Inc. (Seagram) at its Lawrenceburg, Indiana facility. The proposal stated that prior to final approval it was necessary for the State to submit certain federally enforceable recordkeeping requirements as well as a modeling analysis consistent with USEPA's Emissions Trading Policy Statement (ETPS). Public comments were solicited on the proposed SIP revision and on USEPA's proposed action. This rule responds to public comments on the proposal, discusses the modeling and recordkeeping requirements, and approves the submission as a revision to the Indiana SIP.

USEPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of the Clean Air Act.

EFFECTIVE DATE: This final rulemaking becomes effective on July 16, 1993.

ADDRESSES: Copies of the SIP revision, public comments on the proposed approval, and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone David Pohlman at (312) 886–3299, before visiting the Region 5 Office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77

West Jackson Boulevard, Chicago, Illinois 60604.

A copy of this revision to the Indiana SIP is available for inspection at: Jerry Kurtzweg (ANR–443), Office of Program Management Operations, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

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

SUPPLEMENTARY INFORMATION: On March 3, 1989, the Indiana Department of Environmental Management (IDEM) submitted a revision to the Indiana SIP for TSP to the USEPA. This revision, 326 Indiana Administrative Code (IAC) 6–1–8.1, involves an emission trade or "bubble" for Joseph E. Seagram & Sons, Inc. at its distillery and storage facility in Lawrenceburg, Indiana. The emissions trade consists of an increase in the emission limit for Seagram boiler 6, to be offset by a decrease in the emission limit on boiler 5 when boiler 6 is burning fuel other than natural gas. The revised rule also limits the combined annual emissions from the two sources to the sum of the individual limits contained in the existing rule.

The notice of proposed rulemaking was published in the **Federal Register** on December 31, 1992 (57 FR 62535). The notice stated that, before final approval of the revision, the State had to submit federally enforceable recordkeeping requirements, as well as a modeling analysis consistent with the ETPS. Additional information about the submission can be found in the December 31, 1992, notice and USEPA's March 18, 1993, Technical Support Document.[1]

USEPA has subsequently determined that the necessary recordkeeping requirements are contained in section (c)(5) of rule 326 IAC 6–1–8.1, which is being approved by this notice. Therefore, no further recordkeeping requirements are necessary for this revision to be approvable (see discussion under response to public comments).

According to the ETPS, the State must submit a Level II dispersion modeling analysis showing that the March 3, 1989, submission will cause no ambient impact above significance levels for PM (particulate matter with an aerodynamic diameter of a nominal 10 microns or less). The December 31, 1992, notice states that the USEPA will interpret ETPS significance levels for PM to be the same as those for TSP. On May 5, 1993, the State submitted a screening analysis to comply with USEPA's requirements for a Level II modeling study. This screening analysis, which used the current version of the Industrial Source Complex Short Term model, was generally satisfactory. However, the meteorological data set used in the study did not include every combination of stability class and wind speed required by USEPA for a screening analysis. In addition, the receptor grid had a resolution of only 250 meters. USEPA requires a receptor grid of at least 100-meter resolution in order to ensure that the model will pinpoint maximum concentrations. From the model output submitted, however, USEPA was able to verify that with a tighter receptor grid and a full set of screening meteorological conditions, the Seagram SIP revision would not cause ambient impacts in excess of the PM significance levels. USEPA, therefore, accepts the demonstration that the March 3, 1989, SIP revision will not result in a significant increase in ambient PM concentrations.

The public comment period ended on March 3, 1993, and comments were received from Seagram. The USEPA's response to these comments follows.

Public Comments

(1) *Comment:* On March 3, 1993, Seagram commented that the necessary recordkeeping requirements are already in the March 3, 1989, submission and will be federally enforceable upon its approval.

USEPA Response: USEPA agrees with Seagram's comment. After reviewing an earlier USEPA Technical Support Document dated July 19, 1991, and the recordkeeping required for Seagram by Indiana's rule 326 IAC 6–1–8.1, USEPA has determined that this SIP revision does contain adequate recordkeeping requirements.

(2) *Comment:* Seagram also commented that, while it did a modeling analysis, no such analysis should have been required. Its reasons are:

1. The Level II modeling analysis required by the ETPS has been inappropriately applied to this SIP revision. This requirement should not be applied because the revision results in a net decrease in particulate emissions for the Seagram facility.

2. USEPA should accept a demonstration of compliance with the PM National Ambient Air Quality Standards (NAAQS) in accordance with USEPA's *PM–10 SIP Development Guideline*, which says that "maintenance of the NAAQS may be demonstrated by means of a dispersion model or other procedure which is shown to be adequate and appropriate for this purpose". A description of the facts surrounding the SIP revision is an "adequate and appropriate" demonstration.

3. If modeling needs to be done, the previously submitted modeling showing no significant impact in ambient concentrations of TSP should satisfy this requirement, since PM only comprises a fraction of TSP and both sources in the trade involve the same type of emissions (and therefore the same PM/TSP ratios).

USEPA Response: A level II modeling analysis is required for the Seagram SIP revision in order to show that there will be no significant impact on ambient air quality for PM. The fact that the net particulate emissions are being decreased does not necessarily ensure that ambient air quality will be proportionately improved. The revision involves an increased emission rate from one source, and a decreased rate from another. Since these two sources have different control equipment and stack parameters, it is reasonable to assume that the two sources do not have identical effects on ambient air quality at all receptors. Therefore, decreasing emissions from one stack will not necessarily offset the air quality effects of increased emissions from the other stack.

Similarly, a description of the facts surrounding the revision request is not "adequate and appropriate" for demonstrating maintenance of the NAAQS under the PM–10 SIP Development Guideline. A demonstration under this guideline would require a full scale modeling analysis showing maintenance of the NAAQS rather than the simpler Level II analysis showing no significant impact which is required by the ETPS.

The previously submitted modeling showing no significant impact in ambient TSP concentrations is not acceptable for showing no significant impact in ambient PM concentrations. PM is now the particulate matter indicator, and should be used in the analysis. Since these two sources burn different fuels with different PM/TSP fractions (the new rule does not allow both boilers to burn coal simultaneously), the changes in TSP emission limits which are included in this revision are not necessarily proportional to the changes in PM emissions. For purposes of this final rulemaking action, however, this issue should be of no consequence, because

[1] On February 12, 1993, at Seagram's request, USEPA extended the public comment period for 30 days (58 FR 8247).

USEPA had been able to verify that the revised limits should not cause a significant increase in ambient PM concentrations.

Rulemaking Action

Based on the State's March 3, 1989, submittal, the modeling analysis submitted on May 5, 1993, and the existence of enforceable recordkeeping requirements in the rule, the USEPA is approving Indiana's 326 IAC 6–1–8.1.

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

Note—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: May 20, 1993.

Janet Mason,

Acting Regional Administrator.

For the reasons stated in the preamble, chapter 1 of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671(q).

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(90) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(90) On March 3, 1989, the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan (SIP) by adding an emission trade or bubble for Joseph E. Seagram and Sons which is located in Lawrenceburg, Indiana. This requested SIP revision repeals rule 326 Indiana Administrative Code (IAC) 6–1–8, adds a new Section, 326 IAC 6–1–8.1, and amends 326 IAC 6–1–7 to include a reference for the new Section and a recodification of the applicable rule.

(i) *Incorporation by reference.* (A) Title 326 IAC 6–1–7 as published in the Indiana Register Volume 12, Number 6, March 1, 1989, effective April 9, 1989.

(B) Title 326, IAC 6–1–8.1, repeal of 326 IAC 6–1–8 as published in the Indiana Register, Volume 12, Number 6, March 1, 1989, effective March 1, 1989.

[FR Doc. 93–14137 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–60–P

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40 CFR Part 52

[PA6–1–5572; A–1–FRL–4661–4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania Air Pollution Emergency Episode Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Pennsylvania. This revision consists of regulatory provisions which: Revise the pollutants for which are prescribed air pollution emergency episode plans; revise the ambient air quality threshold levels which would trigger the component stages of such plans. The intended effect of this action is to approve Pennsylvania's revised regulations, as they conform with the requirements of 40 CFR part 51. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective August 16, 1993, unless notice is received on or before July 16, 1993, that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and Commonwealth of Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 2357, Executive House—2nd & Chestnut Streets, Harrisburg, PA 17105.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 597–1325.

SUPPLEMENTARY INFORMATION: On January 8, 1991, the Commonwealth of Pennsylvania submitted a formal revision to its State Implementation Plan (SIP). The State revised § 137.3 of chapter 137 (Air Pollution Episodes). The revisions to § 137.3 establishes revised threshold ambient levels for particulate matter (PM_{10}), sulfur dioxide (SO_2), ozone (O_3) nitrogen dioxide (NO_2) which would trigger various stages of air pollution episode plans.

Pennsylvania provided proof that public hearings were held on September 21, 1989 in Coreopolis, September 25, 1989 in King of Prussia, and September 27, 1989 in Harrisburg, in accordance with the requirements of 40 CFR 51.102.

Summary of SIP Revision

Pennsylvania revised the following air pollution episode threshold criteria for NO_2, O_3, PM_{10} and SO_2 in § 137.3 :

1. Alert Level (§ 137.3(2))

Added: PM_{10}—350 micrograms per cubic meter (ug/m^3), 24-hour average
O_3—0.2 parts per million (p.p.m.), one hour average

Revised: NO_2—0.15 ppm, 24-hour average (§ 137.3(2)(v)). [Current SIP standard: 0.20 p.p.m., 24-hour average]

Deleted: The threshold levels for particulate matter and SO_2 and particulate matter combined.

2. Warning Level (§ 137.3(3)

Added: PM_{10}—420 ug/m^3, 24-hour average O_3—0.4 p.p.m., one hour average

Revised: SO_2—0.6 p.p.m., 6-hour average (Current SIP standard: 0.5 p.p.m., 6-hour average)

Deleted: The threshold levels for particulate matter, SO_2 and particulate matter combined, and oxidants.

3. Emergency Level (§ 137.3(4))

Added: PM_{10}—500 ug/m^3, 24-hour average. O_3—0.5 p.p.m., one hour average.

Revised: SO_2—0.8 p.p.m., 24-hour average (Current SIP standard: 0.6 p.p.m., 24-hour average)

Deleted: The threshold levels for particulate matter, SO_2 and particulate matter combined, and oxidants.

The revised Pennsylvania DER regulations contain some administrative wording changes and revised paragraph numbering for carbon monoxide (CO) as result of these revisions and deletions. There are no changes to the levels themselves. Similarly, the paragraph numbering with respect to the NO_2 levels for the warning and emergency stages are changed, but the levels themselves are unchanged. Pennsylvania also submitted some administrative wording changes to the introductory paragraphs of §§ 137.3, 137.3(2), and 137.3(3), and 137.3(4). These revised wording changes serve to clarify the meaning or intent of these provisions.

The revised threshold levels found in § 137.3 reflect changes to the list of criteria pollutants found in section 109 of the Clean Air Act and 40 CFR part 50. Total suspended particulate matter has been replaced with PM_{10}, while "oxidants" have been replaced with ozone. Although the SO_2 levels which would trigger the respective warning and emergency levels have been raised from the currently prescribed SIP levels, they still conform with the triggering levels prescribed in 40 CFR part 51, appendix L. Similarly, the revised threshold levels for NO_2, PM_{10}, and ozone also conform with those prescribed in 40 CFR part 51, appendix L.

The revisions to § 137.3 have a limited impact on the attainment and maintenance of standards. The provisions in § 137.3 are designed to ensure that SIP-enforceable emergency plans are activated at prescribed air quality levels above the standard, so as to prevent further worsening of unhealthy air quality levels during emergency conditions. Sections 137.11 through 137.14 provide the actual emergency measures that are to be taken if and when an air pollution emergency episode is triggered.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on August 16, 1993.

Final Action

EPA is approving the revisions to § 137.3 of Pennsylvania's air quality regulations as a revision to the Pennsylvania SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2) requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

This SIP approval action pertaining to revised § 137.3 of the Pennsylvania DER regulations has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this SIP approval pertaining to revised § 137.3 of the Pennsylvania DER regulations must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: May 18, 1993.

W.T. Wisniewski,

Acting Regional Administrator, Region III.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(75) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(75) Revisions to the State Implementation Plan submitted by the Pennsylvania Department of Environmental Resources on January 8, 1991.

(i) *Incorporation by reference.* (A) Letter from the Pennsylvania Department of Environmental Resources dated January 8, 1991 submitting a revision to the Pennsylvania State Implementation Plan.

(B) Revisions to Pennsylvania Department of Environmental Resources' Air Quality Regulations, § 137.3, subsections (2), (3), (4), and introductory paragraph, effective June 9, 1990.

(ii) *Additional materials.* (A) Remainder of State submittal, dated January 8, 1991.

[FR Doc. 93–14135 Filed 6–15–93; 8:45 am]

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40 CFR Part 52

[VA9–4–5470; A–1–FRL–4661–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Revisions to the Particulate Matter Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision consists of revised requirements to part IV, part V, and the Appendices of Virginia's Regulations for the Control and Abatement of Air Pollution with regard to opacity standards, allowable emissions limitations for particulate matter, determination of compliance, and associated revised definitions of terms. The intended effect of this action is to revise the federally-approved SIP to reflect the current State requirements. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on July 16, 1993.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Virginia Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 597–1325.

SUPPLEMENTARY INFORMATION: On October 19, 1987 (52 FR 38787), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of revisions to the particulate matter and opacity requirements submitted by Virginia. The formal SIP revision was submitted by Virginia on February 14, 1985.

Virginia has revised the general opacity provisions and the definitions of associated terms found in Rule 4–1 of part IV and Rule 5–1 of part V. Virginia has also revised specific opacity limitations found in Rule 4–8, Fuel Burning Equipment, and in Rule 4–13 (Kraft Pulp Mills) as it applies to existing recovery boilers. In addition, Virginia has revised the particulate matter emission standards and associated definition of terms in the following rules of part IV:

SIP rule No.	Subject matter
4–1	Visible Emissions/Fugitive Emissions.
4–4	General Process Operations.
4–7	Incinerators.
4–8	Fuel Burning Equipment.
4–9	Coke Ovens.
4–10	Asphalt Concrete Plants.
4–12	Chemical Fertilizer Manufacturing Operations.
4–13	Kraft Pulp Mills.
4–14	Sand and Gravel Processing and Stone Quarrying Operations.
4–15	Coal Preparation Plants.
4–16	Portland Cement Plants.
4–17	Woodworking Operations.
4–18	Primary and Secondary Metal Operations.
4–19	Lightweight Aggregate Process Operations.
4–20	Feed Manufacturing Operations.

Note: Rule 4–11, Petroleum Refinery Operations also contains emission standards for particulate matter. However, Virginia did not substantively revise the applicable particulate matter emission standards. Virginia did revise the format and rule citation of the applicable emission standard, which EPA has approved in a separate rulemaking action on February 25, 1993, 58 FR 11374.

Finally, an appendix Q, Interpretation of Emission Standards Based on Process Weight-Rate Tables, has been added and which explains how to interpret the emission limits based on process weight rate tables for those emission standards based on process weight rate.

Virginia certified that public hearings pertaining to these proposed revisions were held on June 15, 1984, and September 18, 1984, in Richmond, as required by 40 CFR 51.102. Additional public hearings were held in Abingdon, Roanoke, Lynchburg, Virginia Beach, and Springfield. During the 30-day public comment period following publication of the October 19, 1987 NPR, no comments were received.

Rationale for Approving the SIP Revision

In general, to evaluate the more substantial amendments that occur when a state revises its SIP rules recodification scheme, the critical factors to be considered are:

(1) Whether any revised emission limitation provides for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS);

(2) Whether issues of enforceability arise; and

(3) Whether all of the applicable requirements (both procedural and substantive) of 40 CFR part 51 are met.

Impacts on Attainment/Maintenance on the NAAQS

The revised process weight tables referenced in section 120–04–XX03A. of Rules 4–10, 4–12, 4–14, 4–16, 4–19 and 4–20 no longer exempt, based on the process weight rate, sources of that particular process category and located in State Regions 1 through 6 from an enforceable particulate matter emission limitation. EPA considers these revised provisions to be more stringent than the current SIP requirement since it theoretically expands the number of sources that would be subject to a federally-enforceable emissions limitation. Therefore, EPA expects these revised provisions to have a beneficial impact on ambient air quality.

On the other hand, revised Table 4–4B of section 120–04–0404 of Rule 4–4 and sections 120–04–XX04C. of Rules 4–10, 4–14, 4–17, 4–18 and 4–20 remove the federally-enforceable emission limit for categories of process sources located in State Region 7 (Northern Virginia Air Quality Control Region [AQCR]) with a process weight rate between 50 pounds per hour (lb/hr) (the current SIP applicability threshold)

and 100 lb/hr. However, Virginia has provided information to EPA that no sources subject to the current SIP requirements would now be exempted by these revised threshold levels. Therefore, EPA concludes that there will be no adverse air quality impact nor consumption of the Prevention of Significant Deterioration (PSD) increment for particulate matter in State Region 7.

The provisions of Rule 4–8, section 120–04–0801C. also increase the size of gas-fired boilers that would be subject to the provisions of this Rule. However, based on an evaluation of the combustion characteristics of natural gas, EPA has determined that gas-fired boilers do not generally emit significant amounts of PM_{10}, as natural gas inherently contains less particulate matter than either coal or oil. With regard to the revised definition of "fuel burning equipment unit" found in section 120–04–0802C., Virginia has stated, and EPA agrees, that for all practical purposes, the definition of "fuel burning equipment" should be regarded as the definition of "fuel burning equipment unit."

EPA accepts Virginia's determination that both the revised exemption levels for gas-fired boilers and the revised definition of "fuel burning equipment unit" is expected to have no adverse impact on NAAQS, and further concludes that there will be no consumption of the Prevention of Significant Deterioration (PSD) increment for particulate matter.

In addition, in Rule 4–17 (Woodworking Operations), Virginia has revised section 120–08–1703B. by deleting references to the process weight table found in Table 4–4A. According to the current SIP, woodworking operations located in State Regions 1–6 are subject to both this process weight standard, as well as a grain loading standard of 0.05 gr/dscf. However, Virginia has justified the deletion of the applicability of the process weight standard that the table, as applied to woodworking operations, is unenforceable, and therefore not relied upon when determining a given source's compliance status. Accordingly, Virginia concludes, and EPA agrees, that removing the applicability of the general process weight standard to woodworking operations located in State Regions 1–6 will not result in any adverse air quality impacts nor consume PSD increment, because woodworking operations would still be subject to the grain loading standard of 0.05 gr/dscf.

Similarly, Virginia states that the revision to section 120–04–1305B. of Rule 4–13, which allows for increased opacity from kraft pulping operations, represents a more realistic representation of actual opacity. Virginia has recorded no violations of the ambient standards for particulate matter during the past three years (1990 through 1992). Since the allowable emission "increases" are not likely to result in "actual" emission increases, EPA concludes that the revised emission and opacity limits will not consume PSD increment.

Therefore, EPA concludes that there will be no adverse ambient air quality impacts on particulate matter nor consumption of the PSD increment for particulate matter as a result of approval of the revised provisions.

Enforceability Issues

Virginia's revised provisions were made to improve the enforceability of the particulate matter requirements. Some revisions clarify the wording and intent, while others clarify and define the applicable emission limitation. At the same time, Virginia has removed provisions which it considered to be unenforceable. The method for determining compliance with the requirements of Rule 4–1 have been more clearly defined. For the source-specific emission limits, appendix Q, which describes Virginia's methods for determining source compliance with respect to the particulate matter requirements, has been added.

The change in the term "total capacity" by making references to "use load" are made to clarify and make legally enforceable an interpretation Virginia has used for some time (i.e., "standby and emergency fuel burning units are not to be included when determining a source's "total capacity"). EPA accepts Virginia's determination that the revised definition is not expected to allow increased total emissions of particulate matter.

Section 120–04–0805C. contains provisions for determining the efficiency factor of pollution collection equipment. The pre-1985 regulations (section 4.31(d)(3)) had also provided for alternative criteria by which the efficiency factor for collection equipment would be determined, should the owner of such equipment not accept the standard provisions. EPA had previously disapproved this "alternative criteria" provisions, because they were considered to be unenforceable. See, 46 FR 22581 (April 20, 1981). Virginia has now deleted these alternative provisions, which is acceptable to EPA. As a result, in this rulemaking action, EPA will remove 40 CFR 52.2423(g), referring to the Agency's prior disapproval action.

Conformity With the Clean Air Act, As Amended, and the Applicable Requirements of 40 CFR Part 51

This SIP revision conforms with all statutory requirements of the Clean Air Act, as amended on November 15, 1990, as well as the substantive and procedural requirements of 40 CFR part 51.

Final Action

EPA is approving the following revised particulate matter requirements of as a revision to the Virginia SIP: (1) The revised opacity requirements of Rules 4–1, 4–8, 4–13 and 5–1; (2) the revised particulate matter emissions limitations found in Rules 4–4, 4–7, 4–8, 4–10, and 4–12 through 4–20; (3) revised definitions of terms found in rules 4–1, 4–4, 4–7, 4–8, 4–12 through 4–20, and 5–1; (4) the revised emission allocation system, collection equipment efficiency factor determination and emission monitoring requirements found in Rule 4–8; and (5) revised wording to Section 120–04–0903C. (quenching operations) of Rule 4–9. EPA is also removing 40 CFR 52.2423(g), referring to a prior disapproval action with respect to Virginia's requirements for determining the proper collection equipment efficiency factor for fuel burning equipment.

The Agency has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This approval action regarding Virginia's revised particulate matter regulations has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a

permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 1993. Filing a petition for reconsideration by the Administrator of this final rule regarding Virginia's revised particulate matter regulations does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 18, 1993.

W.T. Wisniewski,

Acting Regional Administrator, Region III.

Part 52 of chapter I, title 40 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(90) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(90) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on February 14, 1985.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated February 14, 1985 submitting a revision to the Virginia State Implementation Plan.

(B) The following provisions of the Virginia regulations, effective February 1, 1985:

(1) Part IV—Emission Standards From Existing Sources

"Rule 4–1, sections 120–04–0101 through 120–04–0107; deletion of the definitions of "fumes" and "mist".

Rule 4–4, sections 120–04–0402.C. (definitions of "combustion installation," "combustion unit," "manufacturing operation," "materials handling equipment," "physically connected," "process operation," "process unit," "process weight," "process weight rate," and "total capacity" only), 120–04–0403, 120–04–0404.

Rule 4–7, sections 120–04–0702.C., 120–04–0703, 120–04–0708.

Rule 4–8, sections 120–04–0802.C. (definitions of "fuel burning equipment," "fuel burning equipment installation," "refuse derived fuel," and "total capacity" only), 120–04–0803, 120–04–0804, 120–04–0805, 120–04–0807B, Figures 4–8A, 4–8B.

Rule 4–9, section 120–04–0903.C.

Rule 4–10, sections 120–04–1002.C., 120–04–1003.

Rule 4–12, sections 120–04–1202.C. (definitions of "manufacturing operation," "materials handling equipment," "physically connected," "process operation," "process unit," "process weight," and "process weight rate" only), 120–04–1203.

Rule 4–13, sections 120–04–1302.C. (definitions of "cross recovery furnace," "kraft pulp mill," "lime kiln," "recovery furnace," "smelt dissolving tank," and "straight kraft recovery furnace" only), 120–04–1303, 120–04–1305.

Rule 4–14, sections 120–04–1402.C., 120–04–1403.

Rule 4–15, sections 120–04–1502.C. (except for definition of "coal preparation plant"), 120–04–1503; deletion of the definition "air table."

Rule 4–16, sections 120–04–1602.C., 1120–04–1603.

Rule 4–17, sections 120–04–1702.C., 120–04–1703.

Rule 4–18, sections 120–04–1802.C. (definitions of "aluminum production operation," "brass or bronze," "brass or bronze production," "ferroalloy production operation," "gray iron foundry operation," "lead," "magnesium product operation," "primary copper smelter," "primary lead smelter," "primary metal operation," "primary zinc smelter," "secondary lead production operation," "secondary metal operation," "steel foundry operation," and "zinc processing operation" only), 120–04–1803.

Rule 4–19, sections 120–04–1902.C., 120–04–1903.

Rule 4–20, sections 120–04–2002.C., 120–04–2003.

(2) Part V—Emission Standards for New and Modified Sources

Rule 5–1, sections 120–05–0102.C. (definitions of "fugitive dust," "fugitive emissions," and "six minute period" only), 120–05–0103, 120–05–0104.

(3) Appendix Q

(ii) Additional materials.

(A) Remainder of the February 14, 1985 submittal.

(B) Letters of June 21, 1985 and September 5, 1985 from the Virginia State Air Pollution Control Board to EPA.

[FR Doc. 93–14143 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 86

[FRL 4665–5]

Control of Air Pollution From New Motor Vehicle Engines: Gaseous and Particulate Emission Regulations for 1994 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This document contains technical amendments to regulations on control of air pollution from new motor vehicles and new motor vehicle engines. The regulatory text in question was published on Wednesday, June 5, 1991 (56 FR 25724) as part of the final rule establishing gaseous and participate tailpipe emission standards for light-duty vehicles and light-duty trucks beginning with model year 1994. The final rule contained several inadvertent minor errors and omissions that are discussed briefly below and are corrected by this document.

EFFECTIVE DATE: July 16, 1993.

FOR FURTHER INFORMATION CONTACT: Mary E. Walsh, Certification Division, U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668–4205.

SUPPLEMENTARY INFORMATION:

Background

The Agency has promulgated new gaseous and particulate tailpipe emission standards, referred to as the Tier 1 standards, for use in certifying 1994 and later model year new light-duty vehicles and light-duty trucks. Today's action corrects inadvertent errors and omissions in the NO_x emission standards for in-use light-duty trucks, the labeling of a figure for the exhaust gas analytical system, the meaning of an abbreviation, the vehicle labeling and reporting requirements, the intermediate useful life in-use standard for hydrocarbon emissions from methanol-fueled vehicles, and other typographical errors that may prove misleading and are in need of clarification.

By issuing these technical amendments directly as a final rule, EPA is foregoing the issuance of a Notice of Proposed Rulemaking (NPRM) and the opportunity for public comment on the proposal provided by the NPRM rulemaking process. Such a curtailed procedure is permitted by 5 U.S.C. 553(b) and section 307(d) of the Clean Air Act when issuance of a proposal and public comments would be impracticable, unnecessary, or contrary to the public interest. The Agency is publishing this action without prior proposal because these are non-controversial corrections that rectify minor errors and omissions in the Tier 1 final rule in a manner that does not substantively change the requirements of the final rule. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b) for a determination that the issuance of an NPRM is unnecessary. Statutory authority for this action is provided by sections 202 and 207 of the Clean Air Act.

The Agency has determined that this action does not meet any of the criteria for classification as a major rule under Executive Order 12291. Therefore, no Regulatory Impact Analysis is required.

This action does not include any new information collection requirements. The Paperwork Reduction Act is not applicable to this action as these changes to the regulations at 40 CFR part 86 will not impose any reporting requirements on affected parties.

The Regulatory Flexibility Act of 1990 requires federal agencies to identify potentially adverse impacts of federal regulations upon small entities. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to perform a Regulatory Flexibility Analysis. The Agency has determined that the action adopted today will not have a significant impact on small entities. Therefore, as required under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, I certify that this regulation does not have a significant impact on a substantial number of small entities.

Today's notice does not create any new regulatory requirements; rather, it restates and clarifies existing requirements; rather, it restates and clarifies existing requirements by correcting a number of errors in the June 5, 1991 final rule (56 FR 27724).

Description of Changes

The following paragraphs describe the individual corrections that are being generated by this document.

In §§ 86.094–8 and 86–094–9, the Tier 1 rule creates standards for NMHC (non-methane hydrocarbon) emissions, but there is no definition of this abbreviation except in terms of an equation in the calculations. Therefore, NMHC is added to the list of abbreviations in part 86, subpart A.

A requirement in § 86.094–23 for certain information to be included in the end-of year report is reduced, because the information EPA needs to determine compliance with the Tier 1 emission standards (engine family, model year, U.S. sales volume based on point of first sale) is included generically in the sales data required elsewhere in the same section. The specific information (individual vehicle identification number, shipment date, purchaser, purchase contract), should EPA wish to inspect it, is required elsewhere in the documentation related to certification to be retained by the manufacturer (§ 86.094–7(h)(1)). Requiring it in the end-of-year report does not serve any useful function, and EPA regards it as unnecessary.

One paragraph is § 86.094–35 that was inadvertently deleted in the final rule is restored. The language clarifies the labeling requirements for high altitude-only vehicles, and does not impose a new requirement.

The title of a paragraph in § 86.094–35 that was inadvertently truncated is extended to explicitly recognize that light-duty truck labeling requirements also apply to heavy-duty vehicles certified to light duty truck standards.

In §§ 86.094–35 and 86.095–35, text requiring evaporative family information on the label is added to the labeling requirements for light-duty trucks and heavy-duty vehicles optionally certifying under light-duty truck provisions. This text, which had been inadvertently eliminated from some of the corresponding earlier model year sections, as well as these sections, is restored so that it is again identical to the corresponding paragraph pertaining to light-duty vehicles.

An incorrect section reference in § 86.095–35 is corrected.

A label on a figure in § 86.111–94 correctly published as "CH_4" in the NPRM was inadvertently changed to "CH_2" when the final rule was published; the label is changed to its correct designation.

Several typographical errors appearing in § 86.708–94 as "Tier 1^1" are corrected to the proper designations of "Tier 1" and "Tier 1_1" and a table heading appearing as "Tier 1" is corrected to read "Tier 1_1."

Errors in the full useful life NO_x standard for light light-duty trucks in § 86.709–94 are corrected to the proper number of significant digits.

Two values entered by typographical error into the "THC" column of the intermediate useful life standards for methanol-fueled heavy light-duty vehicles in § 86.709–94 are transferred to the "OMHCE" column.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Air pollution control, Confidential business information, Gasoline, Imports, Incorporation by reference, Labeling, Motor vehicles, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: June 7, 1993.

Michael H. Shapiro,

Acting Assistant Administrator.

Accordingly, 40 CFR part 86 is amended by making the following technical amendments:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

2. In § 86.094–3, paragraph (b), an abbreviation is added in alphabetical order to read as follows:

§ 86.094–3 Abbreviations.

* * * * *

(b) * * *

NMHC—Non-Methane Hydrocarbons.

* * * * *

3. In § 86.094–23, in paragraph (l)(2)(v), the first sentence is deleted so that the paragraph reads as follows:

§ 86.094–23 Required data.

* * * * *

(l) * * *

(2) * * *

(v) The information shall be organized in such a way as to allow the administrator to determine compliance with the Tier 1 standards implementation schedules of § 86.094–8 and § 86.094–9, and Tier 1 and Tier 1_1 implementation schedules of § 86.708–94 and § 86.709–94.

4. In § 86.094–35, paragraph (a)(1)(iii)(L) is added, and paragraph (a)(2) is amended by revising the heading and by revising paragraph (a)(2)(iii)(C) to read as follows:

(a) * * *

(1) * * *

(iii) * * *

(L) Vehicles which have been certified under the provisions of § 86.094–8(j) must comply with the labeling requirements contained in § 86.1606.

(2) *Light-duty trucks and heavy-duty vehicles optionally certified in accordance with the light-duty truck provisions.* * * *

(iii) * * *

(C) Engine family displacement (in cubic inches), engine family identification, and evaporative family identification;

* * * * *

5. In § 86.095–35, paragraphs (a)(1)(iii)(J) and (a)(2)(iii)(C) are revised to read as follows:

§ 86.095–35 Labeling.

(a) * * *

(1) * * *

(iii) * * *

(J) Vehicles granted final admission under § 85.1505 of this chapter must comply with the labeling requirements contained in § 85.1510 of this chapter.

* * * * *

(2) * * *

(iii) * * *

(C) Engine family displacement (in cubic inches), engine family identification, and evaporative family identification;

* * * * *

§ 86.111–94 [Amended]

6. In § 86.111–94, Figure B94–7 in paragraph (a) is amended by revising "CH_3" to read "CH_4" in two locations. The amended figure is included for the reader's convenience.

BILLING CODE 6560–50–M

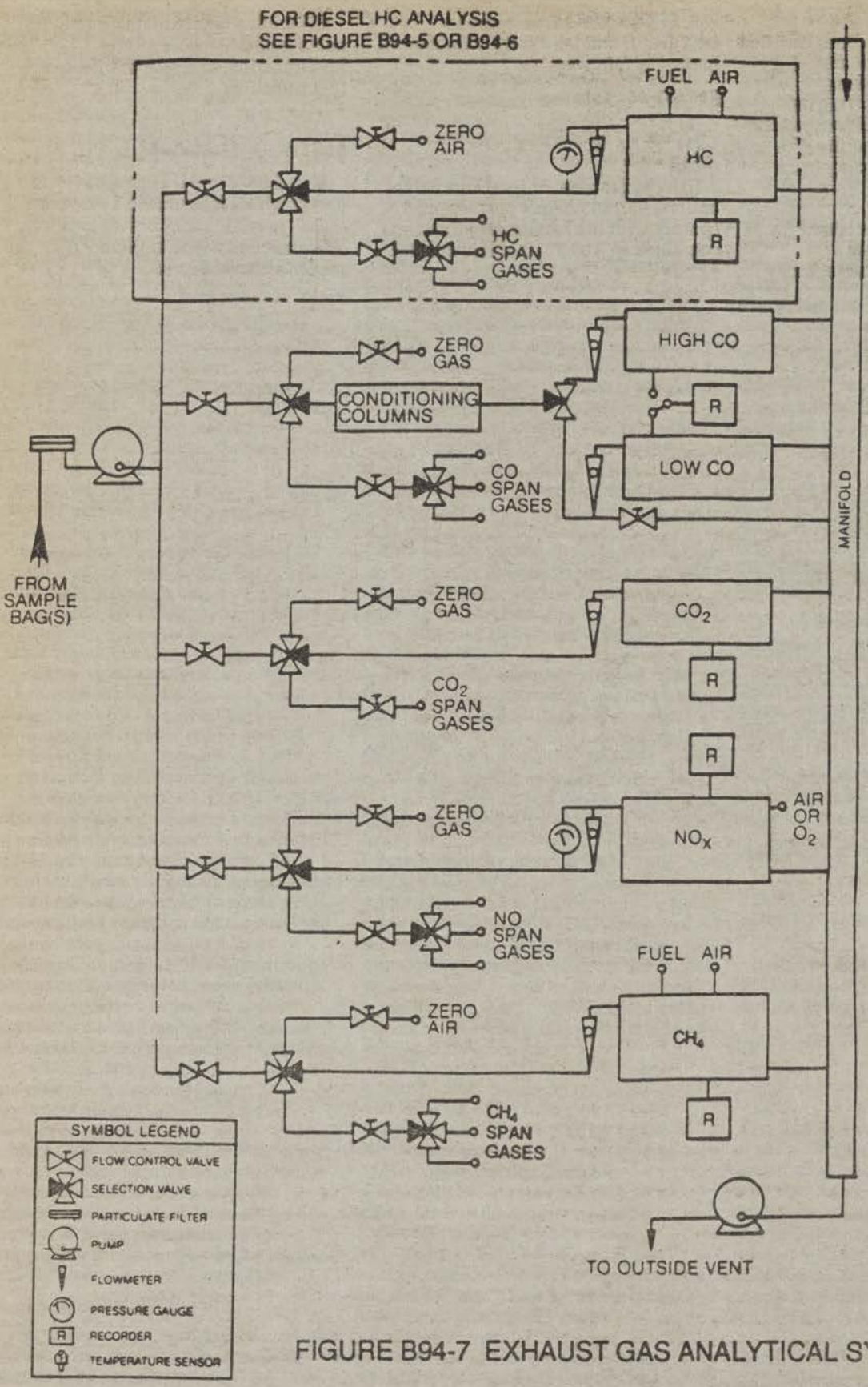

FIGURE B94-7 EXHAUST GAS ANALYTICAL SYSTEM

BILLING CODE 6560-50-C

7. In § 86.708–94, Table H94–1, the heading "Tier 1 percentage" is revised to read "Tier 1_1 percentage", and paragraph (a)(1)(i)(A) is revised to read as follows:

§ 86.708–94 In-use emission standards for 1994 and later model year light duty vehicles.

(a)(1) * * *

(i) * * *

(A)(*1*)(*i*) For model years 1994 and 1995, a minimum of the percentage shown in Table H94–1 of a manufacturer's sales of the applicable model year's light-duty vehicles shall not exceed the applicable Tier 1_1 standards in Table H94–3. The remaining vehicles, if any, shall not exceed the applicable Tier 0 standards in Table H94–3.

(*ii*) For model years 1996 and beyond, a minimum of the percentages shown in Table H94–2 of a manufacturer's sales of the applicable model year's light-duty vehicles shall not exceed the applicable Tier 1 standards in Tables H94–3 and H94–4. The remaining vehicles, if any, shall not exceed the applicable Tier 1_1 standards in Table H94–3.

(*2*) *Particulates.* For in-use exhaust emissions for model years 1994 and later, a minimum of the percentage shown in Table H94–5 of a manufacturer's sales of the applicable model year's light-duty vehicles shall not exceed the applicable Tier 1 standards in Tables H94–6 and H94–7. The remaining vehicles, if any, shall not exceed the applicable Tier 0 standards in Table H94–6.

(*3*) Optionally, compliance with the Tier 1_1 and Tier 1 implementation schedules of this section may be based on the combined sales of light-duty vehicles and light light-duty trucks, if such option was taken for certification as allowed in § 86.094–8 and § 86.094–9 of subpart A of this part. Vehicles meeting Tier 1_1 in-use standards shall only be combined for this purpose with other vehicles meeting Tier 1_1 standards, and those meeting Tier 1 standards shall only be combined with those meeting the Tier 1 standards.

* * * * *

8. In § 86.709–94, Table H94–10, the full useful life Tier 1 NO_x standard for gasoline-fueled and methanol-fueled light light-duty trucks of 0–3750 lbs LVW (in the column "NO_x!" is revised from "0.60" to read "0.6", and in Table H94–15, the intermediate useful life Tier 0 standard given as "0.80" for methanol-fueled heavy light-duty trucks with LVW 0–3750 lbs and with LVW >3750 lbs is removed twice from the THC column and added to the OMHCE column.

[FR Doc. 93–13836 Filed 6–15–93; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 180

[OPP–300246A; FRL–4078–3]

RIN 2070–AB78

Silvex; Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document revokes the tolerances and interim tolerances listed in 40 CFR 180.319 and 180.340 for residues of the herbicide and plant regulator silvex [2-(2,4,5-trichlorophenoxy)propionic acid] in or on various raw agricultural commodities. EPA is initiating this action because all registered uses of silvex have been canceled.

EFFECTIVE DATE: This regulation becomes effective June 16, 1993.

ADDRESSES: Written objections, identified by the document control number, [OPP-300246A], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Downing, Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 718H, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-5179.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of June 30, 1992 (57 FR 29055). It proposed the revocation of tolerances and interim tolerances for residues of silvex in or on various raw agricultural commodities established under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) listed in 40 CFR 180.319 and 180.340. EPA initiated this action because all registered uses of silvex have been canceled.

No public comments or requests for referral to an advisory committee were received in response to the notice of proposed rulemaking.

Therefore, based on the information considered by the Agency and discussed in detail in the June 30, 1992 proposal and in this final rule, the Agency is hereby revoking the tolerance listed in 40 CFR 180.340 for residues of silvex in pears and the interim tolerances listed in 40 CFR 180.319 for residues of silvex in apples, plums (prunes), rice, and sugarcane.

Since silvex is not considered a persistent chemical and the related uses were canceled many years ago (final cancellation order on February 11, 1985), there is no anticipation of a residue problem due to environmental contamination. Consequently, the Agency will not recommend action levels to replace the tolerances upon their revocation.

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

This document has been reviewed by the Office of Management and Budget as required by section 3 of Executive Order 12291.

Executive Order 12291

As explained in the proposal published June 30, 1992, the Agency has determined, pursuant to the requirements of Executive Order 12291, that the removal of these tolerances will not cause adverse economic impact on significant portions of U.S. enterprises.

Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164; 5 U.S.C. 601 et seq.), and it has been determined that it will not have a significant economic impact on a

substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the June 30, 1992 proposal.

List of Subjects in 40 CFR Part 180

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

Dated: June 8, 1993.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

§ 180.319 [Amended]

2. In the table to § 180.319 *Interim tolerances* by removing the entry for silvex from the list.

§ 180.340 [Removed]

3. By removing § 180.340 *Silvex; tolerances for residues.*

[FR Doc. 93–14196 Filed 6–15–93; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 91–66; FCC 93–262]

Private Land Mobile Radio Services; Secondary Fixed Operations in the 450–470 MHz Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: In response to petitions for clarification received, this document clarifies frequency coordination procedures for secondary fixed operations in the 450–470 MHz band.

EFFECTIVE DATE: June 16, 1993.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

Summary of Memorandum Opinion and Order

In response to petitions submitted by Forest Industries Telecommunications (FIT) and the Manufacturers Radio Frequency Advisory Committee (MRFAC), this Memorandum Opinion and Order clarifies rules adopted in the Report and Order, PR Docket No. 91–66, 57 FR 24991, June 12, 1992, concerning the procedures frequency coordinators use when recommending frequencies in the 450–470 MHz band for secondary fixed use. It also denies the request by FIT that the Commission reconsider its decision to permit secondary fixed use of the frequencies in urban areas.

Regulatory Flexibility Analysis

A Final Regulatory Flexibility Analysis was prepared for the Report and Order in this proceeding. None of the rules adopted in this Memorandum Opinion and Order modify the effect this proceeding has on small businesses and it is, therefore, unnecessary for us to modify our Final Regulatory Flexibility Analysis.

Paperwork Reduction Act Statement

The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collecting and/or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase burden hours imposed upon the public.

List of Subjects in 47 CFR Part 90

Radio, Secondary fixed.

Amendatory Text

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for part 90 continues to read:

Authority: Sections 4, 303, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 90.261 is amended by revising paragraph (e) to read as follows:

§ 90.261 Assignment and use of the frequencies in the band 450–470 MHz for fixed operations.

* * * * *

(e) Coordination of assignable frequencies subject to the provisions of this section will be permitted by any certified frequency coordinator. If an applicant elects to obtain a frequency recommendation from the certified frequency coordinator for the service in which the applicant is eligible, the coordinator shall first attempt to recommend a frequency within the applicant's own radio service. If none are available, the coordinator may then recommend a frequency allocated to another radio service. If an applicant elects to obtain a frequency recommendation from a certified coordinator of a service in which the applicant is not eligible, that coordinator may only recommend a frequency allocated to the service for which the coordinator is certified. If a coordinator recommends a frequency allocated to a service where the applicant is not eligible on a primary basis, or if a recommended frequency is shared by more than one radio service on a primary basis, then the coordinator must notify all coordinators certified to recommend that frequency on a primary basis. If any of these coordinators objects to a recommendation, they must notify the coordinator making the frequency recommendation of such objection within 10 working days, as calculated in accordance with § 1.4 of the Rules, from receipt of the notification. The recommending coordinator should attempt to resolve any objections raised by the notified coordinators and may not submit the application to the Commission prior to the expiration of this 10-day period.

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–14091 Filed 6–15–93; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 920783–3085]

Designated Critical Habitat; Sacramento River Winter-Run Chinook Salmon

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

ACTION: Final rule.

SUMMARY: NMFS is designating critical habitat for the Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) pursuant to the Endangered Species Act (ESA). The habitat for designation includes: The Sacramento River from Keswick Dam, Shasta County (River Mile 302) to Chipps Island (River Mile 0) at the westward margin of the Sacramento-San Joaquin Delta; all waters from Chipps Island westward to Carquinez Bridge, including Honker Bay, Grizzly Bay, Suisun Bay, and Carquinez Strait; all

waters of San Pablo Bay westward of the Carquinez Bridge; and all waters of San Francisco Bay (north of the San Francisco/Oakland Bay Bridge) from San Pablo Bay to the Golden Gate Bridge. Maps are available on request (see **ADDRESSES**). In addition, the critical habitat designation identifies those physical and biological features of the habitat that are essential to the conservation of the species and that may require special management consideration or protection. The economic and other impacts resulting from this critical habitat designation, over and above those arising from the listing of the species under the ESA, are expected to be minimal. The designation of critical habitat provides explicit notice to Federal agencies and the public that these areas and features are vital to the conservation of the species.

EFFECTIVE DATE: July 16, 1993.

ADDRESSES: Requests for maps should be addressed to William W. Fox, Jr., Director, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, or Gary Matlock, Acting Regional Director, Southwest Region, NMFS, 501 W. Ocean Blvd., suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: James H. Lecky, NMFS, Southwest Region, Protected Species Management Division, (310) 980–4015, or Margaret Lorenz, NMFS, Office of Protected Resources, (301) 713–2322.

SUPPLEMENTARY INFORMATION:

Background

Although winter-run chinook salmon are currently listed as threatened (55 FR 46515, November 5, 1990), NMFS published a proposed rule to reclassify the species as endangered on June 19, 1992 (57 FR 27416).

On August 14, 1992 (57 FR 36662), NMFS published a proposed rule to designate critical habitat for Sacramento River, California, winter-run chinook salmon. NMFS also completed an assessment that focused on identifying the economic consequences (costs and benefits) of implementing alternative water management strategies to achieve specific temperature and flow criteria for various alternative critical habitat designations (Final Report, Evaluation of Economic Impacts of Alternatives for Designation of Winter-run Chinook Salmon Critical Habitat in the Sacramento River, Hydrosphere Resource Consultants, July 1991). In addition, NMFS prepared an environmental assessment (EA), pursuant to the National Environmental Policy Act (NEPA), to evaluate both the environmental and economic impacts of the proposed critical habitat designations.

NMFS is designating critical habitat for the Sacramento River winter-run chinook salmon as described in the proposed rule, excluding South San Francisco Bay, Because the area designated is consistent with the criteria established by the definition of critical habitat under section 3(5)(A) of the ESA. No significant new information regarding winter-run chinook salmon biology or Federal agency activities was received during the comment period.

Comments and Responses

State agencies, county governments, Federal agencies and other interested parties were notified and requested to comment on the proposed rule. Public hearings on the proposed rule were held November 16, 17, and 18, 1992, in Fresno, Sacramento, and Willows, California, respectively. Thirty-three individuals presented testimony at these hearings. During the 154-day comment period, NMFS received 37 written comments from government agencies, non-government organizations and individuals on the proposed rule. These comments are addressed below.

Geographic Extent of Critical Habitat

Comments: Several commenters recommended that the proposed geographic range of critical habitat for winter-run chinook salmon be revised. For example, five commenters recommended that NMFS include the open ocean habitat used by winter-run chinook salmon in the designation. One commenter recommended that only the McCloud and Pitt Rivers be designated as critical habitat for winter-run chinook. Another suggested that Clear Creek and Cottonwood Creek be included in the designation. One commenter recommended that the designation be expanded to include several tributaries of the San Joaquin River and portions of the Mokelumne River, Georgiana Slough, and other waterways in the Sacramento-San Joaquin Delta. Two others recommended that San Francisco Bay and San Pablo Bay not be included. Several commenters expressed concern that the definition of riparian zone in the critical habitat designation was too vague.

Response: Critical habitat is defined in section 3(5) of the ESA as the specific areas within the geographic area occupied by the species on which are found those physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection.

Although it is important, NMFS has not included the open ocean habitat used by winter-run chinook salmon because this area does not appear to be in need of special management consideration or protection. Degradation of this portion of the species habitat, and other factors associated with the open ocean, such as commercial and recreational fishing, do not appear to be significant factors in the decline of the species. In addition, existing laws appear adequate to protect these areas, and special management of this habitat is not considered necessary at this time. Also, during the comment period, NMFS did not receive any new information indicating that degradation of ocean habitat or other factors associated with the open ocean are significant factors in the decline of the species. However, NMFS will continue to monitor activities in the open ocean to determine if it needs to be included in the critical habitat designation, and will continue to consult under section 7 of the ESA to address Federal actions that may affect the species or result in takings in the open ocean.

Areas outside the current geographical area occupied by a species that are determined to be essential for its conservation also may be included in a critical habitat designation under section 3(5) of the ESA. Before construction of Shasta and Keswick Dams, winter-run chinook were reported to have spawned in the upper reaches of the McCloud, lower Pitt, and Little Sacramento Rivers. However, the geographic extent of spawning habitat on these rivers before construction of Shasta and Keswick dams is largely speculative or unknown. Significant hydropower development in the 1920's is thought to have significantly reduced any available habitat for winter-run spawning on the Pitt River. Construction of Shasta and Keswick Dams in the early 1940's completely blocked access by winter-run chinook to any spawning habitat above the dams, and construction of passage facilities is not practical. However, subsequent operations of these dams by the Bureau of Reclamation (Bureau) created new habitat below Keswick Dam due to the release of cold water from Shasta reservoir into the mainstem of the Sacramento River. This habitat did not exist before operation of Shasta/Keswick Dams, but is now essential to the continued existence of winter-run chinook salmon.

NMFS agrees that Clear Creek, Cottonwood Creek, and other tributaries of the Sacramento River deliver gravel

for spawning substrate for winter-run chinook salmon and that clean gravel is an essential physical feature for the conservation of the species. However, since these tributaries are not, in themselves, essential for the conservation of winter-run chinook salmon, NMFS has not included them in the critical habitat designation. But, agency actions that may destroy or modify critical habitat features, even if the actions occur outside the designated habitat area, are subject to section 7 of the ESA. NMFS will monitor activities that occur in these tributaries that may adversely impact winter-run chinook or essential habitat features to ensure that recovery of the species is not impeded.

Until 1984, a small number of winter-run chinook salmon returned annually to a tributary to the lower San Joaquin River in the upper Calavaras River and spawned below New Hogan Dam. Exceptionally low flows due to the operation of New Hogan Dam and the 1987–1992 drought appear to have eliminated this group. NMFS has determined that the San Joaquin River Basin is not essential for the conservation of the Sacramento River winter-run chinook salmon population. Therefore, the upper Calavaras River is not included in the critical habitat designation for Sacramento River winter-run chinook salmon.

The Sacramento-San Joaquin Delta contains less suitable habitat for winter-run chinook salmon than habitat that is found in the Sacramento River. It has been estimated that as much as 25 to 40 percent of juvenile winter-run chinook salmon may be diverted into the Delta at the Delta Cross Channel. Once diverted through the Cross Channel, juveniles are subject to adverse conditions that decrease their survival. For instance, diverted juveniles may be subject to a longer migration route where fish are exposed to predation, higher water temperatures, unscreened diversions, poor water quality, reduced availability of food, and entertainment in Delta pumps.

NMFS' goal is to minimize diversion of winter-run chinook salmon in the Cross Channel. However, NMFS included measures in its 1992 and 1993 biological opinions on the operation of the Central Valley Project and State Water Project to exclude winter-run chinook salmon from the central Delta. For these reasons, rivers and sloughs of the Delta are not essential for the conservation of winter-run chinook salmon and are not included in the critical habitat designation.

Water quality is an essential feature of winter-run chinook salmon habitat. For instance, dredging activities may degrade habitat used by winter-run chinook salmon in San Francisco Bay and elsewhere. In the past, NMFS has evaluated dredging projects both in terms of their quantitative and qualitative impact on water quality. Currently, small scale dredging projects, typically of 100,000 cubic yards or less, are thought to have minor impact while larger projects are thought to have potentially significant impacts on water quality. Because juvenile winter-run chinook salmon may ingest prey organisms with high levels of contaminants (i.e., DDT, PCB's) during their outmigration through San Francisco Bay, dredging activities in the Bay will most likely continue to require special management considerations to conserve winter-run chinook. No new information on the effects of dredging on water quality was received during the comment period.

Also, NMFS wants to clarify that South San Francisco Bay is not included in the critical habitat designation because it is not considered an essential component of winter-run chinook salmon's migration corridor to the Pacific Ocean. However, all the waters of San Pablo Bay and San Francisco Bay north of the San Francisco/Oakland Bay Bridge are included in the critical habitat designation.

Riparian zones. In the Sacramento River, critical habitat includes the river water, river bottom, and the adjacent riparian zone. According to a 1983 report by the Dept. of Agriculture, riparian zones are those adjacent terrestrial areas that directly affect a freshwater aquatic ecosystem. A 1992 report by the U.S. Fish and Wildlife Service states that riparian streambanks are composed of natural, eroding substrates supporting vegetation that either overhangs or protrudes into the water and, consequently, provides shade and escape cover for salmonids and other wildlife. Riparian vegetation also increases river productivity which, in turn, provides prey for salmonids.

Riparian zones on the Sacramento River are considered essential for the conservation of winter-run chinook salmon because they provide important areas for fry and juvenile rearing. For example, studies of chinook salmon smolts in the middle reaches of the Sacramento River found higher densities in natural, eroding bank habitats with woody debris (Michny 1988). Because adverse modification of riparian zones along the Sacramento River may impede the recovery of winter-run chinook salmon, the "adjacent riparian zone" is included in the critical habitat designation for winter-run chinook. However, because influences of riparian vegetation progressively decrease away from the water source (e.g., river), riparian areas cannot be defined by discrete boundary zones. Therefore, NMFS is limiting the "adjacent riparian zones" to only those areas above a streambank that provide cover and shade to the nearshore aquatic areas.

Economic Impacts—Incremental Approach

Comments: Nine commenters believe that NMFS improperly minimized the economic impacts by separating the designation of critical habitat from the listing process (i.e., incremental approach). These are concerned that by separating the costs associated with the various regulatory actions (e.g., listing, critical habitat designation, section 7), NMFS underestimated the real economic consequences of protection of winter-run chinook salmon as required by the ESA. Several commenters objected to NMFS' interpretation that the impact of critical habitat designation only duplicates the protection provided under section 7 of the ESA. Also, several commenters believe that using an incremental approach for critical habitat designation renders sections of the ESA meaningless and circumvents the intent of Congress.

