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Federal Register
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Monday, July 19, 1993

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1421

RIN 0560–AC71

Grain and Similarly Handled Commodities; 1992 Feed Grains Farmer-Owned Reserve Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations with respect to the farmer-owned reserve (FOR) program which is conducted by the Commodity Credit Corporation (CCC) in accordance with section 110 of the Agricultural Act of 1949 (the 1949 Act), as amended. The rule codifies the determination made by the Secretary of Agriculture (the Secretary) that a maximum of 900 million bushels of 1992-crop corn, grain sorghum, and barley may be pledged as collateral for FOR loans.

EFFECTIVE DATE: March 15, 1993.

FOR FURTHER INFORMATION CONTACT: Philip Sronce, Director, Grains Analysis Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture (USDA), room 3742–S, P.O. Box 2415, Washington, DC 20013–2415 or call 202–720–4418.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Departmental Regulation 1512–1

This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been designated as "major". A Final Regulatory Impact Analysis has been prepared and is available from the above-named individual.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are Grain Reserve Program—10.067.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable because CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. This rule does not preempt State laws, is not retroactive, and does not require the exhaustion of any administrative appeal remedies.

Environmental Assessment or Impact Statement

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

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1421 set forth in this final rule do not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35.

Statutory Background

Section 110 of the 1949 Act sets forth the statutory authority for the FOR program for wheat and feed grains. It provides that the determination of whether or not there will be entry of a crop into the FOR will be announced by December 15 of the year in which the crop of wheat was harvested and, in the case of feed grains, March 15 of the year following the year in which the crop of corn was harvested.

Entry into the FOR is triggered based upon prices and stocks-to-use (S/U) ratios. Section 110 of the 1949 Act, paragraphs (2) and (3), provides the following:

(2) *DISCRETIONARY ENTRY*—The Secretary may make extended loans available to producers of wheat or feed grains if either of the following conditions is met:

(A) *Price Condition:* The Secretary determines that the average market price for wheat or corn, respectively, for the 90-day period prior to the announcement is less than 120 percent of the current loan rate for wheat or corn, respectively; or

(B) *S/U Condition:* As of the announcement date, the Secretary estimates that the S/U ratio on the last day of the current marketing year will be:

(i) in the case of wheat, more than 37.5 percent; and

(ii) in the case of corn, more than 22.5 percent.

(3) *MANDATORY ENTRY*—The Secretary shall make extended loans available to producers of wheat or feed grains if both of the conditions specified in subparagraphs (A) and (B) of paragraph (2) are met for wheat and feed grains, respectively.

If neither the price nor the S/U condition is met, the Secretary has no authority to make extended loans available to producers of wheat or feed grains.

In accordance with section 110 of the 1949 Act, paragraph (f) provides that if the Secretary makes extended loans available to producers of wheat or feed grains, the Secretary must specify the maximum quantity of wheat or feed grains to be stored under this program that the Secretary determines appropriate to promote the orderly marketing of the commodities. The maximum quantities of wheat may not be established at less than 300 million bushels, nor more than 450 million bushels. The maximum quantities of feed grains may not be established at less than 600 million bushels, nor more than 900 million bushels.

On January 7, the Secretary announced that the estimated corn S/U ratio at the end of the 1992/93 marketing year is 25.2 percent, the 90-day average market price of corn is

$1.99 per bushel, and 120 percent of the 1992 price support rate for corn is $2.06 per bushel. The Secretary was required to allow entry of the 1992-crop of feed grains into the FOR because both entry conditions were met (the S/U was greater than 22.5 percent and the 90-day average market price of corn was less than 120 percent of the 1992 price support rate for corn). The Secretary also announced that the maximum quantity of corn, grain sorghum, and barley to be stored under this program would be 600 million bushels.

On March 15, the Secretary increased the total quantity of corn, grain sorghum and barley to 900 million bushels to alleviate producer concerns that the 600 million bushel limit would have restricted the quantity they wished to place in the FOR.

Oats was not included as an eligible feed grain for FOR entry because the estimated 1992/93 ending stocks of oats, at 100 million bushels, were estimated to be the second lowest level since the mid-1930's. Also, the quantity of oats expected to enter the FOR would be less than 1 million bushels.

This final rule amends 7 CFR part 1421 to set forth these determinations.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs/agriculture, Oilseeds, Peanuts, Price support programs, Reporting and recordkeeping requirements, Soybeans, Surety bonds, Warehouses.

Accordingly, 7 CFR part 1421 is amended as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for 7 CFR part 1421 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1441z, 1444f–1, 1445b–3a, 1445c–3, 1445e, and 1446f; 15 U.S.C. 714b and 714c.

2. In § 1421.217, paragraph (c) is revised to read as follows:

§ 1421.217 Reserve entry.

* * * * *

(c) No quantity of 1992-crop wheat may be stored under the provisions of section 110 of the Agricultural Act of 1949, as amended. The maximum quantity of 1992-crop corn, grain sorghum, and barley that may be stored under the provisions of section 110 of the Agricultural Act of 1949, as amended, is 900 million bushels.

Signed at Washington, DC, on July 11, 1993.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 93–17054 Filed 7–16–93; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–176–AD; Amendment 39–8619; AD 93–13–06]

Airworthiness Directives; Short Brothers Model SD3–60 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Short Brothers Model SD3–60 series airplanes, equipped with certain main landing gear (MLG) actuators, that requires replacement of certain MLG actuators. This amendment is prompted by a report of a malformed radius on the locking segment slots in the piston rod of the MLG actuators. The actions specified by this AD are intended to prevent failure of the MLG actuator to unlock, which would prevent the extension of the MLG.

DATES: Effective August 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202–3719. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Short Brothers Model SD3–60 series airplanes was published in the **Federal Register** on March 29, 1993 (58 FR 16507). That action proposed to require replacement of certain main landing gear (MLG) actuators.

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

The commenter supports the proposed rule. However, the commenter notes that many of the systems on the airplanes addressed in the proposed rule are similar to the systems on Model SD3–30 series airplanes. The commenter requests that the FAA conduct a review to determine if Model SD3–30 series airplanes should have been subject to the proposal.

The FAA is cognizant that certain design similarities exist between Model SD3–60 and SD3–30 series airplanes. The FAA is currently investigating the possibility of malformed radii on the locking segment slots in the piston rod of the MLG actuators on Model SD3–30 series airplanes and may consider further rulemaking if this unsafe condition is found to be likely to exist or develop on these airplanes.

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

The FAA estimates that 6 actuators installed on airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per actuator to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be provided at no cost to the operator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $660, or $110 per actuator.

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

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3)

will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–13–06 Short Brothers, PLC: Amendment 39–8619. Docket 92–NM–176–AD.

Applicability: Model SD3–60 series airplanes; equipped with main landing gear (MLG) actuator part number (P/N) 104796004, having serial number DRG/4729/86, DRG/4730/86, DRG/5057/86, DRG/5059/86, DRG/5060/86, or DRG/5061/86; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the MLG actuator to unlock, which would prevent the extension of the MLG, accomplish the following:

(a) Within 6 months after the effective date of this AD, replace the MLG actuator with a serviceable actuator that is marked "32–69SD" in accordance with Dowty Aerospace Hydraulics-Cheltenham Service Bulletin 32–69SD, Revision 2, dated January 20, 1993.

(b) As of the effective date of this AD, no person shall install on any airplane a MLG actuator P/N 104796004, having serial number DRG/4729/86, DRG/4730/86, DRG/5057/86, DRG/5059/86, DRG/5060/86, or DRG/5061/86, that is not marked "32–69SD."

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

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

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

(e) The replacement shall be done in accordance with Dowty Aerospace Hydraulics-Cheltenham Service Bulletin 32–69SD, Revision 2, dated January 20, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202–3719. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 18, 1993.

Issued in Renton, Washington, on June 29, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–17077 Filed 7–16–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 92–NM–246–AD; Amendment 39–8620; AD 93–13–07]

Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, and Model C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, and Model C–9 (military) airplanes, that requires installing a water drain system in the slant pressure panel. This amendment is prompted by several reports of water runoff from the slant pressure panel which froze on the control assemblies. The actions specified by this AD are intended to prevent freezing of water on the control cables, which could restrict the movement of the cables and result in reduced controllability of the airplane.

DATES: Effective August 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Publications-Technical Administrative Support, C1–L5B. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorenda Baker, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5231; fax (310) 988–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, and Model C–9 (military) airplanes was published in the **Federal Register** on February 19, 1993 (58 FR 9133). That action proposed to require installing a water drain system in the slant pressure panel.

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

One commenter supports the rule as proposed.

Several commenters request that the compliance time for installing a water drain system in the slant pressure panel be extended from the proposed 12 months. The commenters suggest several new compliance times ranging from 15 months to 36 months. The commenters note that this additional time would allow sufficient lead time for procurement of required parts and would allow the installation to be accomplished during regularly-scheduled maintenance. The FAA concurs with the commenters' request. Since the issuance of the notice, the manufacturer has advised that there is not an adequate supply of parts so that installation of a water drain system can be accomplished on the U.S. fleet within the proposed compliance time of

12 months. The manufacturer has advised that it estimates that a lead time of 6 months is needed for procurement of required parts. Based on this new data, the FAA has determined that an extension of the compliance time to 24 months is warranted. Extending the compliance time to 24 months will not adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance where special equipment and trained maintenance personnel will be available. Paragraph (a) of the final rule has been revised to specify a compliance time of 24 months.

One commenter requests that the FAA delay issuance of the rule until McDonnell Douglas DC–9 Service Bulletin 53–179 has been revised to correct the listing of affected airplanes. This commenter states that the effectivity listing of this service bulletin incorrectly lists two airplanes as belonging to its fleet; however, those 2 specific airplanes were never under its ownership. The FAA does not concur with the commenter's request to delay this action for such a reason. The commenter is obligated to ensure that only the airplanes it operates are in compliance with this airworthiness directive. Thus, if the commenter does not own or operate a particular airplane, it has no obligation to modify that airplane, regardless of the effectivity listing of the referenced service bulletin. Therefore, it would serve no purpose to delay this AD action until the referenced service bulletin is revised to correct this detail.

One commenter requests that the AD be delayed until the manufacturer has disseminated information regarding the specific size requirements of a certain hose, part number KL70–133, which is part of the proposed water drain system installation. The commenter states that both McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985, and Service Bulletin Change Notification 53–179 CN2, dated May 30, 1985, reference this hose; however, the Service Bulletin does not specify a size requirement for the hose, whereas the Change Notification specifies a definite diameter (⅜ inch) and wall thickness (⅛ inch) for the hose. The commenter is unsure as to the significance of the size callout in the Change Notification, and is concerned that additional corrective action may be needed for those airplanes that have been modified to include the hose in accordance with the original Service Bulletin rather than the Change Notification. (This commenter has modified its fleet in accordance with the Service Bulletin and not the Change Notification.) The FAA does not concur with the commenter's request to delay issuance of this AD for the reason suggested. The final rule references the Change Notification as the appropriate service information for installation of the required water drain system; therefore, if the commenter's system contains a hose that is not of the dimensions called out in the Change Notification, it is possible that the installed hose may not be of an equivalent level of safety and additional action may be necessary. However, the commenter has not provided sufficient data regarding the actual dimensions of the hoses installed on its airplanes; therefore, the FAA is unable to determine whether those hoses installed are equivalent. Under the provisions of paragraph (b) of the final rule, the FAA may approve requests for use of an alternative method of compliance if data were presented to demonstrate that hoses having a different dimension from that called out in the referenced service information will provide an acceptable level of safety.

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

There are approximately 1,109 McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, and Model C–9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,071 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $680 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,552,950, or $1,450 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–13–07 McDonnell Douglas: Amendment 39–8620. Docket 92–NM–246–AD.

Applicability: Model DC–9–10, -20, -30, -40, and -50 series airplanes, Model DC–9–81 and -82 series airplanes, and Model C–9 (Military) airplanes; as listed in McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985, as amended by Service Bulletin Change Notification 53–179 CN1, dated February 28, 1985, and Service Bulletin Change Notification 53–179 CN2, dated May 30, 1985; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent freezing of water on the control cables, which could restrict the movement of the cables and result in reduced controllability of the airplane, accomplish the following:

(a) Within 24 months after the effective date of this AD, install a water drain system in the slant pressure panel in accordance with McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985, as amended by Service Bulletin Change Notification 53–179 CN1, dated February 28, 1985, and Service Bulletin Change Notification 53–179 CN2, dated May 30, 1985.

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

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

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

(d) The installation shall be done in accordance with McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985; and Service Bulletin Change Notification 53–179 CN1, dated February 28, 1985, and Service Bulletin Change Notification 53–179 CN2, dated May 30, 1985, for McDonnell Douglas DC–9 Service Bulletin 53–179, dated January 18, 1985. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Publications-Technical Administrative Support, C1–L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office (ACO), 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 18, 1993.

Issued in Renton, Washington, on June 29, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–17076 Filed 7–16–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 91–NM–121–AD; Amendment 39–8617; AD 93–13–04]

Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Fokker Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes, that currently requires supplemental structural inspections to detect fatigue cracks, and repair or replacement, as necessary, to ensure continued airworthiness. This amendment requires the same inspections, but adds or revises certain significant structural items for which inspection is necessary. This amendment is prompted by a structural re-evaluation by the manufacturer which identified additional structural elements where fatigue damage is likely to occur. The actions specified by this AD are intended to prevent reduced structural integrity of these airplanes.

DATES: Effective August 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Timothy J. Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 89–07–16 R1, Amendment 39–6444 (55 FR 266, January 4, 1990), which is applicable to Fokker Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes, was published in the **Federal Register** on January 12, 1993 (58 FR 3873). The action proposed to require supplemental structural inspections to detect fatigue cracks, and repair or replacement, as necessary, to ensure continued airworthiness.

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

One commenter supports the proposed rule.

One commenter requests that the FAA revise paragraph (c) of the proposed rule to state that cracked structure detected during the inspections required by paragraph (a) or (b) of the proposal must be repaired or replaced in accordance with the compliance times specified in the Fokker Structural Integrity Program (SIP) Document, rather than "prior to further flight," as specified in the proposal. The commenter explains that repair or replacement prior to further flight is not always feasible. The commenter states that postponement of certain repairs is provided for in the remarks columns of the SIP Document. The commenter also states that the repair postponement criteria are based on crack propagation rates and critical crack lengths, and are calculated using ultimate load conditions, as required by the FAA and the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands. The commenter concludes that the proposed requirement to repair or replace prior to further flight contradicts the SIP instructions in certain cases.

The FAA does not concur with the commenter's request to revise paragraph (c) of the final rule. The FAA's policy concerning flight with known cracked structure is that any repair or replacement postponement must be evaluated on a case-by-case basis. Under the provisions of paragraph (d) of the final rule, the FAA may approve requests for adjustments to the compliance time if data is submitted that substantiates that such an adjustment would provide an acceptable level of safety. The criteria for approving such a request in this case are (1) the crack must not be part of multi-site damage, (2) the crack growth must be easily detectable, and (3) established inspection procedures would detect cracked structure at intervals that would permit repairs to be accomplished before the structure's strength falls below ultimate load carrying capability. "**Note 1**" has been added to the final rule to specify that where there are differences between the AD and the SIP Document, the AD prevails.

One commenter requests that the FAA confirm that RLD approval of maintenance actions taken to correct SIP crack findings is equivalent to FAA approval, and that such approval constitutes an acceptable method of compliance with the repair or replacement requirements of the proposed rule. The FAA confirms that operators are not required to request approval of an alternative method of compliance from the FAA if approval to repair cracked structure detected during an inspection required by this AD is obtained from the RLD. "**Note 2**" has been added to the final rule to specify that cracked structure detected during the inspections required by paragraph (a) or (b) of this AD that is repaired or replaced in accordance with data

meeting the certification basis of the airplane and approved by the RLD is equivalent to FAA approval and constitutes an acceptable method of compliance.

One commenter requests that the FAA permit Designated Engineering Representatives (DER) and/or organizations that hold Special Federal Aviation Regulation (SFAR) 36 authorization to approve repairs that would be required by the proposed rule. The commenter bases this request on the fact that paragraph (c) of the proposed rule provides for FAA approval as an option, and that the FAA has made the determination that DER's are authorized to approve repairs of cracked structure detected during inspections required by certain AD's that allowed repair in accordance with an FAA-approved method.

The FAA does not concur with the commenter's request. The FAA does not currently authorize DER's or SFAR 36 holders to approve such repairs. While DER's and SFAR 36-authorized organizations are authorized to determine whether a design or repair method complies with a specific requirement, they are not authorized to make the discretionary determination as to what the applicable requirement is. Further, where repair data does not exist, it is essential that the FAA or RLD have feedback as to the type of repairs being made. Paragraph (c) of the final rule has been revised to clarify that the Manager, Standardization Branch, ANM–113, is the appropriate FAA authority to approve repair or replacement data that would be required by the proposed rule.

One commenter requests that all approvals of alternative methods of compliance issued with regard to AD 89–07–16 R1 be considered valid for the purposes of compliance with the proposed AD. The FAA concurs with the commenter's request that repairs approved as alternative methods of compliance for AD 89–07–16 R1 are valid approvals for compliance with this AD. "Note 3" has been added to the final rule to state this. Additionally, the final rule provides the option to use repair or replacement data approved by the RLD or Manager, Standardization Branch, ANM–113, as a method of compliance.

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

The FAA estimates that 40 airplanes of U.S. registry will be affected by this AD. Implementation of the inspections, repairs, or replacements specified in the revisions to the SIP document into an operator's maintenance program is estimated to require approximately 605 work hours (including removal, inspection, and installation work hours) per airplane per year, at an average labor rate of $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,331,000, or $33,275 per airplane, for the first year and annually thereafter. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6444 (55 FR 266, January 4, 1990), and by adding a new airworthiness directive (AD), amendment 39–8617, to read as follows:

93–13–04 Fokker: Amendment 39–8617 Docket 91–NM–121–AD. Supersedes AD 89–07–16 R1, Amendment 39–6444.

Applicability: Model F28 Mark 1000, 2000, 3000 and 4000 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced structural integrity of these airplanes, 20 accomplish the following:

Note 1: This AD references Fokker Structural Integrity Program (SIP) Document 28438, Part I, including revisions up through November 1, 1988; and Fokker SIP Document 28438, Part I, including revisions up through October 15, 1992; for inspection procedures, compliance times, repairs, replacement and reporting requirements. In addition, this AD specifies compliance times different from those included in the SIP Document. Where there are differences between the AD and the SIP Document, the AD prevails.

Note 2: Cracked structure detected during the inspections required by paragraph (a) or (b) of this AD that is repaired or replaced in accordance with data meeting the certification basis of the airplane and approved by the Rijksluchtvaartdienst (RLD) is equivalent to FAA approval and constitutes an acceptable method of compliance.

(a) Within six months after February 5, 1990 (the effective date of Amendment 39–6444, AD 89–07–16 R1), incorporate into the FAA-approved maintenance program the inspections, inspection intervals, repairs, or replacements defined in the Fokker Structural Integrity Program (SIP) Document 28438, Part I, including revisions up through November 1, 1988; and inspect, repair, and replace, as applicable. The non-destructive inspection techniques referenced in this document provide acceptable methods for accomplishing the inspections required by this AD. Inspection results, where a crack is detected, must be reported to Fokker, in accordance with the instructions of the SIP document. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(b) Within six months after the effective date of this AD, replace the revision of the FAA-approved maintenance program required by paragraph (a) of this AD with the inspections, inspection intervals, repairs, or replacements defined in the Fokker SIP Document 28438, Part I, including revisions up through October 15, 1992; and inspect and repair, or replace, as applicable. The non-destructive inspection techniques

referenced in this document provide acceptable methods for accomplishing the inspections required by this AD. Inspection results, where a crack is detected, must be reported to Fokker, in accordance with the instructions of the SIP document.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(c) Cracked structure detected during the inspections required by paragraph (a) or (b) of this AD must be repaired or replaced, prior to further flight, in accordance with the instructions in Fokker SIP Document 28438, Part I, including revisions up through November 1, 1988 [for airplanes inspected in accordance with paragraph (a) of this AD]; or Fokker SIP Document 28438, Part I, including revisions up through October 15, 1992 [for airplanes inspected in accordance with paragraph (b) of this AD]; or in accordance with other data meeting the certification basis of the airplane which is approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, or by the RLD.

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

Note 3: Repairs approved as alternative methods of compliance for AD 89–07–16 R1 constitute valid approvals for compliance with this AD, unless otherwise specified.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(f) The inspections, repair, and replacement procedures shall be done in accordance with Fokker Structural Integrity Program (SIP) Document 28438, Part 1, revised up through October 15, 1992, which contains the following list of effective pages:

Item No.	Page No.	Revision level shown on page	Date shown on page
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*	1–27	-	Oct. 15, 1992.
INSPECTIONS			
27–20–01 ..	1	-	Mar. 1, 1982.
27–30–01 ..	1	3	Aug. 31, 1990.
27–40–01 ..	1	2	Aug. 31, 1990.
27–50–01 ..	1	2	Mar. 20, 1986.
27–50–02 ..	1	2	Mar. 20, 1986.
27–50–03 ..	1	2	Mar. 20, 1986.
27–50–04 ..	1	2	Mar. 20, 1986.
27–50–05 ..	1	-	Mar. 1, 1982.
27–50–06 ..	1	-	Mar. 1, 1982.
27–50–07 ..	1	2	Aug. 31, 1990.
27–50–08 ..	1	3	Aug. 31, 1990.
27–50–09 ..	1	3	Aug. 31, 1990.
27–50–10 ..	1	1	Aug. 31, 1990.
27–61–01 ..	1	1	Aug. 31, 1990.
27–61–02 ..	1	2	Oct. 15, 1992.
27–61–03 ..	1	2	Aug. 31, 1990.
27–63–01 ..	1	1	Aug. 31, 1990.
27–63–02 ..	1	-	Mar. 1, 1982.
27–63–03 ..	1	1	Nov. 1, 1988.
27–63–04 ..	1	1	Aug. 31, 1990.
27–63–05 ..	1	1	Nov. 1, 1988.
29–10–01 ..	1	1	Aug. 31, 1990.
32–10–01 ..	1	1	Aug. 31, 1990.
32–10–02 ..	1	1	Aug. 31, 1990.
32–10–03 ..	1	1	Aug. 31, 1990.
32–10–04 ..	1	1	Aug. 31, 1990.
32–10–05 ..	1	3	Oct. 15, 1992.
32–30–01 ..	1	1	Oct. 15, 1992.
32–42–01 ..	1	1	Aug. 31, 1990.
32–42–02 ..	1	1	Aug. 31, 1990.
32–50–01 ..	1	3	Oct. 15, 1992.
52–10–01 ..	1	2	May 1, 1984.
52–10–01 ..	2	-	May 1, 1984.
52–10–02 ..	1	2	Aug. 31, 1990.
52–10–03 ..	1	3	Oct. 15, 1992.
52–10–05 ..	1	-	Oct. 15, 1992.
52–20–01 ..	1	6	Oct. 15, 1992.
52–20–02 ..	1	5	Oct. 15, 1992.
52–30–01 ..	1	2	Aug. 31, 1990.
52–30–02 ..	1	2	Aug. 31, 1990.
52–30–03 ..	1	2	Aug. 31, 1990.
52–30–04 ..	1	2	Aug. 31, 1990.
52–30–05 ..	1	3	Oct. 15, 1992.
52–30–05 ..	2	4	Oct. 15, 1992.
52–30–06 ..	1	2	Oct. 15, 1992.
52–30–07 ..	1	2	Oct. 15, 1992.
52–30–07 ..	2	-	Oct. 15, 1992.
52–30–08 ..	1	1	Aug. 31, 1990.
52–30–09 ..	1	-	Oct. 15, 1992.
52–30–10 ..	1	-	Oct. 15, 1992.
52–30–11 ..	1	-	Oct. 15, 1992.
52–31–01 ..	1	1	Aug. 31, 1990.
52–31–02 ..	1	2	Aug. 31, 1990.
52–40–01 ..	1	4	Oct. 15, 1992.
52–40–02 ..	1	4	Oct. 15, 1992.
53–10–01 ..	1–2	4	Oct. 15, 1992.
53–10–02 ..	1	4	Oct. 15, 1992.
53–10–02 ..	2	3	(Deleted).
53–10–03 ..	1	4	Oct. 15, 1992.
53–10–04 ..	1	3	Oct. 15, 1992.
53–10–05 ..	1–2	4	Oct. 15, 1992.
53–10–06 ..	1	4	Oct. 15, 1992.
53–10–07 ..	1	3	Oct. 15, 1992.
53–10–08 ..	1	5	Oct. 15, 1992.
53–10–08 ..	2–3	2	Oct. 15, 1992.
53–10–09 ..	1	2	Aug. 31, 1990.
53–10–10 ..	1	3	Oct. 15, 1992.
53–10–11 ..	1	3	Oct. 15, 1992.
53–10–12 ..	1	2	Oct. 15, 1992.
53–10–13 ..	1	2	Oct. 15, 1992.
53–10–14 ..	1	4	Oct. 15, 1992.
53–10–18 ..	1	3	Oct. 15, 1992.
53–10–18 ..	2	1	Oct. 15, 1992.
53–10–18 ..	3	-	Oct. 15, 1992.
53–10–19 ..	1	2	Oct. 15, 1992.
53–10–20 ..	1	2	Oct. 15, 1992.
53–10–21 ..	1	2	Oct. 15, 1992.
53–10–22 ..	1	1	Oct. 15, 1992.
53–10–23 ..	1	1	Oct. 15, 1992.
53–10–24 ..	1	-	(Not dated).
53–10–24 ..	2	-	Oct. 15, 1992.
53–10–25 ..	1	-	Oct. 15, 1992.
53–30–01 ..	1	3	Oct. 15, 1992.
53–30–02 ..	1	3	Oct. 15, 1992.
53–30–03 ..	1	4	Oct. 15, 1992.
53–30–05 ..	1–2	3	Oct. 15, 1992.
53–30–06 ..	1–6	3	Oct. 15, 1992.
53–30–06 ..	7–9	-	Oct. 15, 1992.
53–30–07 ..	1	3	Oct. 15, 1992.
53–30–07 ..	2	2	Oct. 15, 1992.
53–30–07 ..	3	1	Oct. 15, 1992.
53–30–08 ..	1	3	Oct. 15, 1992.
53–30–09 ..	1	1	Oct. 15, 1992.
53–30–09 ..	2–8	-	Oct. 15, 1992.
53–40–01 ..	1	2	Oct. 15, 1992.
53–40–02 ..	1	4	Oct. 15, 1992.
53–40–02 ..	2	1	Oct. 15, 1992.
53–40–03 ..	1	2	Aug. 31, 1990.
53–40–04 ..	1	4	Oct. 15, 1992.
53–50–01 ..	1	1	Aug. 31, 1990.
53–50–01 ..	2	2	Aug. 31, 1990.
55–30–01 ..	1	4	Oct. 15, 1992.
55–50–01 ..	1	4	Oct. 15, 1992.
55–50–02 ..	1	4	Oct. 15, 1992.
55–50–04 ..	1	1	Aug. 31, 1990.
55–50–05 ..	1	-	Oct. 15, 1992.
57–10–01 ..	1	3	Oct. 15, 1992.
57–10–01 ..	2	2	Mar. 20, 1986.
57–10–02 ..	1	2	Oct. 15, 1992.
57–10–02 ..	2	2	Mar. 20, 1986.
57–10–03 ..	1	2	Oct. 15, 1992.
57–10–03 ..	2	2	Mar. 20, 1986.
57–10–04 ..	1	4	Aug. 31, 1990.
57–10–05 ..	1	4	Oct. 15, 1992.
57–10–06 ..	1	5	Oct. 15, 1992.
57–10–07 ..	1	5	Oct. 15, 1992.
57–10–07 ..	2	3	Oct. 15, 1992.
57–10–09 ..	1	1	Oct. 15, 1992.
57–10–10 ..	1	-	Oct. 15, 1992.
57–30–01 ..	1–2	5	Oct. 15, 1992.
57–30–02 ..	1	2	Oct. 15, 1992.
57–40–01 ..	4	3	Oct. 15, 1992.
57–40–01 ..	2	2	Aug. 31, 1990.
57–40–01 ..	3	3	Aug. 31, 1990.
57–40–01 ..	4	2	Aug. 31, 1990.
57–40–02 ..	1	4	Oct. 15, 1992.
57–40–03 ..	1	2	Aug. 31, 1990.
57–40–04 ..	1	2	Oct. 15, 1992.
57–40–04 ..	2	2	Mar. 20, 1986.
57–40–05 ..	1	4	Oct. 15, 1992.
57–40–06 ..	1	3	Oct. 15, 1992.
57–40–07 ..	1	3	Oct. 15, 1992.
57–40–08 ..	1	3	Oct. 15, 1992.
57–40–09 ..	1	2	Aug. 31, 1990.
57–40–10 ..	1	1	Aug. 31, 1990.
57–40–11 ..	1	1	Aug. 31, 1990.
57–50–01 ..	1	2	Aug 31, 1990.
57–50–02 ..	1	3	Oct. 15, 1992.
57–50–03 ..	1	3	Oct. 15, 1992.
57–50–04 ..	1	3	Oct. 15, 1992.
57–50–05 ..	1	3	Oct. 15, 1992.
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27-50-01 ..	1	1	Aug. 31, 1990.
27-50-01 ..	2	-	Aug. 31, 1990.
27-50-10 ..	1	-	Sept. 25, 1987.
27-61-01 ..	1	-	Mar. 1, 1982.
27-61-03 ..	1	-	Mar. 1, 1982.
27-63-01 ..	1	-	Mar. 1, 1982.
27-63-02 ..	1	-	Mar. 1, 1982.
29-10-01 ..	1	-	Mar. 1, 1982.
32-10-01 ..	1	-	Mar. 1, 1982.
32-10-02 ..	1	-	Mar. 1, 1982.
32-10-03 ..	1	-	Mar. 1, 1982.
32-42-01 ..	1	-	Mar. 1, 1982.
32-50-01 ..	1	-	Mar. 1, 1982.
52-10-01 ..	1	2	Aug. 31, 1990.
52-10-02 ..	1	1	Oct. 15, 1992.
52-10-05 ..	1	-	Oct. 15, 1992.
52-20-01 ..	1	-	Mar. 1, 1982.
52-30-01 ..	1	1	Aug. 31, 1990.
52-30-01 ..	2	-	Aug. 31, 1990.
52-30-05 ..	1	2	Oct. 15, 1992.
52-30-06 ..	1	2	Oct. 15, 1992.
52-30-09 ..	1	-	Oct. 15, 1992.
52-31-01 ..	1	1	Nov. 1, 1982.
52-40-01 ..	1	-	Mar. 1, 1982.
53-10-01 ..	1	1	Aug. 31, 1990.
53-10-01 ..	2	-	Aug. 31, 1990.
53-10-03 ..	1	-	Aug. 31, 1990.
53-10-04 ..	1	1	Oct. 15, 1992.
53-10-05 ..	1	2	Aug. 31, 1990.
53-10-06 ..	1	-	Aug. 31, 1990.
53-10-07 ..	1	1	Oct. 15, 1992.
53-10-08 ..	1	4	Aug. 31, 1990.
53-10-09 ..	1	-	Mar. 1, 1982.
53-10-10 ..	1	1	Aug. 31, 1990.
53-10-11 ..	1	-	Mar. 1, 1982.
53-10-12 ..	1	-	Mar. 1, 1982.
53-10-14 ..	1	2	Oct. 15, 1992.
53-10-18 ..	1	3	Oct. 15, 1992.
53-10-18 ..	2	-	Oct. 15, 1992.
53-10-19 ..	1	-	Sept. 25, 1987.
53-10-20 ..	1	-	Sept. 25, 1987.
53-10-21 ..	1	-	Nov. 1, 1988.
53-10-22 ..	1	-	Aug. 31, 1990.
53-10-23 ..	1	1	Oct. 15, 1992.
53-10-24 ..	1	-	Oct. 15, 1992.
53-10-25 ..	1	-	Oct. 15, 1992.
53-30-01 ..	1	1	Aug. 31, 1990.
53-30-02 ..	1	-	Aug. 31, 1990.
53-30-03 ..	1	2	Aug. 31, 1990.
53-30-05 ..	1	2	Oct. 15, 1992.
53-30-06 ..	1-5	-	Oct. 15, 1992.
53-30-07 ..	1-6	-	Oct. 15, 1992.
53-30-08 ..	1-2	-	Oct. 15, 1992.
53-30-09 ..	1-9	-	Oct. 15, 1992.
53-40-01 ..	1	1	Aug. 31, 1990.
53-40-02 ..	1	2	Oct. 15, 1992.
53-40-03 ..	1	-	Dec. 15, 1983.
53-40-04 ..	1	1	Aug. 31, 1990.
53-50-01 ..	1	-	Mar. 1, 1982.
55-30-01 ..	1	1	Oct. 15, 1992.
55-50-01 ..	1	2	Oct. 15, 1992.
57-10-01 ..	1	2	Oct. 15, 1992.
57-10-02 ..	1	-	Mar. 1, 1982.
57-10-04 ..	1	-	Mar. 1, 1982.
57-10-05 ..	1	1	Aug. 31, 1990.
57-10-06 ..	1	-	Mar. 1, 1982.
57-10-07 ..	1	2	Oct. 15, 1992.
57-10-09 ..	1	-	Aug. 31, 1990.
57-10-10 ..	1	-	Oct. 15, 1992.
57-30-01 ..	1	1	Nov. 1, 1988.
57-30-02 ..	1	1	Aug. 31, 1990.
57-40-01 ..	1	2	Aug. 31, 1990.
57-40-01 ..	2	-	Aug. 31, 1990.
57-40-02 ..	1	1	Aug. 31, 1990.
57-40-03 ..	1	-	Mar. 1, 1982.
57-40-05 ..	1	1	Aug. 31, 1990.
57-40-07 ..	1	1	Aug. 31, 1990.
57-40-09 ..	1	-	Sept. 25, 1987.
57-40-10 ..	1	-	Sept. 25, 1987.
57-40-11 ..	1	-	Sept. 25, 1987.
57-50-01 ..	1	-	Mar. 1, 1982.
57-50-02 ..	1	-	Mar. 1, 1982.
57-50-04 ..	1	-	Mar. 1, 1982.
57-50-06 ..	1	-	Mar. 1, 1982.
71-20-01 ..	1	-	Mar. 1, 1982.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on August 18, 1993.

Issued in Renton, Washington, on June 29, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-17075 Filed 7-16-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 92-NM-167-AD; Amendment 39-8618; AD 93-13-05]

Airworthiness Directives; Dassault Aviation Model Mystere-Falcon 900 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Dassault Aviation Model Mystere-Falcon 900 series airplanes, that requires repetitive inspections of the water system until modification of the underfloor heating at frame 25 is accomplished. This amendment is prompted by a report of accidental seepage of water into the heated compartment under the center aisle floor forward of frame 25. The actions specified by this AD are intended to prevent water seepage that could accumulate and freeze in the underfloor zone, resulting in interference with the operation of the engine controls and the flight controls.

DATES: Effective August 18, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 18, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to all Dassault Aviation Model Mystere-Falcon 900 series airplanes was published in the **Federal Register** on October 29, 1992 (57 FR 49036). That action proposed to require repetitive inspections of the water system until modification of the underfloor heating at frame 25 is accomplished.

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

One commenter, Falcon Jet Corporation, recommends that paragraph (e) of the proposed rule be revised to specify that modification of the underfloor heating in accordance with Dassault Aviation Service Bulletin F900-115 (F900-30-9), dated May 6, 1992, constitutes terminating action for the inspections proposed in paragraph (a). The FAA concurs. The FAA has determined that the modification adequately ensures that water will not seep into the underfloor zone; therefore, inspection of the water system, as required by paragraph (a), is not necessary once the modification is accomplished. Paragraph (e) of the final rule has been revised accordingly.

Since issuance of the notice, Dassault Aviation has issued Revision 1 to Service Bulletin F900–115 (F900–30–9), dated February 25, 1993, which provides clarification of operations and additional kit information to accomplish the modification for airplanes equipped with a Falcon Jet Corporation type interior. One commenter requests that the FAA revise the proposed rule to include this service bulletin revision. The FAA concurs, and has revised the final rule to reflect the latest revision to the service bulletin as an additional service information source.

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

The FAA estimates that 54 airplanes of U.S. registry will be affected by this AD. The FAA has confirmed that, to date, the required actions already have been accomplished on all of the 54 affected airplanes. Therefore, currently, this AD action imposes no additional economic burden on any U.S. operators.

However, should additional affected airplanes be imported and placed on the U.S. register in the future, it will take approximately 36 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD is estimated to be $1,980 per airplane.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–13–05 Dassault Aviation: Amendment 39–8618. Docket 92–NM–167–AD.

Applicability: All Model Mystere-Falcon 900 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent interference with the operation of the engine controls and the flight controls, accomplish the following:

(a) Within 50 hours time-in-service or 30 days after the effective date of this AD, whichever occurs first, accomplish paragraph (a)(1) or (a)(2) of this AD, as applicable.

(1) For airplanes equipped with a Falcon Jet Corporation type interior (a water system pressure accumulator is installed on the left-hand side of frame 25): Perform a complete inspection of the water system in accordance with paragraph 13 of the Supplemental Maintenance Manual, Temporary Revision, dated February 1992; and install a placard, part number FGFB 825 003 760, in a visible location in the aft toilet compartment.

(2) For airplanes equipped with a Dassault Aviation type interior (no water system pressure accumulator is installed at frame 25): Accomplish paragraphs (a)(2)(i), (a)(2)(ii), and (a)(2)(iii) of this AD.

(i) Perform a complete inspection of the water system, in accordance with procedure 38–102 of the Maintenance Manual.

(ii) Reinforce the sealing of the collector under the washbasin, in accordance with Dassault Aviation Service Bulletin F900–113 (F900–38–4), dated March 25, 1992.

(iii) Perform an inspection of heating element 43 HR of pipe item 320, Illustrated Parts Catalog (IPC) 38–30–20, figure 10, in accordance with procedure 30–701 of the Maintenance Manual; and, if a discrepancy is found, replace the heating element within 50 hours time-in-service after performing the inspection required by this paragraph.

(b) Prior to each flight of more than 4 hours time-in-service that occurs after accomplishing the requirements of paragraph (a) of this AD, accomplish the following, as applicable: Inspect the water system, in accordance with the paragraph entitled "Maintenance of Pressurized Central Water System" (page 19), of Revision 4 of the Supplemental Maintenance Manual (for Model Mystere-Falcon 900 series airplanes equipped with a Falcon Jet Corporation type interior); or in accordance with procedure 05–100 (temporary revision No. 59) of the Maintenance Manual (for Model Mystere-Falcon 900 series airplanes equipped with a Dassault Aviation type interior).

(c) Within the next 300 hours time-in-service or 6 months after the effective date of this AD, whichever occurs first, repeat the inspection required by paragraph (a)(1) or (a)(2)(i) of this AD, as applicable. Thereafter, repeat the applicable inspection at intervals not to exceed 300 hours time-in-service or 6 months after the immediately preceding inspection, whichever occurs first.

(d) Within 2 years after the effective date of this AD, modify the underfloor heating at frame 25, in accordance with Dassault Aviation Service Bulletin F900–115 (F900–30–9), dated May 6, 1992, or Revision 1, dated February 25, 1993.

(e) Accomplishment of modification of the underfloor heating in accordance with Dassault Aviation Service Bulletin F900–115 (F900–30–9), dated May 6, 1992, or Revision 1, dated February 25, 1993, constitutes terminating action for the inspections required by paragraphs (a), (b), and (c) of this AD.

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

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

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

(h) The reinforcement shall be done in accordance with Dassault Aviation Service Bulletin F900–113 (F900–38–4), dated March 25, 1992. The modification shall be done in accordance with Dassault Aviation Service Bulletin F900–115 (F900–30–9), dated May 6, 1992; or Dassault Aviation Service Bulletin F900–115 (F900–30–9), Revision 1, dated February 25, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Falcon Jet Corporation, Customer Support Department, Teterboro Airport, Teterboro, New Jersey 07608. Copies may be inspected at the FAA, Transport

Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on August 18, 1993.

Issued in Renton, Washington, on June 29, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-17074 Filed 7-16-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 97

[Docket No. 27353; Amdt. No. 1554]

Standard Instrument Approach Procedures: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue NW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have cancelled. The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the US Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Approaches, Standard instrument, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on July 2, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
06/02/93	OK	Henryetta	Henryetta Muni	3/2946	NDB RWY 35 AMDT 2...
06/11/93	WV	Clarksburg	Benedum	3/3477	ILS RWY 21 AMDT 12... This corrects NOTAM in previous TL.
06/16/93	IA	Fort Dodge	Fort Dodge Regional	3/3196	ILS RWY 6 AMDT 6...
06/16/93	VT	Barre-Montpelier	Edward F. Knapp	3/3191	ILS RWY 17 AMDT 4...
06/17/93	TN	Memphis	Memphis Intl	3/3219	ILS RWY 36R AMDT 8A...
06/21/93	MS	Natchez	Hardy-Anders Field Natchez-Adams County.	3/3285	NDB RWY 17 AMDT 4...
06/21/93	MS	Natchez	Hardy-Anders Field Natchez-Adams County.	3/3286	VOR RWY 17 AMDT 10...
06/22/93	CA	San Francisco	San Francisco Intl	3/3328	ILS RWY 28L AMDT 19A...
06/22/93	MS	Natchez	Hardy-Anders Field Natchez-Adams County.	3/3326	VOR/DME RWY 13 AMDT 2...
06/25/93	SC	Hilton Head Island	Hilton Head	3/3411	RNAV RWY 3 AMDT 4...
06/25/93	SC	Hilton Head Island	Hilton Head	3/3412	RNAV RWY 21 AMDT 4...
06/25/93	SC	Hilton Head Island	Hilton Head	3/3413	VOR/DME–A AMDT 9A...
06/29/93	NH	Portsmouth	Pease International/Tradeport	3/3484	VOR OR TACAN RWY 16 AMDT 1...
06/29/93	NH	Rochester	Skyhaven	3/3482	VOR/DME–A ORIG...
07/02/93	MO	St. Louis	Spirit of St. Louis	3/2958	ILS RWY 8R AMDT 12B...

[FR Doc. 93–16911 Filed 7–16–93; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 204

[Release No. 34–32621]

Debt Collection—Salary Offset

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission has adopted Part 204, Rules Relating to Debt Collection, and a new Subpart B—Salary Offset—under part 204 that sets forth the procedures to collect, by salary offset against a current or former Commission employee's current pay account, without his or her consent, debts owed the U.S. Government. The Commission is required by the Debt Collection Act of 1982 to adopt regulations and develop procedures to collect debts owed by Commission employees to the U.S. Government. This regulation will bring the Commission into compliance with federal debt collection requirements.

EFFECTIVE DATE: July 19, 1993.

FOR FURTHER INFORMATION CONTACT: Darrell Dockery (Branch Chief, Accounting), Glynis Long (Salary Offset Editor), or Henry Hoffman (Assistant Comptroller) at (202) 272–2409, Office of the Comptroller, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982 (Act)[1] provides for improvements in debt collection procedures for debts owed to the U.S. Government by government employees.[2] When it is determined that an employee owes a debt to the United States, the amount of indebtedness may be deducted from the current pay account of the individual at officially established pay intervals. The Act requires the Commission to adopt regulations and develop procedures under which the agency may collect such debts.

The Office of Personnel Management (OPM) requires agencies to submit to OPM their proposed Offset Regulations prior to publication of final regulations or prior to final implementation of the regulations.[3] The Commission's Office of the Comptroller submitted the

[1] 5 U.S.C. 5514.

[2] "Debt" means an amount owed to the United States from sources that include, but are not limited to, erroneous overpayments of benefits, salary, or other allowances; loans insured or guaranteed by the United States; and amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interest, fines and forfeitures. The regulation does not apply to debts or claims arising under the Internal Revenue Code of 1954 as amended (26 U.S.C. 1 *et seq.*), the Social Security Act (42 U.S.C. 301 *et seq.*), or the tariff laws of the United States. It also does not apply to any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute, such as travel advances (5 U.S.C. 5705) and employee training expenses (5 U.S.C. 4108).

"Employee" means a current employee of the Securities and Exchange Commission, or other agency, including an active duty member or reservist in the U.S. Armed Forces or a former employee (or former active duty member or reservist in the Armed Forces) with a current pay account.

[3] Pursuant to Executive Order 11609, Section 6(1), redesignated Executive Order 12107, and 5 CFR 550.1105.

regulation to OPM and received OPM approval in December, 1991.[4]

The Salary Offset Regulation also provides for coordination for salary offset between the Commission and other agencies when former employees of other agencies currently working for the Commission are indebted to the U.S. Government, or when Commission employees have transferred to other agencies.

The Salary Offset Regulations make clear that an employee's involuntary repayment is not to be construed as a waiver of any rights that the employee may have under 5 U.S.C. 5514 or any other provision of contract or law, unless there is statutory or contractual provision to the contrary.

Cost-Benefit Analysis

The Commission believes that the procedures set forth in the Offset Regulation are the most efficient and least burdensome way for the Commission to meet the requirements of the Debt Collection Act of 1982.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)), that this rule relates solely to agency organization, procedures, or practices. It is therefore not subject to the provisions of the Administrative Procedure Act requiring notice and opportunity for comment.

List of Subjects in 17 CFR Part 204

Claims, Debt collection, Government employees, Wages.

Text of Amendments

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended by adding part 204 to read as follows:

PART 204—RULES RELATING TO DEBT COLLECTION

Subpart A—[Reserved]

Subpart B—Salary Offset

Sec.

Authority: 5 U.S.C. 5514.

Subpart A—[Reserved]

Subpart B—Salary Offset

§ 204.30 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset against a federal employee's current pay account without his/her consent under 5 U.S.C. 5514 to satisfy certain debts owed to the Commission. This regulation does not apply when the employee consents to recovery from his/her current pay account.

(b) This regulation does not preclude an employee from requesting a waiver or questioning the amount or validity of a debt by submitting a claim to the General Accounting Office in accordance with procedures prescribed by the General Accounting Office.

(c) This Salary Offset plan is for internal use and Government-wide claims collections. 5 CFR 550.1104(a). This regulation implements 5 U.S.C. 5514; 5 CFR part 550, subpart K.

§ 204.31 Excluded debts or claims.

This regulation does not apply to:

(a) Debts or claims arising under the Internal Revenue Code of 1954 as amended (26 U.S.C. 1), the Social Security Act (42 U.S.C. 301) or the tariff laws of the United States.

(b) Any case where collection of a debt by salary offset is explicitly provided for or prohibited by another statute, such as travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108.

§ 204.32 Definitions.

The following definitions apply to this regulation:

Chairman means the Chairman of the Securities and Exchange Commission.

Commission means the Securities and Exchange Commission.

Creditor agency means the agency to which the debt is owed.

Debt means an amount owed to the United States from sources which include but are not necessarily limited to, erroneous payments made to employees such as overpayment of benefits, salary or other allowances; loans when insured or guaranteed by the United States; and other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayment, penalties, damages, interest, fines and forfeitures (except those arising under the Uniform Code of Military Justice) and all other similar sources.

Disposable pay means the amount that remains from an employee's federal pay after required deductions for federal, state and local income taxes; Social Security taxes, including Medicare taxes; federal retirement programs; premiums for life and health insurance benefits; and such other deductions that are required by law to be withheld. (See 5 CFR 581.105(b) through (f) for items required by law to be withheld, and therefore excluded from disposable pay for the purposes of this regulation.)

Employee means a current employee of the Securities and Exchange Commission, or other agency, including an active duty member or reservist in the U.S. Armed Forces or a former employee (or former active duty member or Reservist in the Armed Forces) with a current pay account.

FCCS means the Federal Claims Collection Standards jointly published by the Justice Department and the General Accounting Office at 4 CFR part 101.

Hearing official means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed, and who renders a decision on the basis of such hearing. A hearing official may not be under the Chairman's supervision or control, except that nothing in this regulation shall be construed to prohibit the appointment of an administrative law judge.

Pay means basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an individual not entitled to basic pay, other authorized pay.

Program official means, for the purpose of implementing this offset regulation, the Comptroller or designee.

Salary offset means an administrative offset to collect a debt under 5 U.S.C. 5514 by deduction(s), at one or more officially established pay intervals, from the current pay account of an employee, without his or her consent.

Waiver means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774, 32 U.S.C. 716, 5 U.S.C. 8346(b), or any other law.

§ 204.33 Pre-offset notice.

A program official must provide an employee with written notice at least 30 calendar days prior to offsetting his/her salary. A program official need not notify an employee of adjustments to pay in connection with the employee's

[4] The Commission first implemented SECR 15–3, Salary Offset, the agency's internal regulation, in March 1992. The Commission was subsequently informed by OPM that the regulations must be published in the CFR.

election of coverage or change in coverage under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less. When required, the written notice must include the following:

(a) The nature, origin and amount of the indebtedness determined by the Commission to be due;

(b) The intention of the Commission to collect the debt through deductions from the employee's current disposable pay account;

(c) The amount, frequency, proposed beginning date, and duration of the intended deductions;

(d) An explanation of the Commission's policy concerning interest, penalties, and administrative costs, including a statement that such assessments must be made unless excused in accordance with the FCCS;

(e) The employee's right to inspect and copy Commission records relating to the debt (if copies of such records are not attached), or if the employee or his or her representative cannot personally inspect the records, the right to request and receive a copy of such records. The Commission will respond to a request for inspection and/or copying as soon as practicable;

(f) The opportunity, under terms agreeable to the Commission, to enter into a written agreement to establish a schedule for repayment in lieu of offset. The agreement must be in writing, signed by both the employee and the Commission, and documented in the Commission's files (4 CFR 102.2(e));

(g) The employee's right to a hearing conducted by an official arranged by the Commission if a petition is filed as prescribed by § 204.35, Petition for pre-offset hearing. Such hearing official will be either an administrative law judge or at the chief administrative law judge's discretion, another hearing official who is also not under the control of the head of the agency;

(h) The method and time period for petitioning for a hearing, including a statement that the timely filing of a petition for hearing will stay the commencement of collection proceedings;

(i) If a hearing is requested, the hearing official will issue a final decision, based on information presented to the hearing official, at the earliest practicable date, but no later than 60 days after the petition for the hearing is filed unless the employee requests and the hearing official, for good cause or in the interests of justice, deems it necessary to extend that time period (5 CFR 550.1104(d)(10));

(j) That any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(1) Disciplinary procedures appropriate under 5 U.S.C. chapter 75, 5 CFR part 752, or any other applicable statutes or regulations;

(2) Penalties under the False Claims Act, 31 U.S.C. 3729–3731, or any other applicable statutory authority; and/or

(3) Criminal penalties under 18 U.S.C. 286, 287, 1001, and 1002, or any other applicable statutory authority.