Response: NMFS concludes that the economic impact of designating critical habitat will have only a small incremental increase in impacts above those resulting from the listing. The law is unambiguous in both its prohibition of the consideration of economics in the listing process and its requirement to analyze the economic impact of designating critical habitat. These disparate requirements for each determination lead to an incremental analysis in which only the economic impacts resulting from the designation of the critical habitat are considered.

NMFS disagrees with the assertion that the incremental approach to critical habitat designation renders designation meaningless. Critical habitat is important because it identifies habitat that is essential for the continued existence of a species and that may require special management measures. This facilitates and enhances Federal agencies' ability to comply with section 7 by ensuring they are aware of the habitat that should be considered in analyzing the effects of their activities on listed species and habitats essential to support them. In addition to aiding Federal agencies in determining when consultations are required pursuant to section 7(a)(2), critical habitat can aid an agency in fulfilling its broader obligation under section 7(a)(1) to use

its authority to carry out programs for the conservation of listed species.

Several commenters asserted that the incremental approach fails to take into account the substantial effect on non-Federal interests that will suffer the effects of designation to the extent they must receive Federal approvals or funds to conduct their activities. Whether or not critical habitat is designated, non-Federal interests must conduct their actions consistent with the requirements of the ESA. When a species is listed, non-Federal interests must comply with the prohibitions on takings under section 9 or associated regulations. If the activity is funded, permitted or authorized by a Federal agency, that agency must comply with the non-jeopardy mandate of section 7 of the ESA. In addition, once critical habitat is designated, the agency must avoid actions that destroy or adversely modify that critical habitat. However, given definitions under 50 CFR 402.02, any action that destroys or adversely modifies critical habitat is likely to jeopardize the continued existence of the species. Therefore, NMFS does not anticipate that the designation will result in additional requirements for non-Federal interests.

Economic Impact Analysis

Comments: Fifteen comments questioned the adequacy of NMFS' economic impact analysis (Hydrosphere 1991). Several commenters objected to NMFS' determination that the proposed designation would have only minimal economic impacts. There were several comments on the expected costs of the proposed designation. Commenters also expressed concern that the analysis entirely ignored impacts resulting from possible reduction in water supply to areas south of the Sacramento-San Joaquin Delta. Two commenters believe the analysis failed to evaluate the impact of dredging delays or curtailed dredging on the economy of the San Francisco Bay Area. One commenter stated that the analysis contained no justification for the apparent economic benefits and two commenters stated that the analysis overestimated the beneficial impacts of the proposed rule on hydropower usage. One commenter believed that the additional administrative impacts of the proposed designation for winter-run chinook salmon were underestimated.

Response: Under section 4(b)(2) of the ESA, the Secretary is required to designate critical habitat on the basis of the best scientific data available and after taking into account the economic impact, and other relevant impacts, of specifying any particular area as critical habitat. An area may be excluded from a critical habitat designation if the overall benefits of exclusion outweigh the benefits of designation and the exclusion will not result in the extinction of the species.

NMFS has concluded, based on an assessment of the economic impacts of designating critical habitat for winter-run chinook salmon, that the designation is not likely to have any additional adverse impacts on Federal, state, or private actions beyond those that already occur as a result of listing a species under the ESA. Although many of the comments received on the economic impact of the proposed designation suggested that the designation will have major economic costs, these costs are attributable to the economic impacts resulting from the listing of the species and not from designating its critical habitat.

Currently, Federal agencies active within the range of the winter-run chinook salmon are required to consult with NMFS regarding projects and activities they permit, fund, or otherwise carry out that may affect the species since the species is listed as threatened under the ESA. Thus, even without this critical habitat designation, Federal agencies would be required to consult with NMFS, in most if not all situations, if winter-run chinook salmon habitat might be adversely affected since any action that is likely to affect the habitat of winter-run chinook salmon would also be expected to affect the species. For example, on February 12, 1993, NMFS issued a biological opinion to the Bureau and the California Department of Water Resources (DWR) addressing the effects of Central Valley Project and State Water Project activities on winter-run chinook salmon. The biological opinion concluded that the proposed operation of these projects would likely jeopardize the continued existence of winter-run chinook salmon. With respect to Shasta and Keswick Dams, NMFS identified a specific reasonable and prudent alternative to avoid jeopardy that requires the Bureau to maintain end-of-water-year (September 30) carryover storage in Shasta Reservoir of 1.9 million acre feet. The alternatives ensure that suitable water temperature conditions are maintained in the upper Sacramento River during winter-run chinook salmon spawning and incubation periods and implement protective measures in the Delta to limit loss of juvenile fish at pumping plants. NMFS recognizes the requirements could have significant economic impacts. However, these measures are clearly required as a result of the listing of winter-run chinook salmon, not critical habitat designation, since critical habitat had not been designated at the time the biological opinion was issued.

Hydrosphere evaluated the economic impacts of implementing various water management alternatives (i.e., specific temperature and instream flow criteria within the geographically defined critical habitat) that NMFS believes would improve the critical habitat of winter-run chinook salmon and, therefore, benefit the species. NMFS is currently using these same general hydrologic attributes to determine whether proposed or existing actions are likely to result in jeopardy to winter-run chinook salmon. For this reason, it is difficult to separate the estimated costs of the critical habitat designation from the costs associated with listing the species and the resulting prohibition on taking. For the purpose of this analysis, costs associated with achieving the identified hydrologic attributes (e.g., minimum flow requirements and temperature goals) within the critical habitat designation were analyzed. The resulting changes in hydrology and associated economic costs or benefits were then estimated.

Although information was requested from relevant Federal agencies on the potential impacts of the proposed designations on their operations and management of systems over which they have direct control or regulatory authority, a few agencies, including the Bureau, could not provide the requested information. Therefore, without responses from all Federal agencies, some costs associated with alternative management measures had to be estimated or were not identified. Although NMFS recognizes that the Hydrosphere report may not be complete, the analysis was broader than the impacts of a critical habitat designation. Therefore, it is not necessary to revise or update the Hydrosphere report before final designation of critical habitat.

Seasonal Designation

Comments: One commenter recommended that critical habitat for winter-run chinook salmon be designated on a seasonal basis, suggesting that tit could be based on the seasonal distribution of different winter-run chinook life history stages (e.g., breeding and rearing areas).

Response: A seasonal critical habitat designation for Sacramento river winter-run chinook salmon is not appropriate because it would not be practical or beneficial for the conservation of the species. Due to the life history of winter-run chinook salmon, either eggs, fry,

juveniles, or adults are present almost year-round in the Sacramento River. Therefore, impacts to winter-run critical habitat need to be evaluated on a year-round basis.

Increase in 1992 Spawning Escapement

Comment: One commenter believes that designation of critical habitat is not justified and is no longer necessary because of the increase in the 1992 spawning escapement.

Response: The designation of critical habitat is a statutory requirement under section 4(a)(3) of the ESA. Improvements in spawning escapement do not affect this statutory requirement.

Impact of Critical Habitat Designation

Comment: Several commenters stated that designating critical habitat for winter-run chinook salmon was a "major rule" because the economic impacts will be greater than $100 million and recommended that NMFS conduct a regulatory impact analysis under E.O. 12291 and under the Regulatory Flexibility Act. Two other commenters recommended that NMFS prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act on the critical habitat designation because designation is a major Federal action and will have a significant impact on the environment.

Response: NMFS has concluded that the economic impacts of designating critical habitat for winter-run chinook salmon are minimal and the designation is not a major rule because these economic costs are not greater than $100 million. Also, NMFS completed an Environmental Assessment pursuant to NEPA and concluded that this measure would not result in any significant adverse environmental impacts. Therefore, NMFS has determined that a regulatory impact analysis and/or an EIS are not necessary.

Recovery Plan

Comment: One commenter recommended that NMFS delay critical habitat designation for winter-run chinook salmon until a recovery plan is developed in order to allow for an adequate evaluation of the impacts of the critical habitat designation.

Response: In 1992, NMFS appointed a recovery team to develop a recovery plan for Sacramento River winter-run chinook salmon. The team will likely require a year to complete a draft recovery plan. NMFS does not have the authority to delay the designation of critical habitat. However, if new information becomes available from the Recovery Team or other sources, NMFS may revise the designation as provided under section 4(A)(3)(b) of the ESA.

Public Health

Comments: Three commenters were concerned about the impacts of the critical habitat designation on public health. One commenter believed that critical habitat designation could restrict Butte County Mosquito Abatement District's ability to use pesticides to control disease-vectoring mosquitos that use the back-waters of the Sacramento River as breeding grounds and harborage.

Response: Actions such as these that may adversely impact critical habitat may also adversely affect the species, and would be evaluated under section 7 or 10 of the ESA with or without critical habitat designation.

Notice of Proposed Rule

Comments: Two commenters stated that they were not provided with adequate notice of the proposed designation of critical habitat for winter-run chinook salmon.

Response: After NMFS became aware that some counties that may be affected by the winter-run chinook salmon critical habitat designation were not notified of the proposed rulemaking, NMFS extended the public comment period an additional 60 days.

Primary Constituent Elements

Comments: Two commenters recommended that "primary constituent elements" (e.g., water quality and quantity standards) specified in the proposed rule under "Need for Special Management Consideration or Protection" should be included as part of the regulatory requirements of the critical habitat designation for winter-run chinook salmon.

Response: The primary constituent elements that are described under the "Need for Special Management Considerations or Protection" discussed in the proposed rule are provided to inform the public and to provide general guidance to Federal agencies. The recommended temperature and flow criteria have not been included in the regulatory text describing critical habitat; rather, this discussion is to alert the public to recommendations that NMFS may make on a case-by-case basis as part of the section 7 consultation process. For instance, NMFS has required some of these criteria to be achieved through a biological opinion issued to the Bureau of Reclamation that includes requirements for reasonable and prudent alternatives to be implemented to achieve a likelihood of non-jeopardy to winter-run chinook salmon. NMFS does not have the expertise to regulate water quality and quantity criteria for Federally-permitted water projects. Requiring Federal agencies to use their own expertise through the section 7 consultation process is a more effective method of obtaining adequate water quality and quantity standards.

Procedural Methodology

Comments: One commenter expressed concern that NMFS did not publish the standards it used to evaluate the economic impacts of winter-run chinook salmon critical habitat designation. This commenter recommended that NMFS publish the standards it will use to evaluate economic impacts such as direct or indirect job losses, regional or national analysis, short-term or long-term analysis.

Response: Due to the variety of habitats and human activities, NMFS analyzes economic impacts of particular actions on a case-by-case basis. The economic study conducted by NMFS does describe the accounting perspective in terms of both a state-wide and national perspective. The analysis also considers indirect impacts of specific management measures as well as direct impacts.

Water Quality Criteria and Standards—Decision 1630

Comment: A commenter suggested that conditions required by the critical habitat designation should take into consideration the new regulatory framework set forth by the State Water Resources Control Board's Decision 1630.

Response: Since the State Water Resources Control Board has not adopted Decision 1630 (which includes criteria for water quality and quantity standards), NMFS did not consider it in the critical habitat designation for winter-run chinook salmon.

Essential Habitat of the Sacramento River Winter-run Chinook Salmon

Physical and biological features that are essential for the conservation of winter-run chinook salmon, based on the best available information, include (1) access from the Pacific Ocean to appropriate spawning areas in the upper Sacramento River, (2) the availability of clean gravel for spawning substrate, (3) adequate river flows for successful spawning, incubation of eggs, fry development and emergence, and downstream transport of juveniles, (4) water temperatures between 42.5 and 57.5°F (5.8 and 14.1°C) for successful spawning, egg incubation, and fry

development, (5) habitat areas and adequate prey that are not contaminated, (6) riparian habitat that provides for successful juvenile development and survival, and (7) access downstream so that juveniles can migrate from the spawning grounds to San Francisco Bay and the Pacific Ocean.

Need for Special Management Considerations or Protection

In the identified habitat areas, NMFS has determined that certain physical and biological features may require special management considerations or protection. In particular, specific water temperature criteria, minimum instream flow criteria, and water quality standards represent physical features of the winter-run chinook salmon's habitat that are essential for the species' conservation and that may require special management. Similarly, biological features of the designated critical habitat that are considered vital for winter-run chinook salmon include unimpeded adult upstream migration routes, spawning habitat, egg incubation and fry emergence areas, rearing areas for juveniles, and unimpeded downstream migration routes for juveniles. Again, these habitat features may require special management.

Special considerations and protection for these and other habitat features will be evaluated during the section 7 process and in the development and implementation of a recovery plan for winter-run chinook salmon. If adequate protection cannot be provided through consultation or through the recovery planning process, separate management actions with binding requirements may be considered.

Activities That May Affect the Essential Habitat

A wide range of activities may affect the essential habitat requirements of winter-run chinook salmon. These activities include water management operations by the Bureau of Reclamation's Central Valley Project (e.g., Shasta and Keswick Dams, Red Bluff Diversion Dam, the Tehama-Colusa Canal, the Delta Cross Channel, and delta export facilities) that affect the Sacramento River and Delta, water management operations by the California Department of Water Resource's State Water Project (including export of water from the Sacramento-San Joaquin Delta) that affect both the Sacramento River and Delta, small and large water diversions by private entities such as the Anderson-Cottonwood Irrigation District and the Glenn-Colusa Irrigation District that are located on the Sacramento River, bank restoration activities by the U.S. Army Corps of Engineers (Corps) in the Sacramento River and Sacramento-San Joaquin Delta, and Corps permitting activities that authorize dredging and other construction-related activities in the Sacramento River, Sacramento-San Joaquin Delta, and San Francisco Bay.

The Federal agencies that most likely will be affected by this critical habitat designation include the U.S. Bureau of Reclamation, the Corps, the U.S. Fish and Wildlife Service, the Federal Energy Regulatory Commission, the U.S. Navy, and NMFS. This designation will provide clear notification to these agencies, private entities, and the public of the existence of critical habitat for winter-run chinook salmon and the boundaries of the habitat and the protection provided for that habitat by the section 7 consultation process. This designation will also assist these agencies, and others as required, in evaluating the potential effects of their activities on the winter-run chinook salmon and its critical habitat, and in determining when consultation with NMFS would be appropriate.

Expected Impacts of Designation Critical Habitat

Under section 7 of the ESA, Federal agencies are required to ensure that their actions are not likely to jeopardize the continued existence of listed species or to result in the destruction or adverse modification of listed species' critical habitat. Also, takings of winter-run chinook salmon are prohibited under regulations issued when the species was listed as threatened.

This action identifies specific habitat areas that have been determined to be essential for the conservation of the winter-run chinook salmon and that may be in need of special management considerations or protection. Also, this designation requires Federal agencies to evaluate their activities with respect to the critical habitat of winter-run chinook salmon and to consult with NMFS pursuant to section 7 of the ESA before engaging in any action that may affect the critical habitat. Federal agencies must ensure that their activities are not likely to result in the destruction or adverse modification of this critical habitat.

Currently, Federal agencies active within the range of the winter-run chinook salmon are required to consult with NMFS regarding projects and activities they permit, fund or otherwise carry out that may affect the species since it is listed as threatened under the ESA. Even without this critical habitat designation, Federal agencies are required to consult with NMFS, in most if not all situations, if winter-run chinook salmon habitat might be adversely affected since any action that is likely to affect the habitat of winter-run chinook salmon would also be expected to affect the species.

Designation of critical habitat for winter-run chinook salmon is not likely to have any additional direct adverse economic impacts on Federal, state, or private activities beyond those that already occur as a result of listing a species under the ESA. Following designation of critical habitat, Federal agencies will continue to engage in section 7 consultations to determine if the actions they authorize, fund, or carry out are likely to jeopardize the continued existence of winter-run chinook salmon. With the designation, they will also need to address explicitly impacts to the species' critical habitat as well. However, this is not expected to materially affect the scope of future consultations or result in greater economic impacts since the impacts to winter-run chinook salmon habitat are already considered in section 7 consultations.

Hydrosphere evaluated the economic impacts of implementing various special water management alternatives (i.e., specific temperature and instream flow criteria within the geographically defined critical habitat) that NMFS believes would improve the critical habitat of winter-run chinook salmon and, therefore, benefit the species. NMFS is currently using these same general hydrologic attributes to determine whether proposed or existing actions are likely to result in jeopardy to winter-run chinook salmon. For this reason, it is difficult to separate the estimated costs of the critical habitat designation from the costs associated with listing the species and the taking prohibition. However, for the purpose of this analysis, costs associated with achieving the identified hydrologic attributes (e.g., minimum flow requirements and temperature goals) within the critical habitat designation were analyzed. The resulting changes in hydrology and associated economic costs or benefits were then estimated.

Some actions that would improve winter-run habitat were not included in the analysis conducted by hydrosphere since they (e.g., the Shasta temperature control device) are already in the planning or financing stages and are expected to be implemented regardless of whether critical habitat for winter-run chinook salmon is designated.

An evaluation of costs associated with achieving specified hydrologic attributes, such as minimum flow

requirements and temperature goals, within the designated critical habitat concluded that total economic benefits and costs would be about $82.5 million and $69.6 million, respectively, with an overall net economic benefit of $12.9 million (hydrosphere 1991).

Critical Habitat; Essential Features

Based on available information, NMFS is designating critical habitat that is considered essential for the survival and recovery of the winter-run chinook salmon and that requires special management consideration or protection. The critical habitat designated by this rule includes areas that are currently used by winter-run chinook salmon including the Sacramento River, all waterways and bays westward of Chipps Island to San Francisco Bay, and San Francisco Bay.

Specific critical habitat includes (1) the Sacramento River from Keswick Dam, Shasta County (River Mile 302) to Chipps Island (River Mile 0) at the westward margin of the Sacramento-San Joaquin Delta, (2) all waters from Chipps Island westward to Carquinez Bridge, including Honker Bay, Grizzly Bay, Suisun Bay, and Carquinex Strait, (3) all waters of San Pablo Bay westward of the Carquinez Bridge, and (4) all waters of San Francisco Bay (north of the San Francisco/Oakland Bay Bridge) from San Pablo Bay to the Golden Gate Bridge and north of the San Francisco-Oakland Bay Bridge.

Within the Sacramento River, this designation includes the river water, river bottom (including those areas and associated gravel used by winter-run chinook salmon as spawning substrate), and adjacent riparian zone used by fry and juveniles for rearing. Also, in the areas westward from Sherman Island to Chipps Island, it includes Kimball Island, Winter Island, and Browns Island. In the areas westward from Chipps Island, including San Francisco Bay to the Golden Gate Bridge, it includes the estuarine water column and essential foraging habitat and food resources used by winter-run chinook salmon as part of their juvenile outmigration or adult spawning migration. This designation does not include any estuarine sloughs within San Francisco Bay or San Pablo Bay.

Although it is important, critical habitat does not include the open ocean habitat used by winter-run chinook salmon because this area does not appear to be in need of special management consideration. Degradation of this portion of the species' habitat, and other factors associated with the open ocean such as commercial and recreational fishing, do not appear to be significant factors in the decline of the species. In addition, existing laws appear adequate to protect these areas, and special management of this habitat is not considered necessary at this time. However, NMFS will continue to monitor activities in this area to determine if it needs to be included in the critical habitat designation.

NMFS has not included specific areas outside the current geographical area occupied by winter-run chinook salmon in this designation since these areas are not considered essential for conservation of the species. Although some may recommend removing dams (e.g., Shasta and Keswick) along the Sacramento River so that the former upriver habitat could once again be made available to winter-run chinook salmon, NMFS has concluded that proper management of the existing habitat is sufficient to provide for the survival and recovery of this species. However, if sufficient habitat is not maintained below Shasta Reservoir to satisfy the spawning and survival requirements of winter-run chinook salmon, the future existence of the species would be jeopardized.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The regulations are not likely to result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions, or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce has certified that this rule will not have a significant economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act. The designation of critical habitat only duplicates and reinforces the substantive protection resulting from listing; therefore, the economic and other impacts resulting from designation are expected to be minimal, and a regulatory flexibility analysis is not required.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator determined that this designation is consistent to the maximum extent practicable with the approved Coastal Zone Management Program of the State of California. This determination was submitted for review by the responsible State agency under section 3.7 of the Coastal Zone Management Act. Because the State did not respond within the statutory time period, agreement with the determination is inferred.

NOAA Administrative Order 216–6 states that critical habitat designations under the ESA, generally, are categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. However, in order to more clearly evaluate the minimal impacts of the critical habitat designation, NMFS prepared an environmental assessment; copies are available on request (see ADDRESSES).

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: June 9, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries.

For the reasons set forth in the preamble, 50 CFR part 226 is amended as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. Subpart C, which was reserved, is added to part 226 to read as follows:

Subpart C—Critical Habitat for Fish

Sec.

Subpart C—Critical Habitat for Fish

§ 226.21 Sacramento River winter-run chinook salmon (Oncorhynchus tshawytscha).

The following waterways, bottom and water of the waterways and adjacent riparian zones: The Sacramento River from Keswick Dam, Shasta County (River Mile 302) to Chipps Island (River Mile 0) at the westward margin of the Sacramento-San Joaquin Delta, all waters from Chipps Island westward to Carquinez Bridge, including Honker Bay, Grizzly Bay, Suisun Bay, and Carquinez Strait, all waters of San Pablo Bay westward of the Carquinez Bridge,

and all waters of San Francisco Bay (north of the San Francisco/Oakland Bay Bridge) from San Pablo Bay to the Golden Gate Bridge.

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BILLING CODE 3510-22-M

50 CFR Part 227

[Docket No. 920780-2180]

Sea Turtle Conservation; Shrimp Trawling Requirements

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

ACTION: Turtle excluder device exemption.

SUMMARY: NMFS will continue to allow 30-minute tow times as an alternative to the requirement to use turtle excluder devices (TEDs) by shrimp trawlers in a small area off the coast of North Carolina for 30 days. NMFS will monitor the situation to ensure there is adequate protection for sea turtles in this area when tow-time limits are allowed in lieu of TEDs and to determine whether algal concentrations continue to make TED use impracticable.

EFFECTIVE DATES: This rule is effective from June 11, 1993 through July 12, 1993.

ADDRESSES: Comments on the collection-of-information requirement in this action should be directed to the Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, Attention: Phil Williams, and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503, Attention: Desk Officer for NOAA.

FOR FURTHER INFORMATION CONTACT: Phil Williams, NMFS National Sea Turtle Coordinator (301/713-2322) or Charles A. Oravetz, Chief, Protected Species Program, Southeast Region, NMFS, (813/893-3366).

SUPPLEMENTARY INFORMATION:

Background

In regulations published April 15, 1993 (58 FR 19561), and on May 17, 1993 (58 FR 28793), NMFS allowed limited tow times as an alternative to the requirement to use TEDs by shrimp trawlers in a small area off the coast of North Carolina. This area seasonally exhibits high concentrations of brown algae, *Diclyopteris* spp., and a red alga, *Halymenia* sp. Shrimp live within the algae, which shrimpers harvest. Use of TEDs under these conditions is impractical because they clog or exclude a large portion of the algae. Limiting tow times to 30 minutes allows fishermen to harvest shrimp efficiently and maintains adequate protection for sea turtles that may be nesting in this area. NMFS will continue to monitor the situation to ensure there is adequate protection for sea turtles in this area when tow-time limits are allowed in lieu of TEDs and to determine whether algal concentrations continue to make TED use impracticable.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that immediate action is necessary to conserve sea turtles pursuant to the regulations at 50 CFR 227.72(e)(6). The Assistant Administrator has also determined that incidental takings of sea turtles during shrimp trawling are unauthorized unless these takings are consistent with the applicable biological opinions and associated incidental take statements described in the previous TED exemption published at 58 FR 28793 (May 17, 1993).

Recent Events

The North Carolina sea turtle stranding network reported that nine sea turtles stranded in the North Carolina Restricted Area during the previous exemption period: Eight loggerheads and one green turtle. None of the turtles were nesting females, although it is nesting season. Recent aerial surveys have shown as many as 80 loggerhead turtles in offshore waters adjacent to the restricted area. This number of strandings compares with five loggerheads and one leatherback, which stranded during May 1992.

In addition, the marine mammal stranding network reported seven bottlenose dolphins stranded in the restricted area during this time. The majority of the turtle and dolphin strandings occurred near Topsail Island, in the southern portion of the restricted area.

The cause of the strandings is not certain as both shrimp trawlers and gillnet vessels have been operating in and near the restricted area. The North Caroline Division of Marine Fisheries (NCDMF), which monitors fishing activity in the restricted area, reported that, at most, one shrimp trawler was fishing at any given time. NCDMF reported compliance by trawlers observed in the restricted area with the 30-minute tow-time requirement. Residents in the restricted area reported to NMFS greater shrimping activity (zero to six trawlers fishing at any given time), though some of the vessels may have been trawling outside the restricted area. This difference in reported fishing activity is to be expected since NCDMF personnel were only able to observe fishing for 1 to 2 hours daily.

NCDMF also reported that a coastal gillnet fishery for finfish is operating in the region. North Carolina does not regulate gillnet fishing in its waters and no estimate of activity is available. Several of the bottlenose dolphins stranded on beaches had net marks characteristic of gillnet interactions.

Consultation under section 7 of the Endangered Species Act (ESA) has been reinitiated for the continuation of this TED exemption because the strandings of eight sea turtles may represent incidental takings in the restricted area in excess of those authorized for the previous exemption (April 1, 1993). As a condition to continuing the TED exemption in the North Carolina Restricted Area, NMFS will place observers on shrimp trawlers in this area on a weekly basis during the sea turtle nesting season to monitor any incidental capture of turtles and to monitor environmental conditions. NMFS may impose more stringent conservation measures, including the use of TEDs, if it is determined that turtles are not adequately protected in the restricted area.

NMFS has determined that the environmental conditions in the restricted area continue to render TED use impracticable. Therefore, the Assistant Administrator extends the authorization to use restricted tow times previously issued on May 12, 1993 (58 FR 28793, May 17, 1993), as an alternative to the requirement to use TEDs in the North Carolina restricted area. Specifically, all shrimp trawlers in the North Carolina restricted area are authorized, as an alternative to the otherwise required use of TEDs, to limit tow times to 30 minutes for 30 days.

This action provides shrimpers in the North Carolina restricted area with immediate relief from having to comply with the TED-use requirement while comments are being received on a proposed rule, published at 58 FR 30007 (May 25, 1993), that would amend 50 CFR parts 217 and 227 to provide permanent relief. The tow-time limit and other requirements imposed by this action will provide adequate protection for endangered and threatened sea turtles in the North Carolina restricted area.

Sea Turtle Conservation Measures

The sea turtle conservation measures published at 58 FR 28793 (May 17, 1993) are extended here for another 30 days. The owner or operator of a shrimp trawler trawling in the North Carolina restricted area must register with the

Director, Southeast Region, NMFS, by telephoning 813/893–3141. Information required for registering is described in the previous exemptions. Shrimp trawlers in the restricted area must restrict tow times to 30 minutes or less when tow times are used as an alternative to the requirement to use TEDs. Tow times are measured from the time that the trawl door enters the water until it is removed from the water. For a trawl that is not attached to a door, the tow time is measured from the time the codend enters the water until it is removed from the water.

Classification

The Assistant Administrator has determined that this action is necessary to provide relief from an impractical TED-use requirement, while providing adequate protection for listed sea turtles, and while comments are being received for the proposed rule that would amend 50 CFR parts 217 and 227 to allow for a permanent tow-time allowance in the North Carolina restricted area. It is anticipated that this action will be extended for one or two additional 30-day periods to allow completion of the permanent rulemaking. This action is consistent with the ESA and other applicable law. This action does not require a regulatory impact analysis under E.O. 12291 because it is not a major rule.

Because neither section 553 of the Administrative Procedure Act (APA) nor any other law requires that general notice of proposed rulemaking be published for this action, under section 603(b) of the Regulatory Flexibility Act, an initial Regulatory Flexibility Analysis is not required.

The environmental assessments prepared for this action are described in the previous TED exemption published at 58 FR 28793 (May 17, 1993).

This action contains a collection-of-information requirement subject to the Paperwork Reduction Act, namely, requests for registration to trawl in the North Carolina restricted area. This collection of information has been approved by the Office of Management and Budget (OMB) under OMB control number 0648–0267. The public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, may be sent to NMFS and OMB (see ADDRESSES).

The Assistant Administrator, pursuant to section 553(b)(B) of the APA, finds there is good cause to extend this exemption on an immediate basis and that it is impracticable and contrary to the public interest to provide advance notice and opportunity for comment. Failure to implement temporary measures would result in fishermen not being able to catch shrimp as efficiently as possible in the North Carolina restricted area, while still protecting endangered and threatened sea turtles. Because this action relieves a restriction (the requirement to use TEDs), under section 553(d)(1) of the APA, this rule is being made immediately effective.

Dated: June 11, 1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 93–14205 Filed 6–11–93; 3:53 pm]

BILLING CODE 3510–22–M

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50 CFR Part 227

[Docket No. 930642–3142]

Sea Turtle Conservation; Observer Requirement for Shark Gillnet Fisheries

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

ACTION: Temporary observer requirements.

SUMMARY: NMFS notifies owners and operators of vessels conducting shark gillnet fishing from North Carolina through Florida that upon request, through June 30, 1993, they must carry a NMFS-approved observer aboard such vessels. This action is necessary to monitor the taking of threatened and endangered sea turtles. NMFS is requiring that vessel owners or operators carry aboard a NMFS-approved observer to document take of threatened and endangered species, if requested to do so. NMFS will monitor this fishery to ensure adequate protection for sea turtles and to determine whether impacts of shark gillnet vessels require the imposition of temporary conservation measures.

DATES: This action is effective from June 11, 1993 through June 30, 1993.

ADDRESSES: Requests for a copy of the environmental assessment (EA) for this action should be addressed to William W. Fox, Jr., Ph.D., Director, Office of Protected Resources, NMFS, 1335 East-West Highway, room 8268, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Phil Williams, NMFS National Sea Turtle Coordinator, at 301/713-2322, or Charles A. Oravetz, Chief, Protected Species Program, Southeast Region, NMFS, at 813/893–3366.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA), U.S.C. 1531 *et seq*. Incidental capture by shrimp trawlers has been documented for five species of sea turtles that occur in U.S. coastal waters. Sea turtle take by other types of fishing gear has also been documented, but the amount and extent of impact to turtles by other gear types is unknown. Gillnets of different sizes have been reported to take sea turtles; for example, gillnets have been reported to take loggerhead turtles in South Carolina sturgeon fisheries, and green sea turtles in southern Florida. In fact, gillnets were the preferred means of capturing turtles when turtle fisheries were conducted in U.S. waters prior to their listing.

NMFS issued an advance notice of proposed rulemaking (57 FR 30709, July 10, 1992) that addressed the need for expansion of turtle conservation regulations to fisheries other than the shrimp fisheries. NMFS also published a final rule (57 FR 57348, December 4, 1992) that amended the sea turtle conservation regulations, and included provisions to allow restriction of fishing activities other than shrimp trawling when the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determines that restrictions are necessary to avoid unauthorized taking. Pursuant to 50 CFR 227.72(e)(6)(ii), NMFS published a notice action effective on October 7, 1992 (57 FR 46815, October 13, 1992), that specifically required observer coverage in shark gillnet fisheries.

NMFS recently issued a final rule implementing the Shark Fishery Management Plan (FMP). In pertinent part, that rule authorizes observer coverage, effective July 1, 1993, on Federally registered shark fishing vessels, including gillnet vessels (58 FR 21931, April 26, 1993). The temporary rule issued today provides the authority to require observers before July 1, 1993.

Recent Events

In July 1992, the shark fishery came under suspicion of taking sea turtles when over 20 loggerhead sea turtles stranded on Cumberland Island, Georgia, during a 10-day period. Three

shark gillnet vessels were reportedly fishing off Cumberland Island during that time period. In response to that stranding event, NMFS law enforcement efforts were increased, and a number of shrimp trawl vessels were boarded to determine whether the strandings could be attributed to lack of compliance with the sea turtle conservation regulations.

During the period of September 5–7, 1992, a total of seven turtles stranded on Cumberland Island. Those strandings coincided with the return of shark gillnet vessels into waters off southern Georgia. A number of tarpon and other large fish stranded at the same time, suggesting that they may have been killed by the same gear as the turtles. Tarpon and large fish are seldom taken by shrimp trawlers, but are commonly taken as bycatch in gillnets.

NMFS received a number of complaints from private individuals and the Georgia Department of Natural Resources (DNR) suggesting that shark gillnet vessels were responsible for a large number of turtle strandings off Georgia. Both NMFS and Georgia DNR requested that those vessels carry observers to document take of sea turtles during fishing activities, but the vessel owners declined to cooperate. On September 9, 1992, Georgia DNR formally requested that NMFS take regulatory action to require mandatory observers on shark gillnet boats fishing in Federal waters off Georgia's coast. NMFS issued a temporary rule requiring observer coverage in this fishery effective October 7, 1992. Upon publication of this requirement, the gillnet vessels ceased fishing and no observer information was collected.

Vessels in the shark gillnet fishery use up to 1.5 miles (2.4 km) of gillnet, consisting of 10-inch (25.4-cm) stretched-mesh net averaging 40 meshes deep. Sets are generally made at night with vessels leaving port in the afternoon and returning the following morning. All fishing reportedly occurs outside of state waters in the Federal Exclusive Economic Zone.

In correspondence dated April 30, 1993, Georgia DNR again raised the issue of shark gillnet vessels operating off Georgia. In fact, Georgia DNR not only requested observer coverage in this fishery, but also asked NMFS to proceed with a rulemaking that would ban shark gillnets in Federal waters off Georgia. Based upon problems encountered last year with this fishery and lack of cooperation in placing observers aboard shark gillnet vessels, NMFS has determined that mandatory observer coverage is necessary to assess levels of take and to determine whether additional conservation measures are warranted.

Sea Turtle Conservation Measures

Based on the information presented and the likelihood that the shark gillnet fishery is taking sea turtles, the Assistant Administrator has determined that immediate action is necessary to conserve endangered and threatened sea turtles pursuant to regulations at 50 CFR 227.72(e)(6)(ii). The Assistant Administrator has determined that incidental takings of sea turtles during shark gillnet fishing are unauthorized unless specifically allowed under the incidental take statement for the section 7 ESA consultation for this fishery completed on September 23, 1991. That incidental take statement allows for the documented take (by injury or mortality) of two Kemp's ridley or hawksbill sea turtles, four green or leatherback sea turtles, or 10 loggerhead turtles. The reasonable and prudent measures necessary to minimize the impacts of the shark fisheries on sea turtles include implementation of observer programs to document incidental capture, injury and mortality, with emphasis on monitoring of gillnet and longline fisheries for sharks.

A biological opinion for the October 7, 1992, notice action also analyzed the impact of the shark gillnet fishery on threatened and endangered sea turtles. That opinion reemphasized the need for an observer program to determine the impact of the shark gillnet fishery on listed species. A supplemental biological opinion prepared for this action reiterates the need for immediate observer coverage until the FMP final rule takes effect on July 1, 1993. The incidental take statement issued with that opinion allows for the documented take by injury or mortality of one Kemp's ridley, green, hawksbill, or leatherback turtles, or two loggerhead turtles.

Requirements

This action establishes an observer requirement to evaluate the interactions between the shark gillnet fishery and sea turtles within a designated area, known as the "shark gillnet restricted area." The "shark gillnet restricted area" means all inshore and offshore waters of the Atlantic area. This includes waters south of 36°33'00.8"N. latitude (the line of the North Carolina/Virginia border) but does not include waters of the Gulf area or Southwest Florida. The term "shark gillnet vessel" means any vessel fishing with gillnet gear that targets or is capable of taking shark, or any vessel possessing shark that has gillent gear on board. "Fishing" or "to fish" has the meaning specified under 50 CFR 217.12 and includes operations in support of or in preparation for the catching of fish, including having gillnet gear on board a vessel (unless that gear is stowed below deck or covered so that it is in a condition that makes it unavailable for fishing). "Gillnet gear" includes any net designed to be suspended vertically in the water and to entangle the head or other body parts of fish passing through the net, including drifting nets and nets anchored or attached to the sea bottom, the fishing vessel, or any other object.

NMFS hereby notifies owners and operators of shark gillnet vessels fishing in the shark gillnet restricted area that they must carry a NMFS-approved observer onboard such vessel(s) if requested to do so by the Director, Southeast Region, NMFS, upon written notification sent to either the address specified for the vessel under the Marine Mammal Exemption Program or the address specified for vessel registration or documentation purposes or otherwise served on the owner or operator of the vessel. A shark gillnet vessel fishing in the shark gillnet restricted area must comply with the terms and conditions specified in or accompanying such written notification, including all observer treatment requirements. Any person who does not comply with any requirement in this document, including any term or condition in any written notification issued hereunder, is in violation of regulations at 50 CFR 227.71(b)(3).

Additional Sea Turtle Conservation Measures

At any time, the Assistant Administrator may modify the requirements of this action through notification in the Federal Register, if necessary, to ensure adequate protection of endangered and threatened sea turtles. Under this procedure, the Assistant Administrator will impose any necessary additional or more stringent measures, if it is determined that shark gillnet vessels are having a significant adverse effect on sea turtles. Likewise, conservation measures may be modified if monitoring to assess turtle mortality indicates that the incidental take level for the program is approaching the incidental take level established by the supplemental biological opinion prepared for this action. The August 9, 1992, biological opinion prepared for the final sea turtle regulations considered actions such as observer requirements and set an incidental take level of four hawksbill or leatherback turtles, or 10 Kemp's ridley or green turtles, or 370 loggerhead turtles. The allowable take level set in the

supplemental biological opinion for this action is one lethal take of a Kemp's ridley, green, hawksbill, or leatherback turtle; or two lethal takes or loggerhead turtles.

The Assistant Administrator will impose additional conservation measures on this fishery if the incidental take level is exceeded, or if significant or unanticipated levels of lethal or nonlethal takings or strandings of sea turtles associated with fishing activities in the restricted area occur. Such additional restrictions may include requirements to reduce the soak-time of nets or reduce the length of nets. Notification will be published in the **Federal Register** announcing any additional sea turtle conservation measures or the termination of the requirement for observers on shark gillnet fishing vessels.

Classification

The Assistant Administrator has determined that this rule is necessary to respond to an emergency situation to provide adequate protection for listed sea turtles, and is consistent with the ESA and other applicable laws. This rule does not require a regulatory impact analysis under E.O. 12291 because it is not a "major rule."

Pursuant to sections 553(b) and (d) of the Administrative Procedure Act (APA), the Assistant Administrator finds there is good cause to take this action on an emergency basis and that it is impracticable and contrary to the public interest to provide prior notice and opportunity for comment. Emergency action is needed to be consistent with protecting endangered and threatened sea turtles. Because neither section 553 of the APA, nor any other law, requires that general notice of proposed rulemaking be published for this action, under section 603(b) of the Regulatory Flexibility Act, an initial Regulatory Flexibility Analysis is not required.

The Assistant Administrator prepared an EA for the final rule published on December 4, 1992 (57 FR 40861), which considered temporary actions such as this.

A supplemental EA prepared specifically for this action concludes that, with specified mitigation measures, this action will have no significant impact on the human environment.

Dated: June 11, 1993

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration

[FR Doc. 93-14206 Filed 6-11-93; 3:53 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 58, No. 114
Wednesday, June 16, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Airspace Docket No. 93–ASW–1]

Proposed Establishment of Restricted Area R–3807; Glencoe, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Restricted Area R–3807 located in the vicinity of Glencoe, LA. The U.S. Customs Service proposes to install an aerostat-borne radar system in R–3807. The aerostat–borne radar system would provide surveillance to detect suspected illegal drug transportation into the United States. The aerostat balloon is proposed to fly up to 15,000 feet mean sea level (MSL). This action would support the drug interdiction program.

DATES: Comments must be received on or before July 26, 1993.

ADDRESSES: Send comments on the proposed in triplicate to: Manager, Air Traffic Division, ASW–500, Docket No. 93–ASW–1, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX 76193–0500.

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: Lewis W. Still, 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) 267–9250.

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, 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–ASW–1." The postcard will be date/time stamped and returned to the commenter. Send comments on environment and land use aspects to: Mr. Ernie Mercer, Department of the Treasury, U.S. Customs Service, Director, Research and Development Division, 1301 Constitution Avenue, NW., Washington, DC 20229. 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.

Availability 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 considering an amendment to part 73 of the Federal Aviation Regulations (14 CFR part 73) to establish Restricted Area R–3807, Glencoe, LA. The restricted area would provide airspace for the operation of a tethered aerostat-borne radar system. This system would provide surveillance of airspace to detect low altitude aircraft attempting to penetrate the United States airspace. The proposed restricted area would encompass a 3-statute-mile radius of a geographical point, lat. 29°48′37″N., long. 91°39′47″W., from the surface to 15,000 feet MSL. The system would increase the probability of the interception and interdiction of suspect aircraft and provide low altitude radar coverage for the Customs Service. The coordinates for this airspace docket are based on North American Datum 83. Section 73.38 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8A dated March 3, 1993.

There are no airports, airways, or persons on the ground that would be impacted by the establishment of the proposed restricted area. Any impact on air traffic in the area would be negligible due to the small area and location of the area involved.

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.

An environmental assessment of the proposal performed by the U.S. Customs Service, which the FAA adopts, finds no significant environmental impact. Use

of the subject area as proposed is consistent with existing national environmental policies and objectives as set forth in section 101(a) of NEPA and would not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to section 102(2)(c) of NEPA.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 73 as follows:

PART 73—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510, 1522; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 73.38 [Amended]

R–3807 Glencoe, LA (New)

Boundaries: A circular area 3 miles in diameter centered at lat. 29°48'37"N., long. 91°39'47"W.
Designated altitudes: Surface to 15,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Houston ARTCC.
Using agency: USAF, Southeast Air Defense Sector, Tyndall AFB, FL

Issued in Washington, DC, on May 27, 1993.

Willis C. Nelson,

Acting Manager, Airspace—Rules and Aeronautical Information Divison.

[FR Doc. 93–14146 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF EDUCATION

34 CFR Part 648

RIN 1840–AB66

Graduate Assistance in Areas of National Need

AGENCY: Department of Education

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Secretary proposes regulations for the Graduate Assistance in Areas of National Need (GAANN) program. The program originally was enacted in the Education Amendments of 1980 and recently has been amended by the Higher Education Amendments of 1992. The proposed regulations incorporate statutory requirements and provide rules for applying for and spending Federal funds under this program.

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

ADDRESSES: All comments concerning these proposed regulations should be addressed to Carolyn Proctor-Kelly, U.S. Department of Education, Regional Office Building 3, room 3022, 7th and D Streets SW., Washington, DC 20202–5251.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Carolyn Proctor-Kelly. Telephone: (202) 458–7389. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: These proposed regulations would implement the GAANN program authorized under Title IX, Part D, of the Higher Education Act of 1965 (HEA), as amended by the Higher Education Amendments of 1992 (Pub. L. 102–325). This program provides fellowships through academic departments of institutions of higher education to assist graduate students of superior ability who demonstrate financial need. The purpose of the program is to sustain and enhance the capacity for teaching and research in areas of national need.

The GAANN program furthers National Education Goal 4, that U.S. students will be first in the world in science and mathematics achievement, and Goal 5, that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. The program furthers both goals by providing fellowship assistance to increase the number of teachers with a substantive background in mathematics and science, as well as increase the number of graduate students who complete degrees in mathematics, science, and engineering. The program also furthers these goals by providing fellowship assistance to graduate students so that these students can provide an example for American youth on the importance of continued learning throughout an individual's life.

Summary of Major Provisions

The following is a summary of the major regulatory provisions implementing the GAANN program. The summary distinguishes between those regulatory provisions that restate statutory language and other regulatory provisions that (1) contain interpretations of statutory text or (2) provide standards and procedures for the program that are not stated in the statutory text. Commenters are requested to direct their comments to the latter category.

Section 648.1 What Is the Graduate Assistance in Areas of National Need Program?

Section 941 of the HEA provides that the GAANN program awards fellowships to academic departments of institutions of higher education to assist graduate students of superior ability who demonstrate financial need. The purpose of the program is to sustain and enhance the capacity for teaching and research in areas of national need. The Secretary would incorporate the purpose of the program into the general provisions of the program regulations.

Section 648.2 Who Is Eligible for a Grant?

Sections 942(a)(2) and 943(a) of the HEA list the eligibility requirements for a grant under the program. Any academic department of an institution of higher education that provides courses of study leading to a graduate degree in an area of national need and that has been in existence for at least four years at the time of an application for a grant under the program is eligible. Any academic department of an institution that satisfies these criteria and submits a joint application with one or more eligible nondegree-granting institutions that have formal arrangements for the support of doctoral dissertation research with one or more degree-granting institutions is also eligible to receive a grant. The Secretary would incorporate these eligibility requirements into the general provisions of the program regulations.

Section 648.3 What Activities May the Secretary Fund?

Section 941 of the HEA requires that grants under the GAANN program be used to fund fellowships in one or more areas of national need. The Secretary selects the areas of national need from the disciplines or subdisciplines listed in the appendix to the proposed regulations or the resulting inter-disciplines. The list of these priority disciplines and subdisciplines in the appendix was derived from the Classification of Instructional Programs (CIP) developed by the Office of Educational Research and Improvement

of the U.S. Department of Education and includes the instructional programs that might constitute courses of studies toward graduate degrees. The appendix listing will be updated occasionally to keep current with emerging academic fields.

The Secretary would announce an absolute preference for certain of the priority disciplines and subdisciplines in a notice published in the Federal Register as described in § 648.33. The Secretary would not select all of the disciplines or subdisciplines listed in the CIP for priority. Section 943(b) of the HEA requires the Secretary to consult with the National Science Foundation, the National Academy of Sciences, the National Endowments for the Arts and the Humanities, and other appropriate Federal and nonprofit agencies and organizations in determining which disciplines and subdisciplines are accorded priority. In making these designations, the Secretary takes into account the extent to which the interest is compelling and the extent to which other Federal programs support postbaccalaureate study in the area concerned. The Secretary would incorporate the activities that may be supported under the program into the general provisions of the program regulations.

Section 648.4 What Is Included in the Grant?

Sections 945(b) and 946(a) of the HEA provide that the grants awarded under the GAANN program include Federal funds for stipends to fellows and an institutional payment to the institution of higher education for each fellowship awarded by that institution. The Secretary has determined that a stipend provides an allowance to a fellow (and his or her dependents) for subsistence and other living expenses. The institutional payment must be applied against the fellow's tuition and fees. The Secretary would incorporate the above description of what is included in a grant into the general provisions of the program regulations.

Section 648.5 What Is the Amount of the Grant?

Section 942(b)(2) of the HEA provides that the amount of a grant received by an academic department under the program may not be less than $100,000 and may not be more than $750,000 each fiscal year. The Secretary has determined that no academic department would receive more than $750,000 as an aggregate total of new and continuing grants in any fiscal year. The Secretary would incorporate the above rules into the general provisions of the program regulations.

Section 648.6 What Is the Duration of a Grant?

Section 942(b)(2) of the HEA provides that the duration of a grant received under the program is a maximum of three annual budget periods within a three-year project period. The Secretary would incorporate this limitation on the duration of a grant into the general provisions of the program regulations.

Section 648.7 What Is the Institutional Matching Contribution?

Section 944(b)(2) of the HEA provides that an institution that applies for a grant under the program must provide, from non-Federal funds, an institutional matching contribution of at least 25 percent of the amount of the grant received for the purposes of the fellowship program. The Secretary would incorporate this matching requirement into the general provisions of the program regulations.

Section 648.9 What Definitions Apply?

Sections 942(a)(2) and 943 of the HEA define "eligible non-degree granting institution." The Secretary has also defined "academic department", "academic field", "academic year", "application period", "discipline", "fees", "fellow", "fellowship", "financial need", "general operational overhead", "graduate student", "graduate study", "highest degree available", "institution of higher education", "inter-discipline", "minority", "multi-disciplinary application", "project", "satisfactory progress", "school or department of divinity", "students from traditionally underrepresented backgrounds", "supervised training", "tuition", and "underrepresented in areas of national need." The Secretary would incorporate these definitions into the general provisions of the program regulations.

Section 648.20 How Does an Institution of Higher Education Apply for a Grant?

The Secretary has determined that an applicant must submit an application that responds to the selection criteria for the program and that contains certain other information.

Section 944(b) of the HEA provides what an application for a grant under the program must contain to be considered for an award under the program. The Secretary would incorporate these statutory application requirements, as well as the two following additional requirements in the program regulations: (1) The Secretary would require institutions to include in their applications a request for a specific number of fellowships to be awarded under the grant in each academic discipline included in its application. (2) The Secretary also would provide that an academic department could submit only one application for a new grant in any application period. The Secretary would incorporate these requirements into § 648.20 of the program regulations.

Section 648.31 What Selection Criteria Does the Secretary use?

Section 942(b)(1) of the HEA provides that the principal criterion for the allocation of awards shall be the relative quality of the graduate programs presented in competing applications. The Secretary's general approach to the selection criteria is to evaluate the quality of an applicant's graduate program and the academic department's plans for the GAANN project, including course offerings, faculty and academic resources, purpose and need for the GAANN project, project administration, and overall institutional commitment to the graduate fellowships initiated under the program.

Applicants would be required to demonstrate the quality of their academic program by submitting formal evaluations of their academic programs performed by professional associations, or other comparable data. The Secretary would also require that the evaluations submitted by applicants be field-specific.

Section 648.32 What Additional Factors Does the Secretary Consider?

Section 942(c) of the HEA provides that preference is to be given to continuation applications from grantees requesting their second and third year of funding before funding is provided to new applications. The Secretary would incorporate this preference into § 648.32(a) of the proposed regulations.

Section 942(b)(1) of the HEA provides that the Secretary consider, to the extent possible, the equitable geographic distribution of grants to eligible applicant public and private institutions of higher education. The Secretary would also consider the equitable distribution of grants to eligible applicant public and eligible applicant private institutions of higher education. The equitable distribution among public and private institutions would be based on the number of institutions that apply for a grant. Equity would be measured by the overall ratio of public and private institutions that apply for a grant. These additional factors would be used to break ties between applicants after a

determination of the relative quality of competing applications is made under the selection criteria. The Secretary would incorporate these additional factors into § 648.32(b) of the program regulations.

Section 648.33 What Priorities and Absolute Preferences Does the Secretary Establish?

The Secretary would establish as an area of national need and give absolute preference to one or more of the disciplines and subdisciplines listed as priorities in the appendix to the program regulations and the resulting inter-disciplines and will announce these absolute preferences in a notice published in the **Federal Register**. The Secretary would incorporate this procedure for establishing priorities and absolute preferences into § 648.33 of the program regulations.

Section 648.40 How Does an Academic Department Select Fellows?

Section 944(b)(4) of the HEA provides that to be eligible for a fellowship, an individual must (1) have financial need; (2) have an excellent academic record; (3) plan a teaching or research career; and (4) plan to pursue the highest degree available in his or her course of study. Section 941 of the HEA provides that individuals who are eligible for a fellowship also must have superior ability.

The Secretary has defined "highest degree available" in § 648.9(b) of the proposed regulations to mean a doctorate in an academic field or a master's degree, professional degree, or other post-baccalaureate degree if a doctorate is not available in that academic field. Section 944(b)(4)(D) provides that, in order to be eligible for a fellowship, an individual must plan to pursue the highest possible degree available in their course of study. The Secretary has interpreted section 944(b)(4)(D) of the HEA to require an individual to pursue a doctorate in their academic field, if a doctorate is available in their course of study, since this would be the highest possible degree available in their course of study. The Secretary solicits comment on the appropriateness of and the potential effects of this interpretation.

In addition to the statutory requirements, the Secretary also would require that an individual be enrolled as a graduate student, accepted at the grantee institution, or enrolled or accepted as a graduate student at an eligible nondegree-granting institution of higher education to be eligible to receive a fellowship.

The Secretary also would require that an individual who is enrolled in a master's degree program, professional degree program, or a doctoral degree program that will not lead to an academic career be (1) a United States citizen or national; (2) in the United States for other than a temporary purpose and intend to become a permanent resident; or (3) a permanent resident of the Trust Territory of the Pacific Islands.

An individual who is enrolled in a doctoral degree program that will lead to an academic career would be eligible only if he or she is a citizen of the United States. Section 901(a)(2) of the HEA provides that the purpose of the GAANN program, and the other graduate programs funded under Title IX of the HEA, is to provide incentives and support for United States citizens to complete doctoral degree programs leading to academic careers. The Secretary believes the use of United States citizens, academic careers, and doctoral degree programs in section 901(a)(2) of the HEA limits eligibility for doctoral degree programs leading to academic careers to United States citizens. The Secretary particularly solicits comments on the appropriateness of and the potential effects of this interpretation.

Finally, the Secretary has determined that an individual who satisfies all of the eligibility criteria, but whose institution does not offer the highest degree available in their course of study, may nevertheless be eligible for a fellowship. The individual would be eligible if he or she plans to subsequently attend an institution that offers the highest degree available in their course of study. The Secretary would incorporate the rules for eligibility for a fellowship into § 648.40 of the program regulations.

Section 648.41 How Does an Individual Apply for a Fellowship?

The Secretary has determined that an individual who wishes to be considered for a fellowship under the GAANN program should apply directly to the academic department of an institution of higher education that has received a grant. The Secretary would incorporate this procedure for applying for a fellowship into § 648.41 of the program regulations.

Section 648.50 What Are the Secretary's Payment Procedures?

The Secretary would award both stipends and the institutional payments directly to the institution of higher education in which the fellow is enrolled. Section 942(b)(3) of the HEA provides that if an academic department of an institution of higher education is unable to use all of the amounts available under this part, the Secretary will reallot the amounts not used to academic departments of other institutions of higher education for use in the academic year following the date of reallotment. The Secretary would incorporate these payment procedures into § 648.50 of the program regulations.

Section 648.51 What Is the Amount of a Stipend?

Section 945(b) of the HEA provides that the amount of a stipend initially awarded for a fellowship in 1993–94 is set at a level equal to that provided by National Science Foundation graduate fellowships, adjusted as necessary so as not to exceed the fellow's demonstrated financial need. The amount of a National Science Foundation graduate fellowship stipend is $14,000 for academic year 1993–94. The Secretary has also determined that a stipend paid to a student receiving a fellowship prior to 1993–94 should not exceed the fellow's financial need or $10,000, whichever is less. The Secretary uses Title IV, Part F, of the HEA to calculate the financial need of a fellow on an annual basis.