(k) Any other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made;

(l) The employee's right to a prompt refund if amounts paid or deducted by salary offset are later waived or found not owed to the United States, unless otherwise provided by law or contract; and

(m) The specific address to which all correspondence shall be directed regarding the debt.

§ 204.34 Employee response.

(a) *Introduction.* An employee must respond to a pre-offset notice, if at all, within 15 calendar days following receipt, in one or more of the ways discussed in § 204.34, Employee response, and § 204.35, Petition for pre-offset hearing. Where applicable, the employee bears the burdens of proof and persuasion.

(b) Responses must be submitted in writing to the program official who signed the pre-offset notice. A timely response will stay the commencement of collection by salary offset, at least until the issuance of a written decision. (See § 204.37, Extensions of time). Failure to submit a timely response will be treated as an admission of indebtedness, and will result in salary offset in accordance with the terms specified in the pre-offset notice.

(c) A response filed after expiration of the 15 day period may be accepted if the employee can show that the delay was due to circumstances beyond his or her control or failure to receive notice of the time limit (unless otherwise aware of it).

(d) *Voluntary repayment agreement.* An employee may request to enter into a voluntary written agreement for repayment of the debt in lieu of offset. It is within the discretion of the program official whether to enter into such an agreement, and if so, upon what terms. Voluntary deductions may exceed 15 percent of the employee's disposable pay. If an agreement is reached, the agreement must be in writing, and must be signed by both the employee and the program official. A signed copy must be sent to the Comptroller's office. The program official shall notify the employee in writing of its decision not to accept the proposed voluntary repayment schedule before making any deductions from the employee's salary.

(e) *Waiver.* Any request for waiver of the debt must be accompanied by evidence that the waiver is authorized by law.

(f) *Reconsideration.* An employee may request reconsideration of the existence or amount of the debt or the offset schedule as reflected in the pre-offset notice. The request must be accompanied by a detailed narrative and supporting documentation as to why the offset decision is erroneous and/or why the offset schedule imposes an undue hardship.

§ 204.35 Petition for pre-offset hearing.

(a) The employee may petition for a pre-offset hearing. The petition must state with specificity why the employee believes the agency's determination is in error.

(b) The petition must fully identify and explain, with reasonable specificity, all the facts, evidence and witnesses, if any, that the employee believes support his or her position. The petition must be signed by the employee.

§ 204.36 Granting of a pre-offset hearing.

(a) If the employee timely requests a pre-offset hearing or the timeliness is waived, the program official must:

(1) arrange for a hearing official. If the hearing official is an administrative law judge, he or she shall be designated by the Chief Administrative Law Judge as set forth in 17 CFR 200.310(a)(2); and

(2) provide the hearing official with a copy of all records on which the determination of the debt and any involuntary repayment schedule are based.

(b) The hearing official shall notify the employee by personal service, by first class, registered or certified mail, or by a reliable commercial courier or overnight delivery service whether the employee is entitled to an oral or "paper" (i.e., a review on the written record) hearing. (See 4 CFR 102.3(c).) Within 20 calendar days of receipt of this notice the employee shall provide the hearing official with a full description of all relevant facts, documentary evidence, and witnesses which the employee believes support his or her position. The hearing official may extend the time for the employee to respond to the notice for good cause shown.

(c) If an oral hearing is scheduled, the hearing official shall notify the program official and the employee in writing of the date, time and location of the

hearing. The place for the hearing shall be fixed by the hearing official with due regard for the public interest and the convenience and necessity of the parties, the participants, or their representatives.

(d) If the employee is entitled to an oral hearing, but requests to have the hearing based only on the written submissions, the employee must notify the hearing official and the program official at least 3 calendar days before the date of the oral hearing. The hearing official may waive the 3-day requirement for good cause.

(e) Failure of the employee to appear at the oral hearing may result in dismissal of the petition and affirmation of the program official's decision.

§ 204.37 Extensions of time.

The hearing official may for good cause or in the interests of justice postpone the commencement of the hearing, adjourn a convened hearing for a reasonable period of time or extend or shorten any other time limits prescribed under this section. This extension is not intended to abridge the 30 day initial notice or extend the 60 day decision requirement other than as provided for in 5 CFR 550.1104(d)(10).

§ 204.38 Pre-offset hearing.

(a) The hearing official shall determine the form and content of hearings granted under this section, pursuant to 4 CFR 102.3(c). All oral hearings shall be on the record. Except as otherwise ordered by the hearing official, hearings shall be recorded or transcribed verbatim by shorthand, mechanical means, electronic sound recording, or any other method, subject to the discretion and approval of the hearing official, and a transcript thereof shall be made.

(b) Oral hearings are informal in nature. The Commission, represented by an attorney from the Office of General Counsel, and accompanied by a program official and the employee, and/or the employee's representative, orally shall explain their respective positions using relevant documentation. The employee may testify on his or her own behalf, subject to cross examination. Other witnesses may be called to testify where the hearing official determines the testimony to be relevant and not redundant. The Federal Rules of Evidence serve as a guideline, but are not controlling. The employee bears the burdens of proof and persuasion.

(c) The hearing official shall:

(1) Conduct a fair and impartial hearing;

(2) Preside over the course of the hearing, maintain decorum and avoid delay in the disposition of the hearing; and

(3) Issue a decision in accordance with § 204.39, Written decision, on the basis of the oral hearing and the written record.

(d) Oral hearings are normally open to the public. However, the hearing official may close all or any portion of the hearing at either the request of either party or upon the hearing official's initiative when doing so is in the best interest[s] of the employee or the public.

(e) Oral hearings may be conducted by conference call at the request of the employee or at the discretion of the hearing official.

(f) *Pre-offset "paper" hearing.* If a hearing is to be held only upon written submissions, the hearing official shall issue a decision based solely upon the written record.

§ 204.39 Written decision.

(a) *If pre-offset hearing is held.* Within 60 days of the filing of the employee's petition for a pre-offset hearing, the hearing official will issue a written decision setting forth the basis of his/her findings in accordance with 5 CFR 550.1104(g)(3).

(b) If the employee challenges the pre-offset notice under § 204.34, Employee response and/or § 204.35, Petition for pre-offset hearing, without requesting a hearing or a hearing is denied, the program official must notify the employee of his/her final determination in writing before offset can begin. The agency's execution of a voluntary repayment agreement satisfies this requirement.

§ 204.40 Deductions.

(a) When deductions may begin:

(1) If a pre-offset hearing is held, deductions shall be made in accordance with the hearing official's decision.

(2) If parties execute a voluntary repayment agreement, deductions shall be made in accordance with the terms of that agreement.

(3) If the employee requests a waiver or reconsideration or the program official refuses to accept a proposed alternate repayment schedule, deductions shall be made in accordance with the program official's written decision.

(4) If the employee consents to the terms and conditions set forth in the Commission's Pre-offset Notice or fails to respond in timely fashion to the Pre-offset Notice, or waives his/her right to a hearing without otherwise challenging the terms of the Pre-offset Notice, deductions shall be made in accordance with the terms and conditions set forth therein.

(b) *Retired or separated employees.* If the employee retires, resigns, or is terminated before the debt is fully repaid, the remaining indebtedness will be offset pursuant to 31 U.S.C. 3716 and 4 CFR part 101.

(1) To the extent possible, the remaining indebtedness will be liquidated from any final payment due the former employee as of the date of separation (e.g., final salary payment, lump-sum leave, etc.). See § 204.40d(3), Offset deductions from final salary and/or lump-sum leave payment.

(2) Thereafter, the remaining indebtedness will be recovered from later payments of any kind due the former employee from the United States. See 4 CFR 102.13.

(c) *Method of collection and source of deduction.* The method of collecting debts under these regulations shall be by salary offset. Deductions will be made from the employee's current disposable pay account except as provided for in § 204.34b, Employee response.

(d) *Amount and duration of deductions.* Debts must be collected in one lump sum where possible. If the employee demonstrates financial hardship to the Commission's satisfaction or the amount of the debt exceeds 15 percent of the indebted employee's current disposable pay, collection must be made in installments over a period not greater than the anticipated period of active employment, except as provided in Section 34b, Employee Response.

(1) Installment deductions will be made over the shortest period possible. The size and frequency of installment deductions will bear a reasonable relation to the size of the debt and the employee's ability to pay.

(2) The amount deducted for any period will not exceed 15 percent of the disposable pay from which the deduction is made, unless the employee has agreed in writing to the deduction of a greater amount. Installment payment of less than $100 per pay period will he accepted only in the most unusual circumstances.

(3) Offset deductions from final salary and/or lump-sum leave payment. Such an offset deduction may exceed 15 percent of an employee's final salary and/or lump-sum leave payment pursuant to 31 U.S.C. 3716, 64 CG 907.

(e) Interest, penalties and administrative costs on debts under this part will be assessed and/or waived according to the provisions of 4 CFR 102.13.

§ 204.41 Non-waiver of rights.

An employee's involuntary payment of all or any portion of a debt being collected under 5 U.S.C. 5514 shall not be construed as a waiver of any rights that the employee may have under 5 U.S.C. 5514 or any other provision of contract or law, unless there are statutory or contractual provisions to the contrary.

§ 204.42 Refunds.

(a) The Commission will refund promptly to the appropriate individual amounts offset under this regulation when:

(1) A debt is waived or otherwise found not owing the United States (unless expressly prohibited by statute or regulation); or

(2) The Commission is directed by an administrative or judicial order to refund amounts deducted from the employee's current pay.

(b) Refunds do not bear interest unless required or permitted by law or contract.

§ 204.43 Coordinating offset with another federal agency.

(a) *Responsibility of the Commission as the Creditor Agency.*

The Commission shall request recovery from the current paying agency. Upon completion of the procedures established in these regulations and pursuant to 5 U.S.C. 5514, 5 CFR 550.1108 the Commission must:

(1) Certify, in writing, that the employee owes the debt, the amount and basis of the debt, the date on which payment(s) is due, the date the Government's right to collect the debt first accrued and that the Commission's regulations implementing 5 U.S.C. 5514 have been approved by OPM.

(2) If the collection must be made in installments, the Commission also must advise the paying agency of the amount or percentage of disposable pay to be collected in each installment, and if the Commission wishes, the number and the commencing date of the installments (if a date other than the next officially established pay period is required).

(3) Advise the paying agency of the actions taken pursuant to 5 U.S.C. 5514(b) and give the date(s) the action(s) was taken (unless the employee has consented to the salary offset in writing or signed a statement acknowledging receipt of the required procedures and the written consent or statement is forwarded to the paying agency).

(4) Except as otherwise provided in this paragraph (a)(4), the Commission must submit a debt claim containing the information specified in paragraphs (a)(1) through (3) of this section and an installment agreement (or other instruction on the payment schedule), if applicable, to the employee's paying agency.

(5) If the employee is in the process of separating, the Commission must submit its debt claim to the employee's paying agency for collection as provided in 5 CFR 550.1104(l). Pursuant to 5 CFR 1101, the paying agency must certify the total amount of its collection and notify the creditor agency and employee. If the paying agency is aware that the employee is entitled to payments from the Civil Service Retirement and Disability Fund, or other similar payments, it must provide written notification to the agency responsible for making such payments that the debtor owes a debt (including the amount) and that the paying agency has fully complied with the provisions of this section. The Commission must submit a properly certified claim to the agency responsible for making such payments before the collection can be made.

(6) If the employee is already separated and all payments due from his or her former paying agency have been paid, the Commission may request, unless otherwise prohibited, that money due and payable to the employee from the Civil Service Retirement and Disability Fund (5 CFR 831.1801) or other similar funds, be administratively offset to collect the debt (See 31 U.S.C. 3716 and 4 CFR Part 101).

(7) When an employee transfers to another paying agency, the Commission shall not repeat the due process procedures described in 5 U.S.C. 5514 and subpart B of this part to resume the collection. The Commission must review the debt upon receiving the former paying agency's notice of the employee's transfer to make sure the collection is resumed by the new paying agency. The Commission must submit a properly certified claim to the new paying agency before collection can be resumed.

(b) *Responsibility of the Commission as the paying agency. (1) Complete claim.* When the Commission receives a properly certified claim from a creditor agency, deductions should be scheduled to begin at the next officially established pay interval. The Commission must notify the employee in writing that the Commission has received a certified debt claim from the creditor agency (including the amount) and the date salary offset will begin and the amount of such deductions.

(2) *Incomplete claim.* When the Commission receives an incomplete certification of debt from a creditor agency, the Commission must return the debt claim with notice that procedures under 5 U.S.C. 5514 and subpart B of this part must be provided and a properly certified debt claim received before action will be taken to collect from the employee's current pay account.

(3) *Review.* The Commission is not authorized to review the merits of the creditor agency's determination with respect to the amount or validity of the debt certified by the creditor agency.

(4) *Employees who transfer from one paying agency to another.* If, after the creditor agency has submitted the debt claim to the Commission and before the Commission collects the debt in full, the employee transfers to another agency, the Commission must certify the total amount collected on the debt. One copy of the certification must be furnished to the employee and one copy to the creditor agency along with notice of the employee's transfer.

(c) *Responsibility of the Program Official.*

(1) The Program Official shall coordinate debt collections and shall, as appropriate:

(i) Arrange for a hearing upon proper petition by a federal employee; and

(ii) Prescribe, upon consultation with the General Counsel, such practices and procedures as may be necessary to carry out the intent of this regulation.

(2) The Program Official shall be responsible for:

(i) Ensuring that each certification of debt sent to a paying agency is consistent with the pre-offset notice (§ 204.33, Pre-offset notice).

(ii) Obtaining hearing officials from other agencies pursuant to § 204.36, Granting of a pre-offset hearing.

(iii) Ensuring that hearings are properly scheduled.

§ 204.44 Interest, penalties, and administrative costs.

Charges may be assessed for interest, penalties, and administrative costs in accordance with the Federal Claims Collection Standards, 4 CFR 102.13.

Date: July 13, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–17056 Filed 7–16–93; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 157, 260, 284, and 385

[Docket No. RM93–16–001]

Revisions to the Regulations Governing Natural Gas Pipelines; Order No. 554

Issued July 13, 1993.

AGENCY: Federal Energy Regulatory Commission (Commission).

ACTION: Final rule.

SUMMARY: The Commission is revising its regulations to eliminate the requirement that natural gas pipeline companies file FERC Form No. 15, "Interstate Pipeline's Annual Report of Gas Supply," and FERC Form No. 16, "Report of Gas Supply and Requirements." The Commission has reassessed its need for the information contained in these forms and concludes that the continued periodic reporting of this data is no longer necessary or appropriate in order for the Commission to carry out its legislative mandate.

EFFECTIVE DATE: This order will become effective July 13, 1993.

FOR FURTHER INFORMATION CONTACT: Gordon Wagner, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 219–0122.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3104, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200, or 2400 bps, full duplex, no parity, 8 data bits, and 1 stop bit. CIPS can also be accessed at 9600 bps by dialing (202) 208–1781. The full text of this rule will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street NE., Washington, DC 20426.

FERC Form No. 15, Interstate Pipeline's Annual Report of Gas Supply, and
FERC Form No. 16, Report of Gas Supply and Requirements

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is removing §§ 157.14(a)(10), 260.7, 260.7a, 260.12, 385.2011(a) (6) and (7), and revising sections 2.61 and 284.262(b) of the Commission's regulations, thereby eliminating the requirement that natural gas pipeline companies file FERC Form No. 15 (FERC–15), "Interstate Pipeline's Annual Report of Gas Supply,"[1] and FERC Form No. 16 (FERC–16), "Report of Gas Supply and Requirements."[2]

II. Reporting Requirements

The Commission estimates the public reporting burden that will be eliminated as a result of this rule to be an average of 609 hours per response for FERC–15, "Interstate Pipeline's Annual Report of Gas Supply," and 80 hours per response for FERC–16 "Report of Gas Supply Requirements." The current annual reporting burdens associated with these information collection requirements are: FERC–15, 41,412 hours, 68 respondents and 68 responses, and; FERC–16, 8,000 hours, 50 respondents and 100 responses. These estimates include the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for further reductions of this burden, to the Federal Energy Regulatory Commission, 941 North Capitol Street NE., Washington, DC 20426 [Attention: Michael Miller, Information Policy and Standards Branch, (202) 208–1415, FAX (202) 208–2425]; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission].

III. Background and Proposal

FERC–15 and FERC–16 require natural gas pipelines to provide gas supply and requirements data which the Commission has heretofore employed to ensure reliable service. In response to the regulatory framework established by Order No. 636,[3] the Commission is undertaking a review of our existing regulations, exploring whether there is a continuing need for the current information collections. The Commission has reassessed its need for the information contained in FERC–15 and FERC–16 and concludes that the continued periodic reporting of this data is no longer necessary or appropriate in order for the Commission to carry out its legislative mandate. Therefore, by this final rule, the Commission is eliminating the requirement that pipelines continue to file FERC–15 and FERC–16.[4]

In addition to the Commission's reconsideration of the utility of the data contained in FERC–15 and FERC–16, several parties have submitted requests for a permanent waiver or the elimination of the FERC–15 and FERC–16 reporting requirements.

Columbia Gas Transmission (Columbia) observes that FERC–16 pertains to two categories of data: (1) A summary of actual supply, requirements, and net deficiency or surplus for the twelve months preceding the report; and (2) a summary of projected supply, requirements, and net deficiency or surplus for the twelve months following the report. Columbia asserts that it will implement its

[1] Order No. 279, 29 FR 4873 (April 7, 1964), 31 F.P.C. 750 (1964); amended 32 FR 3292 (February 25, 1967), 37 F.P.C. 326 (1967); 35 FR 6960 (May 1, 1970), 43 F.P.C. 563 (1970); 38 FR 6809 (March 16, 1973), 49 F.P.C. 602 (1973); 41 FR 9867 (March 8, 1976), 55 F.P.C. 968 (1976); 46 FR 42261 (August 20, 1981), FERC Stats. and Regs., Preambles 1977–1981 ¶ 30,284 (August 14, 1981); 53 FR 15023 (April 27, 1988), FERC Stats. and Regs., Preambles 1986–1990 ¶ 30,808 (April 5, 1988); 53 FR 30027 (August 10, 1988), FERC Stats. and Regs., Preambles 1986–1990 ¶ 30,826 (August 1, 1988); codified at 18 CFR 260.7 (1992).

[2] Order No. 489, 38 FR 23515 (August 31, 1973), 50 F.P.C. 561 (1973); amended 45 FR 37812 (June 5, 1980), FERC Stats. and Regs., Preambles 1977–1981 ¶ 30,167 (May 30, 1980); 50 FR 49031 (November 29, 1985), FERC Stats. and Regs., Preambles 1982–1985 ¶ 30,672 (November 22, 1985); 53 FR 15023 (April 27, 1988), FERC Stats. and Regs., Preambles 1986–1990 ¶ 30,808 (April 5, 1988); 53 FR 30027 (August 10, 1988), FERC Stats. and Regs., Preambles 1986–1990 ¶ 30,826 (August 1, 1988); codified at 18 CFR 260.12 (1992).

[3] Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation; and Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, 57 FR 13,267 (April 16, 1992), III FERC Stats. & Regs., Preambles ¶ 30,939 (April 8, 1992); order on reh'g, Order No. 636–A, 57 FR 36,128 (August 12, 1992), III FERC Stats. & Regs., Preambles ¶ 30,950 (August 3, 1992); order on reh'g, Order No. 636–B, 57 FR 57,911 (December 8, 1992), 61 FERC ¶ 61,272 (November 27, 1992).

[4] We note the Commission retains the requirement that pipelines submit FERC Form 16–A, Monitoring (Omnibus) Report, as initiated by the Director of the Office of Pipeline and Producer Regulation under delegation of authority in section 375.307(e)(3) of the Commission's regulations.

restructured services pursuant to Order No. 636 on November 1, 1993, and that it does not anticipate maintaining any merchant function (other than for small customers). Columbia therefore states that subsequent to October 31, 1993, there will be no need to report data related to projected gas supply, requirements, and net deficiency or surplus. Columbia seeks to file that portion of FERC–16 reflecting projected data requests only through October 31, 1993, and requests a waiver or the requirement to file such projected data thereafter.

Transcontinental Gas Pipe Line Corporation (Transco) contends that in the current natural gas market, FERC–16 no longer provides the Commission with either the information that the form was initially designed to supply or with any meaningful information regarding natural gas supply. Transco states that when FERC–16 was promulgated in 1973, compilation of data concerning interstate pipeline companies' supplies and sales requirements could provide a fairly accurate assessment of the interstate market's requirements for natural gas and the industry's ability to meet those requirements. In today's market environment, however, where wholesale interstate sales of gas are no longer sales by interstate pipelines effected through bundled sales and transportation service, the data provided by FERC–16 does not provide a realistic assessment of the market.

Since the FERC–16 data now reflects a comparatively small portion of the natural gas market, Transco argues that the information provided no longer permits the Commission to assess current interstate market requirements and supplies. Transco notes that its reliance on the spot market to balance supply and demand renders the FERC–16 data less effective in projecting deficiencies or surpluses. Transco requests a waiver of the requirement to file FERC–16, proposing that instead of the detailed customer-by-customer analysis now submitted for schedules VI and VIII of FERC–16, pipelines file a summary of information concerning total throughput on their systems and, if requested, summary information concerning storage activity on their systems. Transco contends this change will both reduce its burden of annually generating the FERC–16 submission (estimated to be 1034 hours at a cost of over $42,000 annually) and will provide the Commission with more useful information.

ANR Pipeline Company (ANR) seeks permanent waiver of the FERC–16 reporting requirement on the grounds that, in light of the restructuring of services pursuant to Order No. 636 in ANR's Interim Settlement,[5] the data provided has become highly proprietary and ANR's activities are no longer covered by the regulation except for limited sales purposes. ANR asserts that preparation of FERC–16 constitutes an unnecessary burden on ANR (an estimated 120 to 240 hours to prepare the form) without any corresponding benefit to the Commission or to the public.

ANR states that to the extent that FERC–16 data would relate to its Interim Settlement's Gas Inventory Charge mechanism, the data would be furnished in a reconciliation filing in that proceeding, showing gas purchases and prices related to pre-Order No. 636 sales. Thus, the reporting of historical data for a ten-month period would be duplicative, and an exception to annual periods. Additionally, ANR notes that it is unknown whether small gas customers will elect under ANR's Order No. 636 modified compliance filing to become sales customers or will elect to buy gas from a third party after November 1, 1993. Thus, data on ANR's historical sales, of which future sales will be only a limited portion, will not provide useful trend information or reveal any meaningful information on system supplies and requirements. In view of the above, ANR requests the Commission permanently waive the FERC–16 filing requirement.

National Fuel Gas Supply Corporation (National Fuel) requests a waiver of the requirement to file FERC–15 and FERC–16 on the grounds that following implementation of its restructured services in Docket No. RS92–21–000, National Fuel will no longer be providing a bundled merchant sales service. Furthermore, following the implementation of restructured services on each of National Fuel's upstream pipeline suppliers, National Fuel does not anticipate making any sales of gas other than sales associated with its own production. Therefore, following the unbundling of pipeline services, the information provided by the forms will no longer be necessary.

INGAA filed a petition on behalf of its members arguing that the continued collection of data pursuant to FERC–15 and FERC–16 is obsolete, burdensome, expensive, and unnecessary; therefore, the forms should be deleted from the Commission's reporting requirements. INGAA asserts that the diminished pipeline merchant function has rendered FERC–15 and FERC–16 unnecessary and the information they provide insufficient for the Commission to evaluate the gas supply. In addition, INGAA argues the forms are discriminatory because non-pipeline merchants do not have to file such information. The Interstate Natural Gas Association of America (INGAA) estimates that FERC–15 requires 467 hours to prepare at a cost of $18,503 per filing, for a total of $647,000 per year. INGAA estimates that FERC–16, filed semi-annually, requires 126 hours to prepare at a cost of $4,214, for a total of $295,000 per year. Therefore, in order to make the data collection process more efficient and reduce the cost to interstate pipelines and their customers, INGAA urges the Commission to eliminate the requirement that all interstate pipeline companies file FERC–15 and FERC–16.

A. FERC–15

FERC–15 was designed to furnish the Commission with an annual report of natural gas companies' total gas supply, procurement program, deliverability life, and reserves for each source of supply from which it obtains gas. Prior to adopting FERC–15, the Commission only undertook such an inquiry when a pipeline company sought a certificate of public convenience and necessity. The annual reporting was intended: (1) To enable the Commission to make a continuing review of gas reserves and deliverability; and (2) to permit the Commission to relax its 12-year deliverability life requirement where a pipeline can show an active procurement program, facilities extending into an active production area in which exploration is continuing, and an ongoing ability to meet gas requirements. FERC–15 is filed annually on or before April 1. Currently, companies which have year-end remaining recoverable reserves of 50 billion cubic feet or less of company owned and independent producer contract reserves, or which purchase their entire supply of natural gas from another pipeline company or foreign supplier, need not complete the entire FERC–15.