The stipend limitation does not preclude an institution from providing additional stipend support to a fellow from its own funds so long as these funds are not derived from grant funds. Institutions are cautioned, however, that providing these additional stipends—either through their institutional matching contribution or through other non-federal monies—to a fellow might affect a fellow's financial need. The Secretary would incorporate the rules relating to the amount of a stipend into § 648.51 of the program regulations.

Section 648.52 What Is the Amount of the Institutional Payment?

Section 946(a) provides that the amount of the institutional payment for academic year 1993–94 is $9,000. The institutional payment will be adjusted thereafter in accordance with inflation as determined by the U.S. Department of Labor's Consumer Price Index. The Secretary would incorporate the rules for the amount of the institutional payment into § 648.52 of the program regulations.

Section 648.60 When Does an Academic Department Make a Commitment to a Fellow to Provide Stipend Support?

Section 945(a)(1) of the HEA allows an academic department to make a commitment to a fellow at any point in

his or her graduate study for the length of time necessary for the fellow to complete the course of graduate study, but in no case longer than five years. An academic department may not make a commitment to provide stipend support unless the academic department has determined that adequate funds are available to fulfill the commitment either from funds received or anticipated under the program or from institutional funds. The Secretary would incorporate these statutory requirements relating to when an institution makes a commitment to a fellow to provide stipend support into § 648.60 of the program regulations.

Section 648.61 How Must the Academic Department Supervise the Training of Fellows?

Section 944(b)(8) of the HEA requires that academic departments of institutions provide fellows with the opportunity for supervised training in instruction for at least one year. The Secretary has determined that the instruction may take place at the graduate or undergraduate level. The Secretary also has determined that the instruction be under the guidance and direction of faculty in the academic department. Finally, the Secretary has determined that the supervised instruction must be at least one academic year in duration and must be at the schedule of at least a one-half time teaching assistant. The Secretary would incorporate these rules relating to the supervision of fellows' training in instruction into § 648.61 of the program regulations.

Section 648.62 How can the Institutional Payment Be Used?

Section 944(b)(5) of the HEA requires an institution to use the institutional payment to supplement and, to the extent practical, increase the funds that otherwise would be made available for the purposes of the program and, in no case, to supplant institutional funds currently available for fellowships. In addition to this statutory non-supplanting requirement, the Secretary has determined that the institutional payment must be applied against a fellow's tuition and fees. The Secretary would incorporate these rules relating to the proper use of institutional payments into § 648.62 of the program regulations.

Section 648.63 How can the Institutional Matching Contribution Be Used?

Section 945(c) of the HEA provides that an institution may use its matching contribution to supplement the institutional payment to pay for tuition and fees not covered by the institutional payment. The Secretary has also determined that the institutional matching contribution may be used to (1) provide additional fellowships to graduate students who are not already receiving fellowships under this program but are eligible under § 648.40; (2) pay for costs of providing a fellow's instruction that are not included in the determination of tuition or fees paid to the institution in which the fellow is enrolled; and (3) supplement the stipend received by a fellow under § 648.51 of the proposed regulations.

The Secretary would also provide that an institution may not use an institutional matching contribution to fund fellowships that were funded by the institution prior to the award of the grant. This maintenance-of-effort requirement fulfills the purpose of the program, which is to expand the number of fellowships. The Secretary would incorporate these rules relating to the proper use of an institutional matching contribution into § 648.63 of the program regulations.

Section 648.64 What Are Unallowable Costs?

Section 946(b) of the HEA prohibits the use of grant funds to pay for general operational overhead costs. The Secretary has determined that institutional matching funds also should not be used to pay for general operational overhead costs. The Secretary would incorporate these rules on unallowable costs into § 648.64 of the program regulations.

Section 648.65 How Does the Institution of Higher Education Disburse and Return Funds?

The Secretary has determined that an institution shall disburse a stipend to a fellow in accordance with its regular payment schedule, but shall not make less than one payment per academic term. In the event that a fellow withdraws from an institution before completion of an academic term, the institution would be permitted to award the fellowship to another eligible individual.

The Secretary also has determined that if the fellowship is vacated or discontinued for any period of time, the institution should be required to return the prorated portion of the institutional payment and unexpended stipends to the Secretary, unless the Secretary authorizes the use of funds for a subsequent project period. In addition, a fellow who withdraws from an institution before the completion of the academic term for which he or she received a stipend installment, should be required to return a prorated portion of the stipend installment to the institution at a time and manner determined by the Secretary. The Secretary would incorporate these rules for disbursal and return of grant funds into § 648.65 of the program regulations.

Section 648.66 What Records and Reports Are Required From the Institution?

The Secretary has determined that an institution that receives a grant should submit to the Secretary, prior to receipt of grant funds for disbursement to a fellow, a certification that the fellow is enrolled in, is making satisfactory progress in, and is devoting essentially full time to, study in the academic field for which the grant was made. The Secretary also has determined that the institution should maintain records necessary to establish (1) that students receiving fellowships satisfy the eligibility requirements for participation in the program; (2) the time and amount of all disbursements and return of stipend payments; (3) appropriate use of the institutional payment; and (4) that assurances, policies, and procedures in the application have been satisfied. The Secretary would incorporate these recordkeeping and reporting requirements into § 648.66 of the program regulations.

Section 648.70 What Conditions Must Be Met by a Fellow?

Section 945(d) of the HEA provides that to continue to be eligible for a fellowship, a fellow must (1) maintain satisfactory progress in the program for which the fellowship was awarded; (2) devote essentially full-time to study or research in the discipline in which the fellowship is awarded; and (3) not engage in gainful employment, except on a part-time basis in teaching, research, or similar activities determined by the academic department to support the student's progress toward a degree. The Secretary would incorporate these conditions for continued fellowship eligibility into § 648.70 of the program regulations.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of entities.

The entities that would be affected by these proposed regulations are institutions of higher education receiving Federal funds under this program. However, the regulations would not have a significant economic impact on the institutions affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 648.20, 648.31, and 648.66 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Institutions of higher education are eligible to apply for grants under these regulations. The Department needs and uses information to make grants. Annual public reporting burden for this collection of information is estimated to average 40 hours per response for 250 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, D.C. 20503; Attention: Daniel J. Chenok.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 3022, ROB–3, 7th and D Street SW., Washington, DC. between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there might be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 648

College and universities, Grant program—education, Reporting and recordkeeping requirements, and fellowships.

(Catalog of Federal Domestic Assistance Number 84.200—Graduate Assistance in Areas of National Need Program)

Dated: June 9, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend title 34 of the Code of Federal Regulations by adding a new part 648 to read as follows:

PART 648—GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED

Subpart A—General

Sec.

Authority: 20 U.S.C. 1134, 1134l—1134q–1, unless otherwise noted.

Subpart A—General

§ 648.1 What is the Graduate Assistance in Areas of National Need program?

The Graduate Assistance in Areas of National Need program provides fellowships through academic departments of institutions of higher education to assist graduate students of superior ability who demonstrate financial need. The purpose of the program is to sustain and enhance the capacity for teaching and research in areas of national need.

(Authority: 20 U.S.C. 1134l–1134n)

§ 648.2 Who is eligible for a grant?

(a) The Secretary awards grants to the following:

(1) Any academic department of an institution of higher education that—

(i) Provides courses of study leading to a graduate degree in an area of national need; and

(ii) Has been in existence for at least four years at the time of an application for a grant under this part.

(2) An academic department of an institution of higher education that—

(i) Satisfies the requirements of paragraph (a)(1) of this section; and

(ii) Submits a joint application with one or more eligible nondegree-granting institutions that have formal arrangements for the support of doctoral dissertation research with one or more degree-granting institutions.

(b) A formal arrangement under paragraph (a)(2)(ii) of this section is a written agreement between a degree-granting institution and an eligible nondegree-granting institution whereby the degree-granting institution accepts students from the eligible nondegree-granting institution as doctoral degree candidates with the intention of awarding these students doctorates in an area of national need.

(c) The Secretary does not award a grant under this part for study at a school or department of divinity.

(Authority: 20 U.S.C. 1134, 1134m, 1134n)

§ 648.3 What activities may the Secretary fund?

(a) The Secretary awards grants to institutions of higher education to fund fellowships in one or more areas of national need.

(b) (1) For the purposes of this part, the Secretary designates areas of national need from the disciplines or subdisciplines listed in the appendix to this part or from the resulting inter-disciplines.

(2) The Secretary announces these areas of national need in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1134l–1134n)

§ 648.4 What is included in the grant?

The grants awarded by the Secretary consist of the following:

(a) The stipends paid by the Secretary through the institution of higher education to fellows. The stipend provides an allowance to a fellow for the fellow's (and his or her dependents') subsistence and other expenses.

(b) The institutional payments paid by the Secretary to the institution of higher education to be applied against the fellows' tuition and fees.

(Authority: 20 U.S.C. 1134p, 1134q)

§ 648.5 What is the amount of a grant?

(a) The amount of a grant to an academic department may not be less than $100,000 and may not be more than $750,000 in a fiscal year.

(b) In any fiscal year, no academic department may receive more than $750,000 as an aggregate total of new and continuing grants.

(Authority: 20 U.S.C. 1134m)

§ 648.6 What is the duration of the grant?

The duration of a grant awarded under this part is a maximum of three annual budget periods during a three-year (36-month) project period.

(Authority: 20 U.S.C. 1134m)

§ 648.7 What is the institutional matching contribution?

An institution shall provide, from non-Federal funds, an institutional matching contribution equal to at least 25 percent of the amount of the grant received under this part, for the uses indicated in § 648.63.

(Authority: 20 U.S.C. 1134o, 1134p)

§ 648.8 What regulations apply?

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 82 (New Restrictions on Lobbying).

(6) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part.

(Authority: 20 U.S.C. 1134l, 1134m)

§ 648.9 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget
Budget period
Department
EDGAR
Equipment
Grant
Nonprofit
Project period
Secretary
Supplies

(b) *Other definitions.* The following definitions also apply to this part:

Academic department means any department, program, unit, or any other administrative subdivision of an institution of higher education that—

(1) Directly administers or supervises post-baccalaureate instruction in a specific discipline; and

(2) Has the authority to award academic course credit acceptable to meet degree requirements at an institution of higher education.

Academic field means an area of study in an academic department within an institution of higher education other than a school or department of divinity.

Academic year means the 12-month period commencing with the fall instructional term of the institution.

Application period means the period in which the Secretary solicits applications for this program.

Discipline means a branch of instruction or learning.

Eligible non-degree granting institution means any institution that—

(1) Conducts post-baccalaureate academic programs of study but does not award doctoral degrees in an area of national need;

(2) Is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a) of the Code;

(3) Is organized and operated substantially to conduct scientific and cultural research and graduate training programs;

(4) Is not a private foundation;

(5) Has academic personnel for instruction and counseling who meet the standards of the institution of higher education in which the students are enrolled; and

(6) Has necessary research resources not otherwise readily available in the institutions in which students are enrolled.

Fees mean non-refundable charges paid by a graduate student for services, materials, and supplies that are not included within the tuition charged by the institution in which the student is enrolled.

Fellow means a recipient of a fellowship under this part.

Fellowship means an award made by an institution of higher education to an individual for graduate study under this part at the institution of higher education.

Financial need means the fellow's financial need as determined under Title IV, Part F, of the HEA for the period of the fellow's enrollment in the approved academic field of study for which the fellowship was awarded.

General operational overhead means non-instructional expenses incurred by an academic department in the normal administration and conduct of its academic program, including the costs of supervision, recruitment, capital outlay, debt service, indirect costs, or any other costs not included in the determination of tuition and non-refundable fee charges.

Graduate student means an individual enrolled in a program of post-baccalaureate study at an institution of higher education.

Graduate study means any program of postbaccalaureate study at an institution of higher education.

HEA means the Higher Education Act of 1965, as amended.

Highest possible degree available means a doctorate in an academic field or a master's degree, professional degree, or other post-baccalaureate degree if a doctorate is not available in that academic field.

Institution of higher education (Institution) means an institution of higher education, other than a school or department of divinity, as defined in section 1201(a) of the HEA.

Inter-discipline means a course of study that involves academic fields in two or more disciplines.

Minority means Alaskan Native, American Indian, Asian-American, Black (African-American), Hispanic American, Native Hawaiian, or Pacific Islander.

Multi-disciplinary application means an application that requests fellowships for more than a single academic department in areas of national need designated as priorities by the Secretary under this part.

Project means the activities necessary to assist, whether from grant funds or institutional resources, fellows in the successful completion of their designated educational programs.

Satisfactory progress means that a fellow meets or exceeds the institution's criteria and standards established for a graduate student's continued status as an applicant for the graduate degree in the academic field for which the fellowship was awarded.

School or department of divinity means an institution, or an academic department of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter into some other religious vocation or to prepare them to teach theological subjects.

Students from traditionally underrepresented backgrounds mean women and minorities who traditionally are underrepresented in areas of national need priority as designated by the Secretary.

Supervised training means the opportunity for fellows under this program to provide instruction at the graduate or undergraduate level under the guidance and direction of faculty in the academic department.

Tuition means the charge for instruction by the institution of higher education in which the fellow is enrolled.

Underrepresented in areas of national need means proportionate representation as measured by degree recipients, that is less than the proportionate representation in the general population, as indicated by——

(1) The most current edition of the Department's *Digest of Educational Statistics*;

(2) The National Research Council's *Doctorate Recipients from United States Universities*;

(3) Other standard statistical references, as announced annually in the **Federal Register** notice inviting applications for new awards under this program; or

(4) As documented by national survey data submitted to and accepted by the Secretary on a case-by-case basis.

(Authority: 20 U.S.C. 11341–1134q)

Subpart B—How Does an Institution of Higher Education Apply for a Grant?

§ 648.20 How does an institution of higher education apply for a grant?

(a) To apply for a grant under this part, an institution of higher education shall submit an application that responds to the appropriate selection criteria in § 648.31.

(b) In addition, an application for a grant must—

(1) Describe the current academic program for which the grant is sought;

(2) Request a specific number of fellowships to be awarded on a full-time basis for the academic year covered under the grant in each academic field included in the application;

(3) Set forth policies and procedures to ensure that in making fellowship awards under this part the institution will seek talented students from traditionally underrepresented backgrounds;

(4) Set forth policies and procedures to assure that in making fellowship awards under this part the institution will make awards to individuals who satisfy the requirements of § 648.40;

(5) Set forth policies and procedures to ensure that Federal funds made available under this part for any fiscal year will be used to supplement and, to the extent practical, increase the funds that otherwise would be made available for the purposes of this part and, in no case, to supplant those funds;

(6) Provide assurances that the institution will provide the institutional matching contribution described in § 648.7;

(7) Provide assurances that, in the event that funds made available to the academic department under this part are insufficient to provide the assistance due a student under the commitment entered into between the academic department and the student, the academic department will endeavor, from any funds available to it, to fulfill the commitment to the student;

(8) Provide that the institution will comply with the requirements in Subpart F; and

(9) Provide assurances that the academic department will provide at least one year of supervised training in instruction to students receiving fellowships under this program.

(c) In any application period, an academic department may not submit more than one application for new awards.

(Authority: 20 U.S.C. 1134o)

Subpart C—How Does the Secretary Make an Award?

§ 648.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 648.31.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 20 U.S.C. 1134m, 1134o)

§ 648.31 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application:

(a) *Meeting the purposes of the program.* (7 points) The Secretary reviews each application to determine how well the project will meet the purposes of the program, including the extent to which—

(1) The applicant's general and specific objectives for the project are realistic and measurable;

(2) The applicant's objectives for the project seek to sustain and enhance the capacity for teaching and research at the institution and at State, regional, or national levels;

(3) The applicant's objectives seek to institute policies and procedures to ensure the enrollment of talented graduate students from traditionally underrepresented backgrounds; and

(4) The applicant's objectives seek to institute policies and procedures to ensure that it will award fellowships to individuals who satisfy the requirements of § 648.40.

(b) *Extent of need for the project.* (5 points) The Secretary considers the extent to which a grant under the program is needed by the academic department by considering—

(1) How the applicant identified the problems that form the specific needs of the project;

(2) The specific problems to be resolved by successful realization of the goals and objectives of the project; and

(3) How increasing the number of fellowships will meet the specific and general objectives of the project.

(c) *Quality of the graduate academic program.* (25 points) The Secretary reviews each application to determine the quality of the current graduate academic program for which project funding is sought, including—

(1) The course offerings and academic requirements for the graduate program;

(2) The qualifications of the faculty, including education, research interest, publications, teaching ability, and accessibility to graduate students;

(3) The focus and capacity for research; and

(4) The ranking of the academic department among similar graduate academic programs.

(d) *Quality of the supervised teaching experience.* (5 points) The Secretary reviews each application to determine the quality of the teaching experience the applicant plans to provide fellows under this program, including the extent to which the project—

(1) Provides each fellow with the required supervised training in instruction;

(2) Provides adequate instruction on effective teaching techniques;

(3) Provides extensive supervision of each fellow's teaching performance; and

(4) Provides adequate and appropriate evaluation of the fellow's teaching performance.

(e) *Recruitment plan.* (10 points) The Secretary reviews each application to determine the quality of the applicant's recruitment plan, including—

(1) How the applicant plans to identify, recruit, and retain students from traditionally underrepresented backgrounds in the academic program for which fellowships are sought;

(2) How the applicant plans to identify eligible students for fellowships;

(3) The past success of the academic department in enrolling talented graduate students from traditionally underrepresented backgrounds; and

(4) The past success of the academic department in enrolling talented graduate students for its academic program.

(f) *Project administration.* (7 points) The Secretary reviews the quality of the proposed project administration, including—

(1) How the applicant will select fellows, including how the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, religion, gender, age, or disabling condition;

(2) How the applicant proposes to monitor whether a fellow is making satisfactory progress toward the degree for which the fellowship has been awarded;

(3) How the applicant proposes to identify and meet the academic needs of fellows;

(4) How the applicant proposes to maintain enrollment of graduate students from traditionally underrepresented backgrounds; and

(5) The extent to which the policies and procedures the applicant proposes to institute for administering the project are likely to ensure efficient and effective project implementation, including assistance to and oversight of the project director.

(g) *Institutional commitment.* (16 points) The Secretary reviews each application for evidence that—

(1) The applicant will provide, from any funds available to it, sufficient funds to support the financial needs of the fellows if the funds made available under the program are insufficient;

(2) The institution's social and academic environment is supportive of the academic success of students from traditionally underrepresented backgrounds on the applicant's campus;

(3) Students receiving fellowships under this program will receive stipend support for the time necessary to complete their courses of study, but in no case longer than 5 years; and

(4) The applicant demonstrates a financial commitment, including the nature and amount of the institutional matching contribution, and other institutional commitments that are likely to ensure the continuation of project activities for a significant period of time following the period in which the project receives Federal financial assistance.

(h) *Quality of key personnel.* (5 points) The Secretary reviews each application to determine the quality of key personal the applicant plans to use on the project, including—

(1) The qualifications of the project director;

(2) The qualifications of other key personnel to be used in the project;

(3) The time commitment of key personnel, including the project director, to the project; and

(4) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected without regard to race, color, national origin, religion, gender, age, or disabling condition, except pursuant to a lawful affirmative action plan.

(i) *Budget.* (5 points) The Secretary reviews each application to determine the extent to which—

(1) The applicant shows a clear understanding of the acceptable uses of program funds; and

(2) The costs of the project are reasonable in relation to the objectives of the project.

(j) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Relate to the specific goals and measurable objectives of the project;

(2) Assess the effect of the project on the students receiving fellowships under this program, including the effect on persons of different racial and ethnic backgrounds, genders, and ages, and on persons with disabilities who are served by the project;

(3) List both process and product evaluation questions for each project activity and outcome, including those of the management plan;

(4) Describe both the process and product evaluation measures for each project activity and outcome;

(5) Describe the data collection procedures, instruments, and schedules for effective data collection;

(6) Describe how the applicant will analyze and report the data so that it can make adjustments and improvements on a regular basis; and

(7) Include a time-line chart that relates key evaluation processes and benchmarks to other project component processes and benchmarks.

(k) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant makes available to graduate students receiving fellowships under this program, including facilities, equipment, and supplies.

(Authority: 20 U.S.C. 1134m–1134p)

§ 648.32 What additional factors does the Secretary consider?

(a) *Continuation awards.* (1) Before funding new applications, the Secretary gives preference to grantees requesting their second or third year of funding.

(2) If appropriations for this program are insufficient to fund all continuation grantees for the second and third years at the approved funding level, the Secretary prorates the available funds, if any, among the continuation grantees and, if necessary, awards continuation grants of less than $100,000.

(b) *Equitable distribution.* In awarding grants, the Secretary will, consistent with an allocation of awards based on the quality of competing applications, ensure the following:

(1) An equitable geographic distribution of grants to eligible applicant institutions of higher education.

(2) An equitable distribution of grants to eligible applicant public and eligible applicant private institutions of higher education.

(Authority: 20 U.S.C. 1134m–1134p)

§ 648.33 What priorities and absolute preferences does the Secretary establish?

(a) For each application period, the Secretary establishes as an area of national need and gives absolute preference to one or more of the general disciplines and sub-disciplines listed as priorities in the appendix to this part or the resulting inter-disciplines.

(b) The Secretary announces the absolute preferences in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1134l–1134n)

Subpart D—How Are Fellows Selected?

§ 648.40 How does an academic department select fellows?

(a) In selecting individuals to receive fellowships, an academic department shall consider only individuals who—

(1) Are currently enrolled as a graduate student, have been accepted at the grantee institution, or are enrolled or accepted as graduate students at an eligible nondegree-granting institution;

(2) Are of superior ability;

(3) Have an excellent academic record;

(4) Have financial need;

(5) Are planning to pursue the highest possible degree available in their course of study;

(6) Are planning a career in teaching or research; and

(7) Are not ineligible to receive assistance under 34 CFR § 75.60.

(b) An individual who is enrolled in a master's degree program, a professional degree program, or a doctoral degree program that will not lead to an academic career must satisfy the requirements in paragraph (a) of this section and—

(1) Be a United States citizen or national;

(2) Be in the United States for other than a temporary purpose and intend to become a permanent resident; or

(3) Be a permanent resident of the Trust Territory of the Pacific Islands.

(c) An individual who is enrolled in a doctoral degree program that will lead to an academic career must satisfy the requirements of paragraph (a) of this section and be a citizen of the United States.

(d) An individual who satisfies the eligibility criteria in paragraph (a), and who satisfies the eligibility criteria in either paragraph (b) or (c), but who attends an institution that does not offer the highest possible degree available in their course of study, is eligible for a fellowship if the individual plans to subsequently attend an institution that offers this degree.

(Authority: 20 U.S.C. 1134, 1134l, 1134m, 1134o)

§ 648.41 How does an individual apply for a fellowship?

An individual shall apply directly to an academic department of an institution of higher education that has received a grant.

(Authority: 20 U.S.C. 1134m–1134p)

Subpart E—How Does the Secretary Distribute Funds?

§ 648.50 What are the Secretary's payment procedures?

(a) The Secretary awards to the institution of higher education a stipend and an institutional payment for each individual awarded a fellowship under this part.

(b) If an academic department of an institution of higher education is unable to use all of the amounts available to it under this part, the Secretary reallots the amounts not used to academic departments of other institutions of higher education for use in the academic year following the date of the reallotment.

(Authority: 20 U.S.C. 1134n, 1134p, 1134q)

§ 648.51 What is the amount of a stipend?

(a) For a fellowship initially awarded for an academic year prior to the academic year 1993–94, the institution shall pay the fellow a stipend in an amount that equals the fellow's financial need or $10,000, whichever is less.

(b) For a fellowship initially awarded for the academic year 1993–94, or any succeeding academic year, the institution shall pay the fellow a stipend at a level of support equal to that provided by the National Science Foundation graduate fellowships, except that this amount must be adjusted as necessary so as not to exceed the fellow's demonstrated level of financial need. The Secretary announces the amount of the stipend in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1134p)

§ 648.52 What is the amount of the institutional payment?

For academic year 1993–1994, the amount of the institutional payment received by an institution of higher education for each student awarded a fellowship at the institution is $9,000. Thereafter, the Secretary adjusts the amount of the institutional payment annually in accordance with inflation as determined by the United States Department of Labor's Consumer Price Index for the previous calendar year. The Secretary announces the amount of the institutional payment in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1134q)

Subpart F—What Are the Administrative Responsibilities of the Institution?

§ 648.60 When does an academic department make a commitment to a fellow to provide stipend support?

(a) An academic department makes a commitment to a fellow at any point in his or her graduate study for the length of time necessary for the fellow to complete the course of graduate study, but in no case longer than five years.

(b) An academic department shall not make a commitment under paragraph (a) of this section to provide stipend support unless the academic department has determined that adequate funds are available to fulfill the commitment either from funds received or anticipated under this part or from institutional funds.

(Authority: U.S.C. 1134p)

§ 648.61 How must the academic department supervise the training of fellows?

(a) The institution shall provide the opportunity for fellows to provide instruction at the graduate or undergraduate level under the guidance and direction of faculty in the academic department.

(b) The supervised instruction required in paragraph (a) of this section

must be at least one academic year in duration and must be at the schedule of at least a one-half-time teaching assistant.

(Authority: 20 U.S.C. 1134o)

§ 648.62 How can the institutional payment be used?

(a) The institutional payment must be applied against a fellow's tuition and fees.

(b) The institutional payment must supplement and, to the extent practical, increase the funds that would otherwise be made available for the purpose of the program and, in no case, to supplant institutional funds currently available for fellowships.

(Authority: 20 U.S.C. 1134o-1134q)

§ 648.63 How can the institutional matching contribution be used?

(a) The institutional matching contribution may be used to—

(1) Provide additional fellowships to graduate students who are not already receiving fellowships under this part and who satisfy the requirements of § 648.40;

(2) Supplement the institutional payment to pay for tuition and fees not covered by the institutional payment;

(3) Pay for costs of providing a fellow's instruction that are not included in the tuition or fees paid to the institution in which the fellow is enrolled; and

(4) Supplement the stipend received by a fellow under § 648.51.

(b) An institution may not use its institutional matching contribution to fund fellowships that were funded by the institution prior to the award of the grant.

(Authority: 20 U.S.C. 1134l, 1134o, 1134p)

§ 648.64 What are unallowable costs?

Neither grant funds nor the institutional matching funds may be used to pay for general operational overhead costs of the academic department.

(Authority: 20 U.S.C. 1134m, 1134q)

§ 648.65 How does the institution of higher education disburse and return funds?

(a) An institution that receives a grant shall disburse a stipend to a fellow in accordance with its regular payment schedule, but shall not make less than one payment per academic term.

(b) If a fellow withdraws from an institution before completion of an academic term, the institution may award the fellowship to another individual who satisfies the requirements in § 648.40.

(c) If a fellowship is vacated or discontinued for any period of time, the institution shall return a prorated portion of the institutional payment and unexpended stipend funds to the Secretary, unless the Secretary authorizes the use of those funds for a subsequent project period. The institution shall return the prorated portion of the institutional payment and unexpended stipend funds at a time and in a manner determined by the Secretary.

(d) If a fellow withdraws from an institution before the completion of the academic term for which he or she received a stipend installment, the fellow shall return a prorated portion of the stipend installment to the institution at a time and in a manner determined by the Secretary.

(Authority: 20 U.S.C. 1134p, 1134q)

§ 648.66 What records and reports are required from the institution?

(a) An institution of higher education that receives a grant shall provide to the Secretary, prior to the receipt of grant funds for disbursement to a fellow, a certification that the fellow is enrolled in, is making satisfactory progress in, and is devoting essentially full time to study in the academic field for which the grant was made.

(b) An institution of higher education that receives a grant shall keep records necessary to establish—

(1) That students receiving fellowships satisfy the eligibility requirements in § 648.40;

(2) The time and amount of all disbursements and return of stipend payments;

(3) The appropriate use of the institutional payment; and

(4) That assurances, policies, and procedures provided in its application have been satisfied.

(Authority: 20 U.S.C. 1134m–1134q)

Subpart G—What Conditions Must Be Met by a Fellow After an Award?

§ 648.70 What conditions must be met by a fellow?

To continue to be eligible for a fellowship, a fellow must—

(a) Maintain satisfactory progress in the program for which the fellowship was awarded;

(b) Devote essentially full time to study or research in the academic field in which the fellowship was awarded; and

(c) Not engage in gainful employment, except on a part-time basis in teaching, research, or similar activities determined by the academic department to be in support of the fellow's progress toward a degree.

(Authority: 20 U.S.C. 1134p)

Appendix to Part 648—Area of National Need Priorities

The Secretary may give an absolute preference to applications that meet any of the areas of national need listed as disciplines or subdisciplines below, or the resulting inter-disciplines. The list was derived from the Classification of Instructional Programs (CIP) developed by the Office of Educational Research and Improvement of the U.S. Department of Education and includes the instructional programs that may constitute courses of studies toward graduate degrees. The code number to the left of each discipline and subdiscipline is the Department's identification code for that particular type of instructional program.

01. Agricultural Business and Production

01.01 Agricultural Business and Management
01.02 Agricultural Mechanization
01.03 Agricultural Production Workers and Managers
01.04 Agricultural and Food Products Processing
01.05 Agricultural Supplies and Related Services
01.06 Horticultural Services Operations and Management
01.07 International Agriculture

02. Agricultural Sciences

02.01 Agriculture/Agricultural Sciences
02.02 Animal Sciences
02.03 Food Sciences and Technology
02.04 Plant Sciences
02.05 Soil Sciences

03. Conservation and Renewable Natural Resources

03.01 Natural Resources Conservation
03.02 Natural Resources Management and Protective Services
03.03 Fishing and Fisheries Sciences and Management
03.04 Forest Production and Processing
03.05 Forestry and Related Sciences
03.06 Wildlife and Wildlands Management

04. Architecture and Related Programs

04.02 Architecture
04.03 City/Urban, Community, and Regional Planning
04.04 Architectural Environmental Design
04.05 Interior Architecture
04.06 Landscape Architecture
04.07 Architectural Urban Design and Planning

05. Area, Ethnic, and Cultural Studies

05.01 Area Studies
05.02 Ethnic and Cultural Studies

08. Marketing Operations/Marketing and Distribution

08.01 Apparel and Accessories Marketing Operations
08.02 Business and Personal Services Marketing Operations
08.03 Entrepreneurship
08.04 Financial Services Marketing Operation
08.05 Floristry Marketing Operations
08.06 Food Products Retailing and Wholesaling Operations

08.07 General Retailing and Wholesaling Operations and Skills
08.08 Home and Office Products Marketing Operations
08.09 Hospitality and Recreation Marketing Operations
08.10 Insurance Marketing Operations
08.11 Tourism and Travel Services Marketing Operations
08.12 Vehicle and Petroleum Products Marketing Operations
08.13 Health Products and Services Marketing Operations

09. Communications

09.01 Communications, General
09.04 Journalism and Mass Communications
09.05 Public Relations and Organizational Communications
09.07 Radio and Television Broadcasting

11. Computer and Information Sciences

11.01 Computer and Information Sciences, General
11.02 Computer Programming
11.04 Information Sciences and Systems
11.05 Computer Systems Analysis
11.07 Computer Science

13. Education

13.01 Education, General
13.02 Bilingual/Bicultural Education
13.03 Curriculum and Instruction
13.04 Education Administration and Supervision
13.05 Educational/Instructional Media Design
13.06 Educational Evaluation, Research, and Statistics
13.07 International and Comparative Education
13.08 Educational Psychology
13.09 Social and Philosophical Foundations of Education
13.10 Special Education
13.11 Student Counseling and Personnel Services
13.12 General Teacher Education
13.13 Teacher Education, Specific Academic, and Vocational Programs
13.14 Teaching English as a Second Language/Foreign Language
13.15 Teacher Assistant/Aide

14. Engineering

14.01 Engineering, General
14.02 Aerospace, Aeronautical, and Astronautical Engineering
14.03 Agricultural Engineering
14.04 Architectural Engineering
14.05 Bioengineering and Biomedical Engineering
14.06 Ceramic Sciences and Engineering
14.07 Chemical Engineering
14.08 Civil Engineering
14.09 Computer Engineering
14.10 Electrical, Electronic, and Communications Engineering
14.11 Engineering Mechanics
14.12 Engineering Physics
14.13 Engineering Science
14.14 Environmental/Environmental Health Engineering
14.15 Geological Engineering
14.16 Geophysical Engineering
14.17 Industrial/Manufacturing Engineering
14.18 Materials Engineering
14.19 Mechanical Engineering
14.20 Metallurgical Engineering
14.21 Mining and Mineral Engineering
14.22 Naval Architecture and Marine Engineering
14.23 Nuclear Engineering
14.24 Ocean Engineering
14.25 Petroleum Engineering
14.27 Systems Engineering
14.28 Textile Sciences and Engineering
14.29 Engineering Design
14.30 Engineering/Industrial Management
14.31 Materials Science
14.32 Polymer/Plastics Engineering

16. Foreign Languages

16.01 Foreign Languages and Literatures
16.03 East and Southeast Asian Languages and Literatures
16.04 East European Languages and Literatures
16.05 Germanic Languages and Literatures
16.05 Greek Languages and Literatures
16.07 South Asian Languages and Literatures
16.09 Romance Languages and Literatures
16.11 Middle Eastern Languages and Literatures
16.12 Classical and Ancient Near Eastern Languages and Literatures

19. Home Economics

19.01 Home Economics, General
19.02 Home Economics Business Services
19.03 Family and Community Studies
19.04 Family/Consumer Resource Management
19.05 Foods and Nutrition Studies
19.06 Housing Studies
19.07 Individual and Family Development Studies
19.09 Clothing/Apparel and Textile Studies

20. Vocational Home Economics

20.02 Child Care and Guidance Workers and Managers
20.03 Clothing, Apparel, and Textile Workers and Managers
20.04 Institutional Food Workers and Administrators
20.05 Home Furnishings and Equipment Installers and Consultants
20.06 Custodial, Housekeeping, and Home Services Workers and Managers

22. Law and Legal Studies

22.01 Law and Legal Studies

23. English Language and Literature/Letters

23.01 English Language and Literature, General
23.03 Comparative Literature
23.04 English Composition
23.05 English Creative Writing
23.07 American Literature (United States)
23.08 English Literature (British and Commonwealth)
23.10 Speech and Rhetorical Studies
23.11 English Technical and Business Writing

24. Liberal Arts and Sciences, General Studies, and Humanities

24.01 Liberal Arts and Sciences, General Studies, and Humanities

25. Library Science

25.01 Library Science/Librarianship
25.03 Library Assistant

26. Biological Sciences/Life Sciences

26.01 Biology, General
26.02 Biochemistry and Biophysics
26.03 Botany
26.04 Cell and Molecular Biology
26.05 Microbiology/Bacteriology
26.06 Miscellaneous Biological Specializations
26.07 Zoology

27. Mathematics

27.01 Mathematics
27.03 Applied Mathematics
27.05 Mathematic Statistics

31. Parks, Recreation, Leisure, and Fitness Studies

31.01 Parks, Recreation, and Leisure Studies
31.03 Parks, Recreation, and Leisure Facilities Management
31.05 Health and Physical Education/Fitness

38. Philosophy and Religion

38.01 Philosophy
38.02 Religion/Religious Studies

39. Theological Studies

39.01 Biblical and Other Theological Languages and Literatures
39.02 Bible/Biblical Studies
39.03 Missions/Missionary Studies and Misology
39.04 Religious Education
39.05 Religious/Sacred Music

40 Physical Sciences

40.01 Physical Sciences, General
40.02 Astronomy
40.03 Astrophysics
40.04 Atmospheric Sciences and Meteorology
40.05 Chemistry
40.06 Geological and Related Sciences
40.07 Miscellaneous Physical Sciences
40.08 Physics

42. Psychology

42.01 Psychology
42.02 Clinical Psychology
42.03 Cognitive Psychology and Psycholinguistics
42.04 Community Psychology
42.06 Counseling Psychology
42.07 Developmental and Child Psychology
42.08 Experimental Psychology
42.09 Industrial and Organizational Psychology
42.11 Physiological Psychology/Psychobiology
42.16 Social Psychology
42.17 School Psychology

43. Protective Services

43.01 Criminal Justice and Corrections
43.02 Fire Protection

44. Public Administration and Services

44.02 Community Organizations, Resources, and Services
44.04 Public Administration
44.05 Public Policy Analysis
44.07 Social Work

45. Social Sciences and History

45.01 Social Sciences, General
45.02 Anthropology

45.03 Archeology
45.04 Criminology
45.05 Demography/Population Studies
45.06 Economics
45.07 Geography
45.08 History
45.09 International Relations and Affairs
45.10 Political Science and Government
45.11 Sociology
45.12 Urban Affairs/Studies

50. Visual and Performing Arts

50.01 Visual and Performing Arts
50.02 Crafts, Folk Art, and Artisanry
50.03 Dance
50.04 Design and Applied Arts
50.05 Dramatic/Theater Arts and Stagecraft
50.06 Film/Video and Photographic Arts
50.07 Fine Arts and Art Studies
50.09 Music

51. Health Professions and Related Sciences

51.01 Chiropractic (D.C., D.C.M.)
51.02 Communication Disorders Sciences and Services
51.03 Community Health Services
51.04 Dentistry (D.D.S., D.M.D.)
51.05 Dental Clinical Sciences/Graduate Dentistry (M.S., Ph.D.)
51.06 Dental Services
51.07 Health and Medical Administrative Services
51.08 Health and Medical Assistants
51.09 Health and Medical Diagnostic and Treatment Services
51.10 Health and Medical Laboratory Technologies/Technicians
51.11 Health and Medical Preparatory Programs
51.12 Medicine (M.D.)
51.13 Medical Basic Science
51.14 Medical Clinical Services (M.S., Ph.D)
51.15 Mental Health Services
51.16 Nursing
51.17 Optometry (O.D.)
51.18 Ophthalmic/Optometric Services
51.19 Osteopathic Medicine (D.O.)
51.20 Pharmacy
51.21 Podiatry (D.P.M., D.P., Pod.D.)
51.22 Public Health
51.23 Rehabilitation/Therapeutic Services
51.24 Veterinary Medicine (D.V.M.)
51.25 Veterinary Clinical Services
51.26 Miscellaneous Health Aides
51.27 Miscellaneous Health Professions

52. Business Management and Administrative Services

52.01 Business
52.02 Business Administration and Management
52.03 Accounting
52.04 Administrative and Secretarial Services
52.05 Business Communications
52.06 Business/Managerial Economics
52.07 Enterprise Management and Operations
52.08 Financial Management and Services
52.09 Hospitality Services Management
52.10 Human Resources Management
52.11 International Business
52.12 Business Information and Data Processing Services
52.13 Business Quantitative Methods and Management Science
52.14 Marketing Management and Research
52.15 Real Estate
52.16 Taxation

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AE89

Schedule of Rating Disabilities; Muscle Injuries

AGENCY: Department of Veterans Affairs.
ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its rating schedule regarding evaluation of muscle injuries. This amendment is necessary in order to comply with a General Accounting Office (GAO) study, which recommended that medical criteria in the rating schedule be reviewed and updated. The intended effect is to update the muscle injuries portion of the Schedule of Rating Disabilities to ensure that it uses current medical terminology and unambiguous criteria for evaluating these disabilities.

DATES: Comments must be received on or before July 16, 1993. Comments will be available for public inspection until July 26, 1993. This change is proposed to be effective 30 days after the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until July 26, 1993.

FOR FURTHER INFORMATION CONTACT: John L. Roberts, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: Advanced notice of proposed rulemaking regarding the muscle injuries portion of the rating schedule was published in the **Federal Register** on November 8, 1990. We received a report from a consulting firm contracted to suggest revisions to this portion of the Rating Schedule.

The report included suggestions that we incorporate the muscular system section of the schedule into the musculoskeletal section, base the evaluations for muscle injuries on the functioning of muscles and muscle groups, and update terminology to reflect current usage. We have considered all of these suggestions and implemented several as explained in the following proposal.

The sections in subpart B pertaining to muscle injuries are §§ 4.47 through 4.56, § 4.69, § 4.72 and § 4.73. Much of the information in the narrative sections prefacing the schedule for rating musculoskeletal disabilities pertains to the basic physiology of bones and muscles and was originally intended for the general guidance of all personnel associated with the rating process. Since that time, the Veterans Health Administration Physician's Guide for Disability Evaluation Examinations (IB 11–56) (hereinafter the Physician's Guide) and the Veterans Benefits Administration (VBA) Adjudication Procedures Manual (M21–1) have been developed with expanded and clarified versions of these original instructions. The medical discussions in the rating schedule are often redundant and, even with revisions, would not add appreciably to the understanding of muscle injuries beyond the more complete explanations provided in the Physician's Guide, the VBA Manual, and standard medical texts and references. We propose to consolidate several of these sections and to delete the parts that are simply recitations of standard medical principles, retaining only those portions which are essentially regulatory in nature, i.e. those which prescribe general rating policy or mandatory rating procedures. This editing of the schedule is not intended to change fundamental rules of rating, but rather to condense and clarify the schedule in the interest of efficiency and ease of use.

In its current form, much of the regulatory material in this portion of the schedule is loosely organized and ambiguous, and we propose to revise and reorganize it for the sake of clarity and ease of reference. A number of grammatical elements are useful in eliminating ambiguity and ensuring that the schedule presents rating criteria as precisely as possible. We are proposing a number of editorial changes and reorganizations throughout the sections of the schedule dealing with muscle injuries. These changes are intended to clarify the rating criteria and represent no substantive amendment.

Section 4.47 is, in effect, a discussion of the results of missile wounds on muscles, pointing out that residual muscle fusion and scarring interfere

with coordination and strength, and that fatigue and pain result from prolonged exertion of the injured muscles. Since this is common medical fact readily available in more complete form elsewhere, it serves no regulatory purpose and we propose to delete § 4.47 from the schedule. Similarly, § 4.48 is a discussion of scars resulting from wounds, emphasizing the importance of a complete examination to assess any disability arising from the scars. Since there is a regulatory requirement elsewhere that evaluations be based on a complete examination (see §§ 4.1 and 4.2), and Chapter 1 of the Physician's Guide also emphasizes the importance of complete examinations and reports, § 4.48 is redundant and we propose to delete it.

Section 4.49 discusses residuals of wounds in deeper structures and the importance of reviewing the complete history of injury, which is also required by 38 CFR 4.1. Residuals of wounds and evaluation of evidence is discussed in Part VI of the VBA Manual and Chapter 2 of the Physician's Guide, and we propose to delete § 4.49 from the schedule.

The first seven sentences of § 4.50 recite the symptoms of missile wounds, emphasizing that it is the deeper scarring of muscles that is disabling. This information is covered in Chapter 2 of the Physician's Guide and, since it is not regulatory in nature, we propose to delete it from the schedule. The final three sentences of § 4.50, however, are regulatory; they specifically prohibit the evaluation of injured muscle groups which act upon ankylosed joints, with the two exceptions of the shoulder or knee joints. This provision is regulatory and is a long-standing principle of rating practice which could not be deleted without substantially altering current policy. Since these two exceptions are also mentioned in § 4.55 (d) and (e), we proposed to incorporate all of the instructions concerning ankylosed joints into § 4.55 and to delete § 4.50 altogether. This consolidation will codify all instructions dealing with ankylosed joints in one place and dispose of an unnecessary redundancy in the schedule.

Section 4.51 is a discourse on the subject of muscle weakness due to injury, and the testing of muscles to evaluate occupational efficiency. Since symptoms of muscle injury are detailed in the section concerning factors for evaluating muscle disabilities (§ 4.56), we propose to delete § 4.51.

The section titled "Muscle damage", § 4.52, discusses the anatomical structure of muscles and the effects of missile wounds, also discussing the symptoms of muscle injury. Since this subject is addressed in § 4.56, we propose to delete § 4.52.

Muscle patterns and the interaction of individual muscles in producing movement are discussed in § 4.53, with a list of the cardinal symptoms of muscle disability. These cardinal symptoms are an important factor in the evaluation of muscle injuries, and we propose to move them to § 4.56, the section dealing with factors to be considered in evaluation of muscle injuries. Since the remaining material dealing with muscle patterns and the mechanics of movement in § 4.53 is medical in nature and not regulatory, we propose to delete it from the schedule.

Section 4.54 lists the muscle groups and anatomical regions, repeats the cardinal symptoms of muscle disability, and lists the cardinal signs of muscle disability. For the sake of clarity, we propose to delete § 4.54 and incorporate the portion dealing with muscle groups and anatomical regions into § 4.55, and to incorporate the portion addressing cardinal signs and symptoms of muscle injury into § 4.56. As a result, § 4.55 will deal exclusively with the principles for rating muscle injuries, and § 4.56 will define the terms used in the rating schedule to evaluate muscle injuries.

The scheme for rating muscle injuries places individual muscles into 23 muscle groups, each with its own diagnostic code. Each muscle group is assigned to one of five anatomical regions: (1) The shoulder girdle and arm, (2) the forearm and hand, (3) the foot and leg, (4) the pelvic girdle and thigh, or (5) the torso and neck. The current schedule contains interchangeable references to anatomical "regions" and "segments" originating from attempts to edit and consolidate earlier versions of the schedule. For the sake of consistency, we propose to use only the term anatomical region, which will eliminate a potential source of confusion. While muscles may be grouped in arrangements other than those found here, consistent terminology is necessary when applying the rules of combined evaluations explained in § 4.55. Those rules relate primarily to the five anatomical regions outlined in § 4.73.

The proposed changes in § 4.55 are primarily in syntax. We propose to change the term anatomical "segment" to anatomical "region" consistent with the changes mentioned above and with the remainder of the schedule. We also propose to add the designations of the muscle groups and anatomical regions from § 4.54 as previously discussed.

Section 4.56 defines the four levels of muscle disability as slight, moderate, moderately severe and severe. Within each of these levels, the type of injury, history and complaint of the injury, and objective findings are outlined. These are the criteria which must generally be met in order for a muscle injury to be evaluated at that level. The descriptions of objective findings within the categories of moderate and moderately severe injuries use the subjective adjectives of "moderate" and "moderately severe." We propose to delete these words since they cause confusion within the categories by using the same words to describe the terms they are defining. The word "marked" in these descriptions of findings is vague and ambiguous, and we propose to delete it for clarity. The paragraph describing history and complaint under the level of severe muscle injury currently refers the rater back to the corresponding paragraph under moderately severe level of muscle injury, "in aggravated form." For the convenience of the user, we propose to repeat the entire paragraph under severe muscle injuries, noting that the signs and symptoms should be worse than for moderately severe injuries. Further, we propose to list the primary signs of severe muscle injury for clarity and completeness, subdivided for easier reference.

In part, § 4.72 describes the significance of fractures and wounds. Since fractures are now classified in medical practice as either open or closed, we propose to change the term "compound" comminuted fracture, which is currently used in this section, to "open" comminuted fracture. Two regulatory instructions are stated in § 4.72, the first concerning evaluation of open comminuted fractures and the second concerning evaluation of through and through missile wounds. For ease of reference, we propose to put these instructions under § 4.56 with the other factors relating to evaluation of muscle disabilities. We propose to delete the phrases "from the missile," which appears twice in this section, since muscle wounds may also be due to other causes. We have also proposed editorial changes which do not alter the substance of current rules. With the rearranging of these regulatory instructions into § 4.56, we propose to delete § 4.72.

Muscles work collectively to perform movement about a particular joint. Muscular ability is evaluated in functional terms and the functions of muscle groups serve as the primary

evaluation criteria. For this reason we propose to list the functions of the muscle group under each diagnostic code ahead of the specific muscles which comprise the group and perform those movements. This will simplify the rating process by identifying the muscle group by functional disability rather than by the names of the individual muscles involved.

The preferred medical terms describing handedness are "dominant" and "nondominant." We propose to substitute these designations for "major" and "minor", and change the heading of § 4.69, to avoid confusion when these terms are used in the orthopedic section of the schedule in a different sense, describing the size or relative importance of a skeletal joint. We also propose to amend § 4.69 to indicate that in an ambidextrous individual, the injured hand, or the most severely injured, will be considered the dominant hand for rating purposes.

The 50 percent level under diagnostic code 5317 (gluteus muscles) includes a footnote directing that entitlement to special monthly compensation be considered when bilateral function of the buttocks is severely impaired. The criteria for entitlement to special monthly compensation contained in 38 CFR 3.350 are extremely complex. There are many instances of entitlement to special monthly compensation based on different criteria than those used in assigning a schedular evaluation. Cross referencing them consistently and accurately would be very difficult, if not impossible. We propose to delete this note in favor of a note under § 4.73, preceding the coded evaluations of disabilities, instructing raters to refer to § 3.350 whenever they rate a muscle injury which has resulted in loss of use of any extremity or loss of use of both buttocks. We believe that this will be more effective than the footnote in ensuring complete review for special monthly compensation.

Since the word "neoplasm" connotes a pathological abnormality better than the term "new growth," we propose to substitute that word under diagnostic codes 5327 and 5328, which pertain to malignant and benign muscle conditions, respectively.

Diagnostic codes 5327 (malignancies of muscles) and 5329 (soft tissue sarcomas) are the only codes which currently provide a 100 percent evaluation for only six months following surgery or the cessation of antineoplastic therapy. These provisions are currently applied at the time of rating by assigning a six month total evaluation with a prospective reduction. We believe that it would be more appropriate, however, if the decision to reduce an evaluation were based on medical findings rather than a regulatory assumption that there has been improvement. We are therefore proposing to continue the total evaluation under these codes indefinitely after treatment is discontinued, and to examine the veteran six months thereafter. If the results of this or any subsequent examination warrant a reduction in evaluation, the reduction would be implemented under the provisions of 38 CFR 3.105(e). This method would in effect extend entitlement; there could be no reduction at the end of six months since any proposed reduction would be based on the examination and the notification process could begin only after this examination had been reviewed. This method also has the advantage of offering the veteran more contemporary notice of any proposed action and, under the provisions of 38 CFR 3.105(e), offering the opportunity to present evidence showing that the proposed action should not be taken.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual impact on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have 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.

The Catalog of Federal Domestic Assistance numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: April 20, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 4, subpart B, is proposed to be amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

1. The authority citation for part 4 continues to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

Subpart B—Disability Ratings

2. Sections 4.47 through 4.54 are removed and reserved.

3. In § 4.55, the introductory text and paragraph (g) are removed and paragraphs (a) through (f) are revised to read as follows:

§ 4.55 Principles of combined ratings for muscle injuries.

(a) Muscle injury ratings will not be combined with peripheral nerve paralysis ratings of the same body part, unless the injuries affect entirely different functions.

(b) For rating purposes, the skeletal muscles of the body are divided into 23 muscle groups in 5 anatomical regions: 6 muscle groups for the shoulder girdle and arm (diagnostic codes 5301 through 5306), 3 muscle groups for the forearm and hand (codes 5307 through 5309), 3 muscle groups for the foot and leg (codes 5310 through 5312), 6 muscle groups for the pelvic girdle and thigh (codes 5313 through 5318), and 5 muscle groups for the torso and neck (codes 5319 through 5323).

(c) There will be no rating assigned for muscle groups which act upon an ankylosed joint, with the following exceptions:

(1) In the case of an ankylosed knee, Muscle group XIII will be rated, but at the next lower level than that which would otherwise be assigned.

(2) In the case of an ankylosed shoulder, if muscle groups I and II are severely disabled, the evaluation of the shoulder joint under diagnostic code 5200 will be elevated to that for unfavorable ankylosis, but the muscle groups themselves will not be rated.

(d) The combined evaluation of muscle groups acting upon a single unankylosed joint will not exceed the evaluation for intermediate ankylosis of that joint, except for muscle groups I and II acting upon the shoulder, which are addressed in paragraph (c)(ii) of this section.

(e) For compensable muscle group injuries which are in the same anatomical region but do not act on the

same joint, the evaluation for the most severely injured muscle group will be increased by one level and used as the combined evaluation for the affected muscle groups.

(f) For muscle group injuries in different anatomical regions which do not act upon ankylosed joints, each muscle group injury shall be separately rated and the ratings combined under the provisions of § 4.25.

4. Section 4.56 is revised to read as follows:

§ 4.56 Evaluation of muscle disabilities.

(a) An open comminuted fracture with muscle or tendon damage will be rated as a severe injury of the muscle group involved unless, for locations such as in the wrist or over the tibia, evidence establishes that the muscle damage is minimal.

(b) A through-and-through injury with muscle damage shall be evaluated as no less than a moderate injury for each group of muscles damaged.

(c) For VBA rating purposes, the cardinal signs and symptoms of muscle disability are loss of power, weakness, lowered threshold of fatigue, fatigue-pain, impairment of coordination and uncertainty of movement.

(d) Under diagnostic codes 5301 through 5323, disabilities resulting from muscle injuries shall be classified as slight, moderate, moderately severe or severe as follows:

(1) *Slight disability of muscles.*

(i) *Type of injury.* Simple wound of muscle without debridement, infection, or impairment of function.

(ii) *History and complaint.* Service department record of superficial wound with brief treatment and return to duty. Healing with good functional results. No cardinal signs or symptoms of muscle injury as defined in paragraph (c) of this section.

(iii) *Objective findings.* Minimal scar. No evidence of fascial defect, atrophy, or impaired tonus. No impairment of function or metallic fragments retained in muscle tissue.

(2) *Moderate disability of muscles.*

(i) *Type of injury.* Through and through or deep penetrating wound of short track from a single bullet, small shell or shrapnel fragment, without explosive effect of high velocity missile, residuals of debridement, or prolonged infection.

(ii) *History and complaint.* Service department record or other evidence of in-service treatment for the wound. Record of consistent complaint of one or more of the cardinal signs and symptoms of muscle injury as defined in paragraph (c) of this section, particularly lowered threshold of fatigue after average use, affecting the particular functions controlled by the injured muscles.

(iii) *Objective findings.* Small or linear entrance and, if present, exit scars indicating short track of missile through muscle tissue. Some loss of deep fascia or muscle substance or impairment of muscle tonus and clearly defined loss of power or lowered threshold of fatigue when compared to the sound side.

(3) *Moderately severe disability of muscles.*

(i) *Type of injury.* Through and through or deep penetrating wound by small high velocity missile or large low velocity missile, with debridement, prolonged infection, or sloughing of soft parts, and intermuscular scarring.

(ii) *History and complaint.* Service department record or other evidence showing hospitalization for a prolonged period for treatment of wound. Record of consistent complaint of cardinal signs and symptoms of muscle injury as defined in paragraph (c) of this section and, if present, evidence of unemployability because of inability to keep up with work requirements.

(iii) *Objective findings.* Large entrance and, if present, exit scars indicating track of missile through one or more muscle groups. Indications on palpation of loss of deep fascia, muscle substance, or normal firm resistance of muscles compared with sound side. Tests of strength and endurance compared with sound side demonstrate positive evidence of impairment.

(4) *Severe disability of muscles.*

(i) *Type of injury.* Through and through or deep penetrating wound due to high velocity missile with explosive effect, large low velocity missile, or multiple low velocity missiles, with shattering bone or open comminuted fracture and definite muscle or tendon damage with extensive debridement, prolonged infection, or sloughing of soft parts, and intermuscular binding and scarring.

(ii) *History and complaint.* Service department record or other evidence showing hospitalization for a prolonged period for treatment of wound. Record of consistent complaint of cardinal signs and symptoms of muscle injury as defined in paragraph (c) of this section, worse than those shown for moderately severe muscle injuries, and, if present, evidence of unemployability because of inability to keep up with work requirements.

(iii) *Objective findings.* Ragged, depressed and adherent scars indicating wide damage to muscle groups in missile track. Palpation shows loss of deep fascia or muscle substance, or soft flabby muscles in wound area. Muscles swell and harden abnormally in contraction. Tests of strength, endurance, or coordinated movements compared with the corresponding muscles of the uninjured side indicate extreme impairment of function. If present, the following are also signs of severe muscle disability:

(*A*) X-ray evidence of minute multiple scattered foreign bodies indicating intermuscular trauma and explosive effect of the missile.

(B) Adhesion of scar to one of the long bones, scapula, pelvic bones, sacrum or vertebrae, with epithelial sealing over the bone rather than true skin covering in an area where bone is normally protected by muscle.

(C) A diminished excitability to faradic current in electrical tests, compared with the sound side.

(D) Visible or measurable atrophy.

(E) Adaptive contraction of an opposing group of muscles.

(F) Atrophy of muscle groups not in the track of the missile, particularly of the trapezius and serratus in wounds of the shoulder girdle (traumatic muscular dystrophy).

(G) Induration or atrophy of an entire muscle following simple piercing by a projectile (progressive scelerosing myositis).

5. Section 4.69 is revised to read as follows:

§ 4.69 Dominant hand.

Handedness for the purpose of a dominant rating will be determined by the evidence of record, or by testing on VA examination. Only one hand shall be considered dominant. The injured hand, or the most severely injured hand, of an ambidextrous individual will be considered the dominant hand for rating purposes.

6. Section 4.72 is removed and reserved.

7. Section 4.73 is revised to read as follows:

§ 4.73 Schedule of Ratings-Muscle Injuries.

Note: When evaluating any claim involving muscle injuries resulting in loss of use of any extremity or loss of use of both buttocks, refer to § 3.350 of this chapter to determine whether the veteran may be entitled to special monthly compensation.

THE SHOULDER GIRDLE AND ARM

	Rating	
	Dominant	Nondominant
5301 Group I. *Function:* Upward rotation of scapula; elevation of arm above shoulder level.		
Extrinsic muscles of shoulder girdle: (1) Trapezius; (2) levator scapulae; (3) serratus magnus.		
Severe	40	30
Moderately Severe	30	20
Moderate	10	10
Slight	0	0
5302 Group II. *Function:* Depression of arm from vertical overhead to hanging at side, (1, 2); downward rotators of scapula, (3, 4); 1 and 2 act with Group III in forward and backward swing of arm.		
Extrinsic muscles of shoulder girdle: (1) Pectoralis major II (costosternal); (2) latissimus dorsi and teres major (teres major, although technically an intrinsic muscle, is included with latissimus dorsi); (3) pectoralis minor; (4) rhomboid.		
Severe	40	30
Moderately Severe	30	20
Moderate	20	20
Slight	0	0
5303 Group III. *Function:* Elevation and abduction of arm to level of shoulder; act with 1 and 2 of Group II in forward and backward swing of arm.		
Intrinsic muscles of shoulder girdle: (1) Pectoralis major I (clavicular); (2) deltoid.		
Severe	40	30
Moderately Severe	30	20
Moderate	20	20
Slight	0	0
5304 Group IV. *Function:* Stabilizing muscles of the shoulder against injury in strong movements, holding head of humerus in socket; abduction, outward rotation and inward rotation of arm.		
Intrinsic muscles of shoulder girdle: (1) Supraspinatus; (2) infraspinatus and teres minor; (3) subscapularis; (4) coracobrachialis.		
Severe	30	20
Moderately Severe	20	20
Moderate	10	10
Slight	0	0
5305 Group V. *Function:* Elbow supination (1) (long head of biceps is stabilizer of shoulder joint); flexion of elbow (1, 2, 3).		
Flexor muscles of elbow: (1) Biceps; (2) brachialis; (3) brachioradialis.		
Severe	40	30
Moderately Severe	30	20
Moderate	10	10
Slight	0	0
5306 Group VI. *Function:* Extension of elbow (long head of triceps is stabilizer of shoulder joint).		
Extensor muscles of the elbow: (1) Triceps; (2) anconeus.		
Severe	40	30
Moderately Severe	30	20
Moderate	10	10
Slight	0	0

THE FOREARM AND HAND

	Rating	
	Dominant	Nondominant
5307 Group VII. *Function:* Flexion of wrist and fingers.		
Muscles arising from internal condyle of humerus: Flexors of the carpus and long flexors of fingers and thumb; pronator.		
Severe	40	30
Moderately Severe	30	20
Moderate	10	10
Slight	0	0
5308 Group VIII. *Function:* Extension of wrist, fingers, and thumb; abduction of thumb.		
Muscles arising mainly from external condyle of humerus: Extensors of carpus, fingers, and thumb; supinator.		
Severe	30	20
Moderately Severe	20	20
Moderate	10	10
Slight	0	0

THE FOREARM AND HAND—Continued

	Rating	
	Dominant	Nondominant
5309 Group IX. *Function:* The forearm muscles act in strong grasping movements and are supplemented by the intrinsic muscles in delicate manipulative movements.		
Intrinsic muscles of hand: Thenar eminence; short flexor, opponens, abductor and adductor of thumb; hypothenar eminence; short flexor, opponens and abductor of little finger; 4 lumbricales; 4 dorsal and 3 palmar interossei.		
Note—The hand is so compact a structure that isolated muscle injuries are rare, being nearly always complicated with injuries of bones, joints, tendons, etc. Rate on limitation of motion, minimum 10 percent.		

THE FOOT AND LEG

	Rating
5310 Group X. *Function:* Movements of forefoot and toes; propulsion thrust in walking.	
Intrinsic muscles of the foot:	
Plantar: (1) Flexor digitorum brevis; (2) abductor hallucis; (3) abductor digiti V; (4) quadratus plantae; (5) lumbricales; (6) flexor hallucis; (7) flexor digiti V brevis; (8) opponens digiti V, plantar interossei. Other important plantar structures; plantar aponeurosis, long plantar and calcaneonavicular ligament, tibialis posterior, peroneus longus, and long flexors of great and little toes.	
Severe	30
Moderately Severe	20
Moderate	10
Slight	0
Dorsal: Extensor hallucis brevis; (2) extensor digitorum brevis; (3) 4 dorsal interossei. Other important dorsal structures: cruciate, crural, deltoid, and other ligaments; tendons of long extensors of toes and peronei muscles.	
Severe	20
Moderately Severe	10
Moderate	10
Slight	0
Note—minimum rating for through and through wounds of the foot	10
5311 Group XI. *Function:* Propulsion, plantar flexion of foot (1); stabilizing arch (2, 3); flexion of toes (4, 5); flexion of knee (6).	
Posterior and lateral crural muscles, and muscles of the calf: (1) Triceps surae (gastrocnemius and soleus); (2) tibialis posterior; (3) peroneus longus; (4) flexor hallucis longus; (5) flexor digitorum longus; (6) popliteus.	
Severe	30
Moderately Severe	20
Moderate	10
Slight	0
5312 Group XII. *Function:* Dorsiflexion (1); extension of toes (2); stabilizing arch (3).	
Anterior muscles of the leg: (1) Tibialis anterior; (2) flexor digitorum longus; (3) peroneus tertius.	
Severe	30
Moderately Severe	20
Moderate	10
Slight	0

THE PELVIC GIRDLE AND THIGH

	Rating
5313 Group XIII. *Function:* Extension of hip and flexion of knee; outward and inward rotation of flexed knee; acting with rectus femoris and sartorius (see XIV, 1, 2) synchronizing simultaneous flexion of hip and knee and extension of hip and knee by belt-over-pulley action at knee joint.	
Posterior thigh group, Hamstring complex of 2-joint muscles: (1) Biceps femoris; (2) semimembranosus; (3) semitendinosus.	
Severe	40
Moderately Severe	30
Moderate	10
Slight	0
5314 Group XIV. *Function:* Extension of knee (2, 3, 4, 5); simultaneous flexion of hip and flexion of knee (1); tension of fascia lata and iliotibial (Maissiat's) band, acting with XVII (1), in postural support of body (6); acting with hamstrings in synchronizing hip and knee (1, 2).	
Anterior thigh group: (1) Sartorius; (2) rectus femoris; (3) vastus externus; (4) vastus intermedius; (5) vastus internus; (6) tensor vaginae femoris.	
Severe	40
Moderately Severe	30
Moderate	10
Slight	0
5315 Group XV. *Function:* Adduction of hip (1, 2, 3, 4); flexion of hip (1, 2); flexion of knee (4).	
Mesial thigh group: (1) Adductor longus; (2) adductor brevis; (3) adductor magnus; (4) gracilis.	
Severe	30
Moderately Severe	20

THE PELVIC GIRDLE AND THIGH—Continued

	Rating
Moderate	10
Slight	0
5316 Group XVI. *Function:* Flexion of hip (1, 2, 3).	
Pelvic girdle group 1: (1) Psoas; (2) iliacus; (3) pectineus.	
Severe	40
Moderately Severe	30
Moderate	10
Slight	0
5317 Group XVII. *Function:* Extension of hip (1); abduction of thigh; elevation of opposite side of pelvis (2, 3); tension of fascia lata and iliotibial (Maissiat's) band, acting with XIV (6), in postural support of body steadying pelvis upon head of femur and condyles of femur on tibia (1).	
Pelvic girdle group 2: (1) Gluteus maximus; (2) gluteus medius; (3) gluteus minimus.	
Severe	50
Moderately Severe	40
Moderate	20
Slight	0
5318 Group XVIII. *Function:* Outward rotators of thigh and stabilizers of hip joint.	
Pelvic girdle group 3: (1) Pyriformis; (2) gemellus (superior or inferior); (3) obturator (external or internal); (4) quadratus femoris.	
Severe	30
Moderately Severe	20
Moderate	10
Slight	0

THE TORSO AND NECK

	Rating
5319 Group XIX. *Function:* Support and compression of abdominal wall and lower thorax; flexion and lateral motions of spine; synergists in strong downward movements of arm (1).	
Muscles of the abdominal wall: (1) Rectus abdominis; (2) external oblique; (3) internal oblique; (4) transversalis; (5) quadratus lumborum.	
Severe	50
Moderately Severe	30
Moderate	10
Slight	0
5320 Group XX. *Function:* Postural support of body; extension and lateral movements of spine.	
Spinal muscles: sacrospinalis (erector spinae and its prolongations in thoracic and cervical regions).	
Cervical and thoracic region:	
Severe	40
Moderately Severe	20
Moderate	10
Slight	0
Lumbar region:	
Severe	60
Moderately Severe	40
Moderate	20
Slight	0
5321 Group XXI. *Function:* Respiration.	
Muscles of Respiration: Thoracic muscle group.	
Severe or Moderately Severe	20
Moderate	10
Slight	0
5322 Group XXII. *Function:* Rotary and forward movements of the head; respiration; deglutition.	
Muscles of the front of the neck: (Lateral, supra-, and infrahyoid group.) (1) trapezius I (clavicular insertion); (2) sternocleidomastoid; (3) the "hyoid" muscles; (4) sternothyroid; (5) digastric.	
Severe	30
Moderately Severe	20
Moderate	10
Slight	0
5323 Group XXIII. *Function:* Movements of the head; fixators for shoulder movements.	
Muscles of the side and back of the neck: Suboccipital; lateral vertebral and anterior vertebral muscles.	
Severe	30
Moderately Severe	20
Moderate	10
Slight	0

MISCELLANEOUS

	Rating
5324 Diaphragm, rupture of, with herniation.	
Rate under diagnostic code 7346.	
5325 Muscle injury, facial muscles.	
Consider injury to cranial nerves, minimum rating if interfering to any extent with mastication	10
5326 Muscle hernia, extensive.	
Without other injury to the muscle	10
5327 Muscle, neoplasm of, malignant (excluding soft tissue sarcoma)	100
Note: Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue with a mandatory VA examination at the expiration of six months. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of §3.105(e) of this chapter. If there has been no local recurrence or metastasis, rate on residual impairment of function.	
5328 Muscle, neoplasm of, benign, postoperative.	
Rate on impairment of function, i.e., limitation of motion, or scars, diagnostic code 7805, etc.	
5329 Sarcoma, soft tissue, (of muscle, fat, or fibrous connective tissue)	100
Note: Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue with a mandatory VA examination at the expiration of six months. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of §3.105(e) of this chapter. If there has been no local recurrence or metastasis, rate on residual impairment of function.	

[FR Doc. 93-13350 Filed 6-15-93; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-4667-5]

Approval of State Programs and Delegation of Federal Authorities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing and extension of public comment period.

SUMMARY: On May 19, 1993 (58 FR 29296), EPA proposed regulations to provide guidance, relating to approval of State programs, that EPA is required to publish under section 112(1) of the Clean Air Act Amendments (CAA) of 1990. The proposed notice announced that, if requested, a public hearing would be held at the EPA office located in Research Triangle Park (RTP), North Carolina. The EPA received several requests and as a result, a June 22, 1993 hearing has been scheduled to allow interested parties the opportunity to present oral testimony. The period for receiving written public comments on the proposed rule is being extended from the original date of June 18, 1993 to July 6, 1993 to allow interested parties time to prepare responses after the public hearing.

DATES: Comments. Comments must be received on or before July 6, 1993.

Public Hearing. The public hearing will be held on June 22, 1993 in RTP, North Carolina. The hearing will start at 9 a.m. and will end when all oral testimony is heard.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by June 18, 1993. Each speaker will be allowed up to 10 minutes.

ADDRESSES: Comments. Written comments should be submitted (in duplicate, if possible) to: Air Docket Section (LE-131), ATTN: Docket No. A-92-46, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Public Hearing: The public hearing will be held on June 22, 1993 at the EPA's Office of Administration Auditorium, RTP, North Carolina. The hearing will start at 9 a.m. and will end when all oral testimony is heard. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Pam Smith, Pollutant Assessment Branch, Emission Standards Division, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (MD-13), RTP, North Carolina 27711, telephone (919) 541-5319.

Docket. The docket listed above under **ADDRESSES** contains supporting information used in developing the proposed rule. The docket is available for public inspection and copying from 8:30 a.m.-12 noon and 1:30 p.m.-3:30 p.m., Monday through Friday, at the EPA's Air Docket Section, Waterside Mall, room M1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For general information on the proposed rule, contact Tim Ream, Pollutant Assessment Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, RTP, North Carolina 27711 or contact Sheila Q. Milliken, Pollutant Assessment Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, RTP, North Carolina 27711, telephone number (919) 541-2625.

SUPPLEMENTARY INFORMATION: On May 19, 1993, the EPA proposed regulations to provide guidance, relating to approval of State programs, that EPA is required to publish under section 112(1) of the Clean Air Act Amendments (CAA) of 1990 (58 FR 29296). Section 112(1)(2) of the CAA requires EPA to publish guidance useful to States in developing programs for implementing and enforcing emission standards and other requirements for hazardous air pollutants (HAP's) and guidance concerning requirements for the prevention and mitigation of accidental releases of toxic substances into the ambient air. The proposed rule contains guidance specifically relating to the approval of rules or programs that States can implement and enforce in place of certain Federal section 112 rules, and the partial or complete delegation of Federal authorities and responsibilities associated therewith. Submission of such rules or programs by the States is entirely voluntary. EPA received several requests for a public hearing and with this notice is clarifying the date and procedures for the hearing.

Dated: June 11, 1993.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93-14275 Filed 6-15-93; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 930640-3140; I.D. 052093C]

Summer Flounder Fishery

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement the conservation and management measures prescribed in Amendment 4 to the Fishery Management Plan for the Summer Flounder Fishery (FMP). This rule proposes to revise the percentage of the commercial quota allocated to each state, and revise the manner in which 1994 state quotas will be adjusted for quota overages that may occur in 1993. The intent of Amendment 4 is to adjust for the underreporting in Connecticut catch data used to establish allocation shares and to make additional quota available to commercial vessels landing summer flounder in Connecticut. An emergency interim rule that is effective from May 4, 1993, through August 5, 1993, with a possible 90-day extension, would be superseded by this amendment, if implemented.

DATES: Comments on the proposed rule must be received on or before August 2, 1993.

ADDRESSES: Comments on the proposed rule, the FMP, or supporting documents should be sent to Richard B. Roe, Director, Northeast Region, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope "Comments on Summer Flounder Plan."

Copies of Amendment 4, the environmental assessment (EA), and the regulatory impact review (RIR) are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115 Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, Resource Policy Analyst, 508-281-9324.

SUPPLEMENTARY INFORMATION: The summer flounder fishery is managed under the FMP, which was developed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the Canadian border. The objectives of the FMP are to: (1) Reduce fishing mortality in the summer flounder fishery to assure that overfishing does not occur; (2) reduce fishing mortality on immature summer flounder to increase spawning stock biomass; (3) improve the yield from the fishery; (4) promote compatible management regulations between state and Federal jurisdictions; (5) promote uniform and effective enforcement of regulations; and (6) minimize regulations to achieve the management objectives stated above.

Implementing regulations for the summer flounder fishery are issued under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are found at 50 CFR part 625. The regulations were amended on December 4, 1992 (57 FR 57358), by the final rule to implement Amendment 2 to the FMP. These regulations imposed several management measures, including an annual commercial quota allocated on a percentage basis to the Atlantic coast states from North Carolina to Maine.

The allocation of the state quota shares was based on historical landings data. Subsequent to approval and implementation of Amendment 2, ASMFC member states recognized that Connecticut's commercial landings were underreported from the early to mid-1980s. In response, Amendment 4 was prepared by the Council in consultation with the ASMFC and the New England and South Atlantic Fishery Management Councils. A notice of availability for the proposed Amendment 4 was published in the Federal Register on May 26, 1993 (58 FR 30140).

Amendment 4 would use a proxy for underreported landings in the State of Connecticut to revise the percentages of commercial quota allocated to the states under § 625.20(d)(1) of the regulations (see Table 1). This would make additional quota available to commercial vessels landing in the State. Specifically, the revision would increase Connecticut's quota share by 1.30388 percent. The remaining states would share a corresponding decrease, with the decreases ranging from 0.00004 percent to 0.36967 percent. The total quota for the management unit, which is set annually based on a target fishing mortality rate and stock abundance of various year classes, would not be affected by this action. This action merely redistributes the available quota.

The quota apportioned to the State of Connecticut was harvested quickly because historic landings were significantly underrepresented by the original allocation to that State. The commercial fishery for Connecticut was closed on February 19, 1993 (58 FR 8557; February 16, 1993). This prompted the Council and ASMFC to request the Secretary of Commerce (Secretary) to take emergency action to make additional quota available to vessels landing summer flounder in that State while Amendment 4 was being prepared. Emergency regulations were implemented on May 4, 1993, through August 5, 1993 (58 FR 27214; May 7, 1993). This emergency interim rule may be extended for one 90-day period.

TABLE 1.—REVISED STATE QUOTA SHARES (PROPOSED)

State	Revised	Original %	Difference
Maine	0.04756	0.0482	−0.00064
New Hampshire	0.00046	0.0005	−0.00004
Massachusetts	6.82046	6.9111	−0.09064
Rhode Island	15.68298	15.8914	−0.20842
Connecticut	2.25708	0.9532	+1.30388
New York	7.64699	7.7486	−0.10161
New Jersey	16.72499	16.9473	−0.22231
Delaware	0.01779	0.0180	−0.00021
Maryland	2.03910	2.0662	−0.0271
Virginia	21.31676	21.6001	−0.28334

TABLE 1.—REVISED STATE QUOTA SHARES (PROPOSED)—Continued

State	Revised	Original %	Difference
North Carolina	27.44584	27.8155	−0.36967
Total	100.00000		

Quota Overage Adjustment for 1994

This amendment also proposes to modify the regulations regarding 1994 quota adjustments if any state's landings exceed its 1993 allocation and there is an overall balance of 1993 quota remaining. The current regulations at § 625.20(d)(2) require quota overages in any state to be deducted from that states's annual quota for the following year.

The proposed revision to state quota percentages in Table 1 would result in a reduction in quota for ten states of 161,029 pounds (73,042 kg), with individual state reductions shown in Table 2. The quota for Connecticut was increased by the same amount. If there is unused 1993 quota at the end of the fishing year, the Amendment proposes to apply the unused quota to any quota overages for the ten states that experienced a quota reduction in 1993, before any deduction is made from any 1994 state quotas. The maximum adjustment per state would not exceed the amount of quota reduction experienced in 1993, which is shown in Table 2.

The amendment also proposes that, if the unused quota is inadequate to compensate the ten states for all overages, the unused 1993 quota would be allocated proportionally among the states. To calculate a given state's proportional share, the figures from Table 2 for each state with an overage would be summed. The individual state percentage share of that total will be calculated. For each state with an overage, that percentage would be applied to the total amount of unused 1993 quota, and the resulting amount would be deducted from the state's 1993 overage. The remaining overage for each state, if any, would be deducted from the 1994 state quota. This provision would only be applicable to state quota overages occurring in 1993 because the quota revision, if approved, would take place while 1993 fishing activity is underway and may complicate quota monitoring efforts. In future years, quota overages in any state would be deducted from that state's annual quota for the following year.

TABLE 2.—REDUCTIONS IN 1993 STATE QUOTAS RESULTING FROM REVISED STATE QUOTA SHARES

State	Pounds	Kilograms
Maine	82	37
New Hampshire	5	2
Massachusetts	11,194	5,078
Rhode Island	25,737	11,674
New York	12,547	5,691
New Jersey	27,453	12,453
Delaware	26	12
Maryland	3,347	1,518
Virginia	34,989	15,871
North Carolina	45,649	20,706
Totals	161,029	73,042

Classification

Section 304(a)(1)(D)(ii) of the Magnuson Act, as amended, requires the Secretary to publish regulations proposed by a Council to implement a proposed FMP amendment within 15 days of the receipt date of the amendment and proposed regulations. At this time, the Secretary has not determined that the Amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

The Council prepared an environmental assessment (EA) for the Amendment and concluded that there will be no significant impact on the environment as a result of this rule. A copy of the EA may be obtained from the Council (see **ADDRESSES**).

An informal consultation under Section 7 of the Endangered Species Act (ESA) was conducted for Amendment 4 and concluded that a formal consultation and biological opinion are not necessary to address endangered species interactions and critical habitat issues for this action. Amendment 4 proposes minor adjustments in the percent shares of the annual quota for the commercial fisheries for each state, implemented by Amendment 2. The biological opinion for the FMP calls for promulgation of permanent ESA regulations by the fall of 1993 to provide for long-term protection of sea turtles. Those regulations are currently under development by NMFS. This Amendment will not affect endangered or threatened species or critical habitat in any way that was not already considered in other consultations undertaken for the FMP (NMFS, 1988, 1991 and 1992).

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the draft Regulatory Impact Review (RIR) that demonstrates that the quota reduction required by this redistribution will not significantly impact fishermen in the affected states because the subtracted quota amounts are relatively small. The adjusted state quota shares will be less disruptive to traditional commercial landing patterns in the states than those in Amendment 2 because they will more closely reflect the actual historical state share of landings. A copy of the RIR may be obtained from the Council (see **ADDRESSES**).

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because of the reasons set forth in the RIR prepared by the Council, a copy of which may be obtained from the Council (see **ADDRESSES**). As a result, a regulatory flexibility analysis was not prepared.

This rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal zone management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina. For Pennsylvania, the Council determined that this rule will not affect the coastal zone. This determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Maine, New

Hampshire, Rhode Island, Connecticut, Pennsylvania, and Delaware have concurred with the Council's opinion.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: June 11,1993.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR part 625 is proposed to be amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

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

2. In § 625.20, paragraphs (d)(1) through (d)(3) are revised to read as follows:

§ 625.20 Catch quotas and other restrictions.

* * * * *

(d)(1) The annual commercial quota will be distributed to the states based upon the following percentages:

State	Share (%)
Maine	0.04756
New Hampshire	0.00046
Massachusetts	6.82046
Rhode Island	15.68298
Connecticut	2.25708
New York	7.64699
New Jersey	16.72499
Delaware	0.01779
Maryland	2.03910
Virginia	21.31676
North Carolina	27.44584

(d)(2) All summer flounder landed for sale in a state shall be applied against that state's annual commercial quota, regardless of where the summer flounder were harvested. Any overages of the commercial quota landed in any state will be deducted from that state's annual quota for the following year.

(d)(3) Before any 1993 state quota overage is deducted from a respective 1994 state quota figure for Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, or North Carolina, the sum total or unused 1993 quotas will be used to reduce those overages up to the maximum shown below for each state. If the sum total of unused 1993 quotas is inadequate to eliminate all state overages, the unused 1993 quota will be allocated proportionally among the states. The figures from the table below for each state having an overage will be summed. The individual state percentage share of that total will be applied to the total amount of unused 1993 quota. The resulting amount for each state will be deducted from the state's 1993 overage. Any remaining overage shall be deducted from the 1994 state quota.

State	Maximum adjustment	
	(lbs)	(kg)
Maine	82	37
New Hampshire	5	2
Massachusetts	11,194	5,078
Rhode Island	25,737	11,674
New York	12,547	5,691
New Jersey	27,453	12,453
Delaware	26	12
Maryland	3,347	1,518
Virginia	34,989	15,871
North Carolina	45,649	20,706

* * * * *

[FR Doc. 93–14270 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 114
Wednesday, June 16, 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

Office of the Secretary

Privacy Act of 1974: Computer Matching Program for the Disqualified Recipient Subsystem—U.S. Department of Agriculture and State Welfare Agencies Administering the Food Stamp Program

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of Computer Matching Programs for the Disqualified Recipient Subsystem—U.S. Department of Agriculture and State welfare agencies administering the Food Stamp Program.

SUMMARY: The Food and Nutrition Service (FNS), U.S. Department of Agriculture (USDA) is providing notice that it intends to conduct a computer matching program with all fifty States as well as the District of Columbia, Guam, and the Virgin Islands. However, not all of the States will be fully prepared to participate in the computer matching program at its inception and only those that have completed technical preparations and executed computer matching agreements are included under this notice. Therefore, this notice announces the participation in the computer matching program of the States of Alaska, Arizona, California, Idaho, Nevada, Washington, Florida, South Carolina, Tennessee, West Virginia, Connecticut, New Hampshire, New Mexico, Kentucky, Oregon, Mississippi, Alabama, Georgia, Maryland, District of Columbia, Virgin Islands, Pennsylvania, Louisiana, Oklahoma, Arkansas, New York, North Dakota, and Colorado.

As the remainder of the States complete technical preparations and execute computer matching agreements, additional notices will be published to announce their inclusion in this matching program.

The matching program will enable State agencies to determine appropriate periods of disqualification from participation in the Food Stamp Program for intentional program violations. To assign appropriate periods of disqualification, State agencies will match data on individuals recently determined to have committed intentional program violations with an FNS-maintained, centralized data bank list of individuals previously disqualified. Then, based on the number of times an individual has been disqualified, an appropriate period of disqualification will be assigned for the latest violation.

The matching program will also enable State agencies to prevent the certification or detect the participation of individuals who are in a disqualified status. At their option, State agencies may match the FNS-supplied data against their records of applicants and/or recently-certified individuals to insure that those currently in a disqualified status do not participate. Matches will be conducted in accordance with written agreements between USDA and each of the State agencies.

This notice is required by Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988. The information provided is in accordance with paragraph 6.c. of the Final Guidance Interpreting Pub. L. 100–503 issued by the Office of Management and Budget, 54 FR 25818 (June 19, 1989). A copy of this notice has been provided to the Committee on Government Operations, U.S. House of Representatives, the Committee on Governmental Affairs, U.S. Senate, and the Office of Management and Budget.

DATES: In accordance with Section 2 of Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, 5 U.S.C. 552a(o)(2)(B) the matching programs will begin no sooner than 30 days after the signed agreements are transmitted to the Committee on Government Operations, U.S. House of Representatives, the Committee on Governmental Affairs, U.S. Senate, and the Office of Management and Budget. This matching program will continue for 18 months, the maximum time period allowed under section 2 of Pub. L. 100–503, 5 U.S.C. 552a(o)(2)(C). At the end of that period, with the approval of the USDA Data Integrity Board, this matching program may be extended for an additional year without further notice.

ADDRESSES: Comments and inquiries should be addressed to: Cecilia Fitzgerald, Supervisor, State Management Section, State Administration Branch, Program Accountability Division, Food and Nutrition Service, U.S. Department of Agriculture, Room 907, 3101 Park Center Drive, Alexandria, VA 22302, telephone (703) 305–2386.

SUPPLEMENTARY INFORMATION: Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981, requires that individuals who intentionally violate Food Stamp Program regulations more than once be assigned increasingly longer periods of disqualification for each subsequent offense. To assign appropriate disqualification periods, State agencies must have access to information on individuals who have previously been disqualified in other jurisdictions as well as their own. Although Congress, in Pub. L. 97–35, did not specify a system for assuring State agencies access to information on disqualified individuals, it did require State agencies to report disqualification actions to FNS. Thus, to enable States to act on this information as Congress intended, FNS will make this information available to State agencies through the Disqualified Recipient Subsystem.

FNS will act as the central collection point for data on disqualified individuals, which States will then access through the Disqualified Recipient Subsystem. The data will include the name, social security number, date of birth, and sex of disqualified individuals. If data in the Disqualified Recipient Subsystem indicates that an individual had been disqualified previously, the information obtained from the Disqualified Recipient Subsystem will be verified before a new period of disqualification is assigned. If the information in the Disqualified Recipient Subsystem originated in another State, that State will be asked to verify the subject data. This procedure will also be followed before any action is taken to deny an individual's application or terminate an individual's participation based on a match with the Disqualified Recipient Subsystem.

Food Stamp Program regulations provide for notification and due-process

rights for individuals adversely affected by computer match programs.

Name of Participating Agencies

Food and Nutrition Service, USDA, and the States of Alaska, Arizona, California, Idaho, Nevada, Washington, Florida, South Carolina, Tennessee, West Virginia, Connecticut, New Hampshire, New Mexico, Kentucky, Oregon, Mississippi, Alabama, Georgia, Maryland, District of Columbia, Virgin Islands, Pennsylvania, Louisiana, Oklahoma, Arkansas, New York, North Dakota, and Colorado.

Purpose

To facilitate the Congressional mandate to increase the length of disqualifications from the Food Stamp Program for repeated instances of fraudulently obtaining Food Stamp Program benefits and to verify eligibility of applicants for Food Stamp Program benefits.

Authority: 7 U.S.C. 2015, the Food Stamp Act of 1977, as amended.

Files To Be Used in This Matching Program Are

(1) The FNS-maintained file of State-provided disqualification information is entitled "Information on Persons Disqualified from the Food Stamp Program" and designated as USDA/FNS–5. This Privacy Act System of Records consists of standardized records containing identifying information (first name, middle initial, last name; social security number; date of birth; and sex) on individuals disqualified from the Food Stamp Program and information identifying the location, date(s) and length(s) of any disqualification determined and imposed.

(2) State agency food stamp recipient information files for each State, the District of Columbia, Guam, and the Virgin Islands.

Inclusive Dates

In accordance with section 2 of Pub. L. 100–503, 5 U.S.C. 552a(o)(2)(B) the Computer Matching and Privacy Protection Act of 1988, the matching programs will begin no sooner than 30 days after the signed agreements are transmitted to the Committee on Government Operations, U.S. House of Representatives, the Committee on Governmental Affairs, U.S. Senate, and the Office of Management and Budget. They will continue for 18 months, the maximum time period allowed under section 2 of Pub. L. 100–503, 5 U.S.C. 552a(o)(2)(C). At the end of that period, with the approval of the USDA Data Integrity Board, this matching program may be extended for an additional year without further notice.

Public Comments or Inquiries

Comments and inquiries should be addressed to: Cecilia Fitzgerald, Supervisor, State Management Section, State Administration Branch, Program Accountability Division, Food and Nutrition Service, U.S. Department of Agriculture, room 907, 3101 Park Center Drive, Alexandria, VA 22302, telephone (703) 305–2386.

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

Mike Espy,

Secretary of Agriculture.

[FR Doc. 93–14125 Filed 6–15–93; 8:45 am]

BILLING CODE 3410–30–U

Animal and Plant Health Inspection Service

[Docket No. 93–059–1]

Receipt of a Permit Application for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an application for a permit to release genetically engineered organisms into the environment is being reviewed by the Animal and Plant Health Inspection Service. The application has been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the application referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect an application are encouraged to call ahead on (202) 690–2817 to facilitate entry into the reading room. You may obtain copies of the documents by writing to the person listed under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, BBEP, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following application for a permit to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organisms	Field test location
93–117–01, renewal of permit 90–065–06, issued on 05–15–90.	University of Kentucky ..	04–27–93	Tobacco plants genetically engineered to express resistance to tobacco vein mottling virus.	Kentucky.

Done in Washington, DC, this 10th day of June 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–14127 Filed 6–15–93; 8:45 am]

BILLING CODE 3410–34–P

Forest Service

Environmental Statements; Jefferson National Forest, et al.

In the matter of Appalachian Power Co. Transmission Line Construction-Cloverdale, VA, to Oceana, WV; Jefferson National Forest, Appalachian National Scenic Trail, the New River, and R.D. Bailey Lake Flowage Easement Land; Virginia Counties of Botetourt, Roanoke, Craig and Giles and the West Virginia counties of Monroe, Summers, Mercer and Wyoming.

AGENCY: Forest Service, USDA.

ACTION: Revised notice; explains why the federal agencies are conducting their analysis, explains how the proposed transmission line relates to the Jefferson National Forest's Land and Resource Management Plan, defines the scope of the federal analysis, identifies the significant issues that will be addressed in the environmental impact statement, revises the publication dates for the draft and final environmental impact statements, and changes the responsible official for the US Army Corps of Engineers.

SUMMARY: The Forest Service will prepare a draft and final environmental impact statement on a proposed action to authorize the Appalachian Power Company to construct a 765,000-volt transmission line across approximately twelve miles of the Jefferson National Forest, as well as portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake) and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River).

The Appalachian Power Company proposal involves federal land under the administrative jurisdiction of the USDA Forest Service (Jefferson National Forest), the USDI National Park Service (Appalachian National Scenic Trail) and the US Army Corps of Engineers (New River and R.D. Bailey Lake Flowage Easement Land).

The Forest Service will be the lead agency and is responsible for the preparation of the environmental impact statement. The National Park Service and the US Army Corps of Engineers will be cooperating agencies in accordance with 40 CFR 1501.6.

In initiating and conducting the analysis the federal agencies are responding to the requirements of their respective permitting processes and the need for the Appalachian Power Company to cross federal lands with the proposed transmission line.

The Forest Service additionally will assess how the proposed transmission line conforms to the direction contained in their Land and Resource Management Plan (LRMP). Changes in the LRMP could be required if the transmission line is authorized across the Jefferson National Forest.

The total length of the electric transmission line proposed by the Appalachian Power Company is approximately 115 miles.

FOR FURTHER INFORMATION CONTACT: Frank Bergmann, Forest Service Project Coordinator, Jefferson National Forest, 210 Franklin Road SW., Caller Service 2900, Roanoke, Virginia 24001, or call (703) 982–4348.

SUPPLEMENTARY INFORMATION: The Appalachian Power Company has submitted an application to the Jefferson National Forest for authorization to construct a 765,000-volt electric transmission line across approximately twelve miles of the National Forest. Portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake), and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River) would also be crossed by the proposed transmission line.

Studies conducted by the Appalachian Power Company and submitted to the Virginia State Corporation Commission, as part of its application and approval process, indicate a need to reinforce its extra high voltage transmission system by the mid-to-late 1990s in order to maintain a reliable power supply for projected demands within its service territory in central and western Virginia and southern West Virginia.

A study to evaluate potential route locations for the proposed transmission line has been prepared for Appalachian Power Company through a contract with Virginia Polytechnic Institute and State University (VPI) and West Virginia University (WVU). The information gathered by VPI and WVU, along with other information collected during the analysis process, will be utilized in the preparation of the environmental impact statement. General information about the transmission line route proposal is available from the Jefferson National Forest.

The decisions to be made following the environmental analysis are whether the Forest Service, the National Park Service, and the US Army Corps of Engineers will authorize Applachian Power Company to cross the Jefferson National Forest, the Appalachian National Scenic Trail, and the New River and R.D. Bailey Lake Flowage Easement Land, respectively, with the proposed 765,000-volt transmission line and, if so, under what conditions a crossing would be authorized.

In preparing the environmental impact statement a range of routing alternatives will be considered to meet the purpose and need for the proposed action. A no action alternative will also be analyzed. Under the no-action alternative APCO would not be authorized to cross the Jefferson National Forest, the Appalachian National Scenic Trail, the New River or R.D. Bailey Lake Flowage Easement Land. The alternatives developed by VPI and WVU will also be considered.

The federal analysis of the effects of the proposed transmission line along the entire proposed route as well as all alternative routes which are considered in detail.

The significant issues identified for the federal analysis are listed below:

—The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) affect soil productivity by increasing soil compaction and erosion; (2) affect geologic resources (karst areas, Peters, Lewis, Potts Mountains, Arnolds Knob) and unique geologic features like caves through blasting, earthmoving or construction machinery operations; and (3) result in unstable structural conditions due to the placement of the towers.

—The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) degrade surface and ground water quality due to the application of herbicides; (2) degrade surface and ground water quality because of sedimentation resulting from soil disturbance and vegetation removal; (3) reduce the quantity of ground and spring water due to the disturbance of aquifers resulting from blasting, earthmoving or construction machinery operation; and (4) adversely affect the commercial use of ground and surface waters due to herbicide contamination and sedimentation.

—The construction and maintenance of the 765kV transmission and the associated access roads and right-of-way may affect existing cultural resources, and historic structures and districts through the direct effect of the construction and maintenance activities and by changing the existing resource setting.

—The operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may adversely affect human health through (1) direct and indirect exposure to herbicides and (2) exposure to electromagnetic fields and induced voltage.
—The construction and maintenance of the 765kV transmission line may adversely affect the safety of those operating aircraft at low altitudes or from airports located near the transmission line.
—The operation of the 765kV transmission line may (1) adversely affect communications by introducing a source of interference; (2) increase noise levels for those in close proximity to the line.
—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) adversely affect trails (including the Appalachian Trail) and trail facilities by facilitating vehicle access through new road construction and the upgrading of existing roads; and (2) reduce hiker safety by facilitating vehicle access to remote trail locations.
—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect hunting, fishing, hiking, camping, boating and birding opportunities and experiences because (1) the setting in which these pursuits take place may be altered; and (2) the noise associated with the operation of the line may detract from the backcountry or recreation experience.
—The construction and operation of the 765kV transmission line and the associated access roads and right-of-way may affect local communities by (1) reducing the value of private lands adjacent to the line; (2) decreasing tax revenues due to the reductions in land value; and (3) influencing economic growth, industry siting, and employment.
—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) conflict with management direction contained in resource management plans and designations; (2) affect the uses that presently occur on and adjacent to the proposed right-of-way; (3) affect the wild, scenic and/or recreational qualities of the New River; (4) affect sensitive land uses like schools, churches, and community facilities; (5) affect the cultural attachment residents feel toward Peters Mountain; and (6) affect the scenic and/or recreational qualities of the Appalachian National Scenic Trail (Appalachian Trail).
—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may adversely affect the visual attributes of the area because the line, the associated right-of-way, and access roads may (1) alter the existing landscape; and (2) conflict with the standards established for scenic designations.
—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect wildlife, plant and aquatic populations, habitat and livestock because (1) habitats are created, changed or eliminated: (2) herbicides are used and herbicides may be toxic; (3) the transmission line presents a flight hazard to birds; (4) electromagnetic fields and induced voltage may be injurious.

The following permits and/or licenses would be required to implement the proposed action:

—Certificate of Public Convenience and Necessity (Virginia State Corporation Commission)
—Certificate of Public Convenience and Necessity (West Virginia Public Service Commission)
—Special Use Authorization (Forest Service)
—Right-of-Way Authorization (National Park Service)
—Section 10 Permit (US Army Corps of Engineers)
—Right-of-Way Easement (US Army Corps of Engineers)
—Consent to Easement (US Army Corps of Engineers)

Other authorizations may be required from a variety of Federal and State agencies.

Public participation will occur at several points during the federal analysis process. The first point in the analysis was the scoping process (40 CFR 1501.7). The Forest Service has collected information, comments, and assistance from Federal, State and local agencies, the proponent of the action, and other individuals or organizations who are interested in or affected by the electric transmission line proposal. This input will be utilized in the preparation of the draft environmental impact statement. The scoping process included, (1) identifying potential issues, (2) identifying issues to be analyzed in depth, (3) eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.

Public participation was solicited through contacts with known interested and/or affected groups, and individuals; news releases; direct mailings; and/or newspaper advertisements. Public meetings were also held to hear comments concerning the Appalachian Power Company proposal and to develop the significant issues to be considered in the analysis. Similar public participation opportunities will be provided throughout the federal analysis process.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review by September 1, 1994. At that time, EPA will publish a notice of availability of the draft environmental impact statement in the **Federal Register**. The comment period on the draft environmental impact statement will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

Reviewers need to be aware of several court rulings related to public participation in the environmental impact statement review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the

adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

After the comment period ends on the draft environmental impact statement, the comments will be analyzed, considered, and responded to by the three federal agencies in preparing the final environmental impact statement. The final environmental impact statement is expected to be filed with the EPA and available for public review by February 1, 1995.

The responsible officials will consider the comments, responses, environmental consequences discussed in the final environmental impact statement, and applicable laws, regulations, and policies in making a decision regarding this document. The responsible officials will document their decisions and reasons for their decisions in a Record of Decision.

The responsible official for the Forest Service is Joy E. Berg, Forest Supervisor, Jefferson National Forest, 210 Franklin Road SW. Caller Service 2900 Roanoke, Virginia 24001. The responsible official for the National Park Service is John F. Byrne, Project Manager—Appalachian National Scenic Trail, National Park Service, Harpers Ferry Center, Harpers Ferry, West Virginia 25425. The responsible official for the US Army Corps of Engineers is changed from Colonel James R. Van Epps, to Colonel Earle C. Richardson, Commanding, Huntington District, US Army Corps of Engineers, 508 8th Street, Huntington, West Virginia 25701–2070.

Dated: June 7, 1993.

Joy E. Berg,

Forest Supervisor, Jefferson National Forest.

[FR Doc. 93–14099 Filed 6–15–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–816]

Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Butt-Weld Pipe Fittings From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 16, 1993.

FOR FURTHER INFORMATION CONTACT: John Gloninger, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230: (202) 482–2778.

Scope of Order

The products subject to this investigation are certain stainless steel butt-weld pipe fittings, whether finished or unfinished, under 14 inches inside diameter.

Certain welded stainless steel butt-weld pipe fittings (pipe fittings) are used to connect pipe sections in piping systems where conditions require welded connections. The subject merchandise is used where one or more of the following conditions is a factor in designing the piping system: (1) Corrosion of the piping system will occur if material other than stainless steel is used; (2) contamination of the material in the system by the system itself must be prevented; (3) high temperatures are present; (4) extreme low temperatures are present; (5) high pressures are contained within the system.

Pipe fittings come in a variety of shapes, with the following five shapes the most basic: "elbows", "tees", "reducers", "stub ends", and "caps". The edges of finished pipe fittings are beveled. Threaded, grooved, and bolted fittings are excluded from these investigations. The pipe fittings subject to these investigations are classifiable under subheading 7307.23.00 of the Harmonized Tariff Schedule of the United States (HTSUS).

Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of these investigations is dispositive.

After it withdrew from this investigation, Tachia Yung Ho Machine Industry Co., Ltd. (TYH) inquired whether A774 type stainless steel pipe fittings were included within the scope of the investigation, and therefore, subject to any antidumping duty order.

Based on the information on the record, we determined in our final determination that A774 is covered by the scope of this investigation because it meets the requirements outlined in our scope. Our scope states that fittings must be under 14" in inside diameter and can be either finished or unfinished. Our scope language only specifically excludes threaded, bolted and grooved fittings, and none of these criteria apply to A774 fittings. Therefore, we determined that A774 fittings are included in the scope of this investigation.

Amendment of Final Determination

In accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act), on May 14, 1993, the Department published its final determination that certain welded stainless steel butt-weld pipe fittings from Taiwan were being sold at less than fair value (58 FR 28556).

On May 24, 1993, respondent, Ta Chen Stainless Pipe Company, Ltd. (Ta Chen), alleged that the Department had made eight clerical errors in its final calculations. First, Ta Chen claimed that the Department incorrectly calculated warranty expenses by allocating the total value of credit memos for defective merchandise over the value of exporter's sales price (ESP) sales, rather than over the total value of ESP and purchase price (PP) sales. Second, Ta Chen argued that the Department incorrectly denied an adjustment for exchange gains on raw material purchases. Third, Ta Chen argued that the Department inadvertently double counted the material costs of packing fittings. Fourth, Ta Chen argued that the Department improperly denied an adjustment to Ta Chen's reported costs of manufacture (COM) which included costs for wooden boxes used in export. Fifth, Ta Chen argued that the Department erred in its constructed value (CV) calculation when it calculated an offset to reported interest expenses to avoid double counting finance charges. Sixth, Ta Chen claimed that the accumulated translation adjustment to reported general and administrative (G&A) expenses was an inadvertent ministerial error. Seventh, Ta Chen claimed that the Department's use of Ta Chen's reported profit in the Department's CV calculations was erroneous. Eighth, Ta Chen argued that the Department inadvertently omitted excluding sales where the dumping estimates are so aberrational relative to other dumping margins as to indicate clear error.

The Department has determined that ministerial errors were committed only with respect to Ta Chen's third, fourth and seventh allegations. As a result, we have made the following changes in Ta Chen's margin calculations. With respect to the double counting of the material costs of packing fittings, we have corrected the COP and CV programming by deducting the amounts reported for home market packing material costs from reported COM. With respect to the inclusion in Ta Chen's reported COM of the costs of wooden boxes used for export, we have

corrected the COP and CV programming by deducting the amounts reported for wooden box costs from reported COM. Finally, with respect to the use of Ta Chen's reported profit in the Department's CV calculations, since the Department made certain adjustments which lowered Ta Chen's reported COM, we have corrected the CV programming by setting profit equal to eight percent of the revised COM. The Department has determined that Ta Chen's remaining allegations are not ministerial errors. (See "Ministerial Error Allegations Memorandum," dated June 8, 1993).

Accordingly, pursuant to section 735(e) of the Act, we have corrected the ministerial errors in the final determination of sales at less than fair value. The cash deposit rate for Ta Chen is now 0.64 percent. The cash deposit rate for the "All Others" category is now 51.01 percent. The cash deposit rates for TYH and Tru-Flow Industrial Co., Ltd. (Tru-Flow) remain unaffected by this amendment to the final determination.

Antidumping Duty Order

In accordance with section 735(a) of the Act, on May 7, 1993, the Department of Commerce made its final determination that certain welded stainless steel butt-weld pipe fittings from Taiwan are being sold at less than fair value (58 FR 28556, May 14, 1993). On June 3, 1993, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that such imports materially injure a U.S. industry.

Therefore in accordance with section 736 of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of certain welded stainless steel butt-weld pipe fittings from Taiwan. These antidumping duties will be assessed on all unliquidated entries of certain welded stainless steel butt-weld pipe fittings from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after December 23, 1992, the date on which the Department published its preliminary determination notice in the **Federal Register** (57 FR 61047). On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise.

Manufacturer/producer/exporter	Margin percentage
Tachia Yung Ho Machine Industry Co., Ltd	76.20
Ta Chen Stainless Pipe Co., Ltd	0.64
Tru-Flow Industrial Co., Ltd	76.20
All others	51.01

In its final determination, the Department found that critical circumstances exist with respect to exports from Taiwan by TYH and Tru-Flow. However, on June 3, 1993, The ITC notified the Department that retroactive assessment of antidumping duties is not necessary to prevent recurrence of material injury from massive imports over a short period. As a result of the ITC's determination, pursuant to section 735(c)(3) of the Act, we shall order Customs to terminate the retroactive suspension of liquidation and to release any bond or other security and refund any cash deposit required under section 733(d)(2) of the Act with respect to TYH's and Tru-Flow's entries of subject merchandise entered, or withdrawn from warehouse, for consumption prior to December 23, 1992.

This notice constitutes the antidumping duty order with respect to certain welded stainless steel butt-weld pipe fittings from Taiwan, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: June 10, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–14231 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DS–P

[C–559–802]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Singapore; Preliminary Results of Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative reviews.

SUMMARY: The Department of Commerce is conducting administrative reviews of the countervailing duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Singapore. We preliminarily determine the total bounty or grant to be as follows: 9.11 percent *ad valorem* for Sundstrand Pacific (Pte.) Ltd. (Sundstrand); zero for Pelmec Industries (Pte.) Ltd. (Pelmec), NMB Singapore Ltd. (NMB) and Minebea Co., Ltd. Singapore Branch (MSB); and 2.01 percent *ad valorem* for all other companies for the period January 1, 1991 through December 31, 1991. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: June 16, 1993.

FOR FURTHER INFORMATION CONTACT: Anna T. Milone, Stephanie Moore, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 6, 1992, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (57 FR 19412) of the countervailing duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Singapore (54 FR 19125; May 3, 1989). On May 28, 1992, Torrington Company, the petitioner, requested an administrative review of the order. On May 29, 1992, Pelmec, NMB, and MSB (the Minebea companies), producers and exporters of the subject merchandise, also requested an administrative review of the orders. We initiated the review, covering the period January 1, 1991 through December 31, 1991, on June 18, 1992 (57 FR 27212).

Scope of Review

Imports covered by this review are shipments of antifriction bearings (other than tapered roller bearings) and parts thereof. The subject merchandise covers five separate classes or kinds of merchandise and is described in detail in Appendix A to this notice. The Harmonized Tariff Schedule item numbers listed in Appendix A are provided for convenience and Customs purposes. The written descriptions remain dispositive.

On October 30, 1992, the Department received a request for a scope determination from Sundstrand. Specifically, Sundstrand asked the Department to find its part number 742973, an outer-race of the cylindrical roller bearing, not within the scopes of

the countervailing duty orders. The request was subsequently evaluated in accordance with § 353.29(i)(1) of the Department's regulations. On February 4, 1993, the Department determined that the product in question was within the scope of the order on cylindrical roller bearings. Because the product descriptions detailed in Sundstrand's request for a scope determination were dispositive as to whether part number 742973 was within the scope of the order on cylindrical roller bearings, the Department did not initiate a formal scope inquiry. On March 5, 1993, Sundstrand instituted an action in the United States Court of International Trade (CIT) (Court No. 93–03–00149) challenging the Department's scope ruling. This action is pending before the CIT.

The review covers the period January 1, 1991 through December 31, 1991, four companies, and twelve programs. Three related companies responded to the Department's questionnaire: NMB, Pelmec, and MSB. Sundstrand, a known exporter of the subject merchandise to the United States, did not respond to the questionnaire.

Best Information Available

Sundstrand, which is known to be a producer and exporter of the subject merchandise, did not respond to our questionnaire. Nor did the Government of Singapore provide any information regarding Sundstrand's sales of the subject merchandise, or the extent of Sundstrand's participation in the programs reviewed. Therefore, in accordance with section 776(c) of the Act, we are assigning to Sundstrand a rate based upon best information available (BIA). As BIA, we used the highest net bounty or grant rate calculated in any previous administrative review or in the investigation of the subject merchandise. On this basis, we preliminarily determine the benefit for Sundstrand to be 9.11 percent *ad valorem*. *See Antifriction Bearings (other than Tapered Roller Bearings) and Parts thereof from Singapore Final Results of Countervailing Duty Administrative Review* (56 FR 26384; June 7, 1991).

Calculation of Country-Wide Rate

In calculating the subsidy rates during the review period, we followed the methodology described in the preamble to 19 CFR 355.20(d) (53 FR 52306, and 52325; December 27, 1988). To calculate a country-wide rate, we weight-averaged Sundstrand's rate with the respondents' rate. As the denominator in these calculations, the Department used the total imports to the United States from Singapore of the subject merchandise. In determining the weights used, the Department first calculated a U.S. dollar value for the exports of subject merchandise entering the United States in calendar year 1991 as reported by the responding companies. The Department derived this figure by adding the reported total exports of subject merchandise to the United States by the two producer/exporter respondents, NMB and Pelmec, to the total net mark-up on exports of subject merchandise to the United States reported by the trading company respondent, MSB. The total of these three values represents the value of imports of subject merchandise to the United States by the Minebea Companies. This figure was then subtracted from the total U.S. dollar value of imports of subject merchandise to the U.S. The resulting difference is the value for exports to the United States of the subject merchandise that we assigned as BIA to Sundstrand.