Section 260.7a of the Commission's regulations[6] provides a separate, alternative filing requirement designed to exempt interstate pipelines that act only as transporters of natural gas for another company from the § 260.7 requirement to submit FERC–15. Pipelines which act as transporters only and do not buy or sell gas—*i.e.*, the

[5] 60 FERC ¶ 61,145 (1992).

[6] Order No. 337, 32 FR 3292 (February 16, 1967), 37 F.P.C. 326 (1967); amended, Order No. 168, 46 FR 43361 (August 20, 1981), 16 FERC ¶ 61,137 (1981).

general operational profile of interstate pipelines after Order No. 636 restructuring—need only report the name and address of each such company for which it transports gas.

B. FERC–16

FERC–16 was prescribed in response to the natural gas supply shortages experienced during the 1972–73 heating season. The Commission considered the recurrence of curtailments to be likely and consequently determined it was necessary to be informed of the actual and anticipated gas supply and requirements status of jurisdictional pipeline companies making sales for resale in interstate commerce. FERC–16 is filed semi-annually, on or before April 30 and September 30, reporting actual and projected data for sales and storage on a customer, month, and state basis, transportation volumes in the aggregate by month, and pipeline supply/requirement balances by month.

IV. Discussion

A. Section 260.7, FERC–15, and Section 260.12, FERC–16

Previously, we found it necessary or appropriate to collect the information contained in FERC–15 and FERC–16 to properly monitor pipelines' gas supply and requirements in order to ensure that interstate pipelines fulfill their merchant function. However, since the two forms were promulgated—FERC–15 in 1964 and FERC–16 in 1973—the natural gas industry has undergone significant evolution, principally in the role of interstate pipelines, which have changed from functioning primarily as merchants of natural gas to providing primarily transportation services to nonpipeline shippers.

For example, in 1984, transportation amounted to 8 percent of the total gas carried to market by pipelines,[7] whereas pipeline transportation recently accounted for approximately 80 percent of total annual interstate pipeline throughout.[8] Following restructuring pursuant to Order No. 636, pipelines will no longer perform a traditional merchant function.[9]

As a result of this fundamental transformation, we have reassessed whether the periodic reports of gas supply and requirements data that FERC–15 and FERC–16 provide continue to be necessary or appropriate to the work of the Commission. We find that such data is no longer relevant or required. Therefore, this final rule will remove sections 260.7 and 260.12 of the Commission's regulations, thereby eliminating the FERC–15 and FERC–16 filing requirements.

B. Section 260.7a

We note that for pipelines providing open access transportation services, the recordkeeping required under part 284 duplicates the information provided under § 260.7a. In view of this redundancy, and for the reasons discussed above, we find that the § 260.7a abbreviated filing no longer provides information required by the Commission in order to fulfill its regulatory function. Therefore, this final rule will remove § 260.7a of the Commission's regulations.

C. Section 2.61

In addition to the above-described changes, this rule will alter those regulations which reference FERC–15 or FERC–16. Section 2.61 of the Commission's regulations contains language promulgated in association with FPC Form No. 15 describing the Commission's policy regarding its deliverability requirement. This language will remain unchanged. However, the introduction to the policy statement will be revised to indicate that pipelines are no longer required to file FERC–15 and that § 260.7 has been removed.

D. Section 157.14(a)(10)

Section 157.14 specifies those exhibits the Commission requires in connection with a section 7 certificate application. Section 157.14(a)(10) calls for "Exhibit H," a report of gas supply and deliverability containing the data in FERC–15. As previously discussed, the Commission has determined that the extensive compilation of information associated with FERC–15 is no longer necessary. However, in order to adequately evaluate certificate applications, we will retain, but modify, the requirement that gas supply data be provided. Rather than request the submission of the FERC–15 data as part of Exhibit H, § 157.14(a)(10) will be revised to read as follows:

Exhibit H—Total gas supply data. A statement by applicant describing:

(i) Those production areas accessible to the proposed construction that contain sufficient existing or potential gas supplies for the proposed project; and

(ii) How those production areas are connected to the proposed construction.

E. Section 284.262(b)

Section 284.262(b) defines the term "projected level of service" as the total projected level of service that a pipeline reports in its FERC–16 filing. This rule will render this reliance on FERC–16 moot. Therefore, § 284.262(b) will be modified to incorporate the "projected level of service" as described in FERC–16. The revised section will read as follows:

Projected level of service means the level of gas volumes projected to be delivered by the company for each customer and additional gas volumes needed by a customer due solely to a weather-induced increase in requirements.

F. Sections 385.2011(a) (6) and (7)

Section 385.2011 of the Commission's Rules of Practice and Procedure describes the procedures for filing on electronic media. Sections 385.2011(a) (6) and (7) provide for the electronic media filing of FERC–15 and FERC–16, respectively. Eliminating the FERC–15 and FERC–16 filing requirements eliminates the subject matter of these sections. Therefore, this final rule will remove §§ 385.2011(a) (6) and (7) of the Commission's Rules of Practice and Procedure.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (RFA)[10] generally requires a descripuon and analysis of final rules that will have significant economic impact on a substantial number of small entities. Most, if not all, of the companies required to comply with this final rule are interstate natural gas pipelines which do not fall within the RFA's definition of small entity. We note that even if the rule would have a significant effect on a substantial number of small entities, eliminating FERC–15 and FERC–16 is appropriate or necessary for the Commission to carry out its legislative mandate. Pursuant to RFA section 605(b), the Commission hereby certifies that the final rule adopted herein does not represent a major Federal action having a significant economic impact on a substantial number of small entities. Therefore, no

[7] See 57 FR 13267 (April 16, 1992), III FERC States. & Regs. Preambles ¶ 30,939 at 30,396, note 43 (April 8, 1992), citing INGAA, Issue Analysis: Carriage Through the First Half of 1991 (November 1991), From: Table A–1, Carriage for Distributors, End-Users, and Marketers and Sales Summary.

[8] *Id.*, note 42, citing Energy Information Administration/Natural Gas Monthly (Feb., 1992); DOE/EIA–0130 (92/02), From: Table 15. Natural and Other Gases Produced and Purchased by Major Interstate Natural Gases Pipeline Companies, 1985–1991 (approximately 80 percent transportation); INGAA November 1991 paper, *supra*, Table A–1 (approximately 83 percent). See also INGAA Report No. 92–4, Carriage Through the First Half of 1992 (August 1992) (approximately 87 percent).

[9] Pipelines continue to sell gas, but on an unbundled basis, as a distinct transaction separate from the transportation of gas.

[10] 5 U.S.C. 601–612.

regulatory flexibility analysis is required.

VI. Information Collection Statement

The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rules.[11] The information collection requirements in this final rule are contained in FERC–15, "Interstate Pipeline's Annual Report of Gas Supply," (1902–0037) and FERC–16, "Report of Gas Supply and Requirements," (1902–0025).

The Commission used the data collected under FERC–15 to make determinations on natural gas reserves, annual production, net revisions, imports, and projected deliverability. The data in FERC–16 was used by the Commission to assess the actual and anticipated supplies available to interstate natural gas pipeline companies and to analyze pipeline expansion, sales, and abandonment applications. By this final rule the Commission is eliminating these reporting requirements in their entirety. The Commission no longer considers these data necessary for regulatory purposes in light of Order No. 636.

The Commission is advising OMB that these collections of information are being eliminated. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 941 North Capitol Street NE., Washington, DC 20426 [Attention: Michael Miller, Information Policy and Standards Branch, (202) 208–1415, FAX (202) 208–2425]; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission].

VII. National Environmental Policy Act

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.[12] We find that the act of promulgating this rule eliminating FERC–15 and FERC–16 and revising § 260.12 of the Commission's regulations is procedural in nature, affecting information gathering and analysis, and does not represent a major Federal action having a significant effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act.[13] Further, we conclude that this rule falls within the categorical exemptions provided in the Commission's regulations.[14] Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Administrative Findings and Effective Date

This final rule is a matter of agency organization, procedure, or practice. Since this rule does not itself alter the substantive rights or interests of any interested persons, prior notice and comment are unnecessary under the Administrative Procedure Act (APA).[15]

On April 27, 1993, the Commission issued an order in Docket No. RM93–16–000 extending until July 31, 1993, the time for compliance with the filing requirements of FERC–15 and FERC–16.

To assure that pipelines are not again compelled to file the forms eliminated by this order, we find good cause to make this rule effective immediately upon issuance, without the 30 day delay following publication in the **Federal Register** generally required by the APA.[16]

List of Subjects

18 CFR Part 2

Administrative practice and procedure, Electric power, Environmental impact statements, Natural Gas, Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 260

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 284

Continental shelf, Natural Gas, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends parts 2, 157, 260, 284, and 385, of Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Lois D. Cashell,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

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

Authority: 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825r, 2601–2545; 42 U.S.C. 4321–4361, 7101–7352.

2. In § 2.61, the introductory sentence is revised to read as follows:

§ 2.61 Pipeline companies—natural gas reserves—deliverability life.

Simultaneously with its promulgation of the annual report, FPC Form No. 15, formerly filed by certain pipeline companies with respect to total gas supply and deliverability, the Commission issued the following statement of policy:

* * * * *

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

3. The authority citation for part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

4. Section 157.14(a)(10) is revised to read as follows:

§ 157.14 Exhibits.

(a) * * *

(10) *Exhibit H—Total gas supply data.* A statement by applicant describing:

(i) Those production areas accessible to the proposed construction that contain sufficient existing or potential gas supplies for the proposed project; and

(ii) How those production areas are connected to the proposed construction.

* * * * *

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

5. The authority citation for part 260 is revised to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

§ 260.7 [Removed]

6. Section 260.7 is removed.

§ 260.7a [Removed]

7. Section 260.7a is removed.

§ 260.12 [Removed]

8. Section 260.12 is removed.

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[11] 5 CFR part 1320.14.

[12] Order No. 486, Regulations Implementing National Environmental Policy Act, 52 FR 47910 (December 17, 1987), FERC Stats. and Regs. ¶ 30,783 (1987), codified at 18 CFR part 380.

[13] 42 U.S.C. 4332.

[14] 18 CFR 380.4.

[15] 5 U.S.C. 553(b).

[16] 5 U.S.C. 553(b).

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

9. The authority citation for part 284 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352; 43 U.S.C. 1331–1356.

10. Section 284.262(b) is revised to read as follows:

§ 284.262 Definitions.

* * * * *

(b) *Projected level of service* means the level of gas volumes to be delivered by the company for each customer and additional gas volumes needed by a customer due solely to a weather-induced increase in requirements.

* * * * *

PART 385—RULES OF PRACTICE AND PROCEDURE

11. The authority citation for part 385 is revised to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 1–27.

§ 385.201 [Amended]

12. Section 385.2011(a)(6) is removed.

13. Section 385.2011(a)(7) is removed.

[FR Doc. 93–17039 Filed 7–16–93; 8:45 am]

BILLING CODE 6717–01–M

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18 CFR Part 271

[Docket No. RM91–8–003]

Qualifying Certain Tight Formation Gas for Tax Credit; Order No. 539–C

Issued July 12, 1993.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule; Order clarifying deadline.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing an order effective immediately, which clarifies the deadline for applications to jurisdictional agencies for Natural Gas Policy Act (NGPA) well determinations. The order also extends the deadline for notices of NGPA well determinations to be received by the Commission from jurisdictional agencies.

EFFECTIVE DATE: July 12, 1993.

FOR FURTHER INFORMATION CONTACT: Jacob Silverman, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, Telephone: (202) 208–2078.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this order will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems, room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

ORDER CLARIFYING DEADLINE FOR FILING NGPA APPLICATIONS FOR WELL CATEGORY DETERMINATIONS WITH JURISDICTIONAL AGENCIES

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F Santa, Jr.

I. Introduction

The Commission has received a number of requests to clarify or grant waiver of our December 31, 1992 deadline for the filing of applications for determination under Title I and Section 503 of the Natural Gas Policy Act of 1978 (NGPA), as set forth in Order No. 539, issued April 9, 1992.[1] For the reasons set forth in Order No. 539–A, the Commission will adhere to the December 31, 1992 deadline for producers to file NGPA applications with jurisdictional agencies.[2] However, for the reasons discussed below, the Commission will allow jurisdictional agencies to treat an Application for Permit to Drill (APD), or similar application to authorize a recompletion, that was filed with a jurisdictional agency on or before December 31, 1992, as establishing that an NGPA application was filed with such agency on or before that date.

[1] Qualifying Certain Tight Formation gas for Tax Credit, FERC Stats. & Regs., Regulations Preambles ¶ 30,940 (1992).

[2] See 60 FERC ¶ 61,023 (1992).

II. Background

As part of the Revenue Reconciliation Act of 1990[3] the tax credit for nonconventional fuels under Section 29 of the Internal Revenue Code and the deadline for drilling wells to qualify for such credit was extended for two years until December 31, 1992. The tax credit was also reinstated for one nonconventional fuel for which it had previously lapsed—gas from newly drilled wells in tight formations—by revising the tax code so that tight formation gas under Section 107(c)(5) of the NGPA is eligible for the tax credit even if the price for tight formation gas is no longer regulated. Thus, while NGPA Section 107 well category determinations have no price consequence, they are necessary to obtain the Section 29 tax credit.

In Order No. 539, the Commission stated that it would process jurisdictional agency notices of determination as long as the underlying application was filed with the jurisdictional agency on or before December 31, 1992, and the Commission received the jurisdictional agency's notice of determination by June 30, 1993. Order No. 539–A[4] extended the deadline for the Commission to receive well category determinations until September 30, 1993.[5] However, the Commission declined to grant an extension of the December 31, 1992 deadline for filing NGPA applications with jurisdictional agencies. The Commission stated that because the Natural Gas Wellhead Decontrol Act of 1989[6] (Decontrol Act) repealed NGPA section 503 effective January 1, 1993, the Commission's authority was limited to completing the processing of applications pending as of that date, and it had no authority as to applications filed after that date.

The Commission has received several well category determinations from the Railroad Commission of Texas where the well was spudded-in before December 31, 1992, but the NGPA application for determination was not filed with the jurisdictional agency until after December 31, 1992. In addition, the Commission has received a number of requests from producers to permit

[3] Public Law No. 101–58, section 11501, 104 Stat. 1388–479 (1990).

[4] 57 FR 31,123 (July 14, 1992), FERC Stats. & Regs., Regulations Preambles ¶ 30,947.

[5] Subsequently, in Order No. 539–B (FERC Stats. & Regs., Regulations Preambles ¶ 30,968), the Commission stated that jurisdictional agencies could file requests for an extension of the deadline to file notices of determination with the Commission, of up to seven months (*i.e.*, to April 30, 1994).

[6] Public Law No. 101–60, 103 Stats. 157 (1989).

waiver of the December 31, 1992 deadline for filing the application with the jurisdictional agency because such agency declined to process the producer's NGPA application, even though the well was spudded before January 1, 1993.[7]

III. Discussion

In Order No. 539 the Commission noted that because of the timing (*i.e.*, that wells had to be spudded-in on or before December 31, 1992, and the corresponding NGPA applications had to be filed with the jurisdictional agencies by that date), "a complete application may not be able to be filed by December 31, 1992." Accordingly, the Commission stated that "the jurisdictional agencies have the discretion to assign a filing date to an application that is substantially complete and specify a date when a complete application must be filed."[8]

In Order No. 539–A, the Commission elaborated that it would permit the jurisdictional agencies to determine when an applicant has satisfied the filing requirements and that the Commission "will not * * * interject itself into the jurisdictional agencies' administrative process of assigning filing dates to well category determinations."[9] Under Order Nos. 539 and 539–A, the Commission provided that the jurisdictional agency may decide what it will accept as a substantially complete filing by December 31, 1992, indicating that such agencies could assign a 1992 filing date to a completed FERC Form No. 121,[10] and require the remainder of the filing to be completed in early 1993.

The Commission has determined from discussions with the jurisdictional agencies, and submissions by them, that there was a significant increase in drilling, completion, and recompletion activity during the latter part of 1992, as producers attempted to meet the December 31, 1992 drilling deadline under Section 29 of the Internal Revenue code, to be able to claim the tax credit. Moreover, in view of the increased drilling activity during this period, one jurisdictional agency (the Railroad Commission of Texas) has allowed the date of the drilling permit to establish that NGPA applications were filed on or before December 31, 1992.[11]

In view of this, the Commission has concluded that the increase in state and federal regulatory work required of producers in connection with their drilling, completing, and recompleting wells, warrants the use of the APD (or similar application for recompletions), to establish that an NGPA application for well category determination was filed with the jurisdictional agency on or before December 31, 1992. This is especially true for small producers with limited staff, whose personnel must perform double duty (since they most often directly oversee the field work *i.e.*, the drilling, completing, and/or recompleting of wells, and then also return to the office and complete and file all of the necessary regulatory documents with the appropriate State and/or Federal agencies). Our action will not have any price consequences, but will permit producers to obtain the tax credit that Congress intended.

Therefore, for wells spudded-in on or before December 31, 1992, and recompletions commenced on or before that date, the Commission will allow jurisdictional agencies to treat an APD (or similar application for a recompletion) that was filed with a jurisdictional agency on or before December 31, 1992, as establishing that an NGPA application for determination was filed with such jurisdictional agency on or before that date.[12] For a well recompletion, the applicant must have filed with the jurisdictional agency, before December 31, 1992, a permit for the specific recompletion for which a determination is sought. We reiterate that in order to qualify the person making an application must also show that the physical drilling of the well must actually have begun on or before December 31, 1992. The change in the filing requirement does not relieve the applicant of the spud-in requirement.

We will also clarify that this order only authorizes the use of the APD (or similar application) to establish that a well category determination application was filed on or before December 31, 1992, and cannot be used to establish that an application for a tight formation area designation was filed with a jurisdictional agency on or before December 31, 1992. Applications for tight formation designation are filed to qualify formations (or portions thereof) within a recommended area. Such area designations rely on findings that apply to the recommended stratigraphic interval within the recommended area, and involve supporting data and filing requirements that are distinctly different from those for individual well qualification. Therefore, filing APDs (or similar applications) to authorize a well (or a recompletion) is not relevant to the formation designation process, and in no way evidences any intent by a producer to request that a formation be designated or that a recommended area be delineated.

One producer, J–W Operating, Inc. (J–W), requests the Commission to allow it to combine the tight formation area designation application with two well category determination applications that were filed in 1992. We will reject J–W's request based on the need for a separate application for the tight formation area designation, as explained in this order.[13] Therefore, the applications for well category determination for J–W's two wells will be returned to the applicant.

Extension of the September 30, 1993 Deadline

In Order No. 539–B, issued April 9, 1993, the Commission granted to certain jurisdictional agencies, based upon their pending workloads, their requests for an extension of the September 30, 1993 deadline for such agencies to submit their notices of their determinations to the Commission, but not beyond April 30, 1994. This order may increase the workload of many other jurisdictional agencies. Accordingly, the Commission is extending the September 30, 1993 deadline by seven months (to April 30,

[7] In addition, the Bureau of Land Management of the United States Department of the Interior (BLM) has received inquiries from a number of producers regarding the filing of applications after December 31, 1992, and seeks Commission guidance regarding a specific procedure to follow to answer such inquiries.

[8] FERC Statutes & Regulation ¶ 30,940 at n. 41 at 30,488.

[9] FERC Statutes & Regulations ¶ 30,947 at 30,512.

[10] FERC Form No. 121 is part of the application for well category determination filed with the jurisdictional agency and is one of the documents submitted to the Commission as part of the jurisdictional agency's notice of determination. It basically identifies the well for which the application is filed, and the category for which a determination is sought.

[11] On May 28, 1993, Texas filed four new tight formation gas well category determinations with the Commission under Section 107(c)(5) of the NGPA. The applicable 45-day period for Commission review expires July 12, 1993. Lewis Petro Properties, Inc. filed the applications with Texas in 1993.

[12] Since all wellhead sales were deregulated and decontrolled on January 1, 1993, the Commission will not accept determinations where the well was spudded or recompletion commenced on or after January 1, 1993.

[13] J–W argues that communications with Texas, to which J–W was not a party, led the prior operator to believe that the area designation could be combined with the applications for the wells, but the record submitted by J–W does not support its position. The record shows that J–W had the opportunity to make the necessary filing for one well. As for the other well, the only argument to support J–W's position is the ignorance of the prior operator and J–W of the Commission's regulations, which have been in effect since 1987 and require a separate tight formation area designation application. The Commission cannot accept this as a basis for either company's failure to comply with the regulations.

1994), to provide all jurisdictional agencies with adequate time to process and submit their notices of determination to the Commission. Thus, specific requests from jurisdictional agencies will no longer be required to extend the deadline.

Effective Date

Since some jurisdictional agencies may be refusing to process applications that meet the standards adopted in this order, and in view of the deadline for submitting notices to the Commission, the Commission believes that failure to make this order effective immediately would be contrary to the public interest. Accordingly, the Commission finds that good cause exists under 5 U.S.C. 553 (b) and (d) to make this order effective upon issuance, applicable to all well category determination applications.

The Commission Orders

(A) The Commission allows jurisdictional agencies to treat an Application for Permit to Drill that was filed on or before December 31, 1992, as establishing that an NGPA application for determination was filed with such jurisdictional agency or before December 31, 1992.

(B) The Commission extends until April 30, 1994, the deadline for the Commission to receive from jurisdictional agencies, NGPA category determinations.

(C) The applications for well determinations filed by J–W Operating, Inc., are returned to the applicant.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 93–17038 Filed 7–16–93; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 280

[Docket No. R–93–1674; FR–3293–F–01]

RIN 2502–AF81

Nehemiah Housing Opportunity Grants Program

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to implement a recent statutory amendment which permits the Department to apply the 25 percent presale requirement to individual phases of a Nehemiah project.

EFFECTIVE DATE: August 18, 1993.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of the General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection between 7:30 a.m. and 5:30 p.m. at the above address.

FOR FURTHER INFORMATION CONTACT: Morris Carter, Director, Single Family Development Division, Office of Insured Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–2700. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Information Collections

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register.**

Public reporting burden for the collection of information requirements contained in this rule is estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, *Other Matters.* Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., room 10276, Washington, DC 20410–0050; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

II. Background

Title VI of the Housing and Community Development Act of 1987 (Pub. L. 100–242, approved February 5, 1988) established the Nehemiah Housing Opportunity Grants Program (NHOP). Under NHOP, HUD is authorized to make grants to nonprofit organizations to enable them to provide loans to families purchasing homes that are constructed or substantially rehabilitated in accordance with a HUD-approved program. On May 22, 1989, HUD published a final rule establishing the requirements for NHOP at 54 FR 22248. This final rule became effective on July 13, 1989, and is codified at 24 CFR part 280.

The current NHOP regulations, at 24 CFR 280.305, do not allow recipients to begin construction or substantial rehabilitation of homes until 25 percent of the homes to be constructed or substantially rehabilitated under the program are contracted for sale to the purchasers who intend to live in the homes and the downpayments required under § 280.320(b) are made. This 25 percent minimum participation requirement was mandated by section 606(c) of the Housing and Community Development Act of 1987, the authorizing statute for NHOP.

After the first few years of NHOP operation, it was found that the minimum participation requirement created problems for the efficient implementation of the program. Some recipients have tremendous difficulty in pre-selling houses to be built or rehabilitated to the full extent of the initial 25 percent requirement. In addition, many potential homeowners cannot afford to have their downpayments held for a long period of time while they wait for the recipients to pre-sell 25 percent of the total project before beginning construction or substantial rehabilitation.

To address these problems, Congress amended section 606(c) of the Housing and Community Development Act of 1987 in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act 1992, (approved October 28, 1991, Public Law 102–139), (92 App. Act). The 92 App. Act amendment allows the Department to apply the 25 percent presale requirement to individual phases of a Nehemiah project, provided that the phases consist of at least 16 homes and that the unit of local government in which the homes are to be located agrees to the phasing schedule.

The amendment to section 606(c) is being implemented in this final rule by amending 24 CFR 280.305—Minimum participation. While the present requirement in § 280.305 that refers to 25 percent of all homes in a Nehemiah program is still the general rule, this change will permit recipients to request HUD's approval of a phasing plan to begin construction or substantial rehabilitation when 25 percent of the homes in an individual phase of a Nehemiah program have been pre-sold. Each phase must contain at least 16 homes, and the phasing plan must be approved by the unit of local government in which the homes are to be located. The other provisions of § 280.305 providing an exception to the 25 percent requirement for the construction and substantial rehabilitation of homes for the purpose of display are not affected by this amendment. The format of § 280.305 is being changed to state, first, the general 25 percent minimum participation rule, and then list the phase and display exceptions as paragraphs (a) and (b), respectively.

This amendment is being implemented as a final rule, effective 30 days after publication. The Department has determined, in accordance with 24 CFR 10.1, that notice and public comment are unnecessary, because the rule is a straightforward implementation of the statutory change to NHOP and its grants or recognizes an exemption, thereby relieving a regulatory burden on program participants.

Other Matters

A. Economic Impact

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

B. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

C. Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule do not have federalism implications and, thus, are not subject to review under the Order. This rule merely makes certain statutorily required changes that permit recipients under the program to begin construction or substantial rehabilitation of homes under less restrictive conditions. As such, the changes will not have substantial, direct effects on States, on their political subdivisions, or on their relationships with the Federal government, or on the distribution of power and responsibilities between them and other levels of government.

D. Family Impact

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule will not have a potentially significant impact on family formation, maintenance, and general well-being, and thus, is not subject to review under the Order. The rule amends the Nehemiah Housing Opportunity Grants Program (NHOP) to permit construction or substantial rehabilitation of homes to begin under less restrictive conditions. To the extent that additional homes are made available, there will be some beneficial, although indirect, effect on families.

E. Regulatory Flexibility Act

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule only affects the point at which construction or substantial rehabilitation of homes under NHOP may begin. As such, it makes no change in the number of entities already affected under the rule.

This rule was listed as Item No. 1436 in the Department's Semiannual Agenda of Regulations published on April 26, 1993 (58 FR 24382, 24407) under Executive Order 12291 and the Regulatory Flexibility Act.

Public Reporting Burden

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). The Department has determined that the following provisions contain information collection requirements.

TABULATION OF REPORTING BURDEN—NEHEMIAH HOUSING OPPORTUNITY PROGRAM

Description of information collection requirement	Section of 24 CFR affected	Number of respondents	Number of response per respondent	Total annual response	Hours per response	Total hours
1. Form HUD–91102: Application submission requirements—not applicable after 9–30–91	(This was the only time that the Form HUD–91102 was filled out)					
2. Affirmative fair housing marketing requirements	§ 280.207(a)(6)	10	1	10	3 minutes	0.5
3. Racial and ethnic data collection requirement	§ 280.207(a)(7)	10	145	1,450	3 minutes	72.5
4. Lead-based paint reporting and recordkeeping requirement.	§ 280.207(e)	2	145	290	0.50	145
5. Grant agreement	§ 280.303(a)	10	1	10	2.00	20
6. Request for modification of requirement for eligible buyers.	§ 280.315(a)	5	1	5	1.50	7.5
7. Sales contract requirement	§ 280.320(a)	10	145	1,450	0.50	725
8. Request for reimbursement	§ 280.322(b)	10	145	1,450	0.50	725
9. Loan and 2nd mortgage requirement	§ 280.322(a)	10	145	1,450	0.50	725
10. Request for HUD approval of sale or transfer	§ 280.330(b)	10	45	450	1.50	675

TABULATION OF REPORTING BURDEN—NEHEMIAH HOUSING OPPORTUNITY PROGRAM—Continued

Description of information collection requirement	Section of 24 CFR affected	Number of respondents	Number of response per respondent	Total annual response	Hours per response	Total hours
11. Phasing plan	§ 280.305	25	1	1	2.00	50
Total burden hours						3,145

The Catalog of Federal Domestic Assistance Number for the Nehemiah Housing Opportunity Grant Program is 14.179.

List of Subjects in 24 CFR Part 280

Community development, Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, title 24, part 280 of the Code of Federal Regulations is amended as set forth below:

PART 280—NEHEMIAH HOUSING OPPORTUNITY GRANTS PROGRAM

1. The authority citation for part 280 is revised to read as follows:

Authority: 12 U.S.C. 1715*l* note; 42 U.S.C. 3535(d).

2. Section 280.305 is revised to read as follows:

§ 280.305 Minimum participation.

Except as provided in paragraph (a) or (b) of this section, the recipient may not begin the construction or substantial rehabilitation of homes until 25 percent of the homes to be constructed or substantially rehabilitated under the program are contracted for sale to purchasers who intend to live in the homes and the downpayments required under § 280.320(b) have been made.

(a) Recipients may submit a phasing plan to HUD for approval. The phasing plan may propose that the grantee begin construction or substantial rehabilitation on an individual phase of the program when 25 percent of the homes in the individual phase of the program have been pre-sold. Each phase for which approval is sought must contain at least 16 homes. Each submission must include documentation that the phasing plan has been approved by the unit of local government in which the homes are to be located.

(b) Recipients may construct and substantially rehabilitate homes for the purpose of display to potential homeowners. The maximum number of display homes is limited to five percent of the number of homes to be constructed or substantially rehabilitated under the program, or three homes, where the program involves less than 60 homes.

Dated: July 9, 1993.

Nicolas P. Retsinas,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 93–17078 Filed 7–16–93; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Arkansas' Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment with one exception and one required amendment.

SUMMARY: OSM is approving a proposed amendment, with one exception and one required amendment, to the Arkansas abandoned mine land reclamation plan (hereinafter referred to as the "Arkansas plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended by the Arkansas' Abandoned Mine Reclamation Act of 1990. Arkansas proposed changes to the title 15, chapter 58 of Arkansas Code Annotated (Arkansas Surface Coal Mining and Reclamation Act of 1979) pertaining to the eligibility of project sites for abandoned mined land (AML) fund expenditures. The amendment is intended to incorporate the additional flexibility afforded by SMCRA as amended.

EFFECTIVE DATE: July 19, 1993.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Arkansas Plan

On May 2, 1983, the Secretary of the Interior approved the Arkansas plan. General background information on the Arkansas plan, including the Secretary's findings, the disposition of comments, and the approval of the Arkansas plan can be found in the May 2, 1983 **Federal Register** (48 FR 19710).

II. Submission of Amendment

By letter dated March 31, 1993 (administrative record No. AAML–02), Arkansas submitted, at its own initiative, a proposed amendment to its plan pursuant to SMCRA as amended. Arkansas proposed to amend Arkansas Code Annotated Section 15–58–401 relating to the eligibility of project sites for AML fund expenditures.

OSM announced receipt of the proposed amendment in the April 30, 1993, **Federal Register** (58 FR 26078; administrative record No. AAML–12) and in the same notice opened the public comment period and provided an opportunity for a public hearing on the substantive adequacy of the proposed amendments. The public comment period closed on June 1, 1993. No substantive comments were received. The public hearing, scheduled for May 17, 1993, was not held because no one requested an opportunity to testify.

III. Director's Findings

After a thorough review pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, the Director finds, as discussed below, that Arkansas' March 31, 1993 proposed plan amendment, with one exception, is no less stringent than SMCRA as amended by the Abandoned Mine Reclamation Act of 1990 and is in compliance with the corresponding Federal regulations at 30 CFR 884.13.

At its own initiative, Arkansas proposed to revise Section 15–58–401 of Arkansas Code Annotated that provides for the determination of the eligibility of project sites for AML fund expenditures. By adding Subsections 15–58–401(b), (b)(1), (b)(2) and (c), Arkansas proposed to revise the definition of "lands

eligible" thereby providing funds for reclamation of certain coal mine sites where the mining occurred after August 3, 1977. Proposed Section 15–58–401(b) provides for the use of AML funds for sites disturbed after August 3, 1977, based on the findings of eligibility set forth in subsections (b)(1) and (b)(2). Proposed Subsection 15–58–401(b)(1) would include those sites affected between August 4, 1977, and November 21, 1980 (the effective date of the approved Arkansas regulatory program), for which available funds were insufficient for adequate reclamation. Proposed Subsection 15–58–401(b)(2) would include those sites affected between August 4, 1977, and March 5, 1993 (the effective date of Arkansas's statutory revision), where bond forfeiture funds were insufficient for adequate reclamation. Proposed Subsection 15–58–401(c) requires that in determining sites to reclaim pursuant to paragraph (b), the Director of the Arkansas program shall follow the priorities stated in paragraphs (1) and (2) of Section 15–58–402 and ensure that priority is given to those sites in the immediate vicinity of a residential area or having an adverse economic impact upon a community. Previously, Arkansas' plan provided funds only for reclamation of sites that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there was no continuing reclamation responsibility under State or Federal law.

Proposed Subsections 15–58–401(b), (b)(1) and (c) are substantively identical to, and therefore no less stringent than subsections 402(g)(2)(B), (B)(i), and (C) of SMCRA, and the Director approves them.

However, proposed Subsection 15–58–401(b)(2) differs substantively from subsection 402(g)(2)(B)(ii) of SMCRA. Subsection 402(g)(4)(B)(ii) of SMCRA requires for eligibility of AML funds the finding that the lands were disturbed by permitting mining operations after August 4, 1977, but before November 4, 1990, where the surety of the operation became insolvent during the same period and funds are not sufficient to provide for adequate reclamation or abatement at the site. Arkansas' proposed Subsection 15–58–401(b)(ii) requires a finding that (1) the surface coal mining operation occurred during the period beginning on August 4, 1977, and ending on or before the date of enactment of this paragraph; (2) the surety of the operation became insolvent during such period; and (3) funds are not sufficient to provide for adequate reclamation or abatement at the site. The date of enactment of paragraph (b)(2) is March 5, 1993. Therefore, Arkansas' proposed amendment allows a substantially longer time period than does SMCRA during which certain lands may be eligible for AML funds. For this reason, Subsection 15–58–401(b)(2) is less stringent than subsection 402(g)(4)(B)(ii) of SMCRA. The Director (1) does not approve Arkansas' proposed Subsection 15–58–401(b)(2) to the extent that it allows for a time period extending beyond November 4, 1990, during which lands disturbed by a mining operation whose surety became insolvent would be eligible for use of AML funds, and (2) requires that Arkansas submit a proposed revision of subsection 15–58–401(b)(2) of Arkansas Code Annotated to limit the allowed time period to that between August 4, 1977, and November 4, 1990.

IV. Summary and Disposition of Comments

1. Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment.

No public comments were received, and because no one requested an opportunity to testify at a public hearing, no hearing was held.

2. Agency Comments

Pursuant to 30 CFR 884.14(a)(2) and 884.15(a), the Director solicited comments from the heads of various other Federal agencies with an actual or potential interest in the Arkansas plan.

By letter dated April 13, 1993 (Administrative Record No. AAML–07), the State Historic Preservation Officer responded that it had no comments on the proposed amendment.

By letter dated April 22, 1993 (Administrative Record No. AAML–08), the U.S. Forest Service responded that it had no comments on the proposed amendment.

By letter dated April 23, 1993 (Administrative Record No. AAML–09), the U.S. Bureau of Land Management responded that it had no comments.

By letter dated April 27, 1993 (Administrative Record No. AAML–10), the U.S. Bureau of Mines responded that it had no comments.

By letter dated May 5, 1993 (Administrative Record No. AAML–11), the U.S. Soil Conservation Service responded that it had no comments.

By letter dated May 11, 1993 (Administrative Record No. AAML–13), the U.S. Fish and Wildlife Service responded that it had no comments.

V. Director's Decision

Based on the above finding, the Director approves Arkansas' proposed plan amendment, as submitted on March 31, 1993, with one exception and one required amendment.

The Federal regulations at 30 CFR part 904, codifying decisions concerning the Arkansas plan, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State plan amendment process and to encourage States to bring their plans into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12291

On March 30, 1992, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 (Reduction of Regulatory Burden) for actions related to approval or disapproval of State abandoned mine land reclamation plans and revisions thereof. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and promulgated by a specific State, not by OSM. Decisions on proposed State abandoned mine land reclamation plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 8, 1993.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 904—ARKANSAS

1. The authority citation for part 904 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 904.20 is revised to read as follows:

§ 904.20 Approval of Arkansas abandoned mine land reclamation plan.

(a) The Arkansas abandoned mine land reclamation plan, as submitted on July 7, 1982, is approved.

(b) Copies of the approved plan are available at:

Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209. Telephone: (501) 562–6533.

Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, Oklahoma 74135–6548. Telephone: (918) 581–6430.

3. Section 904.25 is added to read as follows:

§ 904.25 Approval of abandoned mine land reclamation plan amendments.

(a) With the exception of subsection 15–58–401(b)(2), to the extent that it allows for a time period extending beyond November 4, 1990, during which lands disturbed by a mining operation whose surety became insolvent would be eligible for use of AML funds, the following sections of the Arkansas Code Annotated, title 15, pertaining to the Arkansas abandoned mine land reclamation plan, as submitted to OSM on March 31, 1993, are approved effective July 19, 1993:

Sections 15–58–401 (b) and (c) of Arkansas Code Annotated—Lands Eligible

(b) Reserved.

4. Section 904.26 is added to read as follows:

§ 904.26 Required Plan Amendments.

Pursuant to 30 CFR 884.15, Arkansas is required to submit for OSM's approval the following proposed plan amendment by the date specified.

(a) By October 18, 1993, Arkansas shall submit proposed revisions to subsection 15–58–401(b)(2) of Arkansas Code Annotated to limit the allowed time period to that between August 4, 1977, and November 4, 1990, during which lands disturbed by a mining operation whose surety became insolvent would be eligible for use of AML funds.

(b) Reserved.

[FR Doc. 93–16997 Filed 7–18–93; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[MM Docket No. 92–159, FCC 93–299]

Radio Broadcasting Services; Permitting FM Channel and Class Modifications by Application

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopts a one-step processing procedure for certain modifications to existing FM station authorizations. These modifications include upgrades on adjacent and co-channels, modifications to adjacent channels of the same class, and downgrades to adjacent channels. The Commission takes this action on its own motion to expedite the implementation of service improvements.

EFFECTIVE DATE: August 18, 1993.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order MM Docket No. 92–159, adopted June 4, 1993, and released July 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc. (202) 857–3800, 1919 M Street NW., room 246, or 2100 M Street NW., suite 140, Washington, DC 20037.

Synopsis of Report and Order

1. The Commission, on its own motion, allows FM licensees and permittees to request by application upgrades on adjacent and co-channels, modifications to adjacent channels of the same class, and downgrades to adjacent channels. See 57 FR 36047, August 12, 1992. In this regard, the Commission includes intermediate frequency (IF) channels in its definition of adjacent channel. Prior to this change, an FM licensee or permittee seeking to modify its channel or class of channel was required to request these changes through a two-step process in which the party first filed a petition for rule making. If the petition was acceptable, we initiated a formal notice and comment rule making process requiring the issuance of a Notice of Proposed Rule Making, and, if determined to be in the public interest, a grant by Report and Order. The Commission would then order the licensee or permittee to file a minor change application specifying the substituted channel. At each step, the proposal would undergo a similar engineering analysis. At the application step, the proposal would undergo a more comprehensive engineering analysis, which would subsume the analysis performed at the rulemaking step. The process is now streamlined by eliminating the rulemaking step in circumstances where it largely duplicates the application process, and allowing a licensee or permittee to seek such modifications by application alone. Grant of the application will be followed by an editorial amendment to the FM Table of Allotments to reflect the modification. Using this one-step process for each of these classes of

actions serves the public interest by speeding the implementation of service modifications and eliminating redundant staff processing efforts. Commenters were generally in favor of this approach.

2. We determined that use of this process to achieve station upgrades on the basis of contour protection would be inconsistent with our allotment policy. In order to prevent the allotment of channels that would conflict with our present allotment standards, the Commission is limiting the availability of the new one-step procedure only to those proposals that comply with both its application criteria and its allotment standards. An applicant may apply for a station modification at a site that would not meet allotment standards, so long as the applicant can demonstrate that an available site exists which would comply with allotment standards. The Commission's two-step process generally allows such a result. The Commission also limits this procedure to modifications that require no changes to the Table of Allotments other than a change in the allotment of the station seeking the modification, and excludes non-adjacent channel upgrades. This procedure is mandatory for all who propose these types of actions.

3. Consistent with the cut-off rule adopted in Conflicts Between Applications and Petitions for Rule Making to Amend the FM Table of Allotments, 57 FR 36018 (August 12, 1992), pet. for recon. granted in part, FCC 93–339 adopted June 28, 1993, minor change applications filed pursuant to this process are cut-off from subsequently filed petitions for rule making as of the day the application is received at the Commission. Where an application and an earlier or simultaneously filed petition for rule making conflict, the application will be held in abeyance pending the outcome of the rule making. The conflict will be resolved in the context of the rule making proceeding unless the applicant amends its application to remove the conflict. If the application is filed prior to the deadline for filing counterproposals to the petition, the application will be treated as a counterproposal in that proceeding. If the application is filed after that deadline, it will be presumed to represent only the applicant's site preference. The Ashbacker doctrine does not preclude adoption of these changes. Although these changes may restrict the ability of other parties to file counterproposals seeking competing uses of the spectrum that would be precluded by grant of the application, limiting the applicability of this procedure to upgrades on adjacent and co-channels, modifications to adjacent channels of the same class, and downgrades to adjacent channels should provide other parties with the ability to predict with certainty any preclusive effect that a potential modification may have on FM spectrum availability in the area. Therefore, a prospective petitioner would readily be able to predict whether a particular station could seek a modification by application, thereby enabling that prospective petitioner to file a conflicting request in advance of the application.

4. Any changes adopted in this proceeding will apply only to applications filed thirty days after the effective date of the rules as stated herein. Any rulemaking petitions already filed, or on file on the effective date of the new rules, will be processed under existing procedures.

Final Regulatory Flexibility Statement

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the adopted rules will have a significant impact on a substantial number of small entities because they will expedite the ability of broadcasters to achieve service improvements. The full text of this Final Regulatory Flexibility Statement may be found in Appendix B to the Report and Order.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

Parts 1 and 73 of Title 47 of the Code of Federal Regulations are amended to read as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. Sections 154 and 303.

2. Section 1.420 is amended by adding Note 1 following paragraph (g) and redesignating the Note following paragraph (h) as Note 2 to read as follows:

§ 1.420 Additional procedures in proceedings for amendment of the FM, TV or Air-Ground Table of Allotments.

* * * * *

Note 1: In certain situations, a licensee or permittee may seek an adjacent, intermediate frequency or co-channel upgrade by application. See Section 73.203(b) of this chapter.

* * * * *

PART 73—RADIO BROADCAST SERVICES

3. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. Sections 154 and 303.

4. Section 73.203 is amended by revising paragraph (b) and adding a Note to read as follows:

§ 73.203 Availability of channels.

* * * * *

(b) Applications filed on a first come, first served basis may propose a lower or higher class adjacent, intermediate frequency or co-channel. Applications for the modification of an existing FM broadcast station may propose a lower or higher class adjacent, intermediate frequency or co-channel, or an same class adjacent channel. In these cases, the applicant need not file a petition for rule making to amend the Table of Allotments (§ 73.202(b)) to specify the modified channel class.

Note: Changes in channel and/or class by application are limited to modifications on first, second and third adjacent channels, intermediate frequency (IF) channels, and co-channels which require no other changes to the FM Table of Allotments. Applications requesting such modifications must meet either the minimum spacing requirements of § 73.207 at the site specified in the application, without resort to the provisions of the Commission's Rules permitting short spaced stations as set forth in §§ 73.213 through 73.215 or demonstrate by a separate exhibit attached to the application the existence of a suitable allotment site that fully complies with §§ 73.207 and 73.315 without resort to §§ 73.213 through 73.215.

5. Section 73.3573 is amended by revising paragraph (a)(1), redesignating Noted 1 and 2 as Notes 2 and 3 and adding a new Note 1 to read as follows:

§ 73.3573 Processing FM broadcast station applications.

(a) Applications for FM broadcast stations are divided into two groups:

(1) In the first group are applications for new stations or for major changes in the facilities of authorized stations. A major change for FM station authorized under this part is any change in frequency or community of license which is in accord with a present allotment contained in the Table of

Allotments (73.202 (b)). Other requests for change in frequency or community of license for FM stations must first be submitted in the form of a petition for rule making to amend the Table of Allotments. Applications filed on a first come, first served basis may propose a higher or lower class adjacent, intermediate frequency or co-channel in an application for a new FM broadcast station. A licensee or permittee may seek the higher or lower class adjacent, intermediate frequency or co-channel or the same class adjacent channel of its existing FM broadcast station authorization by filing a minor change application. For noncommercial educational FM stations, a major change is any change in frequency or community of license or any change in power or antenna location or height above average terrain (or combination thereof) which would result in a change of 50% or more in the area within the station's predicted 1 mV/m field strength contour. (A change in area is defined as the sum of the area gained and the area lost as a percentage of the original area). However, the FCC may within 15 days after the acceptance of the application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore subject to the provisions of §§ 73.3580 and 1.1111 of this chapter pertaining to major changes.

* * * * *

Note. 1: Applicatiosn to modify the channel and/or class of an FM broadcast station to an adjacent channel, intermediate frequency (IF) channel, or co-channel shall not require any other amendments to the Table of Allotments. Such applications may resort to the provisions of the Commission's Rules permitting short spaced stations as set forth in § 73.215 as long as the applicant shows by separate exhibit attached to the application the existence of an allotment reference site which meets the allotment standards, the minimum spacing requirements of § 73.207 and the city grade coverage requirements of § 73.315. This exhibit must include a site map or, in the alternative, a statement that the transmitter will be located on an existing tower. Examples of unsuitable allotment reference sites include those which are offshore, in a national or state park in which tower construction is prohibited, on an airport, or otherwise in an area which would necessarily present a hazard to air navigation.

* * * * *

[FR Doc. 93–17029 Filed 7–16–93; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 61

[CC Docket No. 89–79; DA 93–838]

Creation of Access Charge Elements for Open Network Architecture; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations [FCC 93–133, 8 FCC Rcd 2104], which were published Thursday, April 1, 1993 [58 FR 17167]. The regulations related to cost showings required for basic service elements for open network architecture.

EFFECTIVE DATE: June 30, 1993.

FOR FURTHER INFORMATION CONTACT: David L. Sieradzki, Policy & Program Planning Division, Common Carrier Bureau, (202) 632–1304.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections establish that tariff showings for future basic service elements (BSEs) unbundled from existing services should be the same as the showing for the initial set of unbundled BSEs.

Need for Correction

As published, the final regulations contain an error that inadvertently removed an earlier revision to the same rule.

Correction of Publication

Accordingly, the publication on April 1, 1993 of the final regulations [FCC 93–133, 8 FCC Rcd 2104], which were the subject of FR Doc. 93–7465, is corrected as follows:

§ 61.49 [Corrected]

On page 17167, in the second column, in § 61.49, paragraph (h), the first sentence is corrected to read as follows:

(h) Each tariff filing by a local exchange carrier subject to price cap regulation that introduces a new service or a restructured unbundled basis service element (BSE), as defined in § 69.2(mm) of this chapter, that is or will later be included in a basket, or that introduces or changes the rates for connection charge subelments for expanded interconnection, as defined in § 69.121 of this chapter, must also be accompanied by:

* * * * *

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–17025 Filed 7–16–93; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–348, FCC 93–339]

Radio Broadcast Services; Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments

ACTION: Final rule; petition for reconsideration.

SUMMARY: This action grants in part and denies in part a petition for reconsideration in this proceeding regarding the procedures for resolving conflicts between FM applications and rulemaking petitions to amend the FM Table of Allotments. This document modifies § 73.208(a) of the Commission's Rules so that a timely filed counterproposal in an FM allotment proceeding may still be considered even though it has been rendered unacceptable by the filing of a prior conflicting FM application provided that certain requirements are met. This modification is needed to address the concerns of counterproponents in FM allotment proceedings.

EFFECTIVE DATE: August 18, 1993.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Mass Media Bureau, Policy and Rules Division, (202) 632–5414.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order in MM Docket No. 91–348, FCC 93–339, adopted June 28, 1993. The complete text of the Memorandum Opinion and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC and also may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Washington, DC 20037.

Synopsis of Memorandum Opinion and Order

1. The Report and Order in this proceeding adopted a cut-off rule for resolving conflicts between rulemaking petitions to amend the FM Table of Allotments and FM applications. See 57 FR 36018, August 12, 1992. Specifically, the Report and Order amended § 73.208(a) of the Commission's Rules to provide FM applications with cut-off

protection from rulemaking proposals at the same time that they receive such protection from other mutually exclusive applications—that is, FM applications for new stations or major changes filed during a filing window are protected from rulemaking petitions at the close of the filing window. All other FM applications are protected as of the date they are filed with the Commission.

2. The Association of Federal Communications Consulting Engineers (AFCCE) requests that the Commission reconsider the new rule insofar as it provides cut-off protection to various types of FM applications on the dates they are filed. It proposes instead a rule cutting off FM applications from rulemaking petitions 30 days after a publicly released notice of acceptance.

3. The Commission rejected AFCCE's alternative proposal and concluded that giving cut-off protection to FM applications on the dates they are filed does not violate section 307(b) of the Communications. However, the Commission recognized that AFCCE is correct that a counterproposal filed before the counterproposal deadline in an FM allotment proceeding could be rendered unacceptable because a conflicting FM application was filed earlier. To address this concern, the Commission added a note to § 73.208(a) permitting such a counterproposal to be considered in the rulemaking proceeding if it is amended to protect the transmitter site of the previously filed FM application within 15 days after being placed on the Public Notice routinely issued by the staff concerning counterproposals. The counterproponent must also make a showing that, at the time it filed the counterproposal, it did not know, and could not have known by exercising due diligence, of the pendency of the conflicting FM application.

4. Accordingly, *it is ordered*, That the petition for reconsideration filed on behalf of the Association of Federal Communications Consulting Engineers is granted in part and denied in part.