For the Minebea companies, their weight was the ratio of the value of their exports (inclusive of mark-up) of the subject merchandise to the United States to the total value of the subject merchandise (or AFBs) imported into the United States. For Sundstrand, the weight used was the ratio of its assigned value of exports of the subject merchandise to the United States to the total value for imports of the subject merchandise (or AFBs) into the United States.

The Department then multiplied the Minebea Companies' ratio by the calculated *ad valorem* rate found for the two programs determined to be bounties or grants (i.e. zero); we then multiplied Sundstrand's ratio by the 9.11 percent BIA rate. By adding the two results, the Department calculated a weighted-average country-wide rate of 2.01 percent *ad valorem*.

Because Sundstrand's rate of 9.11 percent and the respondents' zero rate are significantly different from the country-wide rate, they will each receive their respective rates. For all other companies, the rate is 2.01 percent *ad valorem* for all classes or kinds of merchandise detailed in Appendix A.

Analysis of Programs

(1) Production for Export under Part VI of the Economic Expansion Incentives Act (EEIA)

Under part VI of the EEIA, 90 percent of a qualifying company's incremental export profit above a predetermined base figure is exempt from corporate income tax. The base figure is the average of the company's export profits for the three years preceding the application for participation in the program. The base figure and ten percent of any incremental export profit are taxed at the normal corporate tax rate. If there is no export profit above the export profit base, no exemption is permitted. The exemption cannot be carried forward or backward. An exporting company qualifies for the exemption if its export sales of a product (or products) are at least 100,000 Singapore dollars and a minimum of 20 percent of the value of its total sales of the product.

None of the companies that responded to the questionnaire used this program during the review period. On this basis, we preliminarily determine the benefit from this program to be zero for NMB, Pelmec, and MSB for the period January 1, 1991 through December 31, 1991.

(2) Monetary Authority of Singapore (MAS) Rediscount Facility

The MAS rediscounting scheme is intended to provide Singapore exporters with access to short-term financing by discounting export and pre-export bills of exchange. Companies apply for this program through approved banks. The bank discounts the exporters' bills at a rediscount rate established by the MAS, plus a maximum spread of 1.5 percent. We have previously determined that this program is countervailable because it is available only to exporters and the interest rate is preferential. *See Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Singapore* (54 FR 19125, 19127; May 3, 1989).

None of the companies that responded to the questionnaire used this program during the review period. On this basis, we preliminarily determine the rate to be zero for NMB, Pelmec, and MSB during the review period.

(3) Other Programs

We also examined the following programs and preliminarily determine that the responding exporters of the subject merchandise did not use any of these programs during the review period:

A. Tax Incentives under the EEIA
- Part IV: Expansion of Established Enterprises
- Part VII: International Trade Incentives
- Part VIII: Foreign Loans for Productive Equipment
- Part XI: Warehousing and Servicing Incentives

B. Income Tax Act Incentives
- Double Deduction of Export Promotion Expenses—Sections 14B and 14C
- Double Deduction for Research and Development—Section 14E
- Write-Offs of Payments for "Know-How", Patents and Manufacturing Licenses—Section 19B

C. Programs Administered by the Economic Development Board
- Capital Assistance Scheme
- Productive Development Assistance Scheme
- Initiatives in New Technology Program

Application of Rate

In this review the GOS and the responding companies did not report the relevant export data on a class or kind basis. Therefore, as in previous reviews, the rate determination applies to all classes or kinds listed in Appendix A.

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the total bounty or grant to be as follows: 9.11 percent *ad valorem* for Sundstrand; zero for Pelmec, NMB, and MSB; and 2.01 percent *ad valorem* for all other companies for the period January 1, 1991, through December 31, 1991.

The Department intends to instruct the Customs Service to assess countervailing duties as follows for subject merchandise exported on or after January 1, 1991, and on or before December 31, 1991: 9.11 percent of the f.o.b. invoice price on shipments from Sundstrand; zero on shipments from Pelmec, NMB, and MSB; and 2.01 percent of the f.o.b. invoice price on shipments for all other companies.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Act, as follows: 9.11 percent of the f.o.b. invoice price on shipments from Sundstrand; zero on shipments from Pelmec, NMB, and MSB; and 2.01 percent of the f.o.b. invoice price on shipments for all other companies from Singapore entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Interested parties may request a hearing not later than 10 days after the date of publication of this notice. (See 19 CFR 355.38(b)) Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with § 355.38(e) of the Commerce regulations.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due. (See 19 CFR 355.34(b)(iii))

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: June 9, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Attachment.

Appendix A

Scope of the Reviews

The products covered by these reviews, antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof, constitute the following separate "classes or kinds" of merchandise as outlined below.

(1) Ball Bearings, Mounted or Unmounted, and Parts Thereof: These products include all antifriction bearings which employ balls as the rolling element. Such merchandise is classifiable under the following Harmonized Tariff Schedule (HTS) item numbers: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, and 8708.99.50.

(2) Spherical Roller Bearings, Mounted or Unmounted, and Parts Thereof: These products include all antifriction bearings which employ spherical rollers as the rolling element. Such merchandise is classifiable under the following HTS item numbers: 8482.30.00, 8482.80.00, 8482.91.00, 8482.99.50, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, and 8708.99.50.

(3) Cylindrical Roller Bearings, Mounted or Unmounted, and Parts Thereof: These products include all antifriction bearings which employ cylindrical rollers as the rolling element. Such merchandise is classifiable under the following HTS item numbers: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, and 8708.99.50.

(4) Needle Roller Bearings, Mounted or Unmounted, and Parts Thereof: These products include all antifriction bearings which employ needle rollers as the rolling element. Such merchandise is classifiable under the following HTS item numbers: 8482.40.00, 8482.80.00, 8482.91.00, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, and 8708.99.50.

(5) Spherical Plain Bearings, Mounted or Unmounted, and Parts Thereof: These products include all spherical plain bearings which do not employ rolling elements and include spherical plain rod ends. Such merchandise is classifiable under the following HTS item numbers: 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8485.90.00, and 8708.99.50.

These reviews cover all of the subject bearings and parts thereof outlined above with certain limitations. With regard to finished parts (inner race, outer race, cage, rollers, balls, seals, shields, etc.), all such parts are included in the scope of this review. For unfinished parts (inner race, outer race, rollers, balls, etc.), such parts are included if (1) they have been heat treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by this review are those where the part will be subject to heat treatment importation.

[FR Doc. 93–14234 Filed 6–15–93; 8:45 am]
BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

The North Pacific Fishery Management Council's Crab Interim Action Committee will hold a public meeting on June 18, 1993, in the large Conference Room, suite 5, Bureau of Indian Affairs, 9109 Mendenhall Mall Road, Juneau, AK. The meeting will begin at 10 a.m. Alaska Daylight Time.

The purpose of the meeting will be to discuss recent regulatory action by the Alaska Board of Fisheries affecting management of crab fisheries under the Fishery Management Plan for King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area. That action would establish Norton Sound as a superexclusive registration area.

The meeting is open to the public, but no public hearing is scheduled. For more information contact Steven Pennoyer, Director, Alaska Region, NMFS, P. O. Box 2–1668, Juneau,

Alaska; 99803, telephone: (907) 586–7221.

Dated: June 10, 1993.

David S. Crestin,

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

[FR Doc. 93–14123 Filed 6–14–93; 8:45 am]

BILLING CODE 3510–22–M

Foreign-Trade Zones Board

[Docket 23–93]

Proposed Foreign-Trade Zone—Holyoke, MA (Springfield Customs Port of Entry); Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Holyoke Economic Development and Industrial Corporation, requesting authority to establish a general-purpose foreign-trade zone in Holyoke, Massachusetts, within the Springfield Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 4, 1993. The applicant is authorized to make the proposal under Massachusetts General Laws, Chapter 23A, Section 28A, July 26, 1976.

The proposed foreign-trade zone would cover 13 acres on 2 parcels located within the Springdale Industrial Park at 49/51 Garfield Street, Holyoke. Both sites are privately owned storage/distribution facilities. The proposed zone operator is Trinity Management, Inc., d/b/a Holyoke Free-Trade Zone Management Company.

The application contains evidence of the need for zone services in the Holyoke area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as paper products, plywood, sports equipment, animal pharmaceuticals, and commercial air compressors.

Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on July 7, 1993, at 9 a.m. in the Council Chambers, City Hall, Holyoke, Massachusetts.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is [60 days from date of publication]. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to [75 days from date of publication]).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations: Office of the Port Director, U.S. Customs Service, 1145 Main Street, suite 221, Springfield, MA 01103, Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 8, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–14232 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 22–93]

Foreign-Trade Zone 121—Albany, NY; Application for Subzone; Sanofi Winthrop Pharmaceutical Plant, Rensselaer, NY (Albany Area)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Capital District Regional Planning Commission, grantee of FTZ 121, requesting special-purpose subzone status for the pharmaceutical manufacturing facility of Sanofi Winthrop L.P. (joint venture between Elf Sanofi (France) and Sterling Winthrop Inc./Eastman Kodak Company, hereinafter referred to as Sanofi Winthrop) in Rensselaer, New York, within the Albany Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 1, 1993.

Sterling Winthrop is a global pharmaceutical firm whose primary product lines include: Diagnostic imaging agents, hormonal products, cardiovasculars, analgesics, antihistamines and muscle relaxants. In 1991, Sterling Winthrop and Elf Sanofi, a French pharmaceutical and health care products company, formed the Sanofi Winthrop alliance to jointly develop, manufacture and market products worldwide. This proposal is part of an overall company cost reduction effort. (An application is pending for its Barceloneta, Puerto Rico plant (FTZ Doc. 18–93, 58 FR 29192, 5–19–93) and applications for subzone status are being submitted for facilities in McPherson, Kansas and Des Plaines, Illinois).

Sanofi Winthrop's plant (23 acres, 21 bldgs., 261,000 sq. ft.) is located at 33 Riverside Avenue, Rensselaer (Rensselaer County), New York, east of Albany, on the Hudson River. The facilities (200 employees) are primarily engaged in the production of bulk pharmaceutical chemicals including Iohexal used in the production of "Omnipaque" diagnostic imaging agent, and Hydroxychloroquine Sulfate used in the production of "Plaquenil", a medication for rheumatoid arthritis. Company officials are also considering using the plant to produce oncology, cardiovascular and certain other diagnostic products. Most of the bulk chemicals are shipped to company plants in Barceloneta, Puerto Rico and McPherson, Kansas for further processing. Foreign-sourced materials account for 60 percent of the finished products' value, on average, and include primarily aminopropanedial and acetybutyrolactone at this time. The company may also purchase from abroad products in the following general categories: Empty pharmaceutical capsules, yttrium or scadium metal compounds, hydrocarbons, alcohols, phenols, ethers, epoxides, acetals, aldehydes, ketone function compounds, mono- and polycarboxylic acids, phosphoric esters, amine-, carboxymide, nitrile- and oxygen-function compounds, hydrazine or hydroxylamine, heterocyclic compounds, sulfonamides, vitamins, hormones, vegetable alkaloids, blood/vaccines/toxins/cultures, sugars, antibiotics, gelatins, enzymes, packaging, medical instruments/appliances and parts thereof, medicaments, and other pharmaceutical products.

Zone procedures would exempt Sanofi Winthrop from Customs duty payments on foreign materials used in production for export. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (duty-free to 16.2%, with most falling in the 6.3%–6.9% range). The duty rates on foreign-sourced items range from duty-free to 23.5 percent, with most falling with the 3.7%–7.9% range. The application indicates that zone savings will help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff

has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 16, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 31, 1993).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, Port of Albany, New York, James T. Foley Courthouse Building, 445 Broadway, Albany, New York 12207.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 4, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–14233 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

United States-Canada Free-Trade Agreement, Article 1904 Binational Panel Reviews; Notice of Decision of Panel

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Decision of Binational Panel under U.S.-Canada Free-Trade Agreement.

SUMMARY: By a decision dated May 19, 1993, a Binational Panel affirmed in part and remanded in part the final affirmative determination of dumping made by Revenue Canada, Customs and Excise, regarding Certain Machine Tufted Carpeting Originating in or Exported from the United States of America (Secretariat File No. CDA–92–1904–01). A copy of the complete panel decision is available from the Binational Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The Rules were further amended and a consolidated version of the amended Rules was published in the **Federal Register** on June 15, 1992 (57 FR 26698). The panel review in this matter was conducted in accordance with these Rules.

Background

On March 18, 1992, the Deputy Minister for National Revenue made a final determination of dumping of the subject goods. Following this finding, the Carpet & Rug Institute, a trade association representing certain United States of America exporters of carpet, and Shaw Industries, Inc. made a formal request for a Binational Panel Review. Panel hearings were held in Ottawa on February 18, 1993 and the decision of the Panel was issued on May 19, 1993.

Panel Decision

The Panel remanded to Revenue Canada that aspect of its final determination of dumping that related to the reasonable period of time for recovery of costs. Revenue Canada had used a three month period of investigation and, without providing any reasons, used the same three month period for recovery of all costs other than general, administrative and selling. On remand, the Deputy Minister was directed to address and determine the appropriate reasonable period based on the administrative record, provide an explanation explicitly discussing the grounds for the determination and, if necessary, recalculate the pertinent normal values.

The Panel also remanded to Revenue Canada that aspect of its final determination of dumping that related to like goods. The remand is on the basis that Revenue Canada shall calculate normal values for like goods in a manner consistent with the *Fletcher Leisure Group, Inc.* court decision.

The Panel affirmed all other aspects of Revenue Canada's determination.

The results of the remands shall be provided by Revenue Canada to the Panel within 45 days of this decision (by not later than July 5, 1993).

Dated: June 9, 1993.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 93–14194 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–GT–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in China

June 10, 1993.

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

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

EFFECTIVE DATE: June 11, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6703. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 313 and 617 are being increased by application of swing, reducing the limit for Category 607 to account for the increases.

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 62304, published on December 30, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 10, 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 December 23, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1993 and extends through December 31, 1993.

Effective on June 11, 1993, you are directed to amend further the directive dated December 23, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Levels not in a group:	
313	40,600,206 square meters.
607	2,466,869 kilograms.
617	15,832,540 square meters.

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

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

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–14188 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in China

June 10, 1993.

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

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

EFFECTIVE DATE: June 17, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6703. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for carryforward used and recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 62304, published on December 30, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 10, 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 December 23, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China 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 amend further the directive dated December 23, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Levels not in group:	
218	10,345,758 square meters.
338/339	2,278,844 dozen of which not more than 1,781,530 dozen shall be in Categories 338–S/339–S [2].
342	251,173 dozen.
359–C [3]	527,545 kilograms.
434	12,748 dozen.
634	543,186 dozen.
636	500,695 dozen.
640	1,382,053 dozen.
651	687,510 dozen of which not more than 124,619 dozen shall be in Category 651–B [4].
845	2,342,731 dozen.

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

[2] Category 338–S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339–S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

[3] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[4] Category 651–B: only HTS numbers 6107.22.0015 and 6108.32.0015.

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

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–14189 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DR–F

Announcement of Import Restraint Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Czech Republic

June 10, 1993.

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

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

EFFECTIVE DATE: June 17, 1993

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Consultations were held between the Governments of the United States and the Czech Republic concerning the Bilateral Textile Agreement, effected by exchange of notes dated June 25 and July 22, 1986, as amended, with respect to exports from the Czech Republic. In a Memorandum of Understanding dated May 28, 1993, the two governments agreed to amend and extend the agreement for certain cotton and man-made fiber textile products, produced or manufactured in the Czech Republic and exported during the period June 1, 1993 through May 31, 1994. In the event that the Uruguay Round is not completed and implemented before May 31, 1994, this agreement will be automatically extended until May 31, 1995.

In the letter published, the Chairman of CITA directs the Commissioner of Customs to establish limits for the period which began on June 1, 1993 and extends through May 31, 1994.

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 58 FR 3936, published on January 12, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 10, 1993

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

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Memorandum of Understanding (MOU) dated May 28, 1993, between the Governments of the United States and the Czech Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 17, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in the Czech Republic and exported during the twelve-month period which began on June 1, 1993 and extends through May 31, 1994 in excess of the following levels of restraint:

Category	Twelve-month restraint limit [1]
410	1,500,000 square meters.
433	5,891 dozen.
435	3,876 dozen.
443	71,815 numbers.
624	1,500,000 square meters.

[1] The limits have not been adjusted to account for any imports exported after May 31, 1993.

Textile products in Category 624 which have been exported to the United States prior to June 1, 1993, shall not be subject to this directive.

Textile products in Category 624 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

Imports charged to these category limits, except Category 624, for the period June 1, 1992 through May 31, 1993 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the MOU dated May 28, 1993 between the Governments of the United States and the Czech Republic.

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. 93–14190 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DR–F

Request for Public Comments on Bilateral Textile Consultations with the Government of Pakistan on Certain Cotton and Man-Made Fiber Textile Products

June 10, 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).

On May 26, 1993, under the terms of the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated May 20, 1987 and June 11, 1987, as amended and extended, between the Governments of the United States and Pakistan, the United States Government requested consultations with the Government of Pakistan with respect to cotton and man-made fiber coats in Categories 335/635.

The purpose of this notice is to advise the public that, pending agreement on a mutually satisfactory solution concerning Categories 335/635, the Government of the United States has decided to control imports during the ninety-day period which began on May 26, 1993 and extends through August 23, 1993 at a level of 69,139 dozen.

If no solution is agreed upon in consultations between the two

governments, CITA, pursuant to the agreement, may later establish a specific limit for the entry and withdrawal from warehouse for consumption of textile products in Categories 335/635, produced or manufactured in Pakistan and exported during the prorated period beginning on August 24, 1993 and extending through December 31, 1993, of not less than 84,428 dozen.

A summary market statement concerning Categories 335/635 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 335/635, under the agreement with the Government of Pakistan, or to comment on domestic production or availability of products included in Categories 335/635, is invited to submit 10 copies of such comments or information to Rita D. Hayes, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande. The comments received will be considered in the context of the consultations with the Government of Pakistan.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Categories 335/635. Should such a solution be reached in 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.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—Pakistan

Category 335/635—Women's and Girls' Cotton and Man-Made Fiber Coats

May 1993

Import Situation and Conclusion

U.S. imports of women's and girls' cotton and man-made fiber coats, Category 335/635, from Pakistan reached 197,539 dozen for the year ending February 1993, over three and one half times the 53,792 dozen imported a year earlier. Imports from Pakistan were 41,450 dozen in 1991.

The sharp and substantial increase in Category 335/635 imports from Pakistan is causing a real risk of disruption in the U.S. market for women's and girls' cotton and man-made fiber coats.

U.S. Production,Import Penetration, and Market Share

U.S. production of women's and girls' cotton and man-made fiber coats, Category 335/635, declined from 6,724,000 dozens in 1987 to 4,173,000 dozen in 1992, a decline of 38 percent. By contrast, U.S. imports of women's and girls' cotton and man-made fiber coats, Category 335/635, increased from 6,923,000 dozen in 1987 to 9,516,000 dozen in 1992, an increase of 37 percent. This increase continued in 1993, as U.S. imports of Category 335/635 reached 9,691,454 dozen during the year ending February 1993, an increase of 22 percent when compared with the same period in 1992.

The ratio of imports to domestic production more than doubled, increasing from 103 percent in 1987 to 228 percent in 1992. The share of this market held by domestic manufacturers fell from 49 percent in 1987 to 30 percent in 1992, a decline of 19 percentage points.

Duty-Paid Value and U.S. Producers' Price

Approximately 72 percent of Category 335/635 imports from Pakistan during the year ending February 1993 entered under HTSUSA numbers 6202.92.2060—women's cotton anoraks, windbreakers and similar articles, other than those of corduroy; 6204.32.2030—women's cotton suit-type jackets, other than those of corduroy; and 6211.43.0050—women's or girls' man-made fiber jackets for track suits. These coats entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable coats.

Committee for the Implementation of Textile Agreements

June 10, 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 335/635 for the period beginning on May 26, 1993 and extending through August 23, 1993 at a level of 69,139 dozen [1].

Textile products in Categories 335/635 which have been exported to the United States prior to May 26, 1993 shall not be subject to the limit established in this directive.

Textile products in Category 635 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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. 93–14191 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DR–F

Establishment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Pakistan

June 10, 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 28, 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

[1] The limit has not been adjusted to account for any imports exported after May 25, 1993.

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 Category 314, the United States Government has decided to control imports in this category for the prorated period beginning on June 26, 1993 and extending through December 31, 1993 at a level of 2,002,210 square meters.

The United States remains committed to finding a solution concerning Category 314. 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 April 15, 1993.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 10, 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 28, 1993, you are directed to establish a limit for cotton textile products in Category 314 for the period beginning on June 26, 1993 and extending through December 31, 1993 at a level of 2,002,210 square meters [1].

Textile products in Category 314 which are exported to the United States on and after January 1, 1993 shall remain subject to the group limit.

Imports charged to the limit for Category 314 for the March 28, 1993 through June 25, 1993 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. 93–14192 6–15–93; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after June 25, 1993.

Announcement of Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in the Slovak Republic

June 10, 1993.

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

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

EFFECTIVE DATE: June 17, 1993.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

Consultations were held between the Governments of the United States and the Slovak Republic concerning the Bilateral Textile Agreement, effected by exchange of notes dated June 25 and July 22, 1986, as amended, with respect to exports from the Slovak Republic. In a Memorandum of Understanding dated May 20, 1993, the two governments agreed to establish a successor agreement for certain wool textile products, produced or manufactured in the Slovak Republic and exported during two consecutive one-year periods, beginning on June 1, 1993 and extending through May 31, 1995.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the period which began on June 1, 1993 and extends through May 31, 1994.

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 58 FR 3936, published on January 12, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 10, 1993.

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

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Memorandum of Understanding (MOU) dated May 20, 1993, between the Governments of the United States and the Slovak Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 17, 1993, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in the Slovak Republic and exported during the twelve-month period which began on June 1, 1993 and extends through May 31, 1994, in excess of the following levels of restraint:

Category	Twelve-month restraint limit [1]
410	391,718 square meters.
433	10,941 dozen.
435	16,526 dozen.
443	91,401 numbers.

[1] The limits have not been adjusted to account for any imports exported after May 31, 1993.

Imports charged to these category limits for the period June 1, 1992 through May 31, 1993 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established

for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the MOU dated May 20, 1993 between the Governments of the United States and the Slovak Republic.

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,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–14193 Filed 6–15–93; 8:45 am]

BILLING CODE 3510–DR–F

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearings

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 23, 1993. The hearing will be part of the Commission's business meeting which is open to the public and scheduled to begin at 9:30 a.m. in the Ballroom of the Inn at Hunt's Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Holdover Project: Wilmington Suburban Water Corporation D–91–72 CP.* A surface water supply project that entails an increase of withdrawal at the applicant's existing White Clay Creek intakes adjacent to its Stanton water treatment plant. The applicant provides water to portions of northern New Castle County and requests an increase in its water withdrawal from 16 mgd to 30 mgd. The project is located just off First State Boulevard in Stanton, New Castle County, Delaware. This hearing continues that of March 24, 1993.

2. *Holdover Project: City of Coatsville Authority D–92–64 CP.* A sewage treatment plant (STP) upgrade project that entails the addition of a phosphorus removal system to the City of Coatsville Authority's existing 3.85 mdg capacity facility which will continue to serve the City of Coatsville and portions of Caln and Valley Townships. The STP is located just west of Franklin Street in South Coatsville Borough, Chester County, Pennsylvania and will continue to discharge to the West Branch Brandywine Creek. This hearing continues that of May 26, 1993.

3. *New York State Department of Environmental Conservation (NYS DEC) D–77–20 CP (Revision No. 2).* An application for approval of a revised schedule of augmented conservation release rates from Pepacton and Neversink Reservoirs to be tried on an experimental basis for up to three years (June 1993–May 1996). Increases during the warmer months are offset with decreases during other months with no change in the total releases on a yearly basis. The modifications are designed to conserve the available thermal stress bank and enable NYS DEC to improve fisheries management in the Delaware River. The reservoirs are located in Sullivan and Delaware Counties, New York.

4. *City of Harrington D–88–27 CP RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 21 million gallons (mg)/30 days of water to the applicant's distribution system from Well Nos. 1, 2 and 3. Commission approval on June 22, 1988, was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain limited to 21 mg/30 days. The project is located in the City of Harrington, Kent County, Delaware.

5. *Roamingwood Sewer and Water Association, Inc. D–88–45 CP RENEWAL.* An application for the renewal of a ground water withdrawal project to supply up to 26.69 mg/30 days of water to the applicant's distribution system from Well Nos. 1 through 5. Commission approval on August 3, 1988 was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain limited to 26.69 mg/30 days. The project is located in Lake and Salem Townships, Wayne County, Pennsylvania.

6. *Hackettstown Municipal Utilities Authority D–92–41 CP.* An application for approval of an increased ground water withdrawal project to supply up to 43.2 mg/30 days of water to the applicant's distribution system from existing Well No. 5, and to increase the existing withdrawal limit from all wells of 75 mg/30 days to 90 mg/30 days. The project is located in Hackettstown Borough, Warren County, New Jersey.

7. *Upper Uwchlan Township-Marsh Harbour Treatment Plant D–93–10 CP.* A project to rerate the applicant's Marsh Harbour Treatment Plant from 0.062 mgd to 0.082 mgd to provide capacity for development in two residential areas of Upper Uwchlan Township, Chester County, Pennsylvania. The existing plant will continue to provide high-quality secondary treatment for discharge to a 14.5 acre spray irrigation site located adjacent to Marsh Creek State Park in the East Branch Brandywine Creek Watershed.

8. *Pocono Mountain School District D–93–23 CP.* A project to modify the operation of two existing sewage treatment plants (STPs), one for the Senior High School and the other for the Junior High School, both serving the Pocono Mountain School District in Pocono and Paradise Townships, Monroe County, Pennsylvania. The treated effluent will continue to discharge to Swiftwater Creek, a tributary of Paradise Creek in Paradise Township, via an existing common outfall. The operation of STPs will be combined to improve their treatment efficiency at the existing permitted rate of 28,600 gpd. A new ultraviolet disinfection system will also be installed. Both STPs are located just north of Swiftwater Creek and east of State Route 611, with the Junior High School STP located in Pocono Township and the Senior High School STP located in Paradise Township. Further, the discharge is to the drainage area of the Special Protection Waters of the Delaware Water Gap National Recreation Area.

9. *J.T. Baker, Inc. D–93–24.* A project to dredge an approximately 90-foot by 300-foot area of the Delaware River bed and bank to remove sediments contaminated via past discharges from a storm water outfall pipe. Solids will be disposed of at a licensed solid and/or hazardous waste landfill. The excavated area will be restored with clean backfill material. Water infiltrating a proposed temporary cofferdam around the excavated area will be pumped through a filter system and discharged to the Delaware River in Water Quality Zone 1D. Discharge, depending on its quality, will be either downstream of the excavation area or via J.T. Baker's existing wastewater treatment plant and discharge pipe at a rate estimated at 0.43 mgd. The project is located at the J.T. Baker plant site in the Town of Phillipsburg, Warren County, New Jersey.

10. *AMETEK, U.S. Gauge Division D–93–25 CP (G).* A ground water remediation project consisting of the proposed withdrawal of up to 3.88 mg/30 days of ground water from Wells No. MW–6S, MW–6D and PW–2 located at

the applicant's industrial facility (Plant #2), in Sellersville Borough, Bucks County, within the Southeastern Pennsylvania Ground Water Protected Area. The treatment facilities and discharge to the East Branch of the Perkiomen Creek are to be reviewed by Docket No. D–93–25 CP(D).

11. *Outletter Associates D–93–26.* An application for a proposed 0.017 mgd wastewater treatment plant to provide secondary biological treatment via the extended aeration process to serve the existing and future flows from the Crossings Outlet Square retail/commercial development. The treatment plant will be located just north of the Town of Tannersville between U.S. Route 80 and State Route 611 in Pocono Township, Monroe County, Pennsylvania. The treated effluent will discharge to Pocono Creek via a new outfall after ultraviolet disinfection. Further, the discharge will be to the drainage area of the Special Protection Waters of the Delaware Water Gap National Recreation Area. Documents relating to these items may be examined at the Commission's office. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Other Scheduled Hearings

By earlier notice, the Commission announced its schedule of public hearings on proposed amendments to its Comprehensive Plan, Water Code, Water Quality Regulations and Rules of Practice and Procedure relating to the control of nonpoint sources of pollution in the drainage area to classified Special Protection Waters. The proposed amendments involve a three-pronged approach: the first addresses new nonpoint sources on a project-by-project basis through the Commission's project review process under Section 3.8 of the Delaware River Basin Compact; through USEPA's NPDES stormwater permitting regulations; and on a discretionary basis when needed. The second prong addresses new and existing nonpoint sources on a priority watershed basis. For priority watersheds, watershed nonpoint source management plans would be developed and implemented. The third prong would encourage the development and implementation of watershed nonpoint source plans on a voluntary basis in watersheds which are not considered the highest priority of the Commission. A process to identify priority watersheds and develop watershed nonpoint source management plans is included in the proposal.

Hearing Dates: The public hearings are scheduled as follows:

June 16, 1993 beginning at 1:30 p.m. and continuing until 4:30 p.m. as long as there are people present wishing to testify.

June 22, 1993 beginning at 2 p.m. and continuing until 5 p.m. as long as there are people present wishing to testify.

June 22, 1993 beginning at 7 p.m. and continuing until 9:30 p.m. as long as there are people present wishing to testify.

ADDRESSES: The June 16, 1993 hearing will be held in the New Castle County Council Chambers, First Floor of the City/County Building, 800 French Street, Wilmington, Delaware.

The June 22, 1993 hearings will be held in the Ballroom of the Inn at Hunt's Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Copies of the full text of the proposed amendments, the Water Code, the Water Quality Regulations and the Rules of Practice and Procedure may be obtained by contacting Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone (609) 883–9500 x203.

Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary at the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

Public Information Notice

Water Quality Program

The Commission is preparing its water quality program for the fiscal year ending September 30, 1994. Notice of this action is given in accordance with the requirements of the Federal Clean Water Act, as amended. The proposed program will involve a variety of activities in the areas of planning, surveillance, compliance monitoring, regional coordination, water quality standards, wasteload allocations and public participation. While the proposed program is not subject to public hearing by the Commission, it will be available for examination and review by interested individuals at the Commission's offices upon request beginning July 1, 1993. The public review and comment period will end July 31, 1993. Please contact Paul J. Webber for further information.

Dated: June 8, 1993.

Susan M. Weisman,

Secretary.

[FR Doc. 93–14179 Filed 6–15–93; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before June 16, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 4682, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green, (202) 401–3200. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed

information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: June 10, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: Office of Educational Research and Improvement (OERI) Fellows Program.
Frequency: Annually.
Affected Public: Individuals or households.
Reporting Burden:
Responses: 45.
Burden Hours: 630.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used to apply for funding under the OERI Fellows Program. The Department will use the information to make grant awards.

Type of Review: New.
Title: Survey of Public Long-Term Juvenile Correctional Facilities for the National Assessment of Vocational Education.
Frequency: One time.
Affected Public: Individuals or households; state or local governments; businesses or other for-profit.
Reporting Burden:
Responses: 568.
Burden Hours: 2,406.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This project involves a survey of educational directors in public long-term juvenile correctional facilities in the U.S. It is designed to collect information on the implementation and effects of the 1990 Perkins Act, as these might be relevant in correctional facilities, examine the administration and characteristics of education and vocational education programs in these settings, and identify potential pre- and post-release outcomes, which current research has not released.

[FR Doc. 93–14095 Filed 6–15–93; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Contract Award: KPMG Peat Marwick

AGENCY: Department of Energy.
ACTION: Notice of intent.

SUMMARY: In accordance with Department of Energy (DOE) Acquisition Regulations relating to organizational conflicts of interest, 48 CFR 909.570, DOE gives public notice that it intends to award a contract recognizing the existence of potential organizational conflicts of interest, because it has been determined to be in the best interests of the United States.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon W. Harvey, U.S. Department of Energy, Office of Inspector General, 1000 Independence Avenue, SW., room 5A–179, Washington, DC 20585, (202) 586–1943.

SUPPLEMENTARY INFORMATION:

General

Under provisions of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577), as amended, and the Federal Energy Administration Act of 1974 (Pub. L. 93–275), as amended, the Department of Energy is subject to strict requirements intended to avoid organizational conflicts of interest in the award and performance of contracts for technical and management support services. An organizational conflict of interest (OCI) is considered to exist when a contractor "has past, present, or currently planned interests that either directly or indirectly, through a client relationship relate to the work to be performed under a Department contract and which (1) may diminish its capacity to give impartial, technically sound, objective assistance and advice, or (2) may result in it being given an unfair competitive advantage." DOE Acquisition Regulations, 48 CFR 909.570–3. Pursuant to these provisions, a contract may not be awarded unless the Secretary or her designee has made a determination that it is unlikely that an OCI would exist, or that a conflict has been avoided after inclusion of appropriate conditions in the contract. If an OCI is determined to exist and cannot be avoided, the contract may be awarded only if the Secretary or her designee determines that award would be in the best interest of the United States and includes appropriate provisions in the contract to mitigate the OCI.

Based on the following findings and determination, the contract described below will be awarded, after taking into account the existence of an OCI, because the contract is determined to be in the best interests of the United States, pursuant to the authority of DOE Acquisition Regulation 48 CFR 909.570. Any comments should be provided within 5 days after publication of this notice.

Findings

1. The DOE Office of Inspector General (OIG) operates under the authority of the Inspector General Act of 1978, as amended. 5 U.S.C. app. 3.

2. At present, the DOE OIG annually audits the financial statements of 11 major DOE commercial and trust entities pursuant to the requirements of the Chief Financial Officers Act of 1990 (Pub. L. 101–576) (the CFO Act).

3. The CFO Act, if full implementation is mandated by Congress, would require the OIG to audit the consolidated financial statements of the DOE. In order to prepare consolidated financial statements for DOE, the Chief Financial Officer would have to ensure the preparation of some 59 sets of financial statements, all of which the OIG would have to audit or have audited. The OIG does not have, nor does it anticipate being authorized, sufficient in-house resources to accomplish this potential additional workload.

4. Therefore, a competitive procurement (DE–RP01–92IG00312, to Provide Nationwide Audit Support Services for the Office of Inspector General (OIG)) was initiated in May 1992 to solicit support services to accomplish a specific Statement of Work. The vast majority of the proposed effort will be financial audits required by full implementation of the CFO Act of 1990, and this procurement would support the OIG's timely implementation of the potential new CFO Act requirements. Notice was provided in the Request for Proposals, however, that the performance level of the proposed contract is dependent on full implementation of the CFO Act, and further, that if the CFO Act is not fully implemented, the required level of effort could be substantially reduced.

5. Based on a comprehensive evaluation of its technical and cost proposals, KPMG Peat Marwick offered superior technical strengths with the lowest proposed and probable costs to the Government. It was therefore determined that KPMG Peat Marwick would best successfully achieve the purposes of DOE OIG audits.

6. KPMG Peat Marwick submitted the necessary OCI information as part of the required proposal package. The KPMG Peat Marwick statement certified that a potential for an organizational conflict

of interest is perceived concerning the proposed work.

7. Based on an evaluation of the facts contained in the OCI information submitted, the Department of Energy has determined that KPMG Peat Marwick may have a potential organizational conflict of interest.

8. All firms who were in the competitive range were determined to have potential organizational conflicts of interest.

Mitigation

1. The contract includes a detailed mitigation plan that is summarized below:

a. KPMG Peat Marwick plans to use subcontractors to perform work at the sites where potential organizational conflicts of interest may exist.

b. KPMG Peat Marwick will use a consultant to perform quality control reviews of the work of the subcontractors.

c. The consultant will transmit the audit reports completed by the subcontractors directly to DOE OIG Task Monitors in a sealed envelope with an accompanying cover letter. Accordingly, such reports will not be influenced by KPMG Peat Marwick personnel.

2. Each task will be monitored by a member of the Office of Inspector General's audit staff.

3. The contractor will submit monthly progress reports which will include the identification of any potential conflicts of interest and any efforts made to mitigate such conflicts.

4. The contract includes DEAR 952.209–72, "Organizational Conflicts of Interest—Special Clause."

Determination

In light of the above Findings and Mitigations and in accordance with 48 CFR 909.570, award of this contract to KPMG Peat Marwick is considered to be in the best interest of the United States.

Dated : June 9, 1993.

John C. Layton,

Inspector General.

[FR Doc. 93–14210 Filed 6–15–93; 8:45 am]

BILLING CODE 6450–01–P

Secretary of Energy Advisory Board Task Force on Radioactive Waste Management

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

NAME: Secretary of Energy Advisory Board Task Force on Radioactive Waste Management.

DATES AND TIME: Wednesday, July 7, 1993, 9 a.m.–4 p.m.

PLACE: National Wildlife Federation, Kimball Conference Room, First Floor, 1400 16th Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel S. Metlay, Designated Federal Officer, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–3903.

SUPPLEMENTARY INFORMATION: Purpose of the Committee: The Secretary of Energy Advisory Board Task Force on Radioactive Waste Management was established in May 1991 to:

(1) Identify the factors that affect the level of public trust and confidence in Department of Energy programs;

(2) Assess the effectiveness of alternative financial, organizational, legal, and regulatory arrangements in promoting public trust and confidence;

(3) Consider the effects on other programmatic objectives, such as cost and timely acceptance of waste, of those alternative arrangements; and

(4) Provide the Secretary with recommendations and guidance for implementing those recommendations.

Tentative Agenda

9–10:30 a.m.—Public Comments on Revisions to Draft Final Report
10:30–10:45 a.m.—Break
10:45–12 p.m.—Public Comment Continued
12–1 p.m.—Lunch
1–4 p.m.—Task Force Deliberations
4 p.m.—Adjourn

A final agenda will be available at the meeting.

Public Participation

The Chairman of the Task Force is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington, the Task Force welcomes comments on its Draft Final Report. Members of the public are invited to present their views and will be heard in the order they sign up at the beginning of the meeting. The Task Force will make every effort to hear the views of all interested parties. Written comments may be submitted to Dr. Daniel Metlay, Secretary of Energy of Advisory Board, AC–1, 1000 Independence Avenue SW., Washington, DC 20585. In order to insure consideration by Task Force members in advance of the meetings, written comments should be received by June 30, 1993.

Minutes

Minutes of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays.

Issued at Washington, DC, on June 11, 1993.

Marcia L. Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 93–14211 Filed 6–15–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER92–436–003, et al.]

Florida Power Corp., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

June 9, 1993.

Take notice that the following filings have been made with the Commission:

1. Florida Power Corporation

[Docket No. ER92–436–003]

Take notice that on May 28, 1993, Florida Power Corporation (FPC) tendered for filing its compliance refund report in the above-referenced docket.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Company of Oklahoma

[Docket No. ER93–547–000]

Take notice that on May 13, 1993, Public Service Company of Oklahoma (PSO) tendered for filing a Notice of Termination, which states that an unexecuted Contract for Electric Service between PSO and the Chelsea Municipal Authority is to be canceled effective as of May 8, 1993.

Copies of the filing have been sent to CMA and the Oklahoma Corporation Commission.

Comment date: June 22, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Iowa Electric Light and Power Company and Iowa Southern Utilities Company

[Docket No. EC93–14–000]

Take notice that on June 4, 1993, Iowa Electric Light and Power Company (Iowa-Electric) and Iowa Southern Utilities Company (Iowa Southern) tendered for filing an Application for

Authorization and Approval of a Merger. Filing requirements were submitted pursuant to section 203 of the Federal Power Act and part 33 of the Commission's Rules and Regulations.

Under the terms of the Merger Agreement between Iowa Electric and Iowa Southern, Iowa Southern will be merged into Iowa Electric and the surviving corporation will be renamed upon the consummation of the merger. Both Applicants are wholly-owned subsidiaries of IES Industries Inc. At the time of merger, all of the shares of common stock of Iowa Southern, wholly-owned by IES, will be fully redeemed and retired.

The Applicants submit that the merger of Iowa Electric and Iowa Southern would be consistent with the public interest as required by section 203 of the Federal Power Act. Applicants therefore request that the Commission authorize the merger without the necessity of hearing.

Comment date. June 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Northeast Utilities Service Company

[Docket Nos. EC90–10–007 and ER93–294–000]

Take notice that on May 28, 1993, Northeast Utilities Service Company tendered for filing its compliance filing in the above-referenced dockets pursuant to the Commission's order issued on March 29, 1993.

Comment date: June 22, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. New England Power Company

[Docket No. ER93–461–001]

Take notice that New England Power Company on June 4, 1993 tendered for filing its compliance refund report in this docket.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Puget Sound Power & Light Company

[Docket No. ER93–698–000]

Take notice that on June 7, 1993, Puget Sound Power & Light Company (Puget) submitted under its Electric Tariff Original Volume No. 3 an executed Service Agreement (the Agreement) with Colockum Transmission Company, Inc. (Colockum). Puget previously filed an unexecuted copy of the Agreement in the above-referenced docket which was accepted for filing by the Commission on April 12, 1993 and designated Service Agreement No. 14 under FPC Electric Tariff, Original Volume No. 3.

The Service Agreement makes service under the referenced tariff available to Colockum. A copy of the filing was served upon Colockum.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Otter Tail Power Company

[Docket No. ER93–590–000]

Take notice that on June 7, 1993 Otter Tail Power Company (Otter Tail) tendered for filing on behalf of itself an amendment to its April 28, 1993 application for changing the limit on its percentage adder in rates for transmission services and accompanying service schedules setting rates, terms, and conditions for sales affected by the change.

Otter Tail states that copies of the amendment have been provided to the Mid-Continent Area Power Pool and to the Public Service Commissions of Minnesota, North Dakota and South Dakota.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Southern California Edison Company

[Docket No. ER93–694–000]

Take notice that on June 3, 1993, Southern California Edison Company (Edison) tendered for filing the following letter agreement, executed on April 23, 1993, by the respective parties: Electrical Service by Southern California Edison Company to Southern California Water Company Retail Customer, Camp Radford (Letter Agreement).

The Letter Agreement formalizes an arrangement whereby Edison provides electrical service from Edison distribution facilities to Camp Radford, a retail customer of Southern California Water Company (SCWC), located in SCWC's service territory.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Potomac Electric Power Company

[Docket No. ER93–691–000]

Take notice that on June 2, 1993, the Potomac Electric Power Company (Pepco) tendered for filing as initial rate schedules two existing facilities agreements, between Pepco and (respectively), Baltimore Gas and Electric Company (BG&E) regarding certain Maryland portions for the Baltimore-Washington 500 Kilovolt Loop, and Southern Maryland Electric Cooperative, Inc. (Smeco) regarding certain jointly-constructed substations and a Notice of Termination for Pepco FPC Rate Schedule No. 29 regarding the B–W 500 KV Loop (which FPC No. 29 was superseded by the foregoing agreement between Pepco and BG&E). Pursuant to Florida Power Corp., 61 FERC ¶ 61,063 (1992), effective dates as of the date each facility agreement or supplement thereto became an effective contract between the parties (various dates between 1985 and 1992) are requested for good cause, and an effective date of termination as of the date of FPC No. 29 became void according to its terms of December 31, 1973 is requested for good cause.

Comment date: June 23, 1993, in accordance with Paragraph E at the end of the notice.

10. Puget Sound Power & Light Company

[Docket No. ER93–674–000]

Take notice that on May 27, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an unsigned Emergency Temporary Interconnection Agreement between Public Utility District No. 1 of Grant County (District) and Puget dated as of May 21, 1993. Under the Agreement, Puget is to temporary interconnected with District's mobile substation in order to provide District with emergency transmission service until a non-functioning District transformer can be replaced.

Copies of the filing were served upon District.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Power and Light Company

[Docket No. ER93–696–000]

Take notice that on June 4, 1993, Wisconsin Power and Light Company (WPL) tendered for filing an amendment dated May 27, 1993, between the Wisconsin Public Power, Inc. System and WPL. WPL states that this amendment supplements the previous agreement first signed on June 5, 1989 between the two parties which was last amended October 1, 1992, and on file under Rate Schedule No. 132 by the Commission.

The purpose of this amendment is to provide for a new delivery point under construction by the Sun Prairie Water & Light Commission. Terms of service will be in accordance with standard WPL Rate Schedule W–1.

WPL requests that an effective date concurrent with the construction

completion date on or about June 4, 1993 be assigned. WPL states that copies of the agreement and the filing have been provided to the Wisconsin Public Power, Inc. System and Sun Prairie Water & Light Commission, and the Wisconsin Public Service Commission.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. PacifiCorp

[Docket No. ER93–531–000]

Take notice that on May 24, 1993, PacifiCorp tendered for filing an amendment to its original filing of April 1, 1993 in this docket.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Northeast Utilities Service Company

[Docket No. ER93–693–000]

Take notice that Northeast Utilities Service Company (NUSCO), on June 3, 1993, tendered for filing two separate Service Agreements to provide non-firm transmission service to (i) The United Illuminating Company (UI) and (II) Long Island Company (LILCO) under the NU System Companies' Transmission Service Tariff No. 2.

NUSCO states that copies of the filing have been mailed to UI and LILCO.

Comment date: June 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14117 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 10981–000]

Bangor Hydroelectric Co.; Intent To Hold Scoping Meetings and Site Visit

June 9, 1993.

The Federal Energy Regulatory Commission (FERC) published on April 15, 1993, in the **Federal Register** (58 FR 19665) a notice of intent to prepare an Environmental Impact Statement (EIS) for the Basin Mills Project No. 10981, Maine. The proposed project consists of the Veazie (existing, proposed expansion), Orono (existing, to be decommissioned), and Basin Mills (proposed) developments situated on the Penobscot River and Stillwater Branch of the Penobscot River in Penobscot County, Maine. FERC will conduct a project site visit on Wednesday, July 28, and two scoping meetings on Thursday, July 29, 1993, in Orono, Maine.

All interested individuals are invited to attend the project site visit. Trip participants will meet at 9 a.m. at the Black Bear Inn, 4 Godfrey Drive, in Orono (on the right at exit 51 off I–95), and vans will be available to take participants to the site. Please make reservations for the site visit by calling (207) 945–5621 before July 21, 1993.

All interested individuals, representatives of organizations, and agencies with environmental expertise and concerns are invited to attend the two scoping meetings to be held also at the Black Bear Inn. The purpose of the scoping meetings is to obtain agency and public comment on environmental issues that should be addressed in the EIS. The scoping meetings, scheduled for Thursday, July 29, 1993, will consist of a morning meeting, from 9 a.m. to 12 noon, which is primarily for government agencies to voice their concerns and recommendations; and an evening meeting, from 7 to 10 p.m., which is primarily for the public to voice their concerns and recommendations.

Objectives

To help focus discussion, a preliminary EIS scoping document outlining subject areas to be addressed at the meeting will be distributed by mail to parties on the FERC service list and FERC mailing list. Copies of the preliminary scoping document will also be available at the scoping meetings.

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EIS; (2) determine the relative depth of analysis for issues to be addressed in the EIS; (3) identify resource issues that are not important and do not require detailed analysis; (4) solicit from the meeting participants all available information, especially quantified data, on the resources at issue; and (5) encourage statement from experts and the public on issues that should be analyzed in the EIS, including points of view in opposition to, or in support of, the staff's preliminary views.

Procedures

The meetings will be recorded by a court reporter and all statements (oral and written) thereby become part of the formal record of the Commission proceedings on the Basin Mills Project. Individuals presenting statements at the meetings will be asked to clearly identify themselves for the record.

Participants at the public meetings are asked to keep comments to 5 minutes to allow everyone an opportunity to speak.

Persons choosing not to speak at the scoping meetings, but who have views on the issues or information relevant to the issues, may submit written statements at the meetings for inclusion in the public record. In addition, written scoping comments may be filed until August 27, 1993, with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

All correspondence should clearly show the following caption on the first page: Basin Mills Project No. 10981, Maine.

All those that are formally recognized by the Commission as intervenors in the Basin Mills project are asked to refrain from discussing the merits of the project with the staff or its contractor outside of any announced meetings.

Further, interested persons are reminded of the Commission's Rules of Practice and Procedure, requiring parties or interceders (as defined in 18 CFR 385.2010) filing written comments or documents with the Commission, to serve a copy of the written comments or documents on each person whose name is on the official service list for this proceeding. See 18 CFR 4.34(b).

For further information, please contact Sabina Joe at (202) 219–1648.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14119 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2183–009 Oklahoma]

Grand River Dam Authority; Availability of Environmental Assessment

June 10, 1993.

In accordance with the National Environmental Policy Act of 1969 and

the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for non-project use of project lands for the Markham Ferry Project. The licensee requested Commission authorization to grant an easement on a parcel of land on Lake Hudson to the Town of Salina for a state-mandated water treatment facility. The proposed facility is to serve as holding basins for the backwash water from the filters of the existing water treatment plant. The proposed facility is required in order to comply with the Oklahoma State Department of Health's standards for handling and disposal of backwash water bearing alum and mud. The project is located on Lake Hudson (reservoir) in Salina, Oklahoma.

The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that the licensee's proposals would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's Offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14111 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

Application Tendered for Filing With the Commission

June 9, 1993.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Minor License.

b. *Project No.:* 10856–002.

c. *Date Filed:* April 30, 1993.

d. *Applicant:* Upper Peninsula Power Company.

e. *Name of Project:* Au Train Hydroelectric Project.

f. *Location:* On the Au Train River, near the Town of Au Train, Alger County, Michigan.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Clarence R. Fisher, Upper Peninsula Power Company, P.O. Box 130, 600 Lakeshore Drive, Houghton, Michigan 49931–0130, (906) 487–5000.

i. *FERC Contact:* Mary C. Golato (202) 219–2804.

j. *Comment Date:* 60 days from the filing date in paragraph C. (June 29, 1993).

k. *Description of Project:* The proposed project consists of the following features: (1) An existing dam 38 feet high and 1,500 feet long; (2) an existing reservoir with a storage capacity of 12,342 acre-feet and a surface area of approximately 1,557 acres; (3) an existing 2,516-foot-long, 5-foot, 6-inch-diameter penstock; (4) an existing powerhouse containing two turbine-generating units having a total generating capacity of 1,440 kilowatts; (5) an existing 2,300-volt, 2,500-foot-long transmission line; and (6) appurtenant facilities. The applicant estimates that the total average annual net generation would be 5,778 megawatthours. The owner of the dam is the Upper Peninsula Power Company.

l. With this notice, we are initiating consultation with the *Michigan STATE HISTORIC PRESERVATION OFFICER (SHPO)*, as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR, at 800.4.

m. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14112 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–09961T New Mexico–14]

Department of the Interior, Bureau of Land Management; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

June 10, 1993.

Take notice that on June 7, 1993, the United States Department of the Interior's Bureau of Land Management (BLM) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Dakota Formation in a portion of the Lindrith Gallup-Dakota West Pool underlying a portion of Rio Arriba and Sandoval Counties, New Mexico, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers approximately 10,240 acres, all of which are Jicarilla Apache Indian Reservation Lands. The recommended area is described as follows:

Township 23 North, Range 3 West
Secs. 13–16: All;
Secs. 21–28: All;
Secs. 33–36: All.

The notice of determination also contains BLM's findings that the referenced portion of the Dakota Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14114 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–09960T New Mexico–40]

Department of the Interior, Bureau of Land Management; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

June 10, 1993.

Take notice that on June 7, 1993, the United States Department of the Interior's Bureau of Land Management (BLM) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Gallup and Dakota Formations in a portion of the Lindrith Gallup-Dakota West Pool underlying a portion of Rio Arriba County, New Mexico, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application covers approximately 8,320 acres, all of which are Jicarilla Apache Indian Reservation Lands. The recommended area is described as follows:

Township 24 North, Range 4 West,
Secs. 1–4: All;
Secs. 9–15: All;
Secs. 23–24: All.

The notice of determination also contains BLM's findings that the referenced portion of the Gallup and

Dakota Formations meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14116 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–137–000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

June 10, 1993.

Take notice that Algonquin Gas Transmission Company (Algonquin) on June 7, 1993, tendered for filing proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, as set forth in the revised tariff sheet:

Original Sheet No. 96

The proposed effective date of the tariff sheet is July 7, 1993.

Algonquin states that the purpose of this filing is to establish the balance and allocation of contract assignment program costs to be paid by Algonquin to Texas Eastern Transmission Corporation (Texas Eastern) pursuant to Texas Eastern's initial direct bill of contract assignment program costs filed on May 26, 1993.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14110 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–39–002]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

June 10, 1993.

Take notice that on June 8, 1993, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, Substitute Ninth Revised Sheet No. 570 under Rate Schedule X–64, to be effective January 1, 1993 for billing and refund purposes.

ANR states that the compliance filing is being made to reduce the monthly charge under Rate Schedule X–64 to reflect ANR's offer of settlement approved by the Commission in a letter order dated May 4, 1993 in Docket No. RP93–39–001. ANR states that the tariff sheets reflects a reduction in the monthly charge for Rate Schedule X–64 from $269,695 to $249,981, as set forth in ANR's March 3, 1993 offer of settlement, to be effective January 1, 1993.

ANR states that copies of the filing are being mailed to High Island Offshore System.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14104 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF90–87–003]

Camden Cogen L.P.; Amendment to Filing

June 10, 1993.

On June 7, 1993, Camden Cogen L.P. tendered for filing a supplement to its filing in this docket.

The supplement pertains to the ownership structure and technical aspects of its cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed by June 28, 1993, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14113 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93–7–4–000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

June 10, 1993.

Take notice that on June 7, 1993, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581, filed Twenty-Seventh Revised Sheet No. 21 in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness on July 1, 1993.

According to Granite State, the revised sales rates on Twenty-Seventh Revised Sheet No. 21 reflect Granite State's regular quarterly purchased gas adjustment based on projected costs and sales for the third quarter of 1993.

Granite State further states that, in addition to reflecting projected gas costs, its filing reflects the costs for certain transportation services for the services it receives under Algonquin Gas Transmission Company's (Algonquin) Rate Schedules F–2 and F–3 as a result of the effectiveness of Order Nos. 636, *et al.* compliance filings by Algonquin in Docket No. RS92–28–000, Texas Eastern Transmission Corporation in Docket No. RS92–11–000 and Transcontinental Gas Pipe Line Corporation in Docket No. RS92–86–000.

Granite State indicates that the revised sales rates on Twenty-Seventh Revised Sheet No. 21 are applicable to

Granite State's wholesale sales to its two affiliated distribution company customers: Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities).

Granite State states that copies of its filing were served upon its customers Bay State Gas Company and Northern Utilities, Inc. and the regulatory commissions of the states of Maine, New Hampshire and Massachusetts.

Any person desiring to be heard or to make protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before June 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14103 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–50–006]

High Island Offshore System; Refund Plan

June 10, 1993.

Take notice that on June 3, 1993, High Island Offshore System (HIOS) filed with the Federal Energy Regulatory Commission (Commission) a revised refund plan for the referenced proceeding.

HIOS states that the revised refund plan (1) corrects both the amount of the refunds and the Report of Refunds which HIOS filed on May 7, 1993, in Docket No. RP92–50–006, relative to its obligation under Article III of the Commission approved Stipulation and Agreement to refund to its shippers certain refunds that it has received from ANR Pipeline Company (ANR) under ANR's Rate Schedule X–64 and (2) to recoup refund overpayments which resulted from the foregoing corrections through offsets against those overpayments certain additional refunds HIOS is required to make under Article III relative to amounts it has recently received from U–T Offshore System (UTOS) under UTOS' Rate Schedule X–1.

HIOS states that copies of the filing were served on all parties and all refund recipients.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14106 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP93–4–007, and TQ93–1025–001]

Mississippi River Transmission Corp.; Rate Change Filing

June 10, 1993.

Take notice that on June 7, 1993, Mississippi River Transmission Corporation (MRT) tendered for filing the following gas tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 to be effective May 1, 1993.

Substitute First Revised Eighty-Fifth Revised Sheet No. 4
Substitute Third Revised Eighty-Fifth Revised Sheet No. 4
Substitute First Revised Forty-Fourth Revised Sheet No. 4.1

MRT states that the instant filing corrects the tariff sheets filed in MRT's April 30, 1993 out-of-cycle PGA and the Docket No. RP93–4–005 compliance filing to reflect the appropriate May 1, 1993 current adjustment to the demand cost component and the related substitution charge for MRT's Rate Schedule SGS–1.

MRT states that a copy of this filing has been served on all of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Illinois and Missouri and to all parties on the Commission's official service list in Docket No. RP93–4–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 of CFR 385.211. All such protests should be filed on or before June 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14108 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–36–005]

Natural Gas Pipeline Co. of America; Filing Revised Tariff Sheets

June 10, 1993.

Take notice that on June 7, 1993, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Second Substitute Third Revised Sheet No. 10 and Second Substitute Second Revised Sheet Nos. 12 and 13 to be effective June 1, 1993.

Natural states that the purpose of this filing is to comply with the Commission's order issued May 28, 1993 at Docket No. RP93–36–002. Natural states that the order accepted for filing Natural's motion filing of April 30, 1993 and suspended the rates to become effective June 1, 1993, subject to refund, and subject to Natural refiling to remove the effect of the Trunkline Gas Company (Trunkline) Rate Schedule X–49 conversion from firm to interruptible service.

Natural states that the effect of removing the Trunkline conversion was a reduction of $.01 in Rate Schedule DMQ–1 peak period demand rates and a reduction of $.0001 in the peak and off-peak period commodity rates. Reductions were also made in the Rate Schedule G–1 sales rates. Natural also states that while costs allocated to transportation and storage rates changed, there was no reduction.

Natural requested waiver of any applicable Commission regulations and orders to the extent necessary to permit the proposed tariff sheets to be effective on June 1, 1993.

Natural states that copies of the filing have been served on all of its jurisdictional customers, interested state commissions, and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission,

825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14105 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–644–000]

PacifiCorp; Filing

June 9, 1993.

Take notice that PacifiCorp, on June 2, 1993, tendered for filing in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations, an amended filing in this docket.

Copies of this amended filing were supplied to Arizona Public Service Company, the Arizona Corporate Commission and the Public Utility Commission.

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 18, 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. 93–14118 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–366–000]

The Washington Water Power Co.; Application

June 8, 1993.

Take notice that on June 1, 1993, The Washington Water Power Company (Water Power), East 1411 Mission Avenue, Spokane, Washington 99202, filed, in Docket No. CP93–366–000, pursuant to part 157 of the Commission's Rules of Practice and Procedure and section 7 of the Natural Gas Act (NGA), an application for a certificate of public convenience and necessity authorizing the release of a portion of the Jackson Prairie Underground Storage Project (Project) deliverability and capacity to Northwest Pipeline Corporation (Northwest) for a limited term with pregranted abandonment. In addition, Water Power requests limited term sales-for-resale authority, as a transitional measure, for the sale of gas in place at the Project for use by Northwest during the 1993–94 heating season, all as more fully set forth in the application on file with the Commission and open to public inspection.

Water Power is a distribution company engaged in the business of distributing natural gas within the States of Washington and Idaho, as well as in the States of Oregon and California (through its operating division, WP Natural Gas). Water Power is a one-third owner of a natural gas storage field referred to as the Jackson Prairie Storage Project located in Lewis County, Washington. The remaining undivided ownership interests belong to Northwest and Washington Natural Gas Company, with the latter designated as the Project Operator.

Water Power and Northwest have entered into an Agreement dated March 31, 1993, entitled "Agreement for the Release of Jackson Prairie Storage" that calls for the release by Water Power to Northwest of 150,000 therms per day of firm deliverability, and 6,000,000 therms of seasonal capacity, for the three (3) year term of the Agreement, ending on March 31, 1993. The Release Agreement between Water Power and Northwest sets forth, as a condition precedent, the receipt of all necessary regulatory authorizations not later than November 1, 1993, in order to enable Northwest to make effective use of the capacity and deliverability of the Storage Project during the 1993–94 hearing season. Water Power, therefore, respectfully requests that the Commission expedite its consideration of the instant application to enable Northwest to make effective use of the released deliverability and capacity by not later than November 1, 1993.

Water Power further requests limited term authority, with pre-granted abandonment, to provide sales-for-resale service to Northwest, in an amount not to exceed 6,000,000 therms of working gas stored in the Project, for a period terminating December 31, 1993. Water Power requests, in this regard, a waiver of all reporting and filing requirements incidental to such sales-for-resale service, including the requirements of part 154, regarding the filing of rate schedules and tariffs for such service.

Pursuant to § 385.802 of the Commission's Rules of Practice and Procedure, Water Power requests that the intermediate decision procedure be omitted and that this application be disposed of pursuant to the shortened procedure provided for in the Commission's Rules. In making such a request, Water Power waives oral hearing and opportunity for filing exceptions to the decision of the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1993, file with the Federal Energy Regulatory Commission,Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate 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 Water Power to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–14182 Filed 6–15–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ93-3-35-000]

West Texas Gas, Inc.; Proposed Changes in FERC Gas Tariff

June 10, 1993.

Take notice that on June 1, 1993, West Texas Gas, Inc. (WTG) filed as part of its FERC Gas Tariff, First Revised Volume No. 1, Seventh Revised Sheet No. 4, with a proposed effective date of July 1, 1993.

WTG states that the tariff sheet and the accompanying explanatory schedules constitute WTG's quarterly PGA filing submitted in accordance with the Commission's purchased gas adjustments regulations.

WTG states that copies of the filing were served upon WTG's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 17, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 93-14109 Filed 6-15-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP93-438-000]

Williams Natural Gas Co.; Request Under Blanket Authorization

June 10, 1993.

Take notice that on June 7, 1993, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP93-438-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to operate an existing delivery point as a jurisdictional facility for deliveries of gas to United Cities Gas Company (United Cities) under William's blanket certificate issued in Docket No. CP82-479-000 pursuant to section 7 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.

Williams states that the delivery point, located in Douglas County, Kansas, was constructed under section 311 authority to make deliveries of natural gas to United Cities for subsequent use in an asphalt and concrete plant. Williams further states that it proposes to utilize the facilities for other deliveries of natural gas to United Cities. Williams asserts that this authorization would allow United Cities receipt point flexibility in the future.

Williams states that this change is not prohibited by its existing tariff and that it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

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. 93-14115 Filed 6-15-93; 8:45 am]

BILLING CODE 6717-01-M

Office of Civilian Radioactive Waste Management

Multi-Purpose Canister Conceptual Design Workshop

AGENCY: Department of Energy (DOE).

ACTION: Notice of meeting.

SUMMARY: The Office of Civilian Radioactive Waste Management (OCRWM) is developing a conceptual design for a Multi-Purpose Canister (MPC) system. The MPC would be a metallic canister holding multiple spent nuclear fuel assemblies and would be placed in separate overpacks or casks for storage, transportation, and geologic disposal. The reference nuclear waste management system would involve the handling and rehandling of numerous spent nuclear fuel assemblies in the spent fuel pools at reactors and in shielded transfer cells at the Monitored Retrievable Storage facility and geologic repository. The MPC would eliminate the need for routine spent fuel handling at the Monitored Retrievable Storage facility and at the repository. The workshop is intended to provide affected governments, interested parties and members of the public with an opportunity to learn more about the MPC concept and exchange various perspectives on the subject with the OCRWM.

DATES AND ADDRESSES: The Workshop will be held from 8 a.m.–5 p.m., July 1; and 8:30 a.m. – 12 noon, July 2, 1993 at the Hyatt Regency Crystal City located at 2799 Jefferson Davis Highway in Arlington, Virginia 22202. The Multi-Purpose Canister Workshop is open to the public, and persons wishing to participate should notify the contact person listed below by June 21, 1993.

SUPPLEMENTARY INFORMATION: The consideration of an MPC conceptual design follows wide-spread interest expressed by regulatory agencies, the scientific community and others for a nuclear waste management system that considers the compatibility of the various steps required in storage, transportation and geologic disposal of spent nuclear fuel. Initial studies have indicated that the MPC concept may provide this system-wide compatibility and offer additional benefits to the system. The day and a half workshop will be structured to encourage participants to have an open dialogue about the technical and institutional considerations of such a system. This process will be facilitated through break-out sessions, each covering a particular subject area of the MPC conceptual design effort. Significant information developed during these sessions will be recorded, evaluated and considered during the current MPC conceptual design phase. A second workshop will be scheduled at a later date to address those items identified for followup and to update participants on the conceptual design effort.

CONTACT PERSON FOR MORE INFORMATION: Jeffrey Williams, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585 (telephone 202-586-9620); or Tommy Smith, Civilian Radioactive Waste Management System, Management & Operating Contractor, 2650 Park Tower Drive, Suite 800, Vienna, Virginia 22180 (telephone 703-204-8978).

Lake H. Barrett,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 93-14209 Filed 6-15-93; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4665–4]

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 16, 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 Equipment Leaks of VOC in Petroleum Refineries (Subpart GGG)–Information Requirements (EPA ICR No. 0983.04; OMB No. 2060–0067). This is a request for renewal of a currently approved information collection.

Abstract: Owners or operators of process units producing intermediate or final products from petroleum, unfinished petroleum derivatives, or other intermediates 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 must monitor equipment in VOC service (i.e. the piece of equipment contains or contacts a process fluid that is at least 10 percent VOC by weight) monthly and record and report semiannually on leaks detected and repaired. 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 10 hours per response for reporting, and 110 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 facilities equipped to produce intermediate or final products from petroleum, unfinished petroleum derivatives, or other intermediates.

Estimated No. of Respondents: 30.

Estimated No. of Responses Per Respondent: 2.

Estimated Total Annual Burden on Respondents: 3,878.

Frequency of Collection: Semiannually.

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 10, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–14197 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4666–2]

Agency Information Collection ActivitiesUnder 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 16, 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 Glass Manufacturing Plants (Subpart CC)–Information Requirements (EPA ICR No. 1131.04; OMB No. 2060–0054). This is a request for renewal of a currently approved information collection.

Abstract: Owners or operators of glass manufacturing plants 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 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 13 hours per response for reporting, and 62.5 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 glass manufacturing plants.

Estimated Number of Respondents: 25.

Estimated Number of Responses Per Respondent: 2.

Estimated Total Annual Burden on Respondents: 2,212 hours.

Frequency of Collection: One-time notifications and reports for new facilities; semiannual 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 10, 1993.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 93–14198 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–F

[OPP–100122; FRL–4589–3]

Mantech Environmental Technology, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). ManTech Environmental Technology, Inc. has been awarded a contract to perform work for the EPA Office of Environmental Processes and Effects Research, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to ManTech Environmental Technology, Inc. consistent with the requirements of 40 CFR 2.307(h)(3) and 40 CFR 2.308(i)(2), and will enable ManTech Environmental Technology, Inc. to fulfill the obligations of the contract.

DATES: ManTech Environmental Technology, Inc. will be given access to this information no sooner than June 21, 1993.

FOR FURTHER INFORMATION CONTACT: By mail: BeWanda B. Alexander, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 234, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5259.

SUPPLEMENTARY INFORMATION: Under Contract No. 68–C8–0006, ManTech Environmental Technology, Inc. will provide technical support to EPA's Office of Environmental Processes and Effects Research, Environmental Research Laboratory in conducting a retrospective analysis of terrestrial pesticide field studies to evaluate the relationship between field study results and laboratory-based risk assessments. This contract involves no subcontractor.

The Office of Environmental Processes and Effects Research and the Office of Pesticide Programs have jointly determined that the contract herein described involves work that is being conducted in connection with FIFRA and that access by ManTech Environmental Technology, Inc. to information on the following pesticide chemicals is necessary for the performance of this contract:

Aldicarb
Bendiocarb
Bolstar
Carbofuran
Carbofuran (FL)
Cloethocarb
Diazinon
Dicrotophos
Di-Syston
Ethoprop
Fenamiphos
Fensulfothion
Guthion
Methamidophos
Oxamyl
Phorate
Sulprofos
Terbufos
Vydate

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.37(h)(3), the contract with ManTech Environmental Technology, Inc., prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Environmental Processes and Effects Research. All information supplied to ManTech Environmental Technology, Inc. by EPA for use in connection with this contract will be returned to EPA when ManTech Environmental Technology, Inc. has completed its work.

Dated: June 4, 1993.

Daniel Barolo,

Acting Director, Office of Pesticide Programs.

[FR Doc. 93–13942 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4666–8]

Proposed Settlements Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act; In Re M. T. Richards, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: Notice of Settlements for recovery of past costs: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, a amended (CERCLA). notice is hereby given of two proposed administrative settlements concerning the removal action at the M.T. Richards Superfund Site, Village of Crossville, White County, Illinois. The Agreement was proposed by EPA Region V on April 16, 1993. Subject to review by the public pursuant to this Notice, the agreement was approved by the United States Department of Justice on June 2, 1993.

DATES: Comments must be provided on or before July 16, 1993.

ADDRESSES: Comments should be addressed to the Docket Clerk, Mail Code MFA–10J, U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois, 60604–3590, and should refer to: In Re M.T. Richards Superfund Site in Crossville, Illinois, U.S. EPA Docket Nos. V–W–93–C–191 and V–W–93–C–192.

FOR FURTHER INFORMATION CONTACT: Barbara Wester, U.S. Environmental Protection Agency, Office of Regional Counsel, 77 W. Jackson Blvd., Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: Below are listed the parties who have executed binding certifications of their consent to participate in the settlement:

List of Settlors

Safari Oil Company, R.J. Oil Company, Marvin T. Richards, James and Darlene White.

These parties will pay a total of $216,558.73 in settlement payments for removal costs under the two agreements, subject to the contingency that EPA may elect not to complete the settlements based on matters brought to its attention during the public comment period established by this Notice. One hundred percent of this amount will reimburse EPA for its past costs at the M.T. Richards, Inc. Superfund Site.

EPA is entering into these agreements under the authority of section 122(h) and 107 of CERCLA. Section 122(h)

authorizes settlements with potentially responsible parties for the recovery of past costs expended by the Agency where these claims have not been referred to the U.S. Department of Justice for further action. The proposed settlements reflect, and were agreed to based on, conditions as known to the parties as of April 16, 1993.

The Environmental Protection Agency will receive written comments relating to these agreements for thirty days from the date of publication of this notice.

A copy of the proposed administrative settlement agreements and additional background information relating to the settlements are available for review and may be obtained in person or by mail from Barbara L. Wester, Office of the Regional Counsel, U.S. Environmental Protection Agency, Region V, 77 W. Jackson, Mail Code CS–3T, Chicago, Illinois 60604.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601–9675.

Janet Mason,

Acting Regional Administrator.

[FR Doc. 93–14200 Filed 6–15–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Coastal Barrier Improvement Act; Property Availability: Approximately 572.268 Acres at Lohman Ford Road and Austin Boulevard, Travis County, TX

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that a property described as approximately 572.268 acres at Lohman Ford Road and Austin Boulevard, Travis County, Texas, is affected by section 10 of the Coastal Barrier Improvement Act of 1990.

DATES: Written notice of serious interest to purchase the property must be received on or before September 14, 1993.

ADDRESSES: Copies of detailed descriptions of the property, including maps, may be obtained by contacting Mari Epperson, ORE Specialist, at the Federal Deposit Insurance Corporation, Addison Consolidated Office, 5080 Spectrum Drive, suite 1000E, Dallas, Texas 75248. Telephone (800) 759–9314, Extension 4737, or (214) 385–4737; Telecopier (214) 385–4708.

SUPPLEMENTARY INFORMATION: The approximately 572.268 acres of land is composed of three contiguous or nearly contiguous tracts, one of approximately 434.669 acres, one of approximately 8.989 acres and one of approximately 128.610 acres. The tracts are located approximately two and one half miles south of Farm to Market Road 1431, along the east side of Lohman Ford Road at Austin Boulevard, Travis County, Texas. The tracts are irregular in shape, are typical rolling Texas hill county terrain, are undeveloped except for a small, abandoned airfield landing strip on one tract, and are used primarily for livestock grazing and recreation. A portion of the property has frontage on Lake Travis. There is also an unconfirmed suspicion that endangered or protected species, including, without limitation, the Golden-Cheeked Warbler and the Black-Capped Vireo or their habitats exist in the area.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the federal government;

2. Agencies or entities of state or local government; and

3. "Qualified organizations" pursuant to section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170–(h)(s)).

FORM OF NOTICE: Notices of serious interest should be addressed to the attention of Mari Epperson at the address provided above, and should be in the following form:

Notice of Serious Interest re:
Approximately 572.268 acres at Lohman Ford Road and Austin Boulevard, Travis County, Texas

1. Name of eligible entity.

2. Declaration of eligibility to submit notice under criteria set forth in Public Law 101–591, section 10(b)(2).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural or natural resources conservation purposes.

Dated: June 10, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–14122 Filed 6–15–93; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

NationsBank Corporation; Application to Engage in Certain Nonbanking Activities; Correction

This notice corrects a previous notice (FR Doc. 93-9754) published at page 25649 of the issue for Tuesday, April 27, 1993.

Under the Federal Reserve Bank of Richmond heading, the entry for NationsBank Corporation is revised to read as follows:

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. NationsBank Corporation, Charlotte, North Carolina (Applicant), has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) to engage through its wholly owned subsidiary, NationsBanc Capital Markets, Inc., Charlotte, North Carolina (Company), in the following nonbanking activities:

1. Underwriting and dealing in, on a limited basis, all types of debt and equity securities (other than securities issued by open-end investment companies), including sovereign debt securities, corporate debt securities, convertible debt securities, debt securities issued by a trust or other vehicle secured by or representing interests in debt obligations, preferred stock, common stock, American Depositary Receipts, and other direct and indirect equity ownership interests in corporations and other entities;[1] and

2. Providing foreign exchange advisory and transactional services, while also taking positions in foreign exchange for its own account for hedging purposes only.

Applicant seeks approval to conduct the proposed activities throughout the United States.

Applicant states that the Board previously has determined by order that the proposed underwriting and dealing activities, when conducted within the limitations established by the Board in its previous orders, are closely related to banking for purposes of section 4(c)(8) of the BHC Act and consistent with section 20 of the Glass-Steagall Act (12 U.S.C. 377). *See, e.g., J.P. Morgan & Co. Incorporated, et al.*, 75 Federal Reserve Bulletin 192 (1989); *Order Approving Modifications to Section 20 Orders*, 75 Federal Reserve Bulletin 751 (1989); *Canadian Imperial Bank of Commerce, et al.*, 76 Federal Reserve Bulletin 158; *Order Approving Modification to Section 20 Orders to Allow Use of Alternative Index Revenue Test*, 79 Federal Reserve Bulletin 226 (1993). Applicant further states that the proposed underwriting and dealing

[1] Applicant also has proposed that Company engage in certain activities which Applicant maintains are incidental to the proposed underwriting and dealing activities, including certain securities clearing, investment advisory and foreign exchange trading activities.

activities will be conducted in accordance with the prudential limitations and other conditions established by the Board in these orders. Applicant also states that the proposed foreign exchange advisory and transactional services have been determined by the Board to be closely related to banking. *See* 12 CFR 225.25(b)(17). *See also Hongkong and Shanghai Banking Corporation, et al.*, 69 Federal Reserve Bulletin 221 (1983); *The Nippon Credit Bank, Ltd.*, 75 Federal Reserve Bulletin 308 (1989).

Applicant believes that the proposal will produce public benefits that outweigh any potential adverse effects, and therefore that the proposed activities are proper incidents to banking for purposes of section 4(c)(8) of the BHC Act. In particular, Applicant maintains that the proposal will enhance market competition, provide greater convenience to Company's customers, and enable Company to achieve greater efficiency within its own operations. In addition, Applicant states that the proposed underwriting and dealing activities, when conducted within the limitations established by the Board in previous orders, will not result in adverse effects such as an undue concentration of resources, conflicts of interest, or unsound banking practices. Applicant also maintains that the proposed foreign exchange advisory and transactional services will not result in adverse effects when conducted within the limitations proposed by Applicant. In this regard, Applicant states that the potential for conflicts of interest posed by Company's providing such foreign exchange services while also taking positions in foreign exchange for its own account will be minimized by the establishment of appropriate information barriers and other procedural safeguards between Company's foreign exchange trading personnel and Company's personnel engaged in providing the proposed foreign exchange advisory and transactional services.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application, and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the BHC Act or other applicable law.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than July 1, 1993. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, June 10, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–14142 Filed 6–14–93; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

[File No. 902 3364]

Nationwide Industries, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a North Carolina-based manufacturer of automotive maintenance and cleaning products from making false and misleading environmental claims by representing, through the use of certain terms, that any product containing a Class I or Class II ozone-depleting substance, will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere, and also would prohibit the respondent from representing that any of its products offer any environmental benefit, unless the respondent possesses competent and reliable scientific evidence that substantiates such representation.

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

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S–4002, Washington, DC 20580. (202) 326–3158.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Nationwide Industries, Inc. (hereinafter "Nationwide"), a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is Hereby Agreed By and between Nationwide, by its duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent Nationwide is a corporation organized, existing and doing business under and by virtue of the laws of the State of Pennsylvania, with its office and principal place of business at 2200 West Main Street, Suite 3000, Durham, North Carolina 27705.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) All claims under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated hereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly

released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft complaint, or that the facts alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the complaint and the order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For purposes of this Order, the following definitions shall apply:

"Class I ozone depleting substance" means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Pub. L. 101–549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class 1 substances currently include chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane.

"Class II ozone depleting substance" means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in title 6 of the Clean Air Act Amendments of 1990, Pub. L. 101–549, and any other substance which may in the future be added to the list pursuant to title 6 of the Act. Class II substances currently include hydrochlorofluorocarbons.

I

It is ordered That respondent Nationwide Industries, Inc. (hereinafter "Nationwide"), a corporation, its successors and assigns, and its officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, through the use of such terms as "no CFCs," "CFC free," "no CFCs, environment friendly," "no CFCs, environmentally formulated" "formulated to help preserve the environment," "ozone safe," "ozone friendly," or any substantially similar term or expression, or, by words, depictions, or symbols, directly or by implication, that any such product containing any Class I or Class II ozone depleting substance will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

II

It is further ordered That respondent Nationwide, a corporation, its successors and assigns, and its officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by words, depictions or symbols that any product offers any environmental benefit, unless at the time of making such representation, respondent possesses and relies upon a reasonable basis, consisting of competent and reliable scientific evidence that substantiates such representation. To the extent such evidence consists of scientific or professional tests, analyses, research, studies, or any other evidence based on expertise of professionals in the relevant area, such evidence shall be "competent and reliable" only if those tests, analyses, research, studies, or other evidence are conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted by others in the profession to yield accurate and reliable results.

III

It is further ordered That for three years from the date that the representations to which they pertain are last disseminated, respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

1. All materials that respondent relied upon in disseminating any representation covered by this Order.

2. All tests, reports, studies or surveys in respondent's possession or control that contradict, qualify, or call into question such representation or the basis upon which respondent relied for such representation.

IV

It is further ordered That respondent shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this Order.

V

It is further ordered That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

VI

It is Further Ordered That respondent shall, within sixty (60) days after service of this Order upon it, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Nationwide Industries, Inc., a Pennsylvania corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action, or make final the agreement's proposed order.

This matter concerns labeling and advertising of Nationwide's "Fix-a-Flat" instant tire repair products. The Commission's complaint in this matter charges that the respondent's labeling and advertising claims contain false and misleading representations that these products are "formulated to help our environment," and that because they have no CFCs (and no VOCs), they are "Environment Friendly" and "Environmentally Formulated." The complaint alleges that the respondent represented through the use of these claims that there are no ingredients in its products which are damaging to the environment. In addition, respondent represented that because its products contain no CFCs (and no VOCs), they do not harm the environment. In fact, the complaint alleges, these representations are false and misleading, because respondent's "Fix-a-Flat" products contain both 1,1,1-trichloroethane (a Class I ozone depleter) and chlorodifluoromethane (a Class II ozone depleter), which harm and cause damage to the earth's ozone layer.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future.

The proposed order defines Class I and Class II ozone-depleting substances, incorporating the definitions established in the Clean Air Act Amendments of 1990. Class I substances currently listed under the Act are CFCs, halons, carbon tetrachloride, and 1,1,1,-trichloroeothane. Class II substances currently consist of HCFCs.

Part I of the proposed order requires the respondent, in connection with the advertising, sale, or distribution of any product, to cease representing, through the use of such terms as "CFC free," "no CFCs," "no CFCs, environment friendly," "no CFCs, environmentally formulated," "formulated to help preserve our environment," "ozone safe" or "ozone friendly", or any similar term or expression, that any product containing a Class I or Class II ozone-depleting substance, will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere.

Under the Clear Air Act Amendments, the EPA has authority to add new chemicals to the Class I and II lists. Thus, the order's definitions of Class I and Class II ozone-depleting substances specifically include substances that may be added to the lists. If additional substances are added to the Class I or II lists, Part I of the order becomes applicable to claims made for products containing those substances after the substances are added to the lists.

Part II of the proposed order requires the respondent to cease representing that any of its products offer any environmental benefits, unless the respondent possesses a reasonable basis for such representation.

Parts III, IV, V, and VI of the order are standard order provisions requiring the respondent to distribute copies of the order to certain company officials and employees, to notify the Commission of any changes in corporate structure that might affect compliance with the order, and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 93–14154 Filed 6–15–93; 8:45 am]

BILLING CODE 6750–01–M

[Docket 9228]

Promodes, S.A., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's consent order issued May 17, 1990 (55 FR 23138) by requiring the Tennessee company to divest a specific Red Food supermarket in Chattanooga, rather than the store specified in East Ridge. The Commission concluded that the respondents had demonstrated that the public interest warranted the change, and therefore it approved the substitution.

DATES: Consent Order issued May 17, 1990. Modifying Order issued May 20, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Daniel Ducore, FTC/S–2115, Washington, DC 20580. (202) 326–2526.

SUPPLEMENTARY INFORMATION: In the Matter of Promodes, S.A., et al. The prohibited trade practices and/or corrective actions as set forth at 55 FR 23138, are changed, in part, as indicated in the summary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 93–14162 Filed 6–15–93; 8:45 am]

BILLING CODE 6750–01–M

[Docket 9228]

Promodes, S.A., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's consent order issued May 17, 1990 (113 FTC 372) by setting aside Paragraphs II.A.1 and II.A.2, thereby relieving the respondents of the obligation to divest the two stores described in those paragraphs.

DATES: Consent Order issued May 17, 1990. Modifying Order issued May 21, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Daniel Ducore, FTC/S–2115, Washington, DC 20580. (202) 326–2526.

SUPPLEMENTARY INFORMATION: In the Matter of Promodes, S.A., et al. The prohibited trad practices and/or corrective actions as set forth at 55 FR 23138, are changed, in part, as indicated in the summary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 93–14163 Filed 6–15–93; 8:45 am]

BILLING CODE 6750–01–M

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[1] Copies of the Modifying Order and Commissioners Azcuenaga's and Owen's statements are available from the Commission's Public Reference Branch, H–130, 6th & PA. Ave., NW., Washington, DC 20580.

[1] Copies of the Modifying Order are available from the Commission's Public Reference Branch, H–130, 6th & PA. Ave., NW., Washington, DC 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Establishment of an Advisory Committee on Head Start Quality and Expansion

AGENCY: Administration for Children and Families, DHHS.

ACTION: Notice of the establishment of an Advisory Committee on Head Start Quality and Expansion.

SUMMARY: Pursuant to Public Law 92–463, the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) announces the establishment by the Secretary of the Advisory Committee on Head Start Quality and Expansion.

The purpose of the Advisory Committee on Head Start Quality and Expansion is to conduct an in-depth study of the Head Start program with particular attention to issues identified by the Inspector General and to develop recommendations for the Secretary on ways to improve and strengthen the program in a time of expansion.

The Committee shall terminate on June 10, 1994 unless renewed prior to that date.

FOR FURTHER INFORMATION CONTACT: David Siegel, 7th floor, Aerospace Building, 370 L'Enfant Promenade, SW., Washington DC 20047 (202) 401–9215.

Dated: June 11, 1993.

Laurence J. Love,

Acting Assistant Secretary for Children and Families.

[FR Doc. 93–14221 Filed 6–15–93; 8:45 am]

BILLING CODE 4184–01–M

Advisory Committee Meeting on Head Start Quality and Expansion

AGENCY: Administration for Children and Families, DHHS.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to Public Law 92–463, the Federal Advisory Committee Act, that the Advisory Committee on Head Start Quality and Expansion will hold a meeting on Thursday, July 1, 1993, from 9 a.m. to 5 p.m. and on Friday, July 2, 1993 from 9 a.m. to noon. The meeting will be held at L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, DC 20201.

The meeting of the Committee shall be open to the public. The proposed agenda includes presentation of background information and the development of a plan for the operation of the Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at 370 L'Enfant Promenade, Aerospace Building, Suite 600, Washington, DC 20201.

If a sign language interpreter is needed, contact David Siegel at the address and telephone number below.

FOR FURTHER INFORMATION CONTACT: David Siegel, 7th floor, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20047 (202) 401–9215.

Dated: June 11, 1993.

Laurence J. Love,

Acting Assistant Secretary for Children and Families.

[FR Doc. 93–14220 Filed 6–15–93; 8:45 am]

BILLING CODE 4184–01–M

National Institutes of Health

Office of the Director; Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Advisory Committee to the Director, NIH, June 22, 1993, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland, which was published in the **Federal Register** on May 17, 1993 (58 FR 28886).

The meeting was canceled due to complications of other commitments and will be rescheduled at a later date.

Dated: June 9, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–14097 Filed 6–15–93; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting of the President's Cancer Panel Special Commission on Breast Cancer

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, June 25, 1993, at the Hollywood Roosevelt Hotel, 7000 Hollywood Boulevard, Hollywood, California 90028.

The entire meeting will be open to the public from 8:30 a.m.–5 p.m. The topic will include: Information Dissemination and the Role of the Media.

Ms. Carole Frank, Committee Management Office, National Cancer Institute, Executive Plaza North, Room 630E, 9000 Rockville Pike, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide a summary of the meeting and a roster of the committee members upon request.

Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact Ms. Nora Winfrey, (301/496–1148), in advance of the meeting.

Ms. Iris Schneider, Executive Secretary, President's Cancer Panel Special Commission on Breast Cancer, National Cancer Institute, Building 31A, room 11A48, 9000 Rockville Pike, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5534) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting due to conflict of schedules of committee members.

Dated: June 10, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–14280 Filed 6–15–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Meetings

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior announces a public meeting of the Exxon Valdez Oil Spill Public Advisory Group to be held on July 15 and 16, 1993, at 9:30 a.m., in the first floor conference room, 645 G Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Affairs, 1689 C Street, Suite 119, Anchorage, Alaska (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska*, Civil Action No. A91–081 CV. This meeting will include: (1) A discussion and recommendations for the draft Restoration Plan; (2) a discussion and recommendations for the 1994 Work Plan; and (3) a discussion of proposed endowment concepts.

Dated: June 10, 1993.

Jonathan P. Deason,

Director, Office of Environmental Affairs.

[FR Doc. 93–14098 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–RG–M

Bureau of Land Management

[MT–930–5410–10–E020; MTM 82152]

Receipt of Conveyance of Mineral Interest Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The private lands described in this notice, aggregating approximately 20.105 acres, are segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine their suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interests will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface minerals ownership where there are no known mineral values or in those instances where the United States mineral reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Dick Thompson, Land Law Examiner, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2829.

Principal Meridian, Montana

T. 6S., R. 3E.,

Sec. 34, that portion of the SE¼ described as follows: Beginning at a point which is on the east line of said Section 34 which bears N 00°34'15" E a distance of 1,089.67 feet from the SE corner of said Section 34, thence N 89°34'20" W a distance of 1,362.41 feet, thence N 41°15'48" W a distance of 290.47 feet, thence along a curve to the right with a radius of 120.00 feet a distance of 186.67 feet, thence N 49°00'36" E a distance of 32.23 feet, thence along a curve to the left with a radius of 110.42 feet a distance of 122.84 feet, thence N 14°43'43" W a distance of 185.40 feet, thence along a curve to the left with a radius of 180.00 feet a distance of 150.25 feet, thence N 62°33'21" W a distance of 116.89 feet, thence along a curve to the right with a radius of 45.81 feet a distance of 139.02 feet, thence S 68°41'41" E a distance of 274.32 feet, thence along a curve to the right with a radius of 237.06 feet a distance of 129.81 feet, thence S 37°19'45" E a distance of 257.98 feet, thence along a curve to the left with a radius of 219.97 feet a distance of 247.86 feet, thence N 77°41'39" E a distance of 395.24 feet, thence along a curve to the right with a radius of 143.95 feet a distance of 124.10 feet, thence S 60°13'11" E a distance of 145.22 feet, thence along a curve to the left with a radius of 220.08 feet a distance of 225.64 feet, thence N 66°01'56" E a distance of 125.24 feet to a point on the east line of said Section 34, thence along said line S 00°34'15" W a distance of 514.76 feet to the point of beginning. The area described contains 20.105 acres in Gallatin County.

Mineral Reservation—All minerals and geothermal steam and associated geothermal resources.

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1–1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate upon issuance of a patent or deed of such mineral interest, final rejection of the application, or 2 years from the date of filing of the application, April 29, 1993, which ever occurs first.

Dated: June 7, 1993.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 93–14181 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–DN–M

[AZ–010–93–5440–10–A103, AZA 24631]

Airport Patent Application, Mohave County, AZ; Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction, notice of airport patent application AZA 24631.

SUMMARY: Pursuant to section 516 of the Airport and Airway Improvement Act of September 3, 1982 (49 U.S.C. 2215), notice was published May 18, 1993 (58 FR 28990), for a 45-day comment period before 111.89 acres was conveyed to the Town of Colorado City for an airport. The mineral estate will also be reserved to the United States. This correction will not extend the comment period, which expires July 3, 1993.

FOR FURTHER INFORMATION CONTACT: Laurie Ford, Vermillion Resource Area Realty Specialist, at (801) 673–3545.

Dated: June 3, 1993.

Raymond D. Mapston,

Acting Arizona Strip District Manager.

[FR Doc. 93–14177 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–32–M

[UT–020–03–4210–05; U–48889]

Realty Action; Recreation and Public Purpose Land Classification, Rich County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public lands in Rich County, Utah, have been found suitable for classification for conveyance to Rich County under the provision of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Rich County holds a lease for, has been, and proposes to continue using the lands for a solid waste sanitary landfill.

Salt Lake Meridian, Utah

T. 12 N., R. 7 E.,

Sec. 15, S½SW¼NW¼SW¼, W½SW¼SW¼;

Sec. 16, S½S½N½SE¼, S½SE¼.

Containing 125.00 acres more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and disposal would be in the public interest.

DATES: Interested parties may submit comments on the recreation and public purpose conveyance or classification of the lands on or before August 2, 1993.

ADDRESSES: Comments should be sent to the District Manager, Salt Lake District BLM, 2370 South 2300 West, Salt Lake City, Utah 84119.

FOR FURTHER INFORMATION CONTACT: Michael L. Barnes, BLM Salt Lake District Office, (801) 977–4300.

SUPPLEMENTARY INFORMATION: When issued, the patient will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreations and Public Purpose Act and to all applicable regulations of the Secretary of Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 43 U.S.C. 945.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Any other reservation that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

5. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 43 U.S.C. 6901–6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 and all applicable regulations.

The lands described above are hereby segregated from entry and mining under the public land laws and the United States mining laws, except for lease or purchase under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

Publication of this notice constitutes notice to the grazing permittees of the Sage Creek Allotment that the 125 acres offered in the conveyance will be excluded from the allotment upon issuance of the patent.

Comments relative to the classification of the lands are restricted to whether the land is physically suitable for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The classification will become effective 60 days from the date of publication of this notice.

Deane H. Zeller,

District Manager.

[FR Doc. 93–14170 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–DQ–M

[UT–040–03–4920–10]

Proposed Plan Amendment; Cedar/Beaver/Garfield/Antimony Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: This notice is to advise the public that the proposed planning amendment and associated environmental assessment for the Cedar/Beaver/Garfield/Antimony Resource Management Plan have been completed. The proposed plan amendment provides for the disposal of a tract of public land through exchange in Iron County, Utah, comprising approximately 422.67 acres described as follows:

Salt Lake Meridian

T. 33 S., R. 8 W., sec. 1 lot 4, SW¼NW¼, NW¼SW¼, W½SW¼SW¼;
Sec. 3 lots 1, 5, and 11, SE¼NE¼;
Sec. 11 E½NE¼, SW¼NE¼, NW¼SE¼.

DATES: The protest period for this proposed plan amendment will commence with the date of publication of this notice. Protests must be submitted on or before July 16, 1993.

ADDRESSES: Protests should be addressed to the Director, Bureau of Land Management (760), MS 406 LS, 1849 C Street, NW., Washington, DC 20240, within 30 days after the date of publication of this Notice for the proposed planning amendment.

FOR FURTHER INFORMATION CONTACT: Arthur L. Tait, Beaver River Resource Area Office, 365 South Main, Cedar City, UT 84720, telephone (801) 586–2458.

SUPPLEMENTARY INFORMATION: This plan amendment is necessary since the existing plan does not identify this land for disposal. This exchange is between the United States Government and Robin K. Bradshaw, et al. The exchange would benefit the public by improving public land ownership patterns, by acquiring private land with valuable big game habitat, and by providing legal access to public lands. The environmental assessment identifies no significant impacts. The public interest would be served by providing for this land exchange.

This action is announced pursuant to section 206 of the Federal Land Policy and Management Act of 1976 and 43 CFR part 1610. The proposed planning amendment is subject to protest from any adversely affected party who participated in the planning process. Protests must be made in accordance with the provision of 43 CFR 1610.5–2. Protests must contain the following minimal information:

- The name, mailing address, telephone number, and interest of the person filing the protest.
- A statement of the issue or issues being protested.
- A statement of the part or parts being protested and a citing of pages, paragraphs, maps, etc., of the proposed plan amendment, where practical.
- A copy of all documents addressing the issue(s) submitted by the protester during the planning process or a reference to the date when the protester discussed the issue(s) for the record.
- A concise statement as to why the protester believes the BLM State Director's decision is incorrect.

James M. Parker,

State Director.

[FR Doc. 93–14169 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–DQ–M

[AZ–054–5440–10; 8390]

Arizona; Yuma District; Concession Review Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of release of program manual.

SUMMARY: Notice is hereby given of the completion and dispersal of the Yuma (Arizona) District's Concession Review Program Manual. These guidelines organize both the operational performance and contractual compliance aspects of the program into one usable text. Standards have been identified to assist concession operations in meeting the basic health, safety, and recreational needs of the user public. At present, these standards will be applied in the management of 16 concessions operated along the Colorado River as Bureau of Land Management cooperative units.

EFFECTIVE DATE: The Yuma District's Concession Review Program Manual was signed effective April 11, 1993.

SUPPLEMENTARY INFORMATION: Authority for this manual lies in the following: Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*); Reclamation Project Act (43 U.S.C. 375a, 387–389, 485–485k) (1982); National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*); Departmental Manual (Interior), Parts 613 (613 DM 1); Departmental Manual (Interior), Part 8360.2 (8360.2 DM 1); Executive Order 11988, Flood Plain Management; Bureau of Land Management Manual Section 8390 (BLM Manual 8390); title 43, Code of Federal Regulations, subpart 2920 (43 CFR 2920); Bureau of Land Management Manual Section 2920 (BLM Manual 2920); and Uniform Federal Accessibility Standards and Equal Employment Opportunity laws.

FOR FURTHER INFORMATION CONTACT: Concessions Management, Havasu Resource Area, 3189 Sweetwater Drive, Lake Havasu City, AZ 86403, telephone (602) 855–8017.

Dated: May 25, 1993.

Michael A. Taylor,

Acting District Manager.

[FR Doc. 93–14176 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–32–M

Fish and Wildlife Service

Aquatic Nuisance Species Task Force Monitoring Committee Meeting

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Monitoring Committee (Committee), a committee of the Aquatic Nuisance Species Task Force. A number of subjects will be discussed during the Committee meeting including: current nonindigenous species detection and monitoring activities, monitoring needs, standard reporting format for information transfer, and scope and function of a nonindigenous species information system.

DATES: The Monitoring Committee will meet from 8:30 a.m. to 3 p.m. on Thursday, July 1, 1993.

ADDRESSES: The Monitoring Committee meeting will be held at the U.S. Fish and Wildlife Service Building, room 200 A, 4401 N. Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Dr. James Weaver, National Fisheries Research Center, 7920 N.W. 71st Street, Gainesville, Florida 32606 at (904) 378–8181.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Monitoring Committee established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101–646, 104 Stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990). Minutes of the meetings will be maintained by the Coordinator, Aquatic Nuisance Species Task Force, room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203 and the Monitoring Committee Chairman, National Fisheries Research Center, 7920 NW. 71st Street, Gainesville, Florida 32606 and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: June 10, 1993.

Noreen K. Clough,

Acting Co-Chair, Aquatic Nuisance Species Task Force.

[FR Doc. 93–14096 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Civil War Sites Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting of the Civil War Sites Advisory Commission.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that a meeting of the Civil War Sites Advisory Commission will be held on Saturday, July 10, 1993, at the Hilton Hotel, 301 North Water Street, Wilmington, North Carolina. The meeting will begin at 9 a.m. and conclude before 3:30 p.m.

This meeting constitutes the sixteenth meeting of the Commission. The primary focus of the meeting will be on discussion of the Commission's final report to Congress and the Secretary of Interior. The Commission will welcome input from the public on the subject of Civil War site evaluation and preservation, especially as it relates to Civil War sites in North Carolina and surrounding states.

Space and facilities to accommodate members of the public may be limited and persons will be accommodated on a first-come, first-served basis. Anyone may file a written statement with the Commission concerning matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Ms. Jan Townsend, Interagency Resources Division, P.O. Box 37127, Washington, DC 20013–7127 (telephone 202–343–3936). Draft summary minutes of the meeting will be available for public inspection about 8 weeks after the meeting, in Suite 250, 800 N. Capitol St., NW., Washington, DC 20002.

Dated: June 8, 1993.

de Teel P. Tiller,

Acting Executive Director and Chief, Interagency Resources Division.

[FR Doc. 93–14100 Filed 6–15–93; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–337]

Certain Integrated Circuit Telecommunication Chips and Products Containing Same, Including Dialing Apparatus; Commission Decision To Extend Administrative Deadline for Completion of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has decided to extend the administrative deadline for completion of the above-captioned investigation from June 9, 1993, to June 21, 1993.

ADDRESSES: Copies of all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000.

FOR FURTHER INFORMATION CONTACT: Matthew T. Bailey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3108. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted by publication of a notice of investigation on April 8, 1992. Subsequently, the investigation was declared "more complicated" and an administrative deadline of June 9, 1993, established for completion of the investigation. The presiding administrative law judge issued his final initial determination (ID) on March 9, 1993. On April 29, 1993, the Commission determined to review certain limited portions of the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.54–210.59 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.54–210.59 (1990)).

Issued: June 10, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–14202 Filed 6–15–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigations Nos. 731–TA–646–649 (Preliminary)]

Certain Steel Wire Rod From Brazil, Canada, Japan, and Trinidad and Tobago

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil, Canada, and Japan of certain steel wire rod,[2] provided for in subheadings 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00, 7213.50.00, and 7227.90.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Further, the Commission determines,[3] pursuant to section 733(a) of the Tariff Act of 1930, that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Trinidad and Tobago of certain steel wire rod that are alleged to be sold in the United States at LTFV.

Background

On April 23, 1993, a petition was filed with the Commission and the Department of Commerce by Connecticut Steel Corp., Wallingford, CT; North Star Steel Texas, Inc., Beaumont, TX (except for the investigation concerning Japan); Keystone Steel & Wire Corp., Peoria, IL; Co-Steel Raritan, Perth Amboy, NJ (except for the investigation concerning Brazil); and Georgetown Steel Corp., Georgetown, SC (except for the investigation concerning Japan), alleging that an industry in the United States is materially injured by reason of LTFV imports of certain steel wire rod from Brazil, Canada, Japan, and Trinidad and Tobago. Accordingly, effective April 23, 1993, the Commission instituted antidumping investigations Nos. 731–TA–646–649 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of April 30, 1993 (58 FR 26156). The conference was held in Washington, DC, on May 14, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on June 7, 1993. The views of the Commission are contained in USITC Publication 2647 (June 1993), entitled "Certain Steel Wire Rod from Brazil, Canada, Japan, and Trinidad and Tobago: Determinations of the Commission in Investigations Nos. 731–TA–646–649 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: June 8, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–14208 Filed 6–15–93; 8:45 am]

BILLING CODE 7020–02–P

[2] For purposes of these investigations, certain steel wire rod is defined as hot-rolled carbon steel and alloy steel wire rod, in coils, of approximately round cross section, between 0.20 inch and 0.75 inch in solid cross-sectional diameter. Excluded from the scope of these investigations are free-machining steel containing 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.4 percent of phosphorus, more than 0.05 percent of selenium, and/or more than 0.01 percent of tellurium. Excluded as well are stainless steel rods, tool steel rods, free-cutting steel rods, resulfurized steel rods, ball bearing steel rods, high-nickel steel rods, and concrete reinforcing bars and rods.

[3] Chairman Newquist dissenting.

[Investigation No. 337–TA–348]

Certain In-Line Roller Skates With Ventilated Boots and In-Line Roller Skates With Axle Aperture Plugs and Component Parts Thereof

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

In the Matter of certain in-line roller skates with ventilated boots and in-line roller skates with axle aperture plugs and component parts thereof; notice of commission determinations not to review initial determinations granting joint motion to terminate the investigation as to two respondents on the basis of licensing agreements and to add seven respondents.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's initial determinations (IDs) in the above-captioned investigation. The first ID grants a joint motion to terminate the investigation with respect to two respondents on the basis of a patent licensing agreement. The second ID grants a motion to amend the notice of investigation to add seven new respondents.

ADDRESSES: Copies of the IDs and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000.

FOR FURTHER INFORMATION CONTACT: Anjali Singh, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3117. Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202–205–1810.

SUPPLEMENTARY INFORMATION: On February 18, 1993, Rollerblade, Inc. filed a complaint with the Commission alleging unfair acts in violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The unfair acts alleged in the complaint are the unauthorized importation into the United States, the sale for importation, and the sale within the United States after importation of certain in-line roller skates with ventilated boots, and in-line roller skates with axle aperture plugs and component parts thereof, that allegedly infringe claim 1, 2, 3, 4, 5, 6, 7 or 8 of U.S. Letters Patent 5,171,033, and/or claim 5 of U.S. Letters Patent 5,048,848. On March 18, 1993, the Commission voted to institute an investigation of the complaint and published notice of its investigation in the **Federal Register** (58 FR 16204 (March 25, 1993)).

On April 29, 1993, complainant Rollerblade, Inc. and respondents Canstar Sport U.S.A. and Canstar Sports Group, Inc. (hereinafter collectively referred to as "Canstar") jointly moved for the termination of the investigation with respect to Canstar on the basis of a patent cross-license agreement (Motion Docket No. 348–5). The Commission investigative attorneys support the motion. On May 10, 1993, the presiding administrative law judge (ALJ) issued an ID (Order No. 3) terminating the investigation with respect to Canstar.

On April 29, 1993, complainant Rollerblade, Inc. filed a motion to amend the notice of investigation to add seven new respondents (Motion No. 348–4). The Commission investigative attorneys support the motion. Respondents Roller Derby Skate Corporation and Variflex, Inc. opposed the motion. On May 11, 1993, the ALJ issued an ID granting the motion to amend the notice of investigation to include the proposed seven respondents. The seven new respondents are: Hwin Kwo Industry Co., Ltd.; Far Great Plastics Industrial Co., Ltd; European Sports Enterprise Co., Ltd; Minson; Leo Shoe Co.; Roller King Enterprise Co., Ltd.; and Jan Lee,

Ltd. All seven new respondents are located in Taiwan.

No petitions for review, or agency or public comments were received as to either ID.

This action is taken pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and Commission interim rule 210.53(h) (19 CFR 210.53(h)).

Issued: June 7, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–14201 Filed 6–15–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 731–TA–627 (Final)]

Pads for Woodwind Instrument Keys From Italy

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a final antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–627 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Italy of pads for woodwind instrument keys, provided for in subheadings 9209.99.4040 and 9209.99.4080 of the Harmonized Tariff Schedule of the United States.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: May 25, 1993.

FOR FURTHER INFORMATION CONTACT: Janine Wedel (202–205–3178), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of pads for woodwind instrument keys from Italy are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigation was requested in a petition filed on October 21, 1992, by Prestini Musical Instruments Corp., Nogales, AZ.

Participation in the Investigation and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on July 30, 1993, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on August 12, 1993, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before August 4, 1993. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on August 9, 1993, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules. Parties are strongly encouraged to submit as early in the investigation as possible any requests to present a portion of their hearing testimony *in camera*.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is August 6, 1993. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs is August 20, 1993; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before August 20, 1993. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

Issued: June 7, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–14203 Filed 6–15–93; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 337–TA–352]

Certain Personal Computers With Memory Management Information Stored in External Memory and Related Materials; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 7, 1993, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Intel Corporation, 2200 Mission College Boulevard, Santa Clara, California 95052–8119. The complaint alleges violations of subsection (a)(1)(B)(i) of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain personal computers with memory management information stored in external memory and related materials by reason of alleged direct and induced infringement of claims 2 and 6 of U.S. Letters Patent 4,972,338, and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., room 112, Washington, DC 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Mary Jane Boswell, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2582.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12.

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on June 8, 1993, *Ordered, That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain personal computers with memory management information stored in external memory and related materials by reason of alleged infringement of claims 2 or 6 of U.S. Letters Patent 4,972,338, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Intel Corporation, 2200 Mission College Boulevard, Santa Clara, California 95052–8119.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Twinhead International Corp., Global Industrial Center, 2nd Floor, #2 Lane 235, Bao Chiao Road, Hsin Tien, Taiwan.
Twinhead Corporation, 1537 Centre Pointe Drive, Milpitas, California 95035

(c) Mary Jane Boswell, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., room 401I, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.21. Pursuant to §§ 201.16(d) and 210.21(a) of the Commission's Rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to such respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: June 9, 1993.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–14204 Filed 6–15–93; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Under the Clean Water Act

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on May 28, 1993 a proposed consent decree in *United States* v. *Modine Manufacturing Co.*, No. 91–C–3615, was lodged with the United State District Court for the Northern District of Illinois. This action was brought, pursuant to Section 309 of the Clean Water Act ("the Act"), 33 U.S.C. 1319, to obtain injunctive relief and civil penalties to enforce terms and conditions of a National Pollutant Discharge Elimination System ("NPDES") permit that was issued to defendant pursuant to Section 402 of the Act, 33 U.S.C. 1342.

The proposed consent decree requires Modine Manufacturing Company ("Modine") to achieve final compliance with the Act and terms and conditions of its NPDES permit within 31 months after entry of the consent decree. Under the proposed decree, Modine will:

(1) Phase-out its current production process over a 15 month period and complete installation of a new process that generates fewer pollutants;

(2) Dredge and dispose of sludge from ponds used in Modine's current wastewater treatment system;

(3) Comply with interim effluent limits pending completion of dredging:

(4) Separate cooling water from process wastewater streams;

(5) Install a new treatment system for sanitary and remaining process wastes; and

(6) Install a system to chill cooling water from the new production process as necessary to meet federal or state requirements. In addition, Modine will pay a civil penalty of $750,000.

The Department of Justice will receive comments relating to the proposed consent degree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Modine Manufacturing Co.*, DJ Ref. #90–5–1–1–3623.