5. *It is further ordered*, That § 73.208(a) of the Commission's Rules is amended as set forth below, effective 30 days after publication of a summary in the **Federal Register.**

6. *It is further ordered*, That the petition for reconsideration filed by Mullaney Engineering, Inc. is dismissed.

7. *It is further ordered*, That MM Docket No. 91–348 is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

Amendatory Text

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

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. Sections 154 and 303.

2. Section 73.208 is amended by adding a note at the end of paragraph (a) to read as follows:

§ 73.208 Reference points and distance computations.

(a) * * *

Note: If the filing of a conflicting FM application renders an otherwise timely filed counterproposal unacceptable, the counterproposal may be considered in the rulemaking proceeding if it is amended to protect the site of the previously filed FM application within 15 days after being placed on the Public Notice routinely issued by the staff concerning the filing of counterproposals. No proposals involving communities not already included in the proceeding can be introduced during the reply comment period as a method of resolving conflicts. The counterproponent is required to make a showing that, at the time it filed the counterproposal, it did not know, and could not have known by exercising due diligence, of the pendency of the conflicting FM application.

* * * * *

[FR Doc. 93–17031 Filed 7–16–93; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 90

[PR Docket No. 91–295; DA 93–556]

Private Land Mobile Radio Services; Additional 72–76 MHz Frequencies

AGENCY: Federal Communications Commission.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the *Report and Order*, PR Docket No. 91–295, published in the **Federal Register** on December 18, 1992, 57 FR 60132, FR Doc. 92–30727. The *Report and Order* provided additional 72–76 MHz frequencies for low-power mobile use in certain private land mobile radio services. Class of station designation for these frequencies in the frequency tables for the Power, Petroleum, and Business Radio Services are corrected.

EFFECTIVE DATE: July 19, 1993.

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

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections provided 20 additional frequencies in the 72–76 MHz frequency band for low-power mobile use on a shared basis in the Business, Manufacturers, Petroleum, Power, and Railroad Radio Services.

Need for Correction

As published, the final regulations contained errors in the frequency tables for the Power, Petroleum, and Business Radio Services and require correction.

Correction of Publication

Accordingly, the publication on December 18, 1992 of the final regulations (PR Docket No. 91–295) which were the subject of FR Doc. 92–30727 is corrected as follows:

1. On page 60133, in the third column, in Section 90.63(c), in the entry for frequency 74.61 MHz in the Power Radio Service Frequency table, the word "do" under class of station(s) is corrected to read "Mobile".

2. On page 60134, in the first column, in Section 90.65(b), in the entry for frequency 74.61 MHz, in the Petroleum Radio Service Frequency table, the word "do" is corrected to read "Mobile".

3. On page 60134, in the second column, in Section 90.75(b), in the entry for frequency 74.61 MHz, in the Business Radio Service Frequency table, the word "do" is corrected to read "Mobile".

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 93–17028 Filed 7–16–93; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 920780–2180; I.D. 071393A]

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 until August 15, 1993. 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 July 13, 1993 through August 15, 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, National Sea Turtle Coordinator (301/713–2319) or Charles A. Oravetz, Chief, Protected Species Program, Southeast Region, NMFS, (813/893–3366).

SUPPLEMENTARY INFORMATION:

Background

In regulations published May 17, 1993 (58 FR 28793), and June 16, 1993 (58 FR 33219), 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 supplemental section 7 consultation and revised incidental take statement prepared by NMFS on July 2, 1993.

Recent Events

The North Carolina sea turtle stranding network reported that nine sea turtles stranded in the North Carolina Restricted Area during the exemption period of May 12 through June 11, 1993. Consultation under section 7 of the Endangered Species Act (ESA) was reinitiated on July 2, 1993 for the continuation of this TED exemption, because the strandings of nine 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 (May 15 through August 15) 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. The incidental take level was increased to a mortality of one Kemp's ridley, green, hawksbill, or leatherback turtle, or ten loggerhead turtles during the nine month exemption period. This increased incidental take level for loggerheads reflects the annual stranding average of 26 loggerheads in this area even when shrimpers are required to use TEDs.

During the most recent exemption period of June 11, 1993 through July 12, 1993, two loggerhead turtles stranded on beaches in the restricted area. NMFS observers reported low algae concentrations and no observed turtle captures by shrimpers in the restricted area during two observed trips on June 22 and July 7, 1993. Observations and anecdotal information indicate that about half of the shrimpers in the restricted area are using TEDs instead of 30-minute tow times because the algae concentration does not clog TEDs. Aerial surveys by the North Carolina Division of Marine Fisheries (NCDMF) report that shrimping effort was high in the exemption area, with 10 to 15 trawlers observed each day in restricted area inshore or nearshore waters during the late afternoon and early morning hours. Only 13 vessels are currently registered to use tow times instead of TEDs in the restricted area; last year a total of 40 vessels registered to use tow times. In 17 hours of enforcement observation between June 11 and July 9, 1993, all monitored vessels either complied with tow-time limitations or used TEDs. NCDMF also reported that gillnet activity is very low in the restricted area, although increased turtle captures in untended gillnets have been observed.

NMFS has determined that the environmental conditions in the restricted area may render TED-use impracticable in the next month. While algae levels have been low this year, NMFS expects that the algae will increase. Therefore, the Assistant Administrator extends the authorization to use restricted tow times previously issued on May 12, 1993 (58 FR 28793, May 17, 1993) and June 11, 1993 (58 FR 33219, June 16, 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 until August 15, 1993.

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 considered 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 considered for the permanent 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 additional 30-day period 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 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: July 13, 1993.

Samuel W. McKeen,

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

[FR Doc. 93–16984 Filed 7–13–93; 4:56 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 136
Monday, July 19, 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 39

[Docket No. 92–CE–59–AD]

Airworthiness Directives: Twin Commander Aircraft Corporation 500, 520, 560, 680, 681, 685, 690, 695, and 720 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to Twin Commander Aircraft Corporation (Twin Commander) 500, 520, 560, 680, 681, 685, 690, 695, and 720 series airplanes. The proposed action would require inspecting the flap system for cables with broken wires or pulleys with worn cable clips; replacing any damaged parts; and replacing the master pulley with a new part of improved design. The Federal Aviation Administration (FAA) has received reports of cable fatigue, particularly the master pulley cable, on several of the affected airplanes. The actions specified by the proposed AD are intended to prevent flap system failure, which could result in loss of control of the airplane.

DATES: Comments must be received on or before September 29, 1993.

ADDRESSES: Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–59–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Twin Commander Aircraft Corporation, 19003 59th Drive, NE., Arlington, Washington 98223. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Pasion, Aerospace Engineer, FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055–4056; Telephone (206) 227–2594.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92–CE–59–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–59–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports of flap system cable fatigue, particularly the master pulley cable, on several Twin Commander 500, 520, 560, 680, 681, 685, 690, 695, and 720 series airplanes. The master pulley is located on the left side of the fuselage and is attached to the flap actuator. Investigation of one of the affected airplanes has revealed that the groove of the master pulley is too narrow for the cable, which forces the cable to ride on the sides of the groove instead of the bottom of the groove. This condition accelerates cable fatigue. Further review shows that the master pulley groove dimension is in error throughout the whole fleet.

Review of drawings that affect all pulleys in the cable flap drive system reveals that the only groove dimensions in error are those of the master pulley. However, one slave pulley that was inspected in the field was found to contain incorrect groove width. In addition, two outboard flap pulleys were rubbing on their mounting brackets on the airplane investigated, and the pulley clip that retains the cable was almost completely worn.

Twin Commander has issued Service Bulletin (SB) No. 210, dated February 1, 1991, which specifies procedures for (1) inspecting the flap system for cables with broken wires and pulleys with worn clips; and (2) replacing the flap master pulley with a new part of improved design.

After examining the circumstances and reviewing all available information related to the incidents described above including the referenced service information, the FAA has determined that AD action should be taken to prevent flap system failure, which could result in loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Twin Commander 500, 520, 560, 680, 681, 685, 690, 695, and 720 series airplanes of the same type design, the proposed AD would require inspecting the flap system for cables with broken wires and pulleys with worn clips; replacing any damaged parts; and replacing the master pulley with a new part of improved design. The proposed actions would be accomplished in accordance with the service bulletin described above.

The FAA estimates that 1,860 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 25 workhours per airplane to accomplish the proposed inspection, and that the average labor rate is approximately $55 an hour. Parts cost approximately $600 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S.

operators is estimated to be $3,673,500. These figures take into account that none of the affected airplane operators have accomplished the proposed actions.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [AMENDED]

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

Twin Commander Aircraft Corporation: Docket No. 92–CE–59–AD.

Applicability: Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680FL, 680FL(P), 680FP, 680T, 680V, 680W, 681, 685, 690, 690A, 690B, 690C, 690D, 695, 695A, 695B, and 720 airplanes (all serial numbers), certificated in any category:

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent flap system failure, which could result in loss of control of the airplane, accomplish the following:

(a) Visually inspect the flap system for cables with broken wires or pulleys with worn cable clips in accordance with the Accomplishment Instructions section of Twin Commander Service Bulletin (SB) No. 210, dated February 1, 1991. Prior to further flight, replace any damaged parts.

(b) Replace the master cable pulley with a new part of improved design in accordance with the Accomplishment Instructions section of Twin Commander SB No. 210, dated February 1, 1991. The applicable master cable pulley part numbers are referenced in Table I of Twin Commander SB No. 210.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Twin Commander Aircraft Corporation, 19003 59th Drive, NE., Arlington, Washington 98223; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 12, 1993.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–17010 Filed 7–16–93; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 350

[Docket No. 78N–0064]

RIN 0905–AA06

Antiperspirant Drug Products for Over-the-Counter Human Use; Request for Comments; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to September 20, 1993, the period for submission of comments on two citizen petitions (and a comment that disagreed with one of the petitions) requesting that the rulemaking for over-the-counter (OTC) antiperspirant drug products be reopened to include new information on aluminum compounds used in these products (58 FR 15452, March 23, 1993). FDA is taking this action in response to a request to extend the comment period for an additional 60 days to allow more time to assess references provided subsequent to the submission of one of the citizen petitions.

DATES: Written comments by September 20, 1993.

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

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 23, 1993 (58 FR 15452), FDA announced an opportunity for public comment on two citizen petitions and a response that disagreed with one of the petitions. The petitions and response concerned issues related to the safety of aluminum-containing and aluminum zirconium-containing antiperspirant drug products. The agency requested public comments in an effort to determine whether further study should be required to assess the safety of aluminum antiperspirants before issuing a final rule for OTC antiperspirant drug products. Interested persons were given until July 21, 1993, to submit comments.

On June 7, 1993, the Cosmetic, Toiletry, and Fragrance Association (CTFA), a trade association representing the personal care products industry, requested a 60-day extension of the comment period to allow adequate time to assess one of the citizen petitions. CTFA pointed out that citations for numerous references in the petition (Ref. 1) were not submitted to the Dockets Management Branch until May 7, 1993 (Ref. 2), and that members of the public could not adequately assess and attempt to reply to the petition until that date. Copies of the references were subsequently provided on May 14, 1993 (Ref. 3).

FDA has carefully considered the request and concurs that some reference citations were not available until May 7, 1993. The agency believes that additional time for comment is in the public interest and will allow for more useful comments to be developed. Thus, the agency considers an extension of the comment period for 60 days to be appropriate.

Interested persons may, on or before September 20, 1993, submit to the Dockets Management Branch (address above) written comments regarding these petitions and the comment on one petition. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

References

(1) Citizen Petition CP3, Docket No. 78N–0064, Dockets Management Branch.

(2) Comment LET16, Docket No. 78N–0064, Dockets Management Branch.

(3) Comment SUP2, Docket No. 78N–0064, Dockets Management Branch.

Dated: July 9, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–16981 Filed 7–16–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 7

[Notice No. 774; Re: Notice No. 771]

RIN 1512–AA95

Standard of Identity for Malt Liquor (91F–026P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: This document extends the comment period for Notice No. 771, an advance notice of proposed rulemaking (ANPRM) published in the **Federal Register** on April 19, 1993. In Notice No. 771, ATF announced it is considering amending regulations issued under the Federal Alcohol Administration Act (FAA Act) to provide a standard of identity for malt liquor. Currently, regulations under the FAA Act do not set forth a standard of identity for malt liquor, or for any other malt beverage product. This advance notice of proposed rulemaking is in response to a petition from a coalition of consumer groups seeking to establish a definite standard of identity for malt liquor.

DATES: Written comments must be received by September 17, 1993.

ADDRESSES: Send written comments to Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221; ATTN: Notice No. 771.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, telephone (202)927–8230.

SUPPLEMENTARY INFORMATION:

Background

On April 19, 1993, the Bureau of Alcohol, Tobacco and Firearms published Notice No. 771, an advance notice of proposed rulemaking in the **Federal Register** (58 FR 21126). ATF requested the public to comment on specific questions relating to the standards of identity for malt beverages. The questions are as follows:

(1) Should ATF consider establishing a standard of identity for malt liquor? If so, what if any factors relating to production, ingredients, alcoholic content, or other factors should be included in a standard of identity which would differentiate malt liquor from other malt beverages?

(2) Based on trade and consumer understanding of malt liquor, should a standard of identity for malt liquor contain a maximum or a minimum alcohol content?

(3) If ATF were to consider establishing a standard of identity for malt liquor, should it also consider establishing standards of identity for other classes and types of malt beverages in order to differentiate between the several classes and types, including beer, lager beer, ale, porter, stout, and so forth? Should alcoholic content be considered as a factor in any such standards of identity?

(4) Is the term "liquor" in "malt liquor" deceptive or inappropriate? Should ATF allow continued use of the term "malt liquor" for labeling malt beverages, or should ATF propose to eliminate its use in labeling fermented malt beverages?

The comment period for Notice No. 771 was scheduled to close on July 19, 1993. Prior to the end of the comment period ATF received a request for an extension of the comment period. This request was submitted by the National Association of Beverage Importers, Inc. (NABI). Due to the complexity of the issues raised in Notice No. 771, an extension of an additional 60 days was requested.

In consideration of the request, ATF has determined that in addition to the 90 days already allowed, an extension of an additional 60 days is appropriate. Therefore, the comment period for Notice No. 771 will be extended until September 17, 1993.

Drafting Information

The principal author of this document is Angela R. Shanks, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

Authority: This notice is issued under the authority in 27 U.S.C. 205.

Signed: July 12, 1993.

Stephen E. Higgins,

Director.

[FR Doc. 93–17035 Filed 7–16–93; 8:45 am]

BILLING CODE 4810–31–U

27 CFR Part 7

[Notice No. 775; Re: Notice No. 772]

RIN 1512-AB17

Alcoholic Content Labeling for Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document extends the comment period for Notice No. 772, a notice of proposed rulemaking (NPRM) published in the Federal Register on April 19, 1993. Notice No. 772 solicits comment on an interim rule permitting the optional statement on a malt beverage label of the alcoholic content. Specifically, that notice requested comments regarding the form of the statement, type size and so forth. ATF has received a request to extend the comment period in order to provide sufficient time for all interested parties to respond to the issues addressed in the NPRM.

DATES: Written comments must be received on or before September 17, 1993.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221; ATTN: Notice No. 772.

FOR FURTHER INFORMATION CONTACT: Charles Bacon, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, telephone (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Background

On April 19, 1993, the Bureau of Alcohol, Tobacco and Firearms (ATF) published T.D. ATF-339 in the Federal Register (58 FR 21228). This interim rule permits optional statements of alcoholic content on labels of malt beverages. Concurrently, ATF published Notice No. 772, April 19, 1993 (58 FR 21233) which solicits comments on the labeling requirements in that interim rule.

ATF is interested in receiving comments concerning the specific guidelines contained in the interim rule. ATF invites comments addressed to: The manner of stating alcoholic content on malt beverage labels; whether other methods such as a range of alcoholic content, or maximums or minimums should be permitted; the tolerances provided from the stated alcoholic content, the maximum and minimum type size requirements; whether specific restrictions should be imposed on the placement of alcoholic content statements; whether alcoholic content statements should be required to appear in conjunction with mandatory information; whether ATF should consider making the statements of alcoholic content mandatory label information in the future; and whether the number of such statements on a label should be limited by regulation.

The comment period for Notice No. 772 was scheduled to close on July 19, 1993. Prior to the end of the comment period ATF received a request for an extension of the comment period. This request was submitted by the National Association of Beverage Importers, Inc. (NABI). Due to the complexity of the issues raised in Notice No. 772, an extension of an additional 60 days was requested.

In consideration of the request, ATF has determined that an extension of an additional 60 days is appropriate. Therefore, the comment period for Notice No. 772 will be extended until September 17, 1993.

Drafting Information

The principal author of this document is Angela R. Shanks, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

Authority: This notice is issued under the authority in 27 U.S.C. 205.

Signed: July 12, 1993.

Stephen E. Higgins,

Director.

[FR Doc. 93-17036 Filed 7-16-93; 8:45 am]

BILLING CODE 4810-31-U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Illinois Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Illinois Abandoned Mine Land Reclamation Plan (hereinafter referred to as the Illinois AMLR Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The proposed amendment was initiated by Illinois and pertains to revisions to the Abandoned Mined Lands and Water Reclamation Act (State Act), 20 ILCS 1920/1.01-3.08 (Formerly Ill. Rev. Stat., 1991, ch. 96 1/2, pars. 8001.01-8003.08), and to revisions to Illinois' regulations at title 62, Illinois Administrative Code (IAC), part 2501.

This document sets forth the times and locations that the Illinois AMLR Plan and proposed amendment to that Plan are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on August 18, 1993. If requested, a public hearing on the proposed amendment will be held at 1 p.m. on August 13, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on August 3, 1993.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. James F. Fulton, Director, Springfield Field Office, at the address listed below. Copies of the Illinois AMLR Plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendment by contacting OSM's Springfield Office.

Office of Surface Mining Reclamation and Enforcement, Springfield Field Office, 511 West Capitol, suite 202, Springfield, Illinois 62704, Telephone: (217) 492-4495

Illinois Abandoned Mined Lands Reclamation Council, 928 South Spring Street, Springfield, Illinois 62704, Telephone: (217) 782-0588

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Director, Springfield Field Office; (217) 492-4495.

SUPPLEMENTARY INFORMATION:

I. Background

Title IV of SMCRA established an Abandoned Mine Land Reclamation (AMLR) program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. As enacted in 1977, lands and waters eligible for

reclamation were those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there was no continuing reclamation responsibility under State or Federal law. The AML Reclamation Act of 1990 (Pub. L. 101–508, Title VI, Subtitle A, Nov. 5, 1990, effective Oct. 1, 1991) amended SMCRA, 30 U.S.C. 1231 *et seq.*, to provide changes in the eligibility of project sites for AML expenditures. Title IV of SMCRA now provides for reclamation of certain mine sites where the mining occurred after August 3, 1977. These include interim program sites where bond forfeiture proceeds were insufficient for adequate reclamation and sites affected any time between August 4, 1977, and November 5, 1990, for which there were insufficient funds for adequate reclamation due to the insolvency of the bond surety. Title IV provides that a State with an approved AMLR program has the responsibility and primary authority to implement the program.

The Secretary of the Interior approved the Illinois AMLR Plan on June 1, 1982. Information pertinent to the general background of the Illinois AMLR Plan submission, as well as the Secretary's findings and the disposition of comments can be found in the June 1, 1982, **Federal Register** (47 FR 23883). Subsequent actions concerning plan amendments are identified at 30 CFR 913.25.

The Secretary adopted regulations at 30 CFR part 884 that specify the content requirements of a State reclamation plan and the criteria for plan approval. The regulations provide that a State may submit to the Director proposed amendments or revisions to the approved reclamation plan. If the amendments or revisions change the scope of major policies followed by the State in the conduct of its reclamation program, the Director must follow the procedures set out in 30 CFR 884.14 in approving or disapproving an amendment or revision.

II. Discussion of Proposed Amendment

By letter dated July 2, 1993 (Administrative Record No. IL–600–AML), the Illinois Abandoned Mine Lands Reclamation Council (Council) submitted a proposed amendment to the Illinois AMLR Plan on its own initiative, as provided for by 30 CFR 884.15. Illinois revised section 2.11 of the State Act added new section 2.12 to the State Act, and added new section 2501.37 to the Council's regulations at 62 IAC part 2501.

(1) Section 2.11 Non-Coal Reclamation

The revision to section 2.11 will be enacted through Illinois Senate Bill (SB) 632. SB–632 passed both chambers of the Illinois General Assembly and is awaiting signature by the Illinois Governor. The revision to section 2.11 extends the Council's authority from August 14, 1994, to August 31, 1999, for making non-coal reclamation expenditures.

(2) Section 2.12 Statement of Reclamation

New section 2.12 was enacted, effective September 9, 1991, to provide public notice of reclamation completed by the Council. The full text of this new section reads "Statement of Reclamation. Following reclamation, the Council shall file a Notice of Reclamation in the office of the Recorder in the county in which the reclaimed land lies. The Notice of Reclamation shall identify the land reclaimed, the adverse effects of past mining on the land, and briefly describe the reclamation. The Notice of Reclamation shall serve as perpetual notice to all concerned that the land has been mined and reclaimed, and provide that further information may be obtained by contacting the Council. This Section shall apply to all lands where reclamation is completed after July 1, 1991."

(3) 62 IAC 2501.37 Notice of Reclamation

New section 2501.37 was adopted, effective May 26, 1992, to implement section 2.12 of the State Act. Subsection (a) includes all the language in section 2.12 of the State Act with the exception of the last sentence, subsection (b) specifies the conditions for which Notices of Reclamation shall be filed, and subsections (c) and (d) specify the conditions for which Notices of Reclamation shall not be filed.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 884.14, OSM is now seeking comment on whether the amendment proposed by Illinois satisfies the applicable requirements of 30 CFR 884.14 for the approval of State reclamation plan amendments. If the amendment is deemed adequate, it will become part of the Illinois AMLR Plan.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the OSM Springfield Field Office will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by 4 p.m. on August 3, 1993. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed under "**ADDRESSES**" by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT**". All such meetings will be open to the public, and, if possible, notices of meetings will be posted at the locations under "**ADDRESSES**". A written summary of each meeting will be made a part of the Administrative Record.

Executive Order 12291

On March 30, 1992, the Office of Management and Budget (OMB) granted OSM an exemption from section 3, 4, 7 and 8 of Executive Order 12291 for actions related to approval or disapproval of State and Tribal abandoned mine land reclamation plans and revisions thereof. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent

allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and adopted by a specific State or Tribe, not by OSM. Decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of title IV of SMCRA (30 U.S.C. 1231–1243) and the Federal regulations at 30 CFR parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior [516 DM 6, appendix 8, paragraph 8.4B(29)].

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State [or Tribal] submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State [or Tribe]. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 913

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 9, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–16996 Filed 7–16–93; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 914

Indiana Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of comment period on proposed amendment.

SUMMARY: OSM is announcing the receipt of revisions to a previously proposed amendment to the Indiana permanent regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). By letter of February 23, 1993 (Administrative Record No. IND–1242), and changes published in the Indiana Register on June 1, 1993, Indiana amended a proposed program amendment which was originally submitted on August 8, 1992 (Administrative Record Number IND–1126). The amendment (Program Amendment 92–4) consists of proposed modification to the Indiana Surface Mining Rules concerning coal extraction incidental to extraction of other minerals. The amendment is intended to establish criteria and procedures for use in determining whether an operation qualifies initially, and on a continuing basis, for an exemption from permitting.

This document sets forth the times and locations that the Indiana program, program amendment 92–4, and the changes to the proposed amendment are available for public inspection, and the comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received on or before 4 p.m. on August 3, 1993.

ADDRESSES: Written comments and requests for a hearing should be mailed or hand delivered to: Mr. Roger W. Calhoun, Director, Indianapolis Field Office, at the address listed below. Copies of the Indiana program, the proposed amendment and changes, and all written comments received in response to this document will be available for review at the addresses listed below, Monday through Friday, 9 a.m. to 4 p.m., excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment and changes by contacting OSM's Indianapolis Field Office.

Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, room 301, Indianapolis, Indiana 46204. Telephone: (317) 226–6166

Indiana Department of Natural Resources, 402 West Washington Street, room 295, Indianapolis, Indiana 46204. Telephone: (317) 232–1547

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Indianapolis Field Office, Telephone: (317) 226–6166.

SUPPLEMENTARY INFORMATION:

I. Background

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the July 26, 1982 **Federal Register** (47 FR 3207). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 914.10, 914.15, and 914.16.

II. Discussion of Amendment

By letter dated February 23, 1993 (Administrative Record No. IND–1242), Indiana submitted proposed changes to Indiana program amendment 92–4 which was originally submitted on August 8, 1992 (Administrative Record Number IND–1126). Indiana published its final changes to amendment 92–4 in the Indiana Register on June 1, 1993 (vol. 16, no. 9, pp. 2142–2146).