The proposed consent decree may be examined at the office of the United State Attorney, 219 South Dearborn Street, Chicago, Illinois 60604 and at the Region V Office of the Environmental Protection Agency, 111 West Jackson Blvd., 3rd floor, Chicago, Illinois 60604. Copies of the proposed consent decree may also be examined at the Consent Decree Library, 1120 G. Street NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $7.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–14172 Filed 6–15–93; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—IBACoS, Inc.

Notice is hereby given that, on April 20, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), IBACoS, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Honeywell, Inc., Golden Valley, MN, was admitted as a member of IBACoS.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and IBACoS intends to file additional written notification disclosing all changes in membership.

On April 6, 1992, IBACoS's filed its original notification pursuant to section 6(a) of the Act under the name ABACoS Development, Inc. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on May 6, 1992 (57 FR 19442).

The last notification was filed with the Department on December 29, 1992. A notice was published in the Federal Register pursuant to section 6(b) of the Act on March 4, 1993 (58 FR 12371).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–14174 Filed 6–15–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—Portland Cement Association

Notice is hereby given that, on May 7, 1993, and May 27, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the Capitol Cement Corporation (Winchester, VA) and the Allentown Cement Company (Blandon, PA) have joined the PCA, and Cadence Chemical Resources, Inc. has changed its name to Cadence Environmental Energy, Inc. (Michigan City, IN).

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PCA intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on February 5, 1985, 50 FR 5015.

The last notification was filed with the Department on February 22, 1993. A notice was published in the Federal Register pursuant to section 6(b) of the Act on April 12, 1993, 58 FR 19141.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–14175 Filed 6–15–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—Thermoplastic Engineering Design Venture

Notice is hereby given that, on May 11, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Thermoplastic Engineering Design Venture has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are General Motors Corporation, Detroit, MI; and General Electric Company, Schenectady, NY. The parties intend to identify opportunities for joining aspects of their independent research and development efforts pertaining to thermoplastics in industrial applications. The objectives are to avoid inefficient duplication of effort and expense and improve general scientific knowledge in this area by developing unproved design technology and know-how for engineering use. To meet these objectives, the parties will collect, exchange and analyze research information regarding industrial applications of thermoplastics; conduct tests and develop basic engineering techniques for use in proof of theories and concepts in the relevant topics; attempt to interact with appropriate organizations, especially the National Institute of Standards and Technology's Advanced Technology Program; and perform further acts allowed by the Act that would advance the venture's objectives in this area. Membership in the venture remains open, and the parties intend to file additional written notification disclosing all changes in membership to the venture.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–14173 Filed 6–15–93; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/606–8282.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. Date: June 28, 1993.

Time: 9 a.m. to 5 p.m.

Room: 430

Program: This meeting will review applications submitted for the Public Challenge Grants program category, submitted to the Division of Public Programs, for projects beginning after December 1, 1992.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 93–14180 Filed 6–15–93; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–1162]

Western Nuclear Inc.; Finding of No Significant Impact Regarding Reclamation In-Place of the Tailings From the Western Nuclear Inc., Split Rock Mill, Fremont County, WY

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of a finding of no significant impact.

1. Proposed Action

The administrative action is issuance of a license amendment to the Western Nuclear, Inc. license to implement the approved reclamation plan for the Split Rock Mill in Fremont County, Wyoming.

2. Reasons for Finding of No Significant Impact

An environmental assessment was prepared by the staff of the U.S. Nuclear Regulatory Commission's Uranium Recovery Field Office. The environmental assessment evaluated alternatives for reclamation of the tailings at the Split Rock Mill. The assessment included an evaluation of the licensee's environmental report dated February 1980 and supplement dated March 17, 1993.

Western Nuclear, Inc.'s preferred alternative for tailings reclamation is disposal in-place in accordance with the technical criteria of Appendix A to 10 CFR part 40. A Technical Evaluation Report which recommended conditional approval of the proposed plan for reclamation of the tailings in-place was prepared by the NRC on June 12, 1992. A Notice of Intent to amend the license to incorporate the conditional approval of the plan was published in the **Federal Register** on June 12, 1992, under a 30-day comment period. No comments were received during the comment period.

The NRC determined that an environmental assessment must be performed prior to issuance of a license amendment authorizing reclamation of the tailings. As a result of the assessment, the staff concurred with the licensee's conclusion that reclamation in-place is the preferred alternative. Based on the findings of this assessment, and the lack of any comments during the 30-day comment period, the staff proposes to amend the license upon publication of this final FONSI to incorporate the reclamation plan proposed in Western Nuclear, Inc.'s submittals dated June 30, 1987, and April 12, 1992.

The Environmental Assessment providing the basis for the finding of no significant impact was completed on June 4, 1993. This document is available for public inspection and copying at the Commission's Uranium Recovery Field Office, 730 Simms Street, Golden, Colorado, and at the Commission's Public Document Room, 2120 L Street NW., Washington, DC.

Dated at Denver, Colorado, this 7th day of June 1993.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director, Uranium Recovery Field Office, Region IV.

[FR Doc. 93–14148 Filed 6–15–93; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Review Group

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of the comment period on the Regulatory Review Group report.

SUMMARY: On May 28, 1993, the Regulatory Review Group Report was placed in the NRC Public Document Room for a 30 day comment period. Due to the importance of the comments and the detail contained in the report, the comment period is being extended to 60 days. The comment period will now end July 29, 1993.

A public meeting is planned for June 15, 1993 to answer questions and receive comments on the report. The meeting will take place in room 1F–7/9 at 2 p.m., at the NRC headquarters building located at 11555 Rockville Pike, Rockville, MD. Copies of the referenced material are available for inspection and/or copying for a fee in the NRC Public Document Room, 2102 L Street, NW. (Lower Level), Washington, DC. Additionally, copies may be ordered by telephone, with a reproduction fee, by calling the NRC Public Document Room at (202) 634–3273.

Dated at Rockville, Maryland, this 9th day of June, 1993.

For the Nuclear Regulatory Commission.

Frank P. Gillespie,

Regulatory Review Group.

[FR Doc. 93–14149 Filed 6–15–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co.; Turkey Point Nuclear Generating Units 3 and 4; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action on a Petition of October 15, 1992, and an addendum to the October 15 Petition dated October 21, 1992 (Petition) for action under 10 CFR 2.206, filed by Mr. Regino R. Diaz-Robainas (Petitioner) concerning the Turkey Point Nuclear Generating Units of the Florida Power and Light Company (FPL or Licensee).

The Petition alleged a number of deficiencies with the Turkey Point units during and after Hurricane Andrew. The Petitioner requested that the Turkey Point units, which were shut down, not be permitted to restart until the Petitioner's concerns were addressed. The Notice of Receipt of Petition Under 10 CFR 2.206 was published in the **Federal Register** on December 9, 1992 (57 FR 58263).

The Director of the Office of Nuclear Reactor Regulation has determined that the Petition should be denied for the reasons explained in the "Director's Decision under 10 CFR 2.206" (DD–93–13), which is available for public inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room for the Turkey Point plant located at Florida International University, University Park, Miami, Florida 33199.

A copy of this Director's Decision will be filed with the Secretary for the Commission to review in accordance with 10 CFR 2.206(c). As provided in this regulation, this decision will constitute the final action of the Commission 25 days after the date of issuance of this decision, unless the Commission on its own motion institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 7th day of June, 1993.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 93–14150 Filed 6–15–93; 8:45 am]

BILLING CODE 7590–01–M

Docket No. 50–298

Nebraska Public Power District, Cooper Nuclear Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a schedular exemption from the requirements of Appendix J to 10 CFR part 50 to the Nebraska Public Power District (the licensee) for the Cooper Nuclear Station (CNS), located in Nemaha County, Nebraska.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant a one-time, temporary exemption from the requirements of Section III.C.1 of Appendix J to 10 CFR part 50, to allow Type C testing (local leak-rate testing) of 10 containment isolation valves in the reverse direction.

The licensee's request for exemption and the bases for the exemption are contained in a letter dated June 7, 1993.

The Need for the Proposed Action

The purpose of Type C testing is to measure the leakage through the primary reactor containment and thereby provide assurance that the maximum allowable leakage rates are not exceeded. Prior to the current refueling outage, the licensee had made the determination that reverse direction testing of containment isolation valves produced equivalent or more conservative results than testing in the accident direction. However, leakage testing during the current outage included tests on some valves in both the accident and the reverse direction. The results of these tests cast doubt on the determination that reverse testing is acceptable under Appendix C for certain valves. During the current refueling outage, the licensee tested all such valves in the accident direction, where possible. However, the current plant configuration does not permit 10 of these valves to be tested in the accident direction. As a result, the licensee has committed to reanalyze the basis for testing in the reverse direction and, if necessary, modify the plant to permit testing of the 10 valves in the accident direction. However, due to the time required to design, procure, and install the plant modifications necessary to allow testing of the valves in the accident direction, the licensee has requested that the 10 valves be exempted from testing in the accident direction until the next refueling outage, currently scheduled to begin in the fall of 1994.

Without the proposed exemption, the licensee would be forced, at a significant cost, but without any significant increase in public health and safety, to delay the restart date of the current outage, which is currently scheduled for June 21, 1993.

Environmental Impacts of the Proposed Action

The proposed exemption would allow a one-time exemption from Appendix J to 10 CFR part 50 to allow Type C testing of 10 isolation valves in the reverse direction. The licensee has committed to install the hardware necessary to test these valves in the accident direction during the next scheduled refueling outage unless it can otherwise show that testing in the reverse direction is adequate. Since Appendix J requires Type C testing at every refueling outage, the requested exemption will state that the valves for which reverse testing cannot be justified must be tested in the accident direction at the next refueling outage, currently scheduled to begin in the fall of 1994.

The proposed exemption will not negatively impact containment integrity and will not significantly change the release from facility accidents. Therefore, post-accident radiological releases will not be significantly greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents or result in any significant occupational exposure. Likewise, the proposed exemption would not affect nonradiological plant effluents and would have no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or nonradiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Cooper Nuclear Station, dated February 1973.

Agencies and Persons Consulted

The staff consulted with the State of Nebraska regarding the environmental impact of the proposed action.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based on the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated June 7, 1993, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 10th day of June 1993.

Terence Chan,

Acting Director, Project Directorate IV–1, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 93–14151 Filed 6–15–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Clearance of a Revised Information Collection: Forms RI 34–1 and RI 34–3

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for clearance of a revised information collection. Form RI 34–1, Financial Resources Questionnaire, collects detailed financial information for use by OPM in determining whether to agree to a waiver, compromise, or adjustment of the collection of erroneous payments from the Civil Service Retirement and Disability Fund. RI 34–3, Notice of Debt Due Because of Annuity Overpayment, informs the annuitant that a debt is due, describes the debt, and collects information from the annuitant about the payment of the debt.

Approximately 1,561 RI 34–1 forms will be completed per year. The form requires approximately 1 hour to complete. The annual burden is 1,561 hours. Approximately 520 RI 34–3 forms will be completed per year. The form requires approximately 1 hour to complete. The annual burden is 520 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Retirement and Insurance Group, Operations Support Division, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3002, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Mary Beth Smith-Toomey, Chief, Administrative Management Branch (202) 606–0616.

U.S. Office of Personnel Management.

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–14128 Filed 6–15–93; 8:45 am]

BILLING CODE 6325–01–M

Federal Salary Council; Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the twenty-second meeting of the Federal Salary Council will be held at the time and place shown below. The agenda for the meeting will be the discussion of issues relating to the new locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meeting will be open.

DATES: July 13, 1993 beginning at 10 a.m.

ADDRESSES: Office of Personnel Management, 1900 E Street, NW., room 7B09, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ruth O'Donnell, Chief, Salary Systems Division, Office Of Personnel Management, 1900 E Street NW., room 6H31, Washington, DC 20415–0001. Telephone number: (202) 606–2838.

For the President's Pay Agent.

Patricia W. Lattimore,

Acting Deputy Director.

[FR Doc. 93–14129 Filed 6–15–93; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Boston Stock Exchange, Inc.

June 10, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Corporacion Bancaria de Expana S.A.
American Depositary Shares, No Par Value (File No. 7–10809)
Health Professionals, Inc.
Common Stock, $.02 Par Value (File No. 7–10810)
Resorts International, Inc.
Common Stock, $.01 Par Value (File No. 7–10811)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 1, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14160 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

June 10, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Corporacion Bancaria de Espana, S.A.
American Depositary Shares (rep. ½ Sh. of Comm. Stk., Nominal Value 500 Spanish pesetas) (File No. 7–10801)
Madeco S.A.
American Depositary Shares (rep. 10 Shs. of Common Stock, No Par Value) (File No. 7–10802)
Mark Centers Trust
Common Shares, $.001 Par Value (File No. 7–10803)
Nuveen North Carolina Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10804)
Nuveen Connecticut Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10805)
Nuveen Premium Income Municipal Fund V
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10806)
Senior High Income Portfolio, Inc.
Common Stock, $.10 Par Value (File No. 7–10807)
Zeneca Group Plc
American Depositary Shares (rep. 3 Ord. Shrs., 25 pence each) (File No. 7–10808)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 1, 1993, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14158 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32440; File No. SR–MBS–93–04]

Self-Regulatory Organizations; MBS Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Effective Date of an Aged Fail Date and Fees for Trade-for-Trade Trade Creates

June 10, 1993.

Pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act"),[1] notice is hereby given that on May 25, 1993, the MBS Clearing Corporation ("MBS") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–MBS–93–04) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Chapter VI–7 of the Risk Management section of MBS's Source Book in order to change the effective date of an "Aged Fail Date" under MBS's Procedures. The proposed rule change went into effect on June 1, 1993. In addition, the proposed rule change amends MBS's Schedule of Charges applicable to Dealer Account Group participants by increasing the charge for Trade-for-Trade Trade Creates from $4.00/side to $5.00/side.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to change the effective date of an "Aged Fail Date" under MBS's Procedures. The Aged Fail Date is the date when a trade moves from a Fail to an Aged Fail status under MBS's Procedures. Under MBS's Procedures, a trade with a settlement date equal to or after the Aged Fail Date is categorized as an Aged Fail for profit/loss offsetting purposes, and all trading profits are disregarded.

Under the proposed rule change, the Aged Fail Date is changed to the last business day of the month of a trade's scheduled settlement date, rather than the Monday before the first Public Securities Association ("PSA") class settlement date for the settlement month immediately following the trade's settlement month. The practical effect of the rule change is to make clear that the Aged Fail Date is always the last day of the month of the trade's scheduled settlement date, rather than the following Monday before the first PSA class settlement date for the next month. Even though that latter date is generally no more than three days after the last business day of the month of a trade's scheduled settlement date, MBS believes the new procedure will further encourage participants to report settled trade information with the current month of a trade.

The proposed rule change also increases from $4.00/side to $5.00/side the fee for Trade-for-Trade Trade Creates charged to Dealer Account Group participants. MBS stated the change is necessary to further align MBS's revenue with the costs of providing services.

MBS believes that the change to the effective date of an Aged Fail Date is consistent with the requirements of sections 17A(b)(3)(A) and (F) of the Act,[2] and the rule and regulations thereunder, in that it will facilitate the prompt and accurate clearance and settlement of securities transactions. In addition, MBS believes that the amendment to MBS's Schedule of Charges is consistent with the requirements of section 17A(b)(3)(D) of the Act,[3] and the rules and regulations thereunder, in that it provides for the equitable allocation of reasonable dues,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78q-1(b)(3)(A) and (F) (1988).

[3] 15 U.S.C. 78q-1(b)(3)(D) (1988).

fees, and other charges among its participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBS does not believe that the proposed rule change will impose any burden on competition 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

MBS solicited comments with respect to the proposed rule change, however, no written comments were received. MBS stated that the verbal comments received from participants were all favorable.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder, because the proposed rule change (1) constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization; and (2) establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appeals to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBS. All submissions should refer to the File No. SR–MBS–93–04 and should be submitted by July 7, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–14167 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32439; File No. SR–MBS–93–03]

Self-Regulatory Organizations; MBS Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Establishment of the Trade Assignment Account

June 10, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on May 24, 1993, the MBS Clearing Corporation ("MBS") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–MBS–93–03) as described in Items I, II, and III below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends MBS's Schedule of Charges applicable to Dealer Account Group participants. The amendment establishes a new category of account, referred to as a "Trade Assignment Account" and an accompanying monthly fee to be charged for each such secondary trade account.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish a new designation for a secondary account, referred to as a "Trade Assignment Account" pursuant to Chapter III, the Account Structure section of MBS's Source Book, and an accompanying monthly fee to be charged for each such secondary trade account. Currently, non-participant mortgage banks and a participant Dealer may execute a trade. Subsequent to the trade and before the trade is entered into MBS's system for comparison and clearing, the non-participant mortgage banker may assign the trade to another participant Dealer.

Both participant Dealers then use the facilities of MBS to compare the trade. To better internally track trades that are entered into MBS facilities as a result of such assignments, participant Dealers who have been assigned the trade requested that MBS designate a secondary account as a Trade Assignment Account. MBS has agreed to accommodate this request and will impose a monthly fee of $50 for each such secondary trade account.

MBS does not limit the number of secondary accounts that a participant may open. The designation of a secondary account as a Trade Assignment Account imposes no changes in MBS's operating system or rules and the Trade Assignment Account is treated systematically as any other secondary account.

MBS believes that the proposed rule change is consistent with the requirements of sections 17A(b)(3) (D) and (F) of the Act,[2] and the rules and regulations thereunder, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants, and that it promotes the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBS does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

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[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78q-1(b)(3) (D) and (F) (1988).

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

MBS has not solicited written comments with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder, because the proposed rule change (1) constitutes a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization; and (2) establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBS. All submissions should refer to the File No. SR–MBS–93–03 and should be submitted by July 7, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

[3] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–14166 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; and Opportunity for Hearing; Midwest Stock Exchange, Inc.

June 10, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Corporacion Bancaria de Espana SA
American Depository Receipts (representing ½ share of Common Stock) No Par Value (File No. 7–10836)

Nuveen North Carolina Premium Income Municipal Fund
Shares of Beneficial Interest, $0.1 Par Value (File No. 7–10837)

Nuveen Premium Income Municipal Fund V
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10838)

Nuveen Connecticut Premium Income Municipal Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–10839)

Dimark, Inc.
Common Stock, No Par Value (File No. 7–10840)

Echo Bay Finance Corp.
$1.75 Ser. A Cum. Pfd. Conv., $.01 Par Value (File No. 7–10841)

Healthcare Realty Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–10842)

Lasmo Plc
American Depositary Shares (each rep. 3 ordinary shares) $.25 Par Value (File No. 7–10843)

Mark Centers Trust
Common Stock, $.001 Par Value (File No. 7–10844)

Qual-Med, Inc.
Common Stock, $.01 Par Value (File No. 7–10845)

Manitowoc Company, Inc.
Common Stock, $.01 Par Value (File No. 7–10846)

Blackrock California Investment Quality Municipal Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–10847)

Blackrock Florida Investment Quality Municipal Trust, Inc.
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–10848)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 1, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14161 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32438; File No. SR–NYSE–93–15]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the New York Stock Exchange Relating to the Listing and Trading of Options on the New York Stock Exchange Utility Index

June 9, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 9, 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 NYSE. 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 NYSE proposes to list and trade European-style options on the NYSE Utility Index ("Index"), a capitalization-weighted "broad index stock group" comprised of all utilities stocks listed on the Exchange. As of October 30, 1992, the Index contained one hundred and eighty-seven companies. The market value of the outstanding shares of those companies ranged from $9.3 million to $32.2 billion. The NYSE asserts its proprietary interest in the manner of calculation of the Index, in the resulting Index values, and in the trading of options on the Index.

Trading in options on the Index will be governed by the Exchange's 700-

series of Rules as they pertain to broad index stock group options. The Exchange calculates, disseminates, and publishes the Index value on a real-time basis in the same manner as it currently does for the NYSE Composite Index. Securities information vendors disseminate the Index value every fifteen seconds. The contract specifications for NYSE Utility Index options are identical to the specifications for options on the NYSE Composite Index.

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 NYSE 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 NYSE 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 the Statutory Basis for, the Proposed Rule Change

In 1982, the NYSE filed with the Commission a proposed rule change to allow the Exchange to trade options on certain index stock groups (File No. SR–NYSE–82–2) ("Index Options Filing"). As part of that filing, the Exchange sought Commission approval to trade such options on the NYSE Composite Index and on the Exchange's four sector indices: the NYSE Utility Index, the NYSE Finance Index, the NYSE Industrial Index, and the NYSE Transportation Index.

The Commission approved the Exchange's Index Options Filing (including the trading of options on the NYSE Composite Index and the four sector indexes), as well as counterpart filings of the American Stock Exchange, Inc. and the Chicago Board Options Exchange, Inc. in Release No. 19264 ("Approval Order"), dated November 30, 1982. Since the date of the Approval Order, the Exchange has commenced trading in options on the NYSE Composite Index, but on none of the four sector indexes.

The Exchange now proposes to commence the listing and trading of options on the NYSE Utility Index and is submitting the proposed rule change to reflect certain changes that have occurred to the Index and to the terms of operation of options based on the Index.

The Index is currently comprised of all Exchange-listed stocks that fall within the five industries (electric services, gas services, telecommunications, water supply companies, and multi-service companies) that comprise the utility sector of the stock market.

The Index will be adjusted as utility sector stocks become listed on, or delisted from, the Exchange, as well as for stock splits or reverse splits, stock dividends, reorganizations, recapitalizations and similar events, upon their occurrence.

No single stock in the Index has a weight of more than 6.5 percent of the aggregate capitalization weight of all the stocks in the Index. Additionally, as of October 30, 1992, the three highest capitalized stocks in the Index had an aggregate weight of 15.52 percent.

The total market capitalization of the Index as of October 30, 1992, exceeded $500 billion. The Exchange is the primary market for each component stock.

Expiration months and strike prices for the Index options will be determined according to the procedures established for options on broad index stock groups in Rule 703 (Series of Options Open for Trading); position and exercise limits, according to Rules 704 (Position Limits) and 705 (Exercise Limits); trading rotations, according to Rule 717 (Trading Rotations, Halts and Suspensions); exercise cut-off times, according to Rule 780 (Exercise of Option Contracts); and delivery and payment of this European-style cash-settled option, according to Rule 782 (Delivery and Payment).

The options will have European-style exercise and will settle based upon the opening values of the component stocks on the last trading day before expiration. The proposed options will expire on the Saturday following the third Friday of the expiration month.

Options on the Index will offer investors a low-cost means to achieve diversification or to tilt a portfolio toward or away from the utility sector of the stock market. They will enable institutional and retail investors to benefit from their forecasts of the utilities sector's market performance. In addition, portfolio managers and investors can use the Index to provide a performance measure and evaluation guide for managed utilities funds, as well as to hedge the risks of investing in the utilities sector.

In addition, in order to provide a means for portfolio managers and institutional customers with a means to protect positions in utility stocks from long-term market movements, the Exchange is also proposing to list and trade long-term index option series on the Index.

The NYSE believes that the proposed rule change is consistent with section 6 of the Act, in general, and with section 6(b)(5), in particular, in that it will provide members of the public with useful new hedging and trading opportunities under a scheme of regulation designed to maintain a fair and orderly market, to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NYSE does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. 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–93–15 and should be submitted by July 8, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–14121 Filed 6–14–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privilege; Opportunity for Hearing; Pacific Stock Exchange, Inc.

June 10, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Alza Corp.
Common Stock, $.01 Par Value (File No. 7–10824)
British Airways Plc
Rights (Exp. June 11, 1993) (File No. 7–10825)
City National Corp.
Rights (Exp. June 3, 1993) (File No. 7–10826)
Geon Co.
Common Stock, $.10 Par Value (File No. 7–10827)
Saatchi & Saatchi Co.
Rights (Exp. June 11, 1993) (File No. 7–10828)
Samuel Goldwyn Co.
Common Stock, $.20 Par Value (File No. 7–10829)
Tiphook Plc
American Depositary Receipts (File No. 7–10830)
USG Corp.
Common Stock, $.10 Par Value (File No. 7–10831)
XTRA Corp.
Common Stock, $.50 Par Value (File No. 7–10832)
Zeneca Group Plc
American Depositary Shares (File No. 7–10833)
Zeneca Group Plc
Rights (Exp. June 21, 1993) (File No. 7–10834)
Zurich Reinsurance Centre Holdings, Inc.
Common Stock, $.01 Par Value (File No. 7–10835)

[1] 17 CFR 200.30–3(a)(12) (1993).

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 1, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderely markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14165 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

June 10, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Senior High Income Portfolio, Inc.
Common Stock, $.10 Par Value (File No. 7–10812)
Nuveen North Carolina Premium Income Municipal Fund
Common Stock, $.01 Par Value (File No. 7–10813)
Nuveen Premium Income Municipal Fund 5
Common Stock, $.01 Par Value (File No. 7–10814)
Nuveen Connecticut Premium Income Municipal Fund
Common Stock, $.01 Par Value (File No. 7–10815)
Qual-Med Inc.
Common Stock, $.01 Par Value (File No. 7–10816)
Gulf States Utilities Co.
$1.75 Dividend Preference Stock, No Par Value (File No. 7–10817)
International Business Machines
Depositary Shares each representing ¼ of a share of series A 7½% Pfd Stock (File No. 7–10818)
Calton, Inc.
Common Stock, $.01 Par Value (File No. 7–10819)
Lasmo Plc
American Depositary Shares (File No. 7–10820)
Madeco S.A.
American Depositary Shares each representing 10 shares of Common Stock (File No. 7–10821)
Fila Holding SPA
American Depositary Shares each representing five ordinary shares of LIT 500 Par Value (File No. 7–10822)
Mark Centers Trust
Common Stock, $.001 Par Value (File No. 7–10823)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 1, 1993, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–14159 Filed 6–15–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

San Francisco District Advisory Council; Public Meeting

The U.S. Small Business Administration San Francisco District Advisory Council will hold a public meeting at 1:30 p.m. on Wednesday, June 30, 1993, at 211 Main Street—room 543 (5th Floor), San Francisco, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. J. Mark Quinn, Acting District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105–1988, (415) 744–6801.

Dated: June 9, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–14093 Filed 6–15–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

[Public Notice 1820]

Suspension of Munitions Export Licenses to Burma

AGENCY: Department of State.

ACTION: Public notice.

SUMMARY: Notice is hereby given that all licenses and other approvals to export or otherwise transfer defense articles or defense services to Burma, are suspended until further notice pursuant to sections 2, 38, and 42 of the Arms Export Control Act.

EFFECTIVE DATE: June 16, 1993.

FOR FURTHER INFORMATION CONTACT: Roger Swenson, Office of Defense Trade Policy, Bureau of Political-Military Affairs, Department of State (202–647–4231).

SUPPLEMENTARY INFORMATION: Effective immediately, it is the policy of the U.S. Government to deny all applications for licenses and other approvals to export or otherwise transfer defense articles and defense services to Burma. In addition, U.S. manufacturers and exporters and any other affected parties are hereby notified that the Department of State has suspended all previously issued licenses and approvals authorizing the export or other transfer of defense articles or defense services to Burma. This action has been taken in light of the human rights abuses being committed by the current Government of Burma.

The licenses and approvals that have been suspended include any manufacturing licenses, technical assistance agreements, technical data, and commercial military exports of any kind subject to the Arms Export Control Act involving Burma. This action also precludes the use in connection with Burma of any exemptions from licensing or other approval requirements included in the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120–130).

This action has been taken pursuant to sections 2, 38, and 42 of the Arms Export Control Act (22 U.S.C. 2752, 2778, and 2791) and § 126.7 of the ITAR in furtherance of the foreign policy of the United States. In accordance with §§ 126.3 and 126.7 of the ITAR, affected persons desiring review of this decision with regard to a particular export may petition the Director, Office of Defense Trade Controls. Exceptions to this policy will be considered on a case-by-case basis.

Dated: June 9, 1993.

Robert L. Gallucci,

Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 93–14156 Filed 6–15–93; 8:45 am]

BILLING CODE 4710–25–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 93–6–12; Docket 48682]

Application of Salair, Inc.; For Certificate Authority Under Subpart Q

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Salair, Inc., fit, willing, and able and award it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation.

DATES: Persons wishing to file objections should do so no later than June 25, 1993.

ADDRESSES: Objections and answers to objections should be filed in Docket 48682 and addressed to the Documentary Services Division (C–55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathy Lusby Cooperstein, Air Carrier Fitness Division (P–56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–2337.

Dated: June 10, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–14227 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

[FHWA Docket No. 92–24]

Participation in the Congestion Pricing Pilot Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; extension of request for participation.

SUMMARY: This notice extends the invitation to State or local governments or other public authorities to make applications for participation in the Congestion Pricing Pilot Program established by section 1012(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, and presents additional guidelines to complement the criteria for program applications provided in a **Federal Register** notice published on November 24, 1992 (57 FR 55293). This document also contains a summary and discussion of the types of applications received in response to FHWA's initial request for participation.

DATES: (Proposals must be received on or before October 14, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Link or Mr. John T. Berg, Highway Revenue Analysis Branch, HPP–13, (202) 366–0570; or Mr. Wilbert Baccus, Office of the Chief Counsel, HCC–32, (202) 366–0780; Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Section 1012(b) of the ISTEA (Pub. L. No. 102–240, 105 Stat. 1914) authorizes the Secretary of Transportation (the Secretary) to create a Congestion Pricing Pilot Program by entering into cooperative agreements with up to five State or local governments or other public authorities, to establish, maintain, and monitor congestion pricing pilot projects. Three of these agreements may involve the use of tolls on the Interstate System notwithstanding 23 U.S.C. 129, as amended, and 301. A maximum of $25 million is authorized for each of the fiscal years 1992 through 1997 to be made available to carry out program requirements. Not more than $15 million can be made available each fiscal year to fund any single cooperative agreement.

In advance of completing its plan for implementing this program, the FHWA published a **Federal Register** notice on May 29, 1992 (57 FR 22857) which presented general information about the Pilot Program and solicited public comment [Docket No. 92–24] on a number of implementation issues. The comment period closed on June 29, 1992. FHWA published the initial solicitation for the Congestion Pricing Pilot program in the **Federal Register** on November 24, 1992 (57 FR 55293). The solicitation period closed on January 25, 1993. Results of Initial Solicitation: Proposals were received for Congestion

Pricing applications in 16 urban areas in 9 States. The proposals were reviewed by an Interagency Review Group comprised of representatives of the FHWA, the Office of the Secretary of Transportation, the Federal Transit Administration, the Environmental Protection Agency, and the Department of Energy. The group applied the criteria contained in the November 24 Notice to develop its recommendations. For purposes of this discussion, the proposals have been grouped into five categories—Full Facility Demand Pricing, High Occupancy Vehicle (HOV) Lane Pricing (HOV Buy-in), Feasibility Studies, HOV/Electronic Toll and Traffic Management (ETTM) User Toll Reductions, and Other.

The Full Facility Demand Pricing proposals involved at least some aspect of using peak-period tolls on congested facilities to charge vehicles for their contribution to congestion. The HOV Buy-in proposals involved a toll system that would allow single occupant vehicles (SOV's) to pay a toll to use under-utilized separated HOV lanes during congested times on the parallel general purpose lanes. Some of the proposals in this category called for converting existing HOV lanes to HOV/Express lanes, others entailed pricing on yet-to-be constructed HOV lanes. The Feasibility Study proposals were essentially designed to study congestion pricing options, with little or no commitment to implementing specific applications of congestion pricing included in the proposal. The HOV/ETTM User Toll Reduction proposals entailed reducing tolls during peak periods on existing tollways for HOV users and for users of ETTM equipment. Federal funds would be used for the installation of ETTM equipment and to compensate the toll authority for revenue losses associated with toll reductions. Other proposals called for implementation of parking pricing with no road pricing component, and the pricing of new lanes to be added to an existing non-tolled highway.

The Interagency Review Group determined that all but one of the proposals failed to respond well to the Pilot Program criteria contained in the November 24 notice because they had little or no commitment to the implementation of road pricing projects which establish a fee schedule that would influence road use choices. In addition, some proposed projects were unlikely to be implemented in time to allow evaluation information to be developed for the FHWA to report to Congress on the effectiveness of Pilot Projects prior to the expiration of the ISTEA. As a result, only the proposal submitted jointly by the California Department of Transportation and the Metropolitan Transportation Commission was selected during the initial solicitation for further negotiation of a congestion pricing pilot project.

The proposed project will raise peak-period tolls on the Oakland-San Francisco Bay Bridge to manage demand. The project will also contain significant transit enhancement, public outreach, and monitoring/evaluation elements. The Interagency Review Group believes that the Bay Area proposal, more than any other proposal received, manifests "a clear intent to use congestion charges to encourage driver behavior in a manner that will promote the use of alternative times, routes, modes, or trip patterns to reduce congestion."

The following paragraphs provide a description of the reasons the Interagency Review Group did not recommend other proposals for participation in the Pilot Program at this time.

HOV Buy-in Proposals: Although an HOV Buy-in project would involve pricing, it would address the problem of congestion by making more capacity available to SOV's, not by providing market incentives that would lead to behavioral changes commonly thought to be associated with congestion pricing, such as a shift of some peak-period trips to off-peak periods, to HOV modes, to less congested routes or destinations, or to the elimination of certain trips. Because the entire facility is not priced, and new capacity is opened to SOV's, an HOV Buy-in may, in fact, have the opposite effects. Travelers might even shift out of HOV modes, or be attracted from other routes or times to take advantage (for a price) of improved travel times on the HOV lanes. For these reasons, the Interagency Review Group concluded that HOV Buy-in projects would not promote the congestion relief and related air quality and energy conservation objectives of the ISTEA, and should not be selected for participation in the Pilot Program. HOV Buy-in proposals were therefore not selected by the FHWA during this solicitation and will not be considered for participation during the solicitation extension.

Feasibility Study Proposals: Several proposals were designed to fund feasibility studies of congestion pricing as an option for addressing congestion problems. The Review Group felt that such proposals did not include a sufficient commitment to implementation of a specific congestion pricing pilot project. As stated in the November 24 notice, the FHWA is looking for proposals which reflect a clear intent to use congestion charges to influence driver behavior. The FHWA understands the need for feasibility studies, and recognizes the difficulty of developing local support for a specific application of congestion pricing. The intent of the Pilot Program, however, is to establish up to five cooperative agreements where there is a commitment to implementation and evaluation of specific congestion pricing projects within the life of the ISTEA. While some of the areas that submitted study proposals may have the potential to develop proposals for pilot projects in the future, the submissions were not found to meet the objectives of the Pilot Program at this time. These areas would be reconsidered by the Interagency Review Group if their proposals are further developed to indicate a commitment to implementation of a specific congestion pricing pilot project. This could include phased projects involving a commitment to an early pricing application, along with a study to evaluate additional or more comprehensive pricing applications for implementation in future phases of the project.

HOV/ETTM User Toll Reductions: The November 24 notice states that congestion pricing projects must involve increasing the price for the use of congested facilities and that proposals which would establish price differentials for the use of congested roads, but do not involve an increase in tolls on vehicles contributing to congestion, would be given low priority consideration. The notice also states that such projects are not eligible to have revenue losses reimbursed with Pilot Program funds. For these reasons, and based on the recommendations of the Review Group, such proposals were not selected by the FHWA for participation in the Pilot Program during the initial solicitation and will not be considered for participation during the solicitation extension. The Review Group suggests that a congestion pricing project should be designed to become financially viable without Federal participation. That is, if toll reductions are to be offered to some users as part of a pilot project, associated revenue losses should be offset by added revenues resulting from peak-period toll increases or other sources.

Other Problems: Other proposals did not meet the criteria for congestion pricing pilot projects during the initial solicitation because they failed to include road pricing as part of the project proposal; failed to provide a project time schedule which indicates

the likelihood of early implementation of congestion pricing; lacked necessary endorsements; or failed to provide a clear pricing and financial plan. As stated in the November 24 notice, proposals which do not include some form of road pricing have been given low priority in the selection process. Nevertheless, the Review Group recognizes the important role and potential application of parking pricing in a market-based approach to congestion management. For this reason, high priority will be given to applications which integrate market-based parking policies with road pricing in a comprehensive market-based approach to demand management.

Some proposals failed to include a firm and timely commitment to implementation of congestion pricing. In some cases, the facility to be priced had not yet been constructed and construction was not even planned to be completed until 1996 or later. Even though congestion pricing might be implemented on such facilities in the future, the Review Group viewed them as being unlikely to provide useful experience with congestion pricing during the life of the ISTEA.

Another problem found in several proposals was a lack of necessary endorsements. As stated in the November 24 notice, an acceptable submission must include, as a minimum, an endorsement by the designated local Metropolitan Planning Organization (MPO), the State Department of Transportation (State DOT), and if not the State DOT, the owner of the facility. If clear letters of endorsement from the local MPO and the State DOT (or the owner of the facility) are not submitted with a proposal, it will not be considered for selection by the Review Group. Additionally, proposals must be submitted by or through the State DOT to the appropriate FHWA Division Office.

Several proposals suffered from the lack of a clear pricing and financial plan. Proposals should clearly identify proposed bridge toll and road pricing schedules, or at least describe the ranges of price increases contemplated. If parking pricing is included as part of a comprehensive pricing plan, proposed parking rates should also be included. As described in the November 24 notice, various types of congestion tolls have been considered in the literature on road pricing, including charging for the use of certain congested points on a network of roads, charging for the use of certain congested links on the network, charging for crossing certain cordon points on the network, either in one or both directions, charging to travel within a congested area, charging based on the distance traveled within a congested area, charging based on the time spent traveling, or charging based on congestion experienced. A proposal should as clearly as possible indicate the type, timing, level, and location of pricing being proposed. Proposed price differentials for certain classes of users should be described. If there are existing toll schedules in effect, these should also be described, including existing discount practices (e.g., for classes of HOV users, ETTM subscribers, frequent users, etc.).

A proposed financial plan should clearly identify all costs and sources of funding (including estimated project revenues) associated with each element of the proposed project. The proposal should show that projected revenues will cover project costs within the three-year period in which section 1012(b) funds are available (that is, that the project will become financially viable without Federal participation within the three-year period). The cost information should include as a minimum, total project cost; total capital and operating cost; capital and operating costs by project element, including capital and operating costs for new or expanded transit service provided as an integral part of the congestion pricing project; ETTM costs; enforcement costs, consulting costs; public outreach/marketing costs; and costs for project planning, design, monitoring, and evaluation. Funding information should include: total project funding; funding by source, including source of local matching share; estimated project revenues; and any Federal funds from sources other than section 1012(b) which are to be incorporated into the project. The proposed use of project revenues must also be identified, and comply with the restrictions stated in the November 24 notice (Eligible Uses of Revenue).

Extension of Solicitation

The FHWA is extending the period of solicitation for participation in the Congestion Pricing Program for a period of 4 months from the date of this notice. The criteria contained in the November 24 **Federal Register** notice on participation in the Congestion Pricing Pilot Program will continue to serve as the guidelines the Interagency Review Group will use to evaluate proposals. Additional information is contained in the previous section of this Notice which describes reasons the Interagency Review Group did not recommend proposals submitted in response to the initial solicitation for participation. The FHWA encourages potential applicants to contact the FHWA Highway Revenue Analysis Branch before committing significant effort to developing or revising a proposal for participation in the Congestion Pricing Pilot Program. To obtain further information or procedural advice in preparing proposals, contact John T. Berg or James R. Link at the address provided under **FOR FURTHER INFORMATION CONTACT.**

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: June 9, 1993.

Rodney E. Slater,

Administrator.

[FR Doc. 93-14223 Filed 6-15-93; 8:45 am]

BILLING CODE 4910-22-P

[FHWA Docket 93-22]

General Material Requirements; Buy America Requirements

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed nationwide waiver of Buy America for ferryboat equipment and machinery; request for comments.

SUMMARY: The FHWA requests public comment on a proposed nationwide waiver of the Buy America requirements for certain steel items used in the construction of ferryboats. This action would permit the use of steel equipment and machinery manufactured outside of the United States in Federal-aid highway construction projects for ferryboats.

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

ADDRESSES: Submit signed, written comments to FHWA Docket 93-22, Federal Highway Administration, Room 4232, HCC-10; 400 Seventh Street, SW.; Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except legal Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. David R. Geiger, Office of Engineering (202) 366-0355 or Mr. Wilbert Baccus, Office of the Chief Counsel (202) 366-0780, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: In accordance with 23 CFR 635.410(c)(6), the FHWA hereby provides notice that it is considering a nationwide waiver of the requirements of 23 CFR 635.410, Buy America requirements, for ferryboat

equipment and machinery. Section 635.410 provides, with exceptions, that no Federal-aid highway construction project using steel or iron materials is to be authorized to proceed unless all manufacturing processes including the application of coatings for such materials occur in the United States. Because the construction of ferryboats is increasingly difficult within the requirements of Buy America, a nationwide waiver of these requirements is being proposed for ferryboat equipment and machinery. The items to be included in the waiver are marine diesel engines, electrical switchboards and switchgear, electric motors, pumps, ventilation fans, boilers, electrical controls and electronic equipment. Items not to be included in the waiver are products which are readily available in the United States such as steel and stainless steel plate and shapes, sheet steel and stainless steel, steel and stainless steel pipe and tubing, and galvanized steel products. Items not specifically included in the waiver remain subject to the Buy America requirements.

The basis for the proposed nationwide waiver is that certain equipment and machinery are not manufactured in the United States, using exclusively United States steel and iron, in sufficient and reasonably available quantities to avoid an enormous administrative burden on the State, contractor and suppliers. Therefore, imposing Buy America requirements in this limited instance is not in the public interest.

The FHWA is requesting comments on the proposed nationwide waiver and the availability of domestic supply for the items included in the proposed waiver. The FHWA's Buy America requirements contained in 23 CFR 635.410 are based on section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424, 96 Stat. 2136), as amended by Public Law 98–229, section 10, 98 Stat. 55, 57, and Public Law 102–240, section 1048, 105 Stat. 1914, 1999.

(23 U.S.C. 315; 49 CFR 1.48; 23 CFR 635.410)

Issued on: June 10, 1993.

Rodney E. Slater,

Administrator.

[FR Doc. 93–14225 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–22–P

Intelligent Vehicle-Highway Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Vehicle-Highway Society of America (IVHS AMERICA) will hold a meeting of its Coordinating Council on July 21 and 22, 1993. IVHS AMERICA provides a forum for national discussion and recommendations on IVHS activities including programs, research needs, strategic planning, standards, international liaison, and priorities. The charter for the utilization of IVHS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA), 5 USC app. 2, when it provides advice or recommendations to DOT officials on IVHS policies and programs. (56 FR 9400, March 6, 1991.)

DATES: The Coordinating Council of IVHS AMERICA will meet on July 21 from 1 p.m. to 5 p.m. e.t., and on July 22 from 8 a.m. to 4 p.m. e.t. The session is expected to focus on: (1) IVHS Architecture and Consensus Building; (2) IVHS Program Planning; (3) IVHS Education and Public Outreach; (4) Technical Committee Actions to the Council; and (5) IVHS Workshop Proposals.

ADDRESSES: Massachusetts Institute of Technology, Bush Room, Building 10, room 105, 77 Massachusetts Avenue, Cambridge, MA 02139.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Euler, FHWA, HTV–10, Washington, DC 20590, (202) 366–2201, office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except for legal holidays; or Mr. Daniel Toohey, IVHS AMERICA, 1776 Massachusetts Avenue, NW., Washington, DC 20036, (202) 857–1202.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: June 9, 1993.

Rodney E. Slater,

Administrator.

[FR Doc. 93–14224 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–22–P

National Highway Traffic Safety Administration

[Docket No. 93–22; Notice 2]

General Motors; Grant of Petition of Determination of Inconsequential Noncompliance

General Motors (GM) of Warren, Michigan, determined that some of its vehicles fail to comply with 49 CFR 571.102, Federal Motor Vehicle Safety Standard No. 102, "Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect," and filed an appropriate report pursuant to 49 CFR part 573. GM also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) on the basis that the noncompliance was inconsequential as it relates to motor vehicle safety.

This notice grants that petition. Notice of receipt of the petition was published on March 30, 1993, and an opportunity afforded for comment (58 FR 16735).

GM manufactured 13,732 1992 Buick Skylarks which may not comply with the display requirements of Standard No. 102. On some of the cars (the precise number affected is a function of production variability and, therefore, not determinable by GM), the electronic park, reverse, neutral, drive, and low (PRNDL) display might not be illuminated when the ignition switch is in the rearmost portion of the "Off" position.

Paragraph S3.1.4.1 of Standard No. 102 requires that

> * * * if the transmission shift lever sequence includes a park position, identification of shift lever positions, including the positions in relation to each other and the position selected [PRNDL display], shall be displayed in view of the driver whenever any of the following conditions exist:
>
> (a) The ignition is in a position where the transmission can be shifted.
>
> (b) The transmission is not in park.

If the vehicle operator turns the ignition switch to the rearmost "Off" position without the transmission being placed in the "Park" position, the transmission shift interlock is activated. The transmission shift interlock, required by Paragraph S4.2 of Standard No. 114, prevents a vehicle's key from being removed from the ignition if the transmission is not in the "Park" position. In this situation on the noncompliant vehicles, the electronic PRNDL display will not be illuminated. Thus, the operator would not be aware that the key is locked in place due to the transmission being in a position other than "Park." On these non compliant vehicles, if the key is turned slightly forward, within the "Off" position, the electronic PRNDL display will be illuminated, thus informing the operator of the necessary information.

GM supported its petition for inconsequential noncompliance with the following:

> Two factors are key. First, GM has no record of any customer complaint or accident report that could be associated with or attributed to this condition. Second, all of the 13,732 vehicles comply with S3.1.4.1 of FMVSS 102 during normal ignition activation and vehicle operation. As NHTSA recognized in proposing the standard (49 FR

32409–32411 (August 25, 1988)), the purpose of the display requirement for PRNDL information is to "provide the driver with transmission position information for the vehicle conditions where such information can reduce the likelihood of shifting errors." Thus, in all but the rarest circumstances, the primary function of the PRNDL display is to inform the driver of gear selection and relative position of the gears while the engine is running. All of the subject vehicles display PRNDL information whenever the ignition switch is in the "On" or "Run" position.

In fact, the only condition where PRNDL information would not be displayed as required by FMVSS 102 is when the ignition switch is in the rearmost portion to the "Off" position prior to the interlock. In order for this condition to be present, a vehicle would have to be affected with the [noncompliance] and then, a driver would have to shut the vehicle's engine off without shifting the transmission to "Park." In such a case, there are two possible outcomes:

1. The driver exits the vehicle (leaving the key in the ignition) or
2. The driver remains in the vehicle.

Paralleling NHTSA's analysis in the Final Rule promulgating the standard, the first outcome represents more of a theoretical possibility than an actual problem. Compared, for example, to drivers leaving their vehicles with their lights on, NHTSA recognized that the sort of driver behavior addressed here "would be limited to the rare situation." (54 FR 29042, 29044 (July 11, 1989)). Indeed, as emphasized above, GM is aware of no complaint or claim that this rare situation has actually occurred with respect to the subject vehicles. Furthermore, as required by S4.5 of FMVSS 114, GM provides an audible warning to the driver that activates whenever the key has been left in the locking system and the driver's door is opened.

In the second outcome, where a driver remains in the vehicle, his or her next action will be either an attempt to restart the vehicle's engine or an attempt to remove the key to exit the vehicle. If an attempt is made to restart the engine, S3.1.3 Starter Interlock of FMVSS 102 requires that the starter be inoperative whenever the vehicle's transmission is in gear. The driver rotating the ignition switch forward attempting to start the engine will definitely activate the PRNDL display.

Therefore, the driver will have all the necessary information to conclude that the vehicle did not start because the transmission was not in "Park" or "Neutral." With regard to the second potential action, GM's ignition locking system is designed so that upon key removal the transmission becomes locked in the "Park" position to meet S4.2 of FMVSS 114. Because both of these situations are covered by FMVSS requirements, a lack of PRNDL information in either of these cases may constitute a minor inconvenience, but will have no consequence to safety.

GM recognizes that there may be isolated non-driving situations in which a person may desire to know gear selection or the relative position of the gears with the engine off, such as when placing the vehicle in tow. However, these cases occur infrequently and do not occur during a crisis or panic situation. If the noncompliant condition is present during these infrequent non-driving situations when PRNDL information may be desired, gear selection and relative positioning can easily be determined by rotating the ignition switch slightly forward to activate the electronic display without starting the vehicle's engine. Given the nature of these non-driving situations and since the information can be readily obtained with a slight key rotation, GM believes that the noncompliant condition will have no influence on safety.

No comments were received on the petition.

The Buicks for which the petition is submitted comply with the display requirements of Standard No. 102 during normal activation of the ignition and operation of the car. The noncompliance occurs when the ignition is off. The operator is affected only when (s)he turns the ignition switch to the rearmost "off" position without the transmission in the "Park" position. In order to activate the ignition, the transmission must be placed in the "Park" position. The action of turning the switch slightly forward activates the PRNDL display which, along with the inability to start the vehicle, will alert the driver that the transmission is not in "Park". Once the transmission is placed in "Park" and the ignition switch is activated, the vehicle complies once more with Standard No. 102. In summary, the noncompliance does not occur during times that the affected vehicles are operated, and for this reason, the noncompliance presents no discernible threat to safety.

In consideration of the foregoing, it is hereby found that the petitioner has met its burden of persuasion that the noncompliance herein described in inconsequential as it relates to motor vehicle safety, and its petition is granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued: June 11, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93–14226 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–59–M

Federal Aviation Administration

Sportplane (formerly Microlite Class) Design Standards for Acceptance Under Primary Category Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of design standards for sport airplanes achieving acceptance under the Primary Category Rule. Sportplane standards are applicable to one and two-place airplanes having a maximum takeoff weight of 1,200 pounds or less and a stall speed of 39 knots or less. Operation is limited to day VFR. The design standards currently are identical to Transport Canada TP101–41 Ultralight design standards.

DISCUSSION: The commenters expressed significant support for the proposed program with two caveats. First, it is considered essential that the technical and pilotage differences between the proposed program and part 103 of the Federal Aviation Regulations (FAR), Ultralights, be widely recognized. Second, it must be acknowledged that the proposed program and part 103 Ultralights are unrelated programs with no intended interdependence. The FAA concurs that these are valid issues. Unfortunately, the originally selected name, Microlite, is closely associated with Ultralights and is, therefore, confusing. The identification has been changed to Sportplane Design Standards to remove any implication of relationship between the part 103 provisions and the primary category rule. Otherwise, the standards are identical as originally proposed.

ADDRESSES: Copies of TP101–41 can be obtained from the following: Small Airplane Directorate, Standards Office (ACE–110), Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106.

FOR FURTHER INFORMATION CONTACT: Julea Bell, Standards Staff (ACE–110), telephone number (816) 426–6941.

Issued in Kansas City, Missouri, June 9, 1993.

Roger D. Anderson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–14147 Filed 6–15–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

[Treasury Order Number 105–11]

Delegation of Authority Under the Counterfeit Deterrence Act of 1992

Dated: June 9, 1993.

By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b) and 18 U.S.C. 504, I hereby delegate to the Assistant Secretary (Enforcement) all responsibilities and authorities under 18 U.S.C. 504, as amended by the Counterfeit Deterrence Act of 1992

(subtitle E of title XV of Public Law 102–550), including:

1. The promulgation of regulations concerning color illustrations of selected U.S. currency; and

2. The establishment of a system (pursuant to 18 U.S.C. 504) to ensure that the legitimate use of electronic methods used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security, and retention of such reproductions, by businesses, hobbyists, press or others shall not be unduly restricted.

The responsibilities and authorities assigned by this Order may be redelegated.

Lloyd Bentsen,

Secretary of the Treasury.