Proposed Program Amendment 92–4 is the same as the August 8, 1992, submittal except for minor wording and notation changes and the following substantive changes:

1. 310 IAC 12–1–6(e) Application Requirements and Procedures

a. New subdivision 6(e)(3) is added as a counterpart to 30 CFR 702.11(e)(3) to provide that if the director of IDNR fails to provide an applicant with the determination as specified in subdivision 6(e)(1) of subsection 6(e), an applicant who has not begun may commence coal extraction pending a determination on the application unless the director of IDNR issues as interim finding, together with reasons therefore, that the applicant may not begin coal extraction.

b. Subsection 6(f) has been revised to correct a citation from "310 IAC 0.5–1–

3(a)" to "310 IAC 0.6–1–4." Also, new subdivision 6(f)(2) is added as a counterpart to 30 CFR 702.11(f)(2) to provide that a petition for administrative review filed under 310 IAC 0.6–1–4 shall not suspend the effect of a determination under subsection 310 IAC 12–1–6(e).

2. 310 IAC 12–1–7 Contents of Application for Exemption

a. The first sentence in this section is being revised to clarify that the list of items included in section 7 is the minimum information needed in the application and that more information may be required.

b. A new clause is added at the end of section 7, subsection 7(17), which emphasizes the public nature of the application and reads as follows: "Information collected under the provisions of this section is subject to the public availability of information as described in 310 IAC 12–3–17."

3. 310 IAC 12–1–9 Conditions of Exemption and Right of Inspection and Entry

a. Subsection 9(1) is being amended to clarify that the specified information necessary to verify the exemption is the minimum information needed and that more information may be required.

b. Subsection 9(3) is being amended to add a reference to 310 IAC 12–1–6(e)(3) (see item 1(a) above) as a counterpart to the Federal reference to 30 CFR 702.11(e)(3) as cited at 30 CFR 702.15(c).

4. 310 IAC 12–1–11 Revocation and Enforcement

Subsection 11(d) is amended to change a citation from "310 IAC 12–0.6–1–3(a)" to read "310 IAC 12–0.6–1–3."

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the proposed changes to the amendment proposed by Indiana satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicate under "DATES" or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

IV. Procedural Determinations

Executive Order No. 12291

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs, actions and program amendments. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

Executive Order 12778

The Department of the Interior has conducted the review required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731 and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 9, 1993.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 93–16995 Filed 7–16–93; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FR–4679–9]

Open Meeting on the Definition of Solid Waste and Hazardous Waste Recycling

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA) is conducting a public meeting on revising the regulatory definition of solid waste under the Resource Conservation and Recovery Act (RCRA). The revisions are intended to simplify the regulations and to eliminate disincentives to recycling while maintaining full protection of human health and the environment. They are also intended to reduce any possible current underregulation of hazardous waste recycling.

DATES: The meeting will take place on July 28, 1993 from 9:30 a.m. to 6 p.m., and on July 29, 1993 from 8:30 a.m. to 12:30 p.m.

ADDRESSES: The meeting will take place at the Washington Hilton Hotel at 1919 Connecticut Avenue NW., Washington, DC 20009 (202) 483–3000.

FOR FURTHER INFORMATION CONTACT: For additional information on the meeting, please contact Marilyn Goode at EPA's Office of Solid Waste at (202) 260–8104.

SUPPLEMENTARY INFORMATION: The Agency has selected sixteen individuals

to provide technical and policy expertise at the meeting. These individuals will provide their opinions about the issues of hazardous waste recycling and how the federal solid waste rules affect such recycling. The individuals are:

Dorothy Kelly (Ciba-Geigy Corp.)
John Fognani (Gibson, Dunn, and Crutcher)
Harvey Alter (Chamber of Commerce)
Jeff Reamy (Phillips Petroleum Co.)
John Jewett (Solite Corp.)
Robert Wescott (Wesco Parts Cleaners)
Richard Fortuna (Hazardous Waste Treatment Council)
John Wittenborn (Collier, Rill, Shannon, and Scott)
William Collinson (General Motors Corp.)
Gerald Dumas (RSR Corp.)
Kevin Igli (Waste Management Inc.)
Karen Florini (Consultant)
David Lennett (Consultant)
Melinda Taylor (Consultant)
Roy Brower (State of Oregon)
Pat Matuseski (State of Minnesota)

EPA participants in the discussions will be Jeffery Denit, Acting Director of the Office of Solid Waste, and Andy Bellina from EPA Region II. In addition, any interested member of the public may attend the meeting.

Dated: July 13, 1993.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 93–16897 Filed 7–16–93; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–202, RM–8229]

Radio Broadcasting Services; Lewiston, Idaho and Clarkston, Washington

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Lewiston/Clarkston Christian Broadcasters seeking the allotment of Channel 286A to Lewiston, Idaho, as that community's fourth local FM service, and Channel 275A to Clarkston, Washington, as that community's second local FM service. The proposed coordinates for Channel 286A at Lewiston are North Latitude 46–24–42 and West Longitude 117–01–12. The proposed coordinates for Channel 275A at Clarkston are North Latitude 46–24–42 and West Longitude 117–03–06.

DATES: Comments must be filed on or before September 3, 1993, and reply comments on or before September 20, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Pepper & Corazzini, 1776 K Street, NW., suite 200, Washington, DC 20006 (Attorney for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, MM Docket No. 93–202, adopted June 21, 1993, and released July 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., room 246, or 2100 M Street, NW., suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93–16978 Filed 7–16–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 93–188, RM–8278]

Radio Broadcasting Services; Westbrook, Maine

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Buckley Broadcasting Corporation of Maine proposing the substitution of Channel 265B1 for Channel 265A at Westbrook, Maine, and modification of the license for Station WYNZ–FM to specify operation on the higher class channel. Canadian concurrence will be requested for this allotment at coordinates 43–42–15 and 70–06–00. We shall propose to modify the license for Station WYNZ–FM in accordance with section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before September 3, 1993, and reply comments on or before September 20, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Martin R. Leader, Fisher Wayland Cooper & Leader, 1255 23rd Street, NW., suite 800, Washington, DC 20037–1170.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 6334–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, MM Docket No. 93–188 adopted June 18, 1993, and released July 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room 239), 1919 M Street, NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

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

Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93–16979 Filed 7–16–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 93–191, RM–8088]

Television Broadcasting Services; Pueblo, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a joint petition for rule making filed on behalf of the University of Southern Colorado, licensee of reserved noncommercial educational Station KTSC (TV), Channel #8, Pueblo, Colorado, and Sangre de Cristo Communications, Inc., licensee of commercial Station KOAA–TV, Channel 5, Pueblo, seeking to exchange their channels of operation and modification of their licenses accordingly. Coordinates used for both proposed Channel #5 and Channel 8 at Pueblo are those of a shared electronics site on Baculite Mesa at coordinates 38–22–25 and 104–33–27.

Petitioners' modification proposal is consistent with the provisions of § 1.420(h) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of Channel #5 or Channel 8 at Pueblo.

DATES: Comments must be filed on or before September 3, 1993, and reply comments on or before September 20, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners' counsel, as follows: Wayne Coy, Jr., Esq., Cohn and Marks, 1333 New Hampshire Avenue, NW., suite 600, Washington, DC (counsel for the University of Southern Colorado); and Kevin F. Reed, Esq., Dow, Lohnes and Albertson, 1255 23rd Street, NW., suite 500, Washington, DC 20037 (counsel for Sange de Cristo Communications, Inc.).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–191, adopted June 21, 1993, and released July 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 93–16977 Filed 7–16–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 93–186, RM–8258]

Radio Broadcasting Services; Half Way and Ozark, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed jointly by Ozark Mountain Broadcasting, Inc. ("OMB") and KYOO Broadcasting Company ("KBC"). OMB requests substitution of Channel 225C2 for Channel 225A at Ozark, Missouri, and modification of the construction permit for Station KZPF (FM) to specify operation on Channel 225C2. The coordinates for Channel 225C2 are 36–58–45 and 93–26–38. KBC proposes the substitution of Channel 256A for Channel 226A at Half Way, Missouri, and modification of the construction permit for Station KYOO–FM accordingly. The coordinates for Channel 256A are 37–44–35 and 93–15–00. We shall propose to modify the construction permit for Station KZPF (FM) in accordance with section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before September 3, 1993, and reply comments on or before September 20, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners' counsel, as follows: William J. Pennington, III, Post Office Box 2506, Pawleys Island, South Carolina 29585.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–186, adopted June 18, 1993, and released July 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Michael C. Ruger,

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

[FR Doc. 93–16980 Filed 7–16–93; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 90

[PR Docket No. 93–61; DA 93–812]

Regulations for Automatic Vehicle Monitoring Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; extension of time.

SUMMARY: On April 9, 1993, the Commission released a Notice of Proposed Rule Making, FCC 93–141, concerning regulations for automatic vehicle monitoring systems.

In order to provide adequate time for commenters to submit reply comments, this Order extends the deadlines for reply comments.

DATES: Reply comments must be filed on or before July 29, 1993.

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

FOR FURTHER INFORMATION CONTACT: Steve Sharkey, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

Order Extending Reply Comment Period

Adopted: July 6, 1993.

Released: July 7, 1993.

By the Chief, Land Mobile and Microwave Division:

1. On March 11, 1993, the Commission adopted a Notice of Proposed Rule Making in the above-captioned proceeding.[1] The specified deadlines for comments and reply comments were June 29, 1993 and July 14, 1993, respectively. On June 28, 1993, the Part 15 Coalition requested that we extend the date for filing reply comments to August 15, 1993. In support of their request, the Part 15 Coalition indicates that the 15 days now provided for filing reply comments from the date comments are due is inadequate to acquire the original comments, prepare a response and coordinate a reply with all of the part 15 Coalition members.

2. In addition to the arguments presented by the part 15 Coalition, we note that we received 85 comments in response to the *Notice* approximately 30 of which are substantial comments involving technical issues requiring time consuming evaluation. We therefore agree that the public interest would be served by providing interested parties with some additional time to perform technical analyses and, where possible, develop an industry consensus. In our view, however, a thirty (30) day extension on the reply comment date is excessive, and would cause an unacceptable delay in our regulatory processes.

3. Accordingly, it is ordered, pursuant to Section 0.331 of the Commission's Rules, 47 CFR 0.331, the Motion for Extension of Time filed by the part 15 Coalition is GRANTED to the extent indicated herein and otherwise denied, and that the deadline for filing reply comments in response to the subject *Notice of Proposed Rule Making* is extended to July 29, 1993.

Federal Communications Commission.

Edward R. Jacobs,

Deputy Chief, Land Mobile and Microwave Division, Private Radio Bureau.

[FR Doc. 93–16840 Filed 7–16–93; 8:45 am]

BILLING CODE 6712–01–M

[1] Notice of Proposed Rule Making, PR Docket No. 93–61, 58 FR 21278, April 20, 1993, 8 FCC Rcd 2502 (1993).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List Four California Butterflies as Endangered and Continuation of Status Reviews

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a pending petition to add four butterflies to the List of Endangered and Threatened Wildlife. A petition to list four species has been received by the Service. The petition was found to present substantial information for one of the four butterfly species (Laguna Mountains skipper) indicating that the requested action may be warranted. The petition did not provide supporting information on three species of butterflies: Hermes copper butterfly, Thorne's hairstreak butterfly, and Harbison's dun skipper. However, the Service has found that substantial information exists to support a decision that listing may be warranted for these three species based on available information. Therefore, through issuance of this document, the Service is continuing a formal review of the status of all four species.

DATES: The finding announced in this document was made on July 12, 1993. Comments and materials related to this petition finding may be submitted to the Field Supervisor at the address below until further notice.

ADDRESSES: Data, information, comments, or questions concerning the status of the petitioned species described below should be submitted to the Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nancy Gilbert, Carlsbad Field Office, at the above address (619/431–9440).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the Service finds that a petition presents substantial information indicating that a requested action may be warranted, then the Service initiates a status review on that species. A status review may also be independently initiated by the Service (16 U.S.C. section 1533 (b)(3)(A)).

On June 4, 1991, the Service received a petition dated May 27, 1991, from David Hogan of the San Diego Biodiversity Project to list the Laguna Mountains skipper (*Pyrgus ruralis lagunae*), Hermes copper butterfly (*Lycaena hermes*), Harbison's dun skipper (*Euphyes vestris harbisoni*), and Thorne's hairstreak butterfly (*Mitoura thornei*) as endangered species. Mr. Hogan's petition to list four butterfly species presented substantial information indicating that listing may be warranted for the Laguna Mountains skipper. This document announces a positive 90-day finding for the Laguna Mountains skipper (*Pyrgus ruralis lagunae*).

Mr. Hogan's petition failed to provide supporting data for three of the four

petitioned taxa: Hermes copper butterfly, Harbison's dun skipper, and Thorne's hairstreak butterfly. The petition stated that additional information on these four species would be forwarded to the Service. No additional information was received. Thus, the petition did not present substantial information indicating that the petitioned action for the Hermes copper butterfly, Harbison's dun skipper, and Thorne's hairstreak butterfly may be warranted. The Service announces a negative 90-day finding for the petition to list these three taxa as endangered. However, the Service currently considers these three butterflies to be category 2 candidates for listing (category 2 candidates are taxa for which information now in possession by the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule).

The Service, therefore, will continue to conduct status reviews on all four butterflies. Section 4(b)(3)(B) of the Act requires the Service to make a finding as to whether or not the petitioned actions are warranted within 1 year of the receipt of a petition that presents substantial information.

In his petition, Mr. Hogan stated that the Laguna Mountains skipper (*Pyrgus ruralis lagunae*) is imperiled by the destruction of this insect's host plant (*Horkelia bolanderi* ssp. *clevelandi*) by overgrazing and trampling within the Cleveland National Forest. Mr. Hogan requested that the Service consider emergency listing procedures for the Laguna Mountains skipper.

Pyrgus ruralis ranges from western Canada south to southern California in montane habitats. The Laguna Mountains skipper (*Pyrgus ruralis lagunae*) (Scott 1981) is a morphologically distinct and geographically isolated subspecies restricted to the Laguna Mountains and Mount Palomar of San Diego County, California (Scott 1981). The nearest *P. ruralis* populations occur several hundred miles to the north in the extreme southern Sierra Nevada Mountains (Brown 1991).

The Laguna Mountains skipper subspecies is restricted to a few open meadows in yellow pine forest between 5,000 and 6,000 feet (1,524 and 1,829 meters), in the vicinity of Mount Laguna and Palomar Mountain (Brown 1991). Six separate populations are believed to have occurred in the 1950s and 1960s (Murphy 1990). The Laguna Mountains skipper is presently only known from two or three locations (Brown 1991). The known distribution of this butterfly near Mount Laguna lies within a 5 mile (8 kilometer (km)) radius. The majority of specimens have been collected from a single location in the Laguna Mountains. The Mount Palomar population is very small; only five specimens have been reported from over the past century, and the most recent records are from 1991 (Brown 1991). Old specimen information indicates that the Laguna Mountains skipper formerly may have occurred in the mountain meadows throughout San Diego County (Wright 1930, Scott 1981). No records for the butterfly are known to occur from other southern California counties (Murphy 1990).

The Laguna Mountains skipper is found in association with open meadows within pine forests (Emmel and Emmel 1973, Murphy 1990). Life history information for this butterfly has not been documented; however, it is believed that the eggs are laid on the leaves of *Horkelia bolanderi* ssp. *clevelandi* and that the larvae feed on the leaves and overwinter on this host plant. Oviposition and rearing have been observed on this plant (Brown 1991). *H. bolanderi* ssp. *clevelandi* is a small herbaceous perennial plant in the rose family (Rosaceae) (Munz 1974). This plant occurs in mesic places in yellow pine forests at 4,000 to 7,500 feet (1,219 to 2,286 meters) from the San Jacinto Mountains to northern Baja California, Mexico. In San Diego County, this plant is recorded as occurring infrequently in moist areas beneath montane coniferous forests from Mount Palomar and the Laguna Mountains (Beauchamp 1986). Additionally, this plant is fairly common in the Sierra de Juarez of northern Baja California, Mexico (Brown 1991).

Prior to a 1983 rediscovery, the Laguna Mountains skipper had not been observed since 1972. This subspecies has become increasingly less common and has rarely been collected over the last 2 decades. Few extant colonies exist, and, based on the collection data, the population numbers are estimated to be small (Brown 1991, Murphy 1990). Because of its restricted range and its continued decline in numbers, the Laguna Mountains skipper is "probably the most sensitive and vulnerable butterfly species in San Diego County" and is believed to be "a strong candidate for immediate inclusion on the endangered species list" (Brown 1991, Murphy 1990).

Overgrazing is thought to be an important threat to the Laguna Mountains skipper (Murphy 1990). Cattle may graze on the host plant and/or trample the plants, eggs, and larvae. All of the locations where the subspecies presently occurs are within actively used grazing allotments. Six separate populations in the Mount Laguna area have been documented, including Big Laguna, Little Laguna, East Laguna, Laguna Lake, Boiling Springs, and Horse Heaven Springs. Currently, only a few meadow localities are known to be occupied. These locations occur within the Cleveland National Forest and encompass approximately 700 acres of meadow habitat within the known range of this species.

The Hermes copper butterfly (*Lycaena hermes*) (Edward, 1870) is known only from western San Diego County and a portion of adjacent northwestern Baja California, Mexico (Brown 1991). Its present known range is quite restricted, extending from approximately 50 miles (80 km) north of the International Border and east 45 miles (72 km) inland from the coast to Guatay and Pine Valley. It occurs south of the border for almost 100 miles (160 km) and has been found 18 miles (29 km) south of Santa Tomas in Baja California Norte, Mexico (Murphy 1990). Documented localities for Hermes copper butterfly are known to exist including El Cajon, Santee, Flynn Springs, Blossom Valley, Tecate, Suncrest, Mission Gorge, Dulzura, Pine Valley, Guatay, and Old Viejas Grade (Brown 1991).

The Hermes copper butterfly occurs throughout the chaparral belt and into the transitional zone at the western edge of the Laguna Mountains (Brown 1991). The species is restricted to southern mixed chaparral and coastal sage scrub communities where its larval host plant, *Rhamnus crocea* (redberry) (Brown 1991), occurs. These habitat types range from near sea level along the coast to about 1,250 feet (381 meters) in elevation at the western edge of the Laguna Mountains. Colonies of Hermes copper butterflies are found in close association with the larval host plant. However, the host plant extends well beyond the range of the Hermes copper butterfly. No explanation for the restricted distribution of this butterfly is presently known.

The colonies of Hermes copper butterflies were considered to be quite stable and numerous in San Diego County in 1963 (Thorne 1963). However, a history of extirpation of colonies has occurred, due to the location of colonies near the expanding City of San Diego. The Hermes copper butterfly has lost a significant portion of its known range; presently it is estimated to occupy less than half of its

former range. Continued development in San Diego County threatens this species (Brown 1991). Additionally, fire plays an integral role in the chaparral and coastal sage scrub communities of southern California. Fire has been documented as eliminating large stands of *Rhamnus crocea*. The largest colony of Hermes copper butterflies was destroyed by fire in 1982 (Murphy 1990). The small degree of flight activity of this butterfly is believed to make natural recolonization a very slow process (Murphy 1990, Brown 1991).

The Hermes copper butterfly has been collected at 35 localities in the United States and 4 localities in Mexico. Colonies are isolated from each other, and adults exhibit limited vagility and are almost always found in the vicinity of the host plant. Thorne (1963) indicated that colonies are stable and seldom vary in size. Brown (Dr. John Brown, Entomologist, San Diego, California, pers. comm., 1992) estimates that few colonies exceed 50 individuals in size. Brown (1991) regards the Hermes copper butterfly to be highly sensitive and vulnerable to extirpation.

Euphyes vestris is a polytypic species that ranges throughout much of the United States, but is highly localized and occurs in isolated and disjunct populations (Brown 1991). Harbison's dun skipper (*Euphyes vestris harbisoni* Brown and McGuire, 1983) is a San Diego and Orange County endemic subspecies that occurs in scattered disjunct colonies (Orsak 1977, Brown and McGuire 1983). It is phenotypically distinct and geographically isolated from all other populations of *E. vestris* (Emmel and Emmel 1973, Brown 1983). It occurs in disjunct colonies throughout western San Diego County extending into the Santa Ana Mountains in Orange County (Orsak 1977). It is not known to occur in Baja California, Mexico (Brown 1991). Its range is restricted in part by the distribution of the larval host plant, *Carex spissa* (San Diego sedge) (Brown 1983).

Typical habitat for this species in southern California consists of riparian oak woodland in a matrix of chamise chaparral or southern mixed chaparral (Brown 1991). Moist conditions must occur to support the larval host plant. *Carex spissa* has a disjunct and limited distribution from San Luis Obispo County, California, into Baja California, Mexico (Munz 1974). Brown (1991) surveyed known locations of the San Diego sedge in 1982. Harbison's dun skipper occurred at nearly all locations where the plant was found in considerable numbers. The butterfly was not located in areas that did not contain *Carex spissa* (Brown 1982). The distribution of Harbison's dun skipper is from Silverado Canyon in southern Orange County south to the International Border in the vicinity of Dulzura, San Diego County, California. Localities include areas of Dulzura, Flinn Springs, Old Viejas Grade, Otay Mountain, the northern slope of Tecate Peak, the Fallbrook area, east of Valley Center, Ramona area, and near San Pasqual (Brown 1991).

The Harbison's dun skipper is an exceptionally rare insect that occurs in small isolated colonies (Brown 1991). The remaining colonies are in areas that appear to be removed from development for the present. However, rapid urban development in inland areas such as Rancho Bernardo, Escondido, and Fallbrook is occurring and poses a future threat to this subspecies. Various human activities modify or disrupt the spring and seep habitat of Harbison's dun skipper and thus reduces habitat quality for the butterfly (Murphy 1990). Habitat loss through development, introduction of pollutants, and competition from invasive non-native plants have resulted in the loss of the host plant and thus Harbison's dun skipper. Additionally, adverse affects on the host plant may occur as a result of drought or scouring floods.

The Thorne's hairstreak butterfly (*Mitoura thornei*) (Brown 1983) is specifically associated with the endemic *Cupressus forbesii* (Tecate cypress) and is only known from the vicinity of Otay Mountain in southwest San Diego County, California. *Cupressus forbesii* occurs on Otay Mountain, Coal Canyon in Orange County, Tecate Peak near Guatay in San Diego County, and several disjunct groves that extend 150 miles (241 km) south into Baja California, Mexico (Griffin and Critchfield 1972). The Thorne's hairstreak butterfly has only been located in the vicinity of Otay Mountain (Brown 1991).

The taxonomic status of this butterfly is the subject of disagreement. It is considered a distinct species by several authors (Brown 1983, Garth and Tilden 1988, Ferris 1989), while others suggest that it be considered a subspecies of *Mitoura grynea* (Scott 1986) or *Mitoura loki* (Shields 1984). Regardless of the outcome of taxonomy discussions, it is recognized as a biologically distinct butterfly that is geographically isolated from its closest relatives (Brown 1991).

The Thorne's hairstreak butterfly's larval host plant, *Cupressus forbesii*, is a fire dependent species. Fire initiates cone opening and seed dispersal. Zedler (1977) found that *Cupressus forbesii* requires approximately 25 years to reach reproductive maturity. Thus, an increase in fire frequency to less than 25 year intervals adversely affects reproduction of both *Cupressus forbesii* and the Thorne's hairstreak butterfly. Fire frequencies are affected by both fire suppression techniques and human-caused fire (e.g., fires that result from gun and rifle target practice, campfires, arson, and carelessness). Fire suppression can result in a build up of fuel materials resulting in large catastrophic, very hot burning fires. Conversely, human-caused fires can result in an increased fire frequency. Based on its limited geographic distribution and its vulnerability to ecological catastrophic events, Brown (1991) included this species as a sensitive and declining butterfly of San Diego County.

The Service has been soliciting information on the status of the Hermes copper butterfly since 1984. In the most recent Animal Notice of Review, published November 21, 1991 (56 FR 58804), the Hermes copper butterfly is included as a category 2 candidate. Category 2 candidates are taxa for which information now in possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule. The Service has been soliciting status information on the Laguna Mountains skipper, Harbison's dun skipper, and Thorne's hairstreak butterfly since the publication of the January 6, 1989, Animal Notice of Review (54 FR 554). These three species are included in the 1991 notice as category 2 candidates.

Based on their remaining localized and restricted ranges, the documented decline in abundance and known locations, and the varied threats to remaining habitat, the Service believes that the information currently available supports the claims presented by the petitioner. As a result, the Service finds that substantial information exists to indicate that listing of the Laguna Mountains skipper, Hermes copper butterfly, Harbison's dun skipper, and Thorne's hairstreak butterfly as endangered may be warranted. The Service will carefully assess any emergency posing a significant risk to the well-being of the Laguna Mountains skipper, as requested by the petitioner.

With the publication of this finding, the Service announces its intention to continue to conduct a formal status review for each of the above species. The Service will consider any additional data, comments, and suggestions from the public, other governmental agencies, the scientific

community, industry, or any other interested party concerning the status of these species.

This finding was prepared by the staff of the Carlsbad Field Office and reviewed by the Portland Regional Office. The finding is based on scientific and commercial information contained in the petition, referenced in the petition, and otherwise available to the Service at this time.

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Author

This document was prepared by Nancy Gilbert, Carlsbad Field Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

Dated: July 12, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–17026 Filed 7–16–93; 8:45 am]

BILLING CODE 4310–55–P

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Finding on a Petition to Change the Status of Any Grizzly Bear Population in the San Juan Mountain Range of Colorado From Threatened to Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to amend the List of Threatened and Endangered Wildlife. The Service finds that the petitioners did not provide substantial information to show that reclassification of the alleged grizzly bear (*Ursus arctos horribilis*) population in the San Juan Mountain range of Colorado is warranted.