[FR Doc. 93–14124 Filed 6–15–93; 8:45 am]

BILLING CODE 4810–25–P

Public Information Collection Requirements Submitted to OMB for Review

Dated: June 10, 1993.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0068
Form Number: IRS Form 2441
Type of Review: Revision
Title: Child and Dependent Care Expenses
Description: Internal Revenue Code (IRC) section 21 allows a credit for certain child and dependent care expenses to be claimed on Form 1040 (reduced by employer-provided day care excluded under section 129). Day care provider must be reported to the IRS for both the credit and exclusion. Form 2441 is used to verify that the credit and exclusion are properly figured, and that provider information is reported.
Respondents: Individuals or households
Estimated Number of Respondents/ Recordkeepers: 4,421,940
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—40 minutes
Learning about the law or the form—24 minutes
Preparing the form—59 minutes
Copying, assembling, and sending the form to the IRS—28 minutes
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 11,054,850 hours

OMB Number: 1545–0145
Form Number: IRS Form 2439
Type of Review: Extension
Title: Notice to Shareholder of Undistributed Long-Term Capital Gains
Description: Form 2439 is sent by regulated investment companies to their shareholders to report undistributed capital gains and the amount of tax paid on these gains designated under Internal Revenue Code (IRC) section 852(b)(3)(D). Both the company and shareholder file copies of Form 2493 with IRS. IRS used the information to check shareholder compliance.
Respondents: Businesses or other for-profit
Estimated Number of Respondents/ Recordkeepers: 10,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—1 hour, 55 minutes
Learning about the law or the form—6 minutes
Preparing and sending the form to the IRS—8 minutes
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 21,500 hours

OMB Number: 1545–1205
Form Number: IRS Form 8826
Type of Review: Revision
Title: Disabled Access Credit
Description: Code section 44 allows eligible small businesses to claim a nonrefundable income tax credit of 50% of the amount of eligible public accommodations access credit expenditures for any tax year that exceeds $250 but do not exceed $10,250. Form 8826 figures the credit and the tax limit.
Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents/ Recordkeepers: 50,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—4 hours, 32 minutes
Learning about the law or the form—47 minutes
Preparing and sending the form to the IRS—55 minutes
Frequency of esponse: Annually
Estimated Total Reporting/ Recordkeeping Burden 312,000 hours
Clearnace Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer

[FR Doc. 93–14213 Filed 6–15–93; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: June 10, 1993

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0178
Form Number: None
Type of Review: Extension
Title: Automotive Products Trade Act of 1965 (APT)
Description: Under APT Canadian articles may enter the U.S. duty free so long as they are intended for use as original motor vehicle equipment in the U.S. If diverted to other purposes, they are subject to duties. This information collection issued to track these diverted articles to collect the proper duties on them.
Respondents: Businesses or other for-profit
Estimated Number of Respondents/ Recordkeepers: 210
Estimated Burden Hours Per Respondent/Recordkeeper: 22 hours, 8 minutes
Frequency of Response: Annually
Estimated Total Reporting Burden: 27,510 hours
Clearance Officer: Ralph Meyer, (202) 927–1552, U.S. Customs Service, Paperwork Management Branch, room

6316, 1301 Constitution Avenue, NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–14215 Filed 6–15–93; 8:45 am]

BILLING CODE 4820–02–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: June 10, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0110
Form Number: IRS Form 1099–DIV
Type of Review: Extension
Title: Dividends and Distributions
Description: The form is used by the Service to insure that dividends are properly reported as required by Code section 6042 and that liquidation distributions are correctly reported as required by Code section 6043, and to determine whether payees are correctly reporting their income.
Respondents: Businesses or other for-profit
Estimated Number of Respondents: 149,300
Estimated Burden Hours Per Respondent: 14 minutes
Frequency of Response: Annually
Estimated Total Reporting Burden: 19,883,500 hours
OMB Number: 1545–0997
Form Number: IRS Form 1099–S
Type of Review: Extension
Title: Proceeds From Real Estate Transactions
Description: Form 1099–S is used by the person treated as the real estate reporting person to report proceeds from a real estate transaction to IRS.
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents: 91,400
Estimated Burden Hours Per Respondent: 8 minutes
Frequency of Response: Annually
Estimated Total Reporting Burden: 483,000 hours
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–14217 Filed 6–15–93; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

Establishment of the National Center for Veteran Analysis and Statistics

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: On May 5, 1993, the Secretary of Veterans Affairs, Jesse Brown, announced the establishment, under the authority of 38 U.S.C. 510, of the National Center of Veteran Analysis and Statistics. The purpose of the National Center is to strengthen the Department's analytic and statistical ability and to better enable VA to participate in major policy debates including national issues. The National Center will help VA meet the challenge of change by better utilizing veteran demographic, biometric, and national survey data to support critical policy and planning activities and decisions. To help VA to be a unified Department, the Center will serve as the single, Department-wide repository, clearinghouse, and publication source for key veterans demographic and statistical information needed for policy development and analysis and strategic planning and will provide data for use by veterans service organizations (VSO), universities, and think tanks. Planned initiatives include assessing and improving the quality of statistical data, creating a data library as a focal point for inquiries, and exchanging data with VSOs. The National Center has been established as part of the Office of the Assistant Secretary for Policy and Planning. Mr. Conrad R. Hoffman has been named as the Director of the Center. Mr. Hoffman was formerly Senior Financial Advisor to the Commission on the Future Structure of Veterans Health Care and for almost two decades previously, the Controller of VA.

FOR FURTHER INFORMATION CONTACT: Michael L. Facine (202) 233–6852 or write to: National Center for Veterans Analysis and Statistics (008C), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420; FAX: (202) 233–2633.

Dated: June 4, 1993.

By direction of the Secretary.

Conrad A. Hoffman,

Director, National Center for Veteran Analysis and Statistics.

[FR Doc. 93–14131 Filed 6–15–93; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 114
Wednesday, June 16, 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).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 10:00 a.m.–12:00 Noon.

PLACE: ADF Headquarters.

DATE: Friday, June 11, 1993.

STATUS: Open.

Agenda

10:00-12:00—President's Report

If you have any questions or comments, please direct them to Ms. Janis McCollim, Executive Assistant to the President, who can be reached at (202) 673-3916.

Gregory Robeson Smith,
President.

[FR Doc. 93–14333 Filed 6–14–93; 1:27 pm]
BILLING CODE 6116–01–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–93–18]

TIME AND DATE: June 23, 1993 at 3:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

1. Agenda for future meetings.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–461 (Remand) (Gray Portland Cement and Cement Clinker from Japan)—briefing and vote.
5. Inv. No. 731–TA–571 (Final) (Professional Electric Cutting and Sanding/Grinding Tools from Japan)—briefing and vote.
6. Consideration of any matters related to Inv. No. 22-53, Dairy Products
7. Continuation of discussion of APO matters.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Paul R. Bardos, Acting Secretary, (202) 205-2000.

Issued: June 10, 1993.

Paul R. Bardos,
Acting Secretary.

[FR Doc. 93–14268 Filed 6–11–93; 4:53 pm]
BILLING CODE 7020–02–P

federal register

Wednesday
June 16, 1993

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 106 et al.

Oil Spill Prevention and Response Plans; Interim Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 106, 107, 110, 130, 171, 172, 173, 174, 176, 178, 180

[Docket Nos. HM–214 and PC–1; Amdt. Nos. 106–9, 107–27, 110–2, 130–1, 171–120, 172–129, 173–233, 174–73, 176–33, 178–98, and 180–3]

RIN 2137–AC31

Oil Spill Prevention and Response Plans

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Interim final rule; request for comments and public meeting.

SUMMARY: This interim final rule implements the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990, and amends requirements that RSPA issued on February 2, 1993. This interim final rule removes the designation as "hazardous materials" of oils that, before February 2, 1993, had not been so designated; requires response plans for oil shipments in bulk packagings (i.e., cargo tanks (tank trucks), railroad tank cars, and portable tanks) in a quantity greater than 42,000 gallons; and requires less detailed response plans for petroleum oil shipments in bulk packagings of 3,500 gallons or more. This rule responds to public and industry concerns that subjecting previously unregulated oils to regulation as hazardous materials is unnecessary and undesirable.

DATES: *Effective date.* This interim final rule is effective June 16, 1993.

Compliance dates: Persons subject to this rule must comply with its requirements by October 1, 1993, except for persons subject to the requirements of 49 CFR 130.31(b), who must comply immediately.

Comments. Comments must be received on or before July 30, 1993.

Public meeting. A public meeting will be held on June 28, 1993, from 9:30 a.m. to 5 p.m.

ADDRESSES: *Comments.* Address comments to the Dockets Unit, Research and Special Programs Administration, Department of Transportation, room 8421, 400 Seventh Street, SW., Washington, DC 20590–0001. Comments should identify the docket numbers and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. The Dockets Unit is located in the Department of Transportation headquarters building (Nassif Building) on the eighth floor. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Public meeting. The public meeting will be held in room 2230 of the Department of Transportation headquarters building (Nassif Building), 400 Seventh Street, SW., Washington, DC 20590. Any person planning to attend should notify RSPA, by telephone or in writing, no later than two days prior to the meeting. To confirm plans to attend, contact Ms. Diane LaValle at (202) 366–8553.

FOR FURTHER INFORMATION CONTACT: Thomas Allan, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590–0001, Telephone (202) 366–4488 or Charles Holtman, Office of the Chief Counsel, RSPA, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590–0001, Telephone (202) 366–4400.

SUPPLEMENTARY INFORMATION: On February 2, 1993, RSPA published an interim final rule (IFR), 58 FR 6864, with request for comments, concerning oil spill prevention and response plans. The IFR implemented requirements of the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990 (FWPCA). It did so through amendments to the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180, which are issued under the Hazardous Materials Transportation Act (HMTA). Details concerning the FWPCA statutory requirements and delegation of authority under that Act are contained in the preamble to that IFR. On April 20, 1993, RSPA reopened and extended the public comment period from April 5 to June 3, 1993, and announced a May 13, 1993 public hearing.

Under the IFR, many oils not previously regulated as hazardous materials (particularly animal, vegetable, mineral and lube oils) were designated as hazardous materials and then subjected to the requirements of the HMR. That regulatory approach has been the focus of extensive industry and public interest in the IFR, as reflected by the more than 250 public comments submitted to the docket and extensive remarks made at the day-long public hearing.

It has become clear that implementation of the FWPCA through designation of all oils as "hazardous materials" has unforeseen and potentially costly effects. These include increased insurance costs, applicability of numerous State and local regulatory requirements which attach to "hazardous materials," and railroad interlining requirements.

RSPA's goal is to provide adequate protection for the environment while imposing minimal costs and burdens on the regulated community. To avoid unnecessary costs and burdens while implementing the FWPCA, RSPA is taking a different approach.

First, it is rescinding the implementation through or under the HMR and rejecting any use of the HMTA to accomplish the requirements of the FWPCA. Second, it is creating a new part 130 in title 49 of the CFR solely for implementation of the FWPCA. Thus, the HMTA and FWPCA requirements will be separate.

This action should eliminate confusion about which statutory and RSPA regulatory requirements apply to any particular "oil." Any oil which meets the existing definitions of a hazardous material (e.g., flammable or combustible) will continue to be regulated as a hazardous material under 49 CFR parts 171–180. Any oil subject to regulation under the FWPCA (which includes animal and vegetable oils) will be regulated as an oil under 49 CFR part 130. Any oil which is a hazardous material and is subject to regulation under the FWPCA will be regulated under both parts 171–180 and part 130.

The new part 130 contains comprehensive response plan requirements for shipments of bulk packagings containing oil in quantities greater than 42,000 gallons (1,000 barrels). These bulk packagings may be cargo tanks (tank trucks), railroad tank cars, or portable tanks. These requirements fulfill the FWPCA mandate that the President issue regulations requiring response plans to be prepared by an owner or operator of an onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines. 33 U.S.C. 1321(j)(5).

RSPA has preliminarily determined that it is unnecessary to require any response plans or impose any prevention requirements with respect to non-petroleum oils in quantities of 42,000 gallons or less. This is based on a preliminary finding that non-petroleum oils generally appear to possess a lower level of aquatic toxicity than petroleum oils. Comments are solicited on this determination and finding.

Therefore, part 130 contains basic response plan and prevention

regulations applicable only to petroleum oils. It contains basic response plan requirements for shipments of any petroleum oil in a bulk packaging of 13,248 liters (3,500 gallons) or more.

The 3,500-gallon bulk packaging criterion is the same as the HMTA bulk packaging registration requirement, 49 App. U.S.C. 1805(c)(1)(C), and the Federal Highway Administration's financial responsibility requirement, 49 CFR part 387.

Part 130 also contains prevention requirements for oils above 42,000 gallons and petroleum oils in packagings with a capacity of 3,500 gallons or more. These requirements relate to communication, packaging, emergency response information, and training. Unlike the previous IFR, this rule applies these selected, critical prevention requirements and does not require adherence to all the requirements contained in the HMR. To ensure that the plans are put into practice, part 130 also requires that the applicable plan be implemented when a discharge of oil occurs during transportation.

In accordance with 5 U.S.C. 553(b)(3)(B), this interim final rule is issued without prior notice of proposed rulemaking and opportunity to comment. The FWPCA contains statutory deadlines for the preparation and submission of response plans for onshore facilities (including, but not limited to, motor vehicles and rolling stock). After these deadlines, carriers not in compliance with the Act are prohibited from transporting oil in bulk packagings.

In order to continue the timely and uninterrupted implementation of the FWPCA, RSPA has determined that good cause exists for finding that notice and comment is impracticable and contrary to public interest. RSPA believes that any further delay in issuing these regulations would create an undue hardship on the regulated community and have the potential to disrupt the sale and delivery of oil. These same reasons provide good cause for making the comprehensive response plans effective upon publication.

Although an opportunity for public comment on this particular approach has not been provided prior to issuing this interim final rule, RSPA seeks public comment to assure that the rule is feasible and workable. If appropriate, RSPA will amend the provisions of this rule. RSPA also will hold a public meeting on this rule. As an interim final rule, this regulation is fully in effect and binding upon publication in the **Federal Register.**

Although no further regulatory action by RSPA is essential to implement this rule, RSPA encourages interested persons to participate in this rulemaking by submitting written views, data, or information on this interim final rule. Persons submitting comments should include their names and addresses, identify this rulemaking by the docket number stated in the heading of this rule and the specific section of the rule to which each comment applies, and give the basis for each comment. RSPA will consider all public comments and will make changes to this rule if public comments indicate a change is necessary.

Regulatory Analyses and Notices

Executive Order 12291 and DOT Regulatory Policies and Procedures

This rule does not meet the criteria specified in section 1(b) of Executive Order 12291 and is, therefore, not a major rule, but it is considered a significant rule under section 5(a)(2)(f) of DOT's Regulatory Policies and Procedures ("the Procedures") (44 FR 11034; February 26, 1979) because of significant public and congressional interest. This rule does not require a Regulatory Impact Analysis, or an environmental assessment or impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

In accordance with section 10(e) of the Procedures, RSPA has determined that a Regulatory Analysis is not required because these regulations do not meet any of the criteria mandating the preparation of such an analysis. As a result, in accordance with section 10(e), RSPA prepared a Regulatory Evaluation, which includes an analysis of the economic consequences of the regulation and an analysis of its anticipated benefits and impacts. The Regulatory Evaluation is available for review in the Dockets Unit.

Regulatory Flexibility Act

I certify this regulation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Executive Order 12612

This rule has been reviewed in accordance with Executive Order 12612 ("Federalism"). These regulations have no substantial effects on the States, on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

Paperwork Reduction Act

The requirements for information collection have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) under OMB control number 2137–0590 (expiration date: August 31, 1993).

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 106

Administrative practice and procedure, Hazardous materials transportation, Oil, Pipeline safety.

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 110

Disaster assistance, Education, Emergency preparedness, Grant programs—Environmental protection, Grant programs—Indians, Hazardous materials transportation, Hazardous substances, Indians, Reporting and recordkeeping requirements.

49 CFR Part 130

Oil, Response plans, Reporting and recordkeeping requirements, Transportation.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labels, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous material transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, and under the authority of 33 U.S.C. 1321, 49 CFR parts 106, 107, 110, 130, 171, 172, 173, 174, 176, 178, and 180 are amended as follows:

1. Subchapter A of title 49, subtitle B, chapter I, is added and the heading reads as follows:

SUBCHAPTER A—HAZARDOUS MATERIALS TRANSPORTATION, OIL TRANSPORTATION, AND PIPELINE SAFETY

PART 106—RULEMAKING PROCEDURES

2. The authority citation for Part 106 is revised to read as follows:

Authority: 49 App. U.S.C. 1653, 1657(e), 1672, 1803, 1804, 1808; 2002, and 11472(h)(1); 33 U.S.C. 1321.

3. Part 106 is transferred from subchapter B to subchapter A of subtitle B, chapter I of 49 CFR.

4. Appendix A to part 106 is amended by adding paragraph (a)(4) to read as follows:

Appendix A to Part 106

* * * * *

(a) * * *

(4) Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321(j), as amended by section 4202(a)(6) of the Oil Pollution Act of 1990 (Pub. L. 101–380; 33 U.S.C. 1321).

* * * * *

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

5. The authority citation for Part 107 is revised to read as follows:

Authority: 49 App. U.S.C. 1421(c), 1653(d), 1655, 1802, 1804, 1805, 1806, 1808–1811, 1815; 49 CFR 1.45 and 1.53 and App. A of 49 CFR part 1.

6. Part 107 is transferred from subchapter B to subchapter A of chapter I of 49 CFR.

PART 110—HAZARDOUS MATERIALS PUBLIC SECTOR TRAINING AND PLANNING GRANTS

6a. The authority citation for Part 110 continues to read as follows:

Authority: 49 App. U.S.C. 1815; 49 CFR part 1.

6b. Part 110 is transferred from subchapter B to subchapter A of subtitle B, chapter I of 49 CFR.

7. Subchapter B of chapter I of title 49 is revised to read as follows:

SUBCHAPTER B—OIL TRANSPORTATION

PART 130—OIL SPILL PREVENTION AND RESPONSE PLANS

Sec.
130.1 Purpose.
130.2 Scope.
130.3 General requirements.
130.5 Definitions.
130.11 Communication requirements.
130.21 Packaging requirements.
130.31 Response plans.
130.33 Response plan implementation.

Authority: 33 U.S.C. 1321.

§ 130.1 Purpose.

This part prescribes prevention and response requirements of the Department of Transportation applicable to transportation of oil.

§ 130.2 Scope.

(a) The requirements of this part apply to—

(1) Any petroleum oil in packagings having capacities of 3500 gallons or more; and

(2) Any oil in a quantity of 42,000 gallons or more per packaging.

(b) The requirements of this part have no effect on—

(1) The applicability of the Hazardous Materials Regulations set forth in subchapter C of this chapter; and

(2) The discharge notification requirements of the United States Coast Guard (33 CFR part 153) and the EPA (40 CFR part 110).

§ 130.3 General requirements.

No person may offer or accept for transportation or transport oil subject to this part unless that person—

(a) Complies with this part; and

(b) Has been instructed on the applicable requirements of this part.

§ 130.5 Definitions.

In this subchapter:

EPA means the U.S. Environmental Protection Agency.

Oil means oil of any kind or in any form, including, but not limited to, petroleum, vegetable oil, animal oil, fuel oil, sludge, oil refuse, an oil mixed with waste other than dredged spoil.

Package means a packaging plus its contents.

Packaging means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the packing requirements of this part.

Person means an individual, firm, copartnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof.

Petroleum oil means any oil extracted from geological hydrocarbon deposits, including fractions and derivatives thereof.

RSPA means the Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Transports or Transportation means any movement of property by any mode, and any loading, unloading, or storage incidental thereto.

§ 130.11 Communication requirements.

(a) No person may offer oil subject to this part for transportation unless that person provides the person accepting the oil for transportation a document indicating the shipment contains oil.

(b) No person may transport oil subject to this part unless a readily available document indicating that the shipment contains oil is in the possession of the transport vehicle operator during transportation.

§ 130.21 Packaging requirements.

Each packaging used for the transportation of oil must be designed, constructed, maintained, closed, and loaded so that, under conditions normally incident to transportation, there will be no release of oil to the environment.

§ 130.31 Response plans.

(a) After September 30, 1993, no person may transport oil subject to this part unless that person has a current basic written plan that:

(1) Sets forth the manner of response to discharges that may occur during transportation;

(2) Takes into account the maximum potential discharge of the contents from the packaging;

(3) Identifies who will respond to a discharge;

(4) Identifies the appropriate persons and agencies (including their telephone numbers) to be contacted in regard to such a discharge and its handling, including the National Response Center;

(5) For each motor carrier, is retained on file at that person's principal place of business and at each location where dispatching of motor vehicles occurs; and for each railroad, is retained on file at that person's principal place of business and at the dispatcher's office.

(b) After February 18, 1993, no person may transport an oil in a quantity greater than 1,000 barrels (42,000 U.S. gallons) unless that person has a current comprehensive written plan that:

(1) Conforms with all requirements specified in paragraph (a) of this section;

(2) Is consistent with the requirements of the National Contingency Plan (40 CFR part 300) and Area Contingency Plans;

(3) Identifies the qualified individual having full authority to implement removal actions, and requires immediate communications between that individual and the appropriate Federal official and the persons providing spill response personnel and equipment;

(4) Identifies, and ensures by contract or other means the availability of, private personnel (including address and phone number), the equipment necessary to remove, to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion) and to mitigate or prevent a substantial threat of such a discharge;

(5) Describes the training, equipment testing, periodic unannounced drills, and response actions of facility personnel, to be carried out under the plan to ensure the safety of the facility and to mitigate or prevent the discharge, or the substantial threat of such a discharge; and

(6) Is submitted, and resubmitted in the event of any significant change, to the Associate Administrator for Hazardous Materials Safety (for portable tanks), to the Federal Railroad Administrator (for tank cars), or to the Federal Highway Administrator (for cargo tanks) at 400 Seventh Street, SW., Washington, DC 20590–0001.

§ 130.33 Response plan implementation.

If a discharge of oil occurs during transportation, the person transporting the oil shall take appropriate action to implement each plan required by § 130.31.

SUBCHAPTER C—HAZARDOUS MATERIALS REGULATIONS

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

8. The authority citation for part 171 is revised to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1805, 1808 and 1818; 49 CFR part 1.

§ 171.1 [Amended]

9. In § 171.1, paragraph (a)(3)(v) is removed.

§ 171.2 [Amended]

10. In § 171.2, remove the words "subchapter B" and add, in their place, the words "subchapter A" in paragraphs (c) and (d)(3).

§ 171.5 [Removed]

11. Section 171.5 is removed.

§ 171.8 [Amended]

12. In § 171.8, the definition for "Oil" is removed.

§ 171.11 [Amended]

13. In § 171.11, paragraph (d)(14) is removed.

§ 171.12 [Amended]

14. In § 171.12, paragraph (b)(17) is removed.

§ 171.12a [Amended]

15. In § 171.12a, paragraph (b)(16) is removed.

16. In § 171.15, the Note at the end of this section is revised to read as follows:

§ 171.15 Immediate notice of certain hazardous materials incidents.

* * * * *

Note: Under 40 CFR 302.6 EPA requires persons in charge of facilities (including transport vehicles, vessels and aircraft) to report any release of a hazardous substance in a quantity equal to or greater than its reportable quantity, as soon as that person has knowledge of the release, to the U.S. Coast Guard National Response Center at (toll free) 800–424–8802 or (toll) 202–267–2675.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

17. The authority citation for part 172 is revised to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1805, 1808; 49 CFR part 1, unless otherwise noted.

§ 172.101 [Amended]

18. In the § 172.101 Table, the entry for "Oil, n.o.s., *with a flashpoint not less than 93° C(200° F)*" is removed.

§ 172.203 [Amended]

19. In § 172.203, paragraph (o) is removed.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

20. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1805, 1806, 1807, 1808, 1817; 49 CFR part 1, unless otherwise noted.

§§ 173.22 and 173.124 [Amended]

21. In part 173, remove the words "subchapter B" and add, in their place, the words "subchapter A" in § 173.22(a)(2)(iv) and § 173.124(a)(1)(ii)(A).

22. In § 173.140, paragraph (b) is revised to read as follows:

§ 173.140 Class 9—Definitions.

* * * * *

(b) Any material that meets the definition in § 171.8 of this subchapter for an elevated temperature material, a hazardous substance, a hazardous waste, or a marine pollutant.

23. In § 173.150, paragraphs (f)(3)(viii) and (f)(4) introductory text are revised to read as follows:

§ 173.150 Exceptions for Class 3 (flammable and combustible liquids).

* * * * *

(f) * * *

(3) * * *

(viii) The requirements of §§ 173.1, 173.21, 173.24, 173.24a, 173.24b, 174.1, 177.804, 177.817, and 177.834 of this subchapter.

(4) A combustible liquid that is not a hazardous substance, a hazardous waste, or a marine pollutant is not subject to the requirements of this subchapter if it is a mixture of one or more components that—

* * * * *

§ 173.155 [Amended]

24. In § 173.155, paragraph (d) is removed.

PART 174—CARRIAGE BY RAIL

25. The authority citation for part 174 is revised to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1808; 49 CFR 1.53(e), 1.53, app. A to part 1.

§ 174.25 [Amended]

26. In § 174.25, paragraph (b)(6) is removed.

PART 176—CARRIAGE BY VESSEL

27. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1805, 1808; 49 CFR 1.53, app. A to part 1.

§ 176.70 [Amended]

28. In § 176.70 the words ", and shipments of oil in bulk packagings," in paragraph (a) are removed.

PART 178—SPECIFICATIONS FOR PACKAGINGS

29. The authority citation for part 178 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1.

§§ 178.320, 178.337–18 and 178.345–15 [Amended]

30. In 49 CFR part 178, remove the words "subchapter B" and add, in their place, the words "subchapter A" in § 178.320, in the definition of "Manufacturer", § 178.337–18(a), and § 178.345–15(a).

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

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

Authority: 49 U.S.C. App. 1803; 49 CFR part 1.

§ 180.3 and 180.413 [Amended]

32. In 49 CFR part 180, remove the words "subchapter B" and add, in their place, the words "subchapter A" in § 180.3(a), (b)(3) and (b)(5) and § 180.413(a)(1) and (a)(2).

Issued in Washington, DC on June 11, 1993, under authority delegated in 49 CFR part 1.

Rose A. McMurray,

Acting Administrator, Research and Special Programs Administration.

[FR Doc. 93–14230 Filed 6–14–93; 9:47 am]

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federal register

Wednesday
June 16, 1993

Part III

Department of Education

34 CFR Part 649

Patricia Roberts Harris Fellowship Program; Proposed Rule and Notice Inviting Applications

DEPARTMENT OF EDUCATION

34 CFR Part 649

RIN 1840–AB67

Patricia Roberts Harris Fellowship Program

AGENCY: Department of Education.

ACTION: Summary of anticipated changes.

SUMMARY: The Secretary publishes a summary of anticipated changes to the notice of proposed rulemaking for the Patricia Roberts Harris Fellowship Program. The regulations are needed to implement changes made by the Higher Education Amendments of 1992. The regulations would establish eligibility criteria, selection criteria, and other terms and conditions for awarding grants to institutions of higher education to assist in making available the benefits of master's level, professional, and doctoral education programs to women and individuals from minority groups who are underrepresented in these programs.

FOR FURTHER INFORMATION CONTACT: Charles Miller. Telephone: (202) 708–8935. Individuals who use a telecommunications device for deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time Monday through Friday.

SUPPLEMENTARY INFORMATION: On March 1, 1993, the Secretary published a notice of proposed rulemaking (NPRM) for the Patricia Roberts Harris Fellowship Program in the **Federal Register** (58 FR 11928–11937). In addition, on March 24, 1993, the Secretary published a notice in the **Federal Register** (58 FR 15824) to correct an error in the NPRM by restoring language inadvertently deleted from the definition of "Minority" in § 649.6(b) of the proposed regulations. The public comment period for the notice of proposed rulemaking ended on March 31, 1993.

It is not the policy of the Department of Education to solicit applications before the publication of final regulations. However, in this case it is necessary to solicit applications on the basis of the NPRM in order to have sufficient time available to conduct the competition and make awards prior to the end of the fiscal year (September 30, 1993). An application notice for the Patricia Roberts Harris Fellowship Program is published in this issue of the **Federal Register.**

Eighty-six comments were received in response to the Secretary's invitation to comment on the NPRM. In response to these comments, the Secretary anticipates making a number of changes to the regulations proposed in the NPRM. The following is a summary of anticipated changes and the comments prompting them.

Summary of Anticipated Changes

Eligibility for a Grant

One commenter questioned whether in order to receive a grant under this program an institution would be required to demonstrate shortages of both women and minorities in a particular academic field. An institution is not required to demonstrate underrepresentation of both women and minorities in order to be eligible for a grant. An institution may serve members of any one targeted group or more than one targeted group.

The Secretary recognizes that the proposed regulations are confusing regarding the groups of students to which an institution may give priority under each type of fellowship program. The Secretary expects to revise §§ 649.3(b), 649.10, and 649.40 of the regulations to clarify that an institution may propose a fellowship program that gives priority to members of one or more of the following six targeted groups.

(1) Women who are underrepresented in an academic field in which they are pursuing master's level or professional study.

(2) Individuals from minority groups who are underrepresented in an academic field in which they are pursuing master's level or professional study.

(3) Women who are pursuing master's level study leading to careers that serve the public interest.

(4) Individuals from minority groups who are pursuing master's level study leading to careers that serve the public interest.

(5) Women who are undertaking doctoral study.

(6) Individuals from traditionally underrepresented groups undertaking doctoral study.

The Secretary also anticipates revising the proposed regulations regarding the establishment of priorities as follows:

- Section 649.22(a) would be revised to clarify that the Secretary will give an absolute preference to projects that give priority in awarding fellowships to women "or" individuals from minority groups who are pursuing master's level or professional study and are underrepresented in the academic field.
- Section 649.22(b) would be revised to clarify that the Secretary will give a competitive preference to projects that give priority to women "or" individuals from minority groups who are pursuing master's level study leading to careers that serve the public interest.
- Section 649.32(a) would be revised to clarify that the Secretary will give an absolute preference to projects that give priority to women "or" individuals from traditionally underrepresented groups undertaking doctoral study.

The Secretary also anticipates revising the selection criteria in paragraphs (a)(1) and (a)(2) of §§ 649.21 and 649.31 to clarify that applicants are generally required to provide institutional commitment and recruitment plan information that is related only to the group or groups the applicant is proposing to serve. However, the Secretary expects to retain paragraph (a)(2)(ii)(C) of proposed §§ 649.21 and 649.31, which requires all applicants to provide information to show their success in providing students with access to careers in which women and minority groups are underrepresented, because the Secretary is required by statute to consider this information for every applicant.

Finally, the Secretary expects to correct § 649.21(a)(2)(ii)(A)(1) of the proposed regulations by removing the word "traditionally" because there is no statutory basis for establishing a priority for the traditionally underrepresented in the master's level and professional study program.

Academic Year (§§ 649.6, 649.63)

Several commenters requested clarification regarding the definition of this term and its impact. One commenter asked how the definition would affect a fellow who first enrolled for the spring term.

The Secretary does not intend the definition of "academic year" to restrict flexibility regarding the starting dates of fellows. The Secretary intends to allow an institution to apply a pro-rated portion of the funds for fellows who start in the spring and carry over the remaining funds to the following academic year. In the end, a fellow who starts in the spring should have received the same total fellowship funds as a fellow who started in the same program in the fall.

The Secretary anticipates revising §§ 649.50 and 649.51 to replace the terms "academic year" and "academic years" with the words "year" and "years." The Secretary further anticipates revising § 649.63 of the proposed regulations to clarify that if a fellow starts in the spring, an institution shall disburse a pro-rated stipend and shall carry over a pro-rated portion of the institutional payment and of the remainder of the stipend for the fellow

for the next academic year. Finally, the Secretary expects to correct § 649.61 by removing paragraph (b) because the Secretary does not intend to make pro-rated institutional payments for fellows that are enrolled for less than a full academic year. Rather, the Secretary intends that institutions will return or carry over a pro-rated portion of institutional payments, as provided in § 649.63.

Careers That Serve the Public Interest (§§ 649.6, 649.22(b)(1))

A number of commenters requested a more precise definition of the term. One commenter asked whether a career at a public institution of higher education would be a career serving the public interest if the institution is a department of State government. Commenters were also concerned that the three-to-five point competitive preference proposed to implement the statutory priority for women and students from minority groups pursuing master's level study leading to careers that serve the public interest would result in all awards for the master's level and professional study program going to this category of fellowships since the point spread among applicants is generally less than three.

The Secretary does not anticipate modifying the definition of this term. The Secretary expects institutions to explain in their grant applications how the academic areas that they are proposing for this fellowship program will lead to careers that serve the public interest. For example, the Secretary believes a career in teaching at a nonprofit public or private institution of higher education meets the definition because it promotes National Education Goal 5, which calls for every adult American to possess the knowledge and skills necessary to complete in the global economy and exercise the rights and responsibilities of citizenship.

The Secretary agrees with the commenters that the number of points proposed for the competitive preference should be reduced. The Secretary anticipates revising paragraph (b)(1) of proposed § 649.22 to reduce the number of points awarded to applications that meet the competitive preference from "between three and five" to "one."

Doctoral Study (§ 649.6)

Some commenters expressed concern that including the teaching requirement in the definition of "doctoral study" is inconsistent with existing doctoral programs at many institutions and therefore would preclude some doctoral programs from participating. Commenters also pointed out that since the teaching requirement had been incorporated into the regulations as a condition of a doctoral fellowship, including the requirement in the definition of doctoral study is redundant and unnecessary. Commenters recommended that the teaching requirement be removed from the definition.

The Secretary does not intend to restrict certain doctoral programs from eligibility and agrees that the teaching requirement in the definition is unnecessary since it is already a condition of a doctoral fellowship. In response to public comment, the Secretary anticipates revising the definition of "doctoral study" to remove the requirement for one year of supervised teaching experience. The Secretary also expects to make a corresponding change to the definition of "professional study" to remove the reference to "supervised teaching."

Project (§§ 649.21, 649.31)

Several commenters requested clarification regarding the use of the term "project" in both the institution-wide and the academic field selection criteria, and its implications regarding the respective project responsibilities of an institution and an academic department.

The Secretary agrees with the comments that the use of the term project in the academic field criteria in the NPRM is confusing because a project is institution-wide and may include more than one academic area. The Secretary anticipates revising paragraphs (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5)(i)(B) of §§ 649.21 and 649.31 to clarify that those criteria must be addressed with respect to each academic field within the project.

Institutional Commitment Criterion (§§ 649.21(a); 649.31(a))

One commenter noted that the points allocated to the "Institutional commitment" criterion seemed high relevant to other selection criteria. The Secretary agrees and anticipates reducing the points allocated to the "Institutional commitment" criterion from 20 to 15 and adding those 5 points to the "Quality of academic program" criterion.

Faculty Criterion (§§ 649.21(b); 649.31(b))

Several commenters requested that the quality of key faculty be emphasized more strongly in the selection criteria. The Secretary agrees with the commenters that more emphasis should be placed on the quality of key faculty. The Secretary therefore anticipates revising paragraph (b)(5)(i)(B) of §§ 649.21 and 649.31 of the proposed regulations to provide a criterion regarding the qualifications of "key faculty" rather than "other key personnel". In addition, the Secretary anticipates adjusting the points allocated to the selection criteria to increase the "Quality of key personnel" criterion from 10 to 12 points, with 6 of those points assigned to "Quality of key faculty" and 2 points assigned to each of the other three subsections under (A), (B), and (C) of the "Quality of key personnel" criterion.

Discrimination Prohibition (§§ 649.21(b)(3)(vi) and 649.31(b)(3)(vi))

A number of commenters suggested that paragraph (b)(3)(vi) in §§ 649.21 and 649.31 of the proposed regulations, which requires applicants to ensure that otherwise eligible project participants are selected without regard to race, color, national origin, religion, gender, age, or disabling condition is inconsistent with the purposes of the program.

The Secretary agrees that this provision is confusing because it could be interpreted to be in conflict with the priority requirements under the program. The Secretary anticipates revising paragraph (b)(3)(vi) of §§ 649.21 and 649.31 to clarify that applicants may not consider the prohibited factors, except as necessary to implement the priority requirements under this program.

Evaluation Plan (§§ 649.21(b)(7) and 649.31(b)(8))

Several commenters objected to the evaluation plan requirements, calling them excessive, cumbersome, and unnecessary. Some commenters suggested that the evaluation plan be an institution-wide criterion, rather than an academic field criterion.

The Secretary agrees with the commenters that the evaluation plan requirements are unnecessarily burdensome for a graduate fellowship program, that the evaluation should be conducted centrally, and the evaluation plan therefore should be an institution-wide criterion. The Secretary anticipates that the project director would oversee an institution-wide evaluation that addresses each academic field. The Secretary anticipates revising the regulations to simplify the evaluation requirements, to move the evaluation plan criterion from the academic field to the institution-wide criteria, and to reduce the number of points allocated to the evaluation plan.

In particular, the Secretary anticipates revising the evaluation plan

requirements in the proposed regulations as follows: (1) To remove the requirements in paragraphs (b)(7) (iii), (iv), and (vi) of § 649.21 and the corresponding requirements in paragraphs (b)(8) (iii), (iv), and (vi) of § 649.31; (2) To revise paragraph (b)(7)(ii) of § 649.21 and paragraph (b)(8)(ii) of § 649.31 to provide that the Secretary reviews each application to determine the extent to which the applicant's evaluation methods include both process and product evaluation measures that are objective and designed to produce data that are quantifiable; (3) To move the revised evaluation plan requirements from the academic field criteria in §§ 649.21(b)(7) and 649.31(b)(8) to the institution-wide criteria in a new paragraph (a)(5) of §§ 649.21 and 649.31; and (4) To reduce the points allocated to the evaluation plan selection criteria from 10 to 5. Two of the extra points would be added to the "Quality of key personnel" criterion, as discussed above, and the other 3 points would be added to the "Quality of academic program" criterion to increase its weight to a total of 15 points.

Priority Fields (§ 649.22(c)(1))/Appendix

Some of the commenters believe the list of priority fields in the appendix is too broad, and some commenters stated that any list is too restrictive. Many of the comments on the fields of high national priority reflect a misunderstanding of the process the Secretary uses for giving an absolute preference. None of the academic areas listed in the appendix has been given a preference as a field of high national priority. The Secretary establishes the academic career fields of high national priority that will be given a preference on an annual basis by selecting fields from among the academic areas listed in the appendix and announcing the absolute preference for the selected fields in the **Federal Register** notice inviting applications for new awards. The areas of high national priority for this year's grant competition are specified in this application notice under absolute priority 2. For this reason, the Secretary does not believe the list of academic areas is too broad. Nor does the Secretary believe the list is too restrictive because the Secretary also may give an absolute preference to an academic field that is a subdisciplinary or interdisciplinary academic area of those academic areas on the list.

The Secretary anticipates minor revisions to the language of the regulations to clarify that not all of the areas listed in the appendix are areas of high national priority.

National and Citizenship Requirements (§§ 649.40 (b)(3), (c)(3), and (d)(3))

A number of commenters requested clarification regarding why the citizenship requirement applies only to doctoral fellows pursuing academic careers and not to any other fellows. Commenters also requested a definition of the term "national".

The citizenship requirement for doctoral fellows pursuing academic careers is taken from the Higher Education Act of 1965, as amended by Congress in the Higher Education Amendments of 1992 (HEA), which states expressly that one of the purposes of the title IX graduate fellowship programs is to "provide incentives and support for *United States citizens* to complete doctoral degree programs leading to academic careers" (20 U.S.C. 1134(a)(2)) (emphasis added). The Secretary believes that limiting eligibility for doctoral programs leading to academic careers to U.S. citizens is consistent with legislative intent. Since the statute did not specifically target U.S. citizens for any of the other types of fellowships, the Secretary did not restrict eligibility for any of the other fellowships.

The Secretary agrees with the commenters that a definition of "national" would help to clarify the eligibility provisions. The Secretary anticipates adding to § 649.6 of the regulations a definition of the term "U.S. national" that is drawn from the Immigration and Nationality Act definition and is consistent with the definition of "U.S. citizen or national" that is used in other higher education grant programs. The definition would provide that a "U.S. national" means a citizen of the United States or a person defined in the Immigration and Nationality Act, 8 U.S.C. 1101(a)(22), who, though not a citizen of the United States owes permanent allegiance to the United States.

Doctoral Fellowship Teaching Requirement (§ 649.51(b)(3))

Some commenters requested clarification regarding the provision that requires doctoral fellows pursuing academic careers to fulfill a teaching requirement that is equal to the teaching requirement of a half-time teaching assistant since that requirement may vary among institutions. The Secretary agrees that the half-time requirement is confusing. The Secretary intends that the teaching requirements for fellows under this program be the same as for other graduate teaching assistants and anticipates revising paragraph (b)(3)(1)(ii) of § 649.51 to remove the reference to "half-time" and to provide that the teaching requirements for fellows under this program must be equal to those required of other graduate teaching assistants at that institution.

Disbursement Requirements (§ 649.64(a))

One commenter noted that institutions will not be able to satisfy the requirement that institutions certify that fellows are making satisfactory academic progress prior to the fellow's receipt of the stipend.

The Secretary agrees with the commenter that no certification would be possible prior to a fellow's initial receipt of a stipend and anticipates revising paragraph (a) of this section to clarify that the certification requirement does not apply until after a fellow's first academic term.

Other Issues

The Secretary also received public comment regarding a number of other issues in response to which the Secretary does not anticipate making any changes to the proposed regulations. These comments will be discussed fully in the preamble to the final regulations for this program when they are published in the **Federal Register**. Among the major issues raised by commenters that the Secretary does not expect will result in a change to the proposed regulations is the use of the test in part F of title IV of the HEA for determining the amount of a fellow's financial need. The Secretary believes it is reasonable to require graduate students who receive stipends under this program to demonstrate need based on the same standards as graduate students who receive support under all other programs funded by the Department. Title IV–F contains separate provisions for graduate students that reflect Congress' assessment of factors relevant to the financial need of those students.

The Secretary notes that a project period for this program was established for "up to 60 months" to accommodate the doctoral competition. The Secretary expects that projects funded under the masters' level and professional study competition would generally be for a project period of 24 or 36 months.

Program Authority: 20 U.S.C. 1134, 1134d–1134g.

Dated: June 11, 1993.

Maureen A. McLaughlin,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 93–14185 Filed 6–15–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.094B]

Patricia Roberts Harris Fellowship Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993

Purpose of Program: To provide, through institutions of higher education, grants to assist in making available the benefits of master's level, professional, and doctoral education programs to women and individuals from minority groups who are underrepresented in these programs. This program supports National Education Goal Five calling for adult Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: Institutions of higher education that offer a program of postbaccalaureate study leading to a master's level, professional, or doctoral degree other than schools or departments of divinity, are eligible to receive grants under this program.

Deadline for Transmittal of Applications: July 19, 1993.

Deadline for Intergovernmental Review: September 17, 1993.

Applications Available: June 16, 1993.

Available Funds: $11,791,000 of which $5,346,000 is available for awards for master's level and professional study and $6,345,000 is available for awards for doctoral education programs.

Estimated Range of Awards: $46,000 to $460,000.

Estimated Average Size of Awards: $92,000.

Estimated Number of Awards: 128.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Budget Period: 12 months.

Applicable Regulations: (a) The Education Department General Administration Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and (b) When published as final regulations, the Patricia Roberts Harris Fellowship Program regulations.

SUPPLEMENTARY INFORMATION: On March 1, 1993, the Secretary published a notice of proposed rulemaking (NPRM) for the Patricia Roberts Harris Fellowship Program in the **Federal Register** (58 FR 11928–11937). In addition, on March 24, 1993, the Secretary published a notice in the **Federal Register** (58 FR 15824) to correct an error in the NPRM by restoring language inadvertently deleted from the definition of "Minority" in § 649.6(b) of the proposed regulations. The public comment period for the notice of proposed rulemaking ended on March 31, 1993.

It is not the policy of the Department of Education to solicit applications before the publication of final regulations. However, in this case it is necessary to solicit applications on the basis of the NPRM in order to have sufficient time available to conduct the competition and make awards prior to the end of the fiscal year (September 30, 1993).

Eighty-six comments were received in response to the Secretary's invitation to comment on the NPRM. In response to these comments, the Secretary anticipates making a number of changes to the regulations proposed in the NPRM. These changes are discussed in a summary of anticipated changes published in this issue of the **Federal Register**.

Applicants should prepare their grant applications based on the provisions in the NPRM, as amended by the changes discussed in the summary of anticipated changes published in this issue of the **Federal Register**. If the Secretary makes any changes in the regulations that were not discussed in the summary of anticipated changes, applicants will be given an opportunity to revise their applications.

Priorities

Master's Level and Professional Study Competition

Under 34 CFR 75.105(c)(3) and 34 CFR 649.22 of the notice of proposed rulemaking the Secretary gives an absolute preference to applications that meet the following priorities. The Secretary funds under this competition only applications that meet both of these absolute priorities:

Absolute Priority 1—

Fellowships in the award of which priority is given to women or individuals from minority groups, or both, who are pursuing master's level or professional study and are underrepresented in the academic field for which a grant award is sought.

Absolute Priority 2—

Fellowships in the following academic career fields that the Secretary has identified, from among the academic areas listed in the appendix of the notice of proposed rulemaking, as high national priority for the purpose of the master's level and professional study competition in FY 1993:

Business and management
Computer and information sciences
Education
Engineering
Health sciences
Law
Life sciences
Mathematics
Physical sciences
Public administration and services

Competitive Preference Priority

Under 34 CFR 75.105(c)(2)(i) and 34 CFR 649.22(b) of the notice of proposed rulemaking the Secretary gives preference to applications that meet the following competition priority. The Secretary awards one point to each academic field for which the applicant is requesting funding that meets this competitive preference in a particularly effective way. This point is in addition to any points the application earns under the institutional and academic field selection criteria for the master's level and professional study competition under this program:

Fellowships in the award of which priority is given to women or individuals from minority groups, or both, who are pursuing master's level study leading to careers that serve the public interest.

Doctoral Study Competition

Under 34 CFR 75.105(c)(3) and 34 CFR 649.32 of the notice of proposed rulemaking the Secretary gives an absolute preference to applications that meet both of these absolute priorities:

Absolute Priority 1—

Fellowships in the award of which priority is given to women undertaking doctoral study, or individuals from traditionally underrepresented groups undertaking doctoral study, or both.

Absolute Priority 2—

Fellowships in the following academic career fields that the Secretary has identified, from among the academic areas listed in the appendix of the notice of proposed rulemaking, as high national priority for the purpose of the doctoral study competition in FY 1993:

Computer and information sciences
Education
Engineering
Health sciences (medical research and nursing only)
Life sciences
Mathematics
Physical sciences

Stipend Level

The Secretary has determined that the maximum fellowship stipend for academic year 1993–1994 is $14,000, which is equal to the level of support that the National Science Foundation is providing for its graduate fellowships.

FOR APPLICATIONS OR INFORMATION CONTACT: Dr. Charles H. Miller, U.S. Department of Education, 400 Maryland Avenue, SW., ROB–3, room 3022, Washington, DC 20202–5251. Telephone: (202) 708–8395. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 1134, 1134d–1134g.

Dated: June 8, 1993.

Maureen A. McLaughlin,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 93–14186 Filed 6–15–93; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday,
June 16, 1993

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 121.
The Age 60 Rule; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 27264]

The Age 60 Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of rescheduling of public meeting; and extension of comment period.

SUMMARY: The FAA is issuing this notice to advise the public that the June 23, 1993, public meeting on the Age 60 Rule announced on April 20, 1993 (58 FR 21336) has been rescheduled for September 29, 1993, and that the comment period has been extended from July 17, 1993, to October 15, 1993. The FAA has determined that the meeting should be rescheduled to afford a new Administrator the opportunity to participate in the deliberations regarding the Age 60 Rule issues. This rescheduling will also provide industry additional time to evaluate the report entitled "Age 60 Project, Consolidated Database Experiments, Final Report," dated March 1993, and to prepare their presentations.

DATES: The public meeting has been postponed until September 29, 1993. The request for comment period is being extended from July 17, 1993, to October 15, 1993.

ADDRESSES: As stated in the Notice dated April 20, 1993, comments should be mailed, in triplicate, to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–10), Docket No. 27264, 800 Independence Avenue SW., Washington, DC 20591. All comments must be marked: "Docket No. 27264." Comments on this Notice may be examined in room 915G on weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

The public meeting will be held at the Quality Hotel Capitol Hill, 415 New Jersey Avenue NW. Washington, DC 20001. Persons unable to attend the meeting may mail their comments to the above-referenced address.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at the meeting or questions regarding the logistics of the meeting should be directed to Florence Hamn, Office of Rulemaking, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–9822; telefax (202) 267–5075.

Questions concerning the subject matter of the meeting should be directed to Dan Meier, Federal Aviation Administration, Regulatory Branch, Flight Standards Service, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3749; telefax (202) 267–5229.

SUPPLEMENTARY INFORMATION:

Participation at the Meeting

Requests from persons who wish to present oral statements at the public meeting should be received by the FAA no later than September 10, 1993. Such requests should be submitted to Florence Hamn, as listed above in the section titled **FOR FURTHER INFORMATION CONTACT** and should include a written summary of oral remarks to be presented, and an estimate of time needed for the presentation. Requests received after the date specified above will be scheduled if there is time available during the meeting; however, the name of those individuals may not appear on the written agenda. The FAA will prepare an agenda of speakers that will be available at the meeting. In order to accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested.

Persons who are currently scheduled to speak will keep their assigned time slot, which will be confirmed by the FAA.

Background

On April 20, 1993, the FAA issued a Notice of public meeting and request for comments regarding the Age 60 Rule. The FAA invited comments on various aspects of the report entitled "Age 60 Project, Consolidated Database Experiments, Final Report," dated March 1993, and the issues addressed therein.

The FAA has determined that the meeting should be rescheduled to afford a new Administrator the opportunity to participate in the deliberations regarding the Age 60 Rule issues. This rescheduling will also provide industry additional time to evaluate the report and to prepare their presentations.

Specific Issues for Public Comment

There are several specific issues, discussed in the following paragraphs, on which the FAA seeks comment at the public meeting.

These key issues are intended to help focus public comments on areas which will be useful to the FAA in determining whether to initiate rulemaking. The comments at the meeting need not be limited to these issues, and the FAA invites comments on any other aspect of the report or the possible rulemaking.

Economic Issues

(1) Would possible rulemaking to increase the current age 60 limitation increase or reduce costs for the airline industry?

(2) Would a rule change result in the hiring of fewer new pilots or in increased furloughs due to the retention of pilots age 60 or older? If so, to what extent? What would be the effect on training costs?

(3) What portion of pilots reaching the age of 60 would be inclined to continue working as part 121 pilots if permitted?

Safety Issues

(1) Should there be a maximum age limit for pilots operating in part 121 operations? If so, what should be the age limit?

(2) Does the report provide enough information to serve as a basis for a rule change to section 121.383(c) of the FAR. If not, what additional areas should be considered for further study? Are there mortality and morbidity data available for individuals who have ceased serving as part 121 pilots after reaching the age of 60?

(3) If the age limit were increased, should the number of individuals over the age of 60 serving as part 121 pilots on an aircraft be restricted?

(4) If a rule change occurs, should the part 121 pilot over the age of 60 be limited to the duties of the second-in-command?

(5) Is there evidence that older pilots have greater difficulty transitioning from one aircraft to another type of aircraft? Does that difficulty increase with age? If so, should the FAA restrict part 121 pilots at a certain age from transitioning to other aircraft used in part 121 operations with which they are unfamiliar?

(6) Should the FAA impose additional requirements (e.g., training, currency, medical, performance testing) for any former part 121 pilot or current part 121 pilot who would be affected by a rule change?

(7) Are the current air crew training and qualification rules adequate for pilots who are age 60 or older?

(8) Should tests to measure individual performance be required for part 121 pilots over the age of 60?

Meeting Procedures

The following procedures are established to facilitate the meeting:

(1) There will be no admission fee or other charge to attend or to participate in the meeting. The meeting will be open to all persons who have requested in advance to present statements or who register on the day of the meeting

(between 8:30 a.m. and 9 a.m.) subject to availability of space in the meeting room. The meeting may adjourn early if scheduled speakers complete their statements in less time than currently is scheduled for the meeting.

(2) An individual, whether speaking in a personal or a representative capacity on behalf of an organization, may be limited to a 10-minute statement. If possible, we will notify the speaker if additional time is available.

(3) The FAA will try to accommodate all speakers. If the available time does not permit this, speakers generally will be scheduled on a first-come-first-served basis. However, the FAA reserves the right to exclude some speakers if necessary to present a balance of viewpoints and issues.

(4) Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

(5) Representatives of the FAA will preside over the meeting. A panel of FAA personnel involved in this issue will be present.

(6) The meeting will be recorded by a court reporter. A transcript of the meeting and any material accepted by the panel during the meeting will be included in the public docket. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. This information will be available at the meeting.

(7) The FAA will review and consider all material presented by participants at the meeting. Position papers or material presenting views or arguments related to the report and issues may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The FAA requests that persons participating in the meeting provide 10 copies of all materials to be presented for distribution to the panel members; other copies may be provided to the audience at the discretion of the participant.

(8) Statements made by members of the meeting panel are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by a member of the panel is not intended to be, and should not be construed as, a position of the FAA.

(9) The meeting is designed to solicit public views and more complete information on the report and the issues discussed in this notice. Therefore, the meeting will be conducted in an informal and nonadversarial manner. No individual will be subject to cross-examination by any other participant; however, panel members may ask questions to clarify a statement and to ensure a complete and accurate record.

(Authority: 49 U.S.C. app. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1501; 49 U.S.C. 106(g))

Issued in Washington, DC, on June 10, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

[FR Doc. 93–14084 Filed 6–10–93; 3:07 pm]

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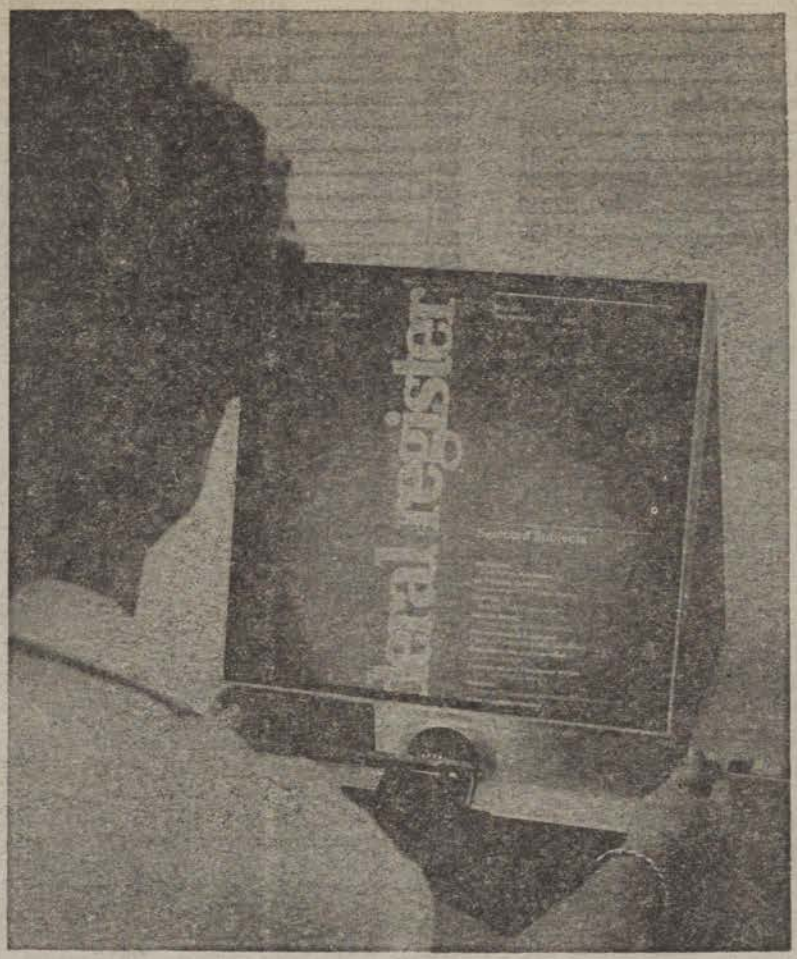

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