DATES: The finding announced in this notice was approved on July 10, 1993. Comments and materials may be submitted until further notice.

ADDRESSES: Questions or comments concerning this finding should be sent to the Colorado State Supervisor, U.S. Fish and Wildlife Service, 730 Simms Street, room 290, Golden, Colorado 80401. The petition, finding, and supporting data are available for public inspection by appointment during normal business hours at the above office.

FOR FURTHER INFORMATION CONTACT: LeRoy W. Carlson, State Supervisor, at the above address or telephone (303) 231–5280.

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**.

A petition dated July 11, 1992, was received by the Service from the Sierra Institute and Life Net on July 15, 1992. The petition requests the Service to reclassify the grizzly bear (*Ursus arctos horribilis*) from threatened to endangered in the San Juan Mountain range of southwestern Colorado. This finding responds to the subject petition.

The petitioners indicated the grizzly bears in the San Juan Mountain range are imperiled by their small population size, increasing economic and recreational development, and inadequacy or lack of governmental protection of the grizzly bears and their habitat. The economic and recreational development listed by the petitioners included road construction and use, and land management activities, livestock grazing, mining, land development, and ski resort development.

While the petition referenced a wide variety of reports of sightings of grizzly bears, habitat analysis of the San Juan Mountain range, hair samples analysis, and aerial surveys, the Service maintains that none of these sources contained conclusive biological information indicating that any grizzly bears still exist in the subject area. The Colorado Division of Wildlife and the Service have investigated all the purported grizzly bear incidences which have been reported, including photographs of tracks and sightings. To date, none have constituted persuasive proof of the existence of grizzly bears in Colorado.

The San Juan Mountain range area in Colorado is included in the draft revised Grizzly Bear Recovery Plan as an evaluation area (U.S. Fish and Wildlife Service 1992)—an area that needs to be evaluated to determine its feasibility as

a recovery area. However, the Service cannot honor a request to reclassify an alleged remnant grizzly bear population in the San Juan Mountain range based on inclusive evidence of the presence of grizzly bears. Any grizzly bear population that may exist in the San Juan Mountain range remains listed as threatened and retains protection under the Act.

After a review of the petition, the Service found that the petitioners did not provide any new or substantial evidence that their petitioned action to reclassify the grizzly bear in the San Juan Mountain range from threatened to endangered may be warranted.

References Cited

U.S. Fish and Wildlife Service. 1992. Grizzly Bear Recovery Plan, second review draft. U.S. Fish and Wildlife Service, Missoula, Montana. 200 pp.

Author

This notice was prepared by José Bernardo Garza (see **ADDRESSES**).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: July 10, 1993.

Richard N. Smith,

Director, Fish and Wildlife Service.

[FR Doc. 93–17027 Filed 7–16–93; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Finding on Petition To List the California Red-legged Frog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 12-month finding on a petition to amend the List of Endangered and Threatened Wildlife. After review of all available scientific and commercial information, the Service has determined that, pursuant to the Endangered Species Act of 1973, as amended (Act), listing the California red-legged frog is warranted. Accordingly, the Service will publish promptly a proposed regulation to list this species.

DATES: The finding reported in this document was made on July 13, 1993. Comments and information may be submitted until further notice.

ADDRESSES: Written comments and materials concerning this petition finding may be submitted to the U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E–1803, Sacramento, California 95825–1846. The petition, finding, supporting data, and comments received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Peter C. Sorensen, Sacramento Field Office (see ADDRESSES section) at 916/978–4866.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that a finding be made for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that presents substantial scientific and commercial information within 12 months of the date of receipt of the petition. The finding must indicate whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals. Such 12-month findings are to be published promptly in the **Federal Register**. If the finding is that the action is warranted, section 4(b)(3) also requires a prompt publication in the **Federal Register** of a proposed regulation to implement such action.

In a petition dated January 15, 1992, which was received by the Service on January 29, 1992, Mr. Dan Holland and Drs. Mark Jennings and Marc Hayes requested that the Service list the California red-legged frog (*Rana aurora draytonii*) as an endangered or threatened species. The petition specified endangered or threatened status by drainages (watersheds) within the range of the species. The petition cited numerous threats to the species, including loss and degradation of wetland and terrestrial habitat, predation by introduced species, harvest, habitat fragmentation, and drought. The Service made an administrative 90-day finding on August 12, 1992, which concluded that the petition contained substantial information indicating that the petitioned action may be warranted. An announcement of this finding was published in the **Federal Register** on October 5, 1992 (57 FR 45761).

The California red-legged frog was included as a category 1 candidate in the November 21, 1991, Animal Notice of Review (56 FR 58804) with a listing priority number of 3. Category 1 candidates are species for which sufficient information is currently available to the Service to support a proposed rule to list them as endangered or threatened. The Service finds that the petitioned action is warranted due to habitat loss and degradation, predation, inadequate regulatory mechanisms, past drought, and recreational activities, which imperil the continued existence of the red-legged frog. Accordingly, the Service will promptly publish a proposed regulation to list the California red-legged frog.

Author

The primary author of this document is Peter C. Sorensen, Sacramento Field Office (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: July 13, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–17050 Filed 7–16–93; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

RIN 0648–AF06

Designated Critical Habitat; Northern Right Whale

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

ACTION: Notice of public hearings on a proposal to designate critical habitat for the Northern Right Whale and extension of the comment period.

SUMMARY: On May 19, 1993 (58 FR 29186), NMFS proposed regulations to designate critical habitat for the northern right whale. The areas proposed for designation are portions of Cape Cod Bay, Stellwagen Bank and waters adjacent to the coasts of Georgia and Florida.

NMFS has scheduled public hearings on the proposal. Anyone wishing to make a presentation at a public hearing should register upon arrival and be prepared to provide a written copy of their testimony at the time of presentation. Depending on the number of persons wishing to speak a time limit may be imposed.

DATES: A public hearing is scheduled for August 24, 1993, beginning at 2 p.m. until all comments have been heard, at the Canaveral Port Authority, 200 George King Boulevard, Port Canaveral, Florida. Another public hearing is scheduled for August 25, 1993 beginning at 7 p.m. until all comments have been heard, at the Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia.

The comment period on this proposed action is extended to August 31, 1993, to allow commenters the opportunity to respond to concerns voiced at the public hearings.

ADDRESSES: Send written comments to Dr. William W. Fox, Jr., Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, suite 8268, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT:

Robert C. Ziobro, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910 (301–713–2322); or

Terry Henwood, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702 (813–893–3366)

Dated: July 13, 1993.

Wiliam W. Fox, Jr.,

Director, Office of Protected Resources.

[FR Doc. 93–16986 Filed 7–16–93; 8:45 am]

BILLING CODE 3510–22–M

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50 CFR Part 227

Listing Endangered and Threatened Species and Designating Critical Habitat: Petition to List North and South Umpqua River Sea-run Cutthroat Trout

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

ACTION: Notice of receipt of petition and request for information.

SUMMARY: NMFS has received a petition to list North and South Umpqua River sea-run cutthroat trout (*Oncorhynchus clarki clarki*) and to designate critical habitat under the Endangered Species Act of 1973 (ESA). In accordance with section 4 of the ESA, NMFS has determined that the petition presents substantial scientific information indicating that the action may be warranted. Therefore, NMFS is initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, NMFS is soliciting information and data regarding this action.

DATES: Comments and information must be received by September 17, 1993.

ADDRESSES: Copies of the petition are available from, and comments should be submitted to: Merritt Tuttle, Chief, Environmental and Technical Services Division, NMFS, 911 NE. 11th Avenue, room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 230–5430 or Marta Nammack, NMFS, Office of Protected Resources, (301) 713–2319.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the ESA contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to designate critical habitat. Section 4(b)(3)(A) of the ESA requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted.

Petition Received

On April 1, 1993, the Secretary of Commerce received a petition from the Oregon Natural Resources Council, the Umpqua Valley Audubon Society, and The Wilderness Society to list North and South Umpqua River sea-run cutthroat trout, and to designate critical habitat under the ESA. As required for a petition to list a Pacific salmon stock (May 18, 1992, 57 FR 21056), the petition presents information on and discusses whether the petitioned population qualifies as a "species" under the ESA, in accordance with NMFS' "Policy on Applying the Definition of Species under the Endangered Species Act to Pacific Salmon" (November 20, 1991, 56 FR 58612). The Assistant Administrator for Fisheries, NOAA, has determined that the petition presents substantial scientific information indicating that the petitioned action may be warranted. Under section 4(b)(3)(B) of the ESA, this determination requires that a review of the status of the North and South Umpqua River sea-run cutthroat trout be conducted to determine if the petitioned action is warranted.

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are made solely on the best scientific and commercial data available after taking into account any efforts made by any state or foreign nation to protect the species.

Biological Information Solicited

To ensure that the review is complete and is based on the best available scientific and commercial data, NMFS is soliciting information and comments concerning the present and historic status of the North and South Umpqua River sea-run cutthroat trout. NMFS is also soliciting information on whether or not this stock qualifies as a "species" under the ESA (November 20, 1991, 56 FR 56612). Copies of the petition are available (see **ADDRESSES**).

It is important to note that, unlike critical habitat designation, the determination to list a species is based solely on the basis of the best available scientific and commercial information regarding a species' status, without reference to possible economic or other impacts of such a determination (50 CFR 424.11(b)).

Critical Habitat

NMFS is also requesting information on areas that may qualify as critical habitat for the North and South Umpqua River sea-run cutthroat trout (see also October 15, 1991, 56 FR 51684). Areas that include the physical and biological features essential to the recovery of the species should be identified. Areas outside the present distribution should also be identified if such areas are essential to the recovery of the species. Essential features should include, but are not limited to (1) space for individual and population growth, and for normal behavior; (2) food, water air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for breeding reproduction, rearing of offspring; and

generally, (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS is requesting information describing (1) the activities that affect the area or could be affected by the designation and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation.

The economic cost to be considered in the critical habitat designations under the ESA is the probable economic impact "of the (critical habitat) designation upon proposed or ongoing activities" (50 CFR 424.19). NMFS must consider the incremental costs specifically resulting from a critical habitat designation that are above the economic effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitat.

Data, information, and comments should include (1) supporting documentation such as maps, bibliographic references, or reprints of pertinent publications, and (2) the commenter's name, address, and associated, institution, or business.

Dated: July 7, 1993.

Gary Matlock,

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

[FR Doc. 93–16973 Filed 7–16–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 136
Monday, July 19, 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

Forest Service

Camp Creek Timber Sale; Salmon National Forest, Lemhi County, Idaho

AGENCY: Forest Service, Agriculture.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental impacts of proposed actions to harvest timber, build roads, and regenerate new stands of trees in portions of Arnett Creek, Rapps Creek, Jefferson Creek, and Camp Creek. Currently the largest proposal is to harvest timber on approximately 1,250 acres of forested land and to construct approximately 30 miles of road suitable for hauling forest products. Other alternatives will be analyzed that propose harvesting fewer acres of forest and constructing fewer miles of road. It is also possible that additional alternatives which propose greater amounts of harvest area and miles of road construction could be proposed and analyzed. These actions have a proposed implementation date of 1996, and are designed to produce short-term and long-term timber outputs through timber management. The project area is located approximately eighteen air miles northwest of Salmon, Idaho. All of the proposed actions are located within the 12,118 acre Haystack Mountain Roadless Area. This area is now listed as No. 13–507 on the Salmon National Forest.

DATES: Written comments concerning the scope of the analysis described in this Notice should be received by September 2, 1993.

ADDRESSES: Send written comments to Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be directed to Lynn Bennett, Environmental Coordinator, Salmon National Forest, phone: (208) 756–5132.

SUPPLEMENTARY INFORMATION: This EIS will tier to the Salmon National Forest Plan (approved January 11, 1988), which provides the overall guidance (Goals, Objectives, Standards, and Management Area direction) to achieve the Desired Future Condition for the area being analyzed. This proposed action is designed to emphasize production of short-term and long-term timber outputs through timber management. The Salmon National Forest Land and Resource Management Plan assigned the potentially affected area a 5B Management Area prescription. For a detailed description of the above Management Area prescriptions, refer to Salmon National Forest Land and Resource Management Plan pages IV–129 through IV–133.

The proposed actions will occur in Management Area 5B. The emphasis for the proposed actions in this area is on producing long term timber outputs through a moderate level of investment in regeneration and thinning.

Because of the controversy surrounding road construction and timber harvesting in a roadless area the Salmon National Forest Supervisor determined that the proposal may have a significant effect on the quality of the human environment and decided to prepare this environmental impact statement. The interdisciplinary team identified the following issues related to the proposed action:

1. Management of vegetation and related activities (e.g. road building and site preparation) could affect the long-term productivity of salmonid habitat in the Napias Creek drainage.

2. Management of vegetation in the Camp Creek Analysis could affect the long-term maintenance of whitebark pine old-growth unique to the analysis area.

3. Management of the vegetation resource could affect the long-term maintenance of biodiversity in the Camp Creek Analysis.

4. Vegetation management in the Camp Creek Analysis may affect long-term maintenance of elk habitat by changing: cover/forage ratios, the amount of juxtaposition of cover blocks available to elk, the vulnerability of bull elk to hunters or habitat use by elk during management activities.

5. Removing dead and dying trees can affect snag-dependent wildlife, including at least eight management indicator and/or sensitive species.

6. Vegetation management in the Camp Creek Analysis Area could affect the long-term maintenance of habitat for Threatened, Endangered or Sensitive Species.

7. The proposed Camp Creek project may after recreation, roadless and scenic attributes and affect wilderness eligibility.

8. The management of existing and new roads after the timber sale is completed may increase or decrease the road miles available for motorized recreation.

9. The affects of past and present management activities and similar actions which may occur in the reasonably foreseeable future, may change cumulative watershed effects resulting from multiple activities.

10. Management activities can affect soil physical properties and long-term soil productivity.

11. The project may contribute to the development of a long-term transportation system.

12. The project should be cost efficient and cost effective in both the short and long-term.

13. The proposed management activities may affect wetlands in the upper parts of Camp Creek and Rapps Creek.

14. Currently, the health and productivity of timber stands in the project area differ from the desired future condition and are threatened by present and potential insect and disease activity.

15. Maintenance of community stability and local customs and culture through the employment and associated economic activity related to the harvesting and processing of timber.

16. Vegetation management (including new roads and creation of openings in the forest canopy) may change livestock distribution in the Camp Creek Analysis Area.

17. Heritage Resources—The project area is encompassed by the Mackinaw Mining District. The proposed actions may affect the cultural resources in the project area.

The Forest Service is seeking information and comments from

Federal, State and local agencies as well as individuals and organizations who may be interested in, or affected by, the proposed action. The Forest Service invites written comments and suggestions on the issues related to the proposal and the area being analyzed. Information received will be used in preparation of the Draft EIS and Final EIS. Most effective use, comments should be submitted to the Forest Service within 45 days from the date of publication of this Notice in the **Federal Register**. An open-house meeting will be held in Salmon, Idaho for the purpose of identifying issues. The date, time, and location of these meetings will be published in *The Recorder-Herald* (Salmon, Idaho).

Preparation of the EIS will include the following steps.

1. Define the purpose of and need for action.
2. Identify potential issues.
3. Eliminate issues of minor importance or those that have been covered by previous and relevant environmental analysis.
4. Select issues to be analyzed in depth.
5. Identify reasonable alternatives to the proposed action.
6. Describe the affected environment.
7. Identify the potential environmental effects of the alternatives.

Steps 2 and 3 will be completed through the scoping process.

Step 5 will describe a range of alternatives developed in response to the key issues. One of these will be the "No Action" alternative, in which the existing roadless character of the Lemhi Range Roadless Area would be maintained. Other alternatives will be developed based on scoping.

Step 7 will analyze the environmental effect of the each alternative. This analysis will be consistent with management direction outlined in the Forest Plan. The direct, indirect, and cumulative effects of each alternative will be analyzed and documented. In addition, the site specific mitigation measures for each alternative will be identified and the effectiveness of these mitigaton measures will be disclosed.

The approximate boundary of the area that would be considered for proposed activities is as follows: The northern and western boundaries are Forest Service Road 61. The eastern boundary shall be defined by Forest Service Road 242. The southern boundary shall be Forest Service Road 197 where it joins Forest Service Road 242, then along Forest Service Road 197 to the junction of Forest Service Road 197 and Forest Service Road 300, then along Forest Service Road 300 to the junction of Forest Service Road 61. This area approximates the original boundary of the Haystack Mountain Roadless Area (12,118 acres).

The proposed management activities would be administered by the Cobalt Ranger District of the Salmon National Forest in Lemhi County, Idaho.

Agency representatives and other interested people are invited to visit with Forest Service officials at any time during the EIS process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment periods are, (1) during the scoping process (the next 45 days following publication of this Notice in the **Federal Register** and, (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review in December, 1993. At that time the EPA will publish an availability notice of the Draft EIS in the **Federal Register**. The comment period of the Draft EIS will be 45 days from the date the Environmental Protection Agency publishes the availability notice in the **Federal Register**.

The Forest Service believes it is important to alter reviewers of several court rulings related to public participation in the environmental 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 so that it alerts an agency to the reviewer's position and contentions. *Vermont Yankee Power Corp* v. *NRDC, 435 U.S. 519, 533 (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. *Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).* Because of these court rulings, it is 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 and respond to them in final environmental impact statement.

The Salmon National Forest expects to release a draft EIS in December 1993. To assist the Forest Service in identifying and considering issues and concerns related to the proposed action, comments on the Draft EIS should be as specific as possible. Referring to specific pages or chapters of the Draft EIS is most helpful. Comments may also address the adequacy of the Draft EIS 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, 40 CFR 1503.3, in addressing these points.)

The Salmon National Forest expects to release a final EIS in May 1994. A forty-five day predecisional public comment period will occur prior to a decision by the Forest Supervisor. The Forest Supervisor for the Salmon National Forest, who is the responsible official for the EIS, will then make a decision regarding this proposal, after considering the comments, responses, and environmental consequences discussed in the Final Environmental Impact Statement, and applicable laws, regulations, and policies. The reasons for the decision will be documented in a Record of Decision, also made available in July 1994. An availability notice of the Final Environmental Impact Statement and Record of Decision will be published by the EPA in the **Federal Register**.

Dated: July 7, 1993.

John E. Burns,

Forest Supervisor, Salmon National Forest.

[FR Doc. 93–1704 Filed 7–16–93; 8:45 am]

BILLING CODE 3410–11–M

Environmental Impact Statement for the South Lindenberg Timber Sale(s), Tongass National Forest, Alaska

AGENCY: USDA, Forest Service.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The proposed action is to harvest 55 million board feet of timber and build the associated road system. The existing Tonka log transfer facility would be used. The study area is located southwest of Petersburg, Alaska, on Kupreanof Island. It encompasses approximately 65,000 acres at elevations ranging from sea level to 3,000 feet. The area includes VCU's 437 and 439 and portions of 447 and 448. This includes townships 58, 59, 60 and 61 south, and ranges 77, 78, and 79 east, Copper River Meridian.

DATES: Comments concerning the proposal to harvest timber in the South Lindenberg study area should be received in writing by August 30, 1993. Send requests for further information or written comments to Jim Thompson, Planning Team Leader, USDA Forest

Service, P.O. Box 1328, Petersburg, AK, 99833 (907) 772–3871.

SUPPLEMENTARY INFORMATION:

1. Purpose and Scope of the Decision

The purpose of the project is to provide 55 million board feet of timber for harvest according to direction described in the Tongass Land Management Plan.

The nature of the decision to be made is whether to harvest 55 million board feet of timber from the South Lindenberg Study Area, and if so, in which locations and under what conditions. This decision will be made by Abigail R. Kimbell, the Stikine Area Forest Supervisor.

1a. Public Involvement Process

A public scoping letter will be sent to all persons who have indicated an interest in the project by responding to the Stikine Area Project Schedule, or who have otherwise notified the Stikine Area that they are interested in the South Lindenberg Timber Harvest project. Public meetings or other methods may be used to gather additional information from interested persons if necessary.

1b. Alternatives

Alternatives will include the no action alternative, and are likely to include three to five action alternatives, all of which will harvest approximately 55 million board feet of timber. The alternatives will vary according to the size and location of units, for example one alternative may spread harvest units evenly through the study area while another may concentrate the harvest in a portion of the study area. The road systems will vary with each alternative accordingly.

1c. Preliminary Issues

1. Timber Harvest Economics. Will action alternatives within the study area include timber harvest that is profitable and meet economic criteria.

2. Fish. What effects will timber harvest and road construction have on habitat used by trout and salmon?

3. Wildlife. What effects will timber harvest and related activities have on wildlife habitat?

4. Recreation. What effect will the proposed sale or sales in this area have on recreational opportunities?

5. Visual Quality. To what extent will each alternative influence the landscape character of the study area?

6. Subsistence. To what extent will each alternative affect subsistence resources and use within the study area?

7. Biodiversity. How will timber harvesting affect the biodiversity and old growth structure of Kupreanof Island?

2. Expected Time for Completion

A draft Environmental Impact Statement is projected for issuance approximately January 1955. Issuance of the Final Environmental Impact Statement is projected for July 1995.

3. Comments

Interested publics are invited to comment.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental 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 add 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 (enter correct time period) 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 actions, 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 must 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.

The responsible official for the decision is Abigail R. Kimbell, Stikine Area Forest Supervisor, Petersburg, Alaska.

Written comments and suggestions concerning the analysis and Environmental Impact Statement should be sent to Jim Thompson, ID Team Leader, P.O. Box 1328, Petersburg, AK, 99833, (907) 772–3871.

Dated: July 6, 1993.

Abigail R. Kimbell,

Forest Supervisor.

[FR Doc. 93–16962 Filed 7–16–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 9030518–3118; I.D. 041993A]

Projects To Provide Information on the Antarctic Marine Ecosystem; Correction

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

ACTION: Notice of availability of financial assistance; correction.

SUMMARY: In notice document 93–16355, beginning on page 37465 in the issue of Monday, July 12, 1993, make the following correction:

On page 37466, in the first column, under the **DATES** caption, line 2, the date for receipt of applications for funding should be corrected to read "August 2, 1993" instead of "July 16, 1993".

Dated: July 12, 1993.

Nancy Foster,

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

[FR Doc. 93–17006 Filed 7–16–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

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

ACTION: Issuance of scientific research Permit No. 860 (P278E).

SUMMARY: On May 7, 1993, notice was published in the **Federal Register** (58 FR 27270) that a request for a scientific research permit to take marine mammals had been submitted by Dr. Brent S. Stewart, Hubbs-Sea World Research Institute, 1700 South Shores Road, San Diego, CA 92109.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment, in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1335 East-West Highway, room 7324, Silver Spring, MD 20910 (301/713–2289); and

Director, Southwest Region, NMFS, NOAA, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213 (310/980–4016).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on July 9, 1993, as authorized by the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222), NMFS issued the requested permit for the above activities subject to special conditions set forth therein.

Issuance of this permit, as required by the Endangered Species Act of 1973, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the Act.

Dated: July 9, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–17012 Filed 7–16–93; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF EDUCATION

Meetings

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Assessment Governing Board and its committees. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the open portions of the meetings.

Dates: August 5–7, 1993.

Time: August 5, 1993—Subject Area Committee #2, 1 p.m.–2 p.m. (open); 2 p.m.–6 p.m. (closed); Achievement Levels Committee, 4 p.m.–6 p.m. (open). August 6, 1993—Executive Committee, 7 a.m.–8:45 a.m. (open); Full Board, 9 a.m.–11 a.m. (open); 11 a.m.–1:30 p.m. (closed). Reporting and Dissemination Committee, 1:30 p.m.–3:30 p.m. (open); Subject Area Committee #1, 1:30 p.m.–1:45 p.m. (open); 1:45 p.m.–3:30 p.m. (closed); Design and Analysis Committee, 1:30 p.m.–3:30 p.m. (open); Full Board, 3:30 p.m.–4:30 p.m. (open); Nominations Committee, 4:30 p.m.–5 p.m. (open). August 7, 1993—Ad Hoc Item Development Policy Committee, 8 a.m.–9 a.m. (open); Full Board, 9 a.m. until adjournment, at approximately 12 noon (open).

Location: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, Virginia.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW., Washington, DC, 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by Section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), Title III–C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297), (20 U.S.C. 1221e–1).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

On August 5, two committees will be in session. The Subject Area Committee #2 will meet in partially closed session. The agenda item for the open session, 1 p.m. until 2 p.m., will be an update on the 1996 NAEP Arts Consensus Project. From 2 p.m. to 6 p.m., the meeting will be closed to the public for the committee to review the NAEP mathematics cognitive items. This portion of the meeting must be conducted in closed session because premature disclosure of the information presented for review might significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 U.S.C. The Achievement Levels Committee will meet in open session from 4 p.m. until 6 p.m. The proposed agenda includes a discussion of proposed revisions to the achievement levels policy.

On August 6, the Executive Committee will meet in open session from 7 a.m. until 8:45 a.m. Agenda items for this meeting include discussion of the House Appropriations Committee mark for NAEP for FY 1994 and the out-years; update of NAEP reauthorization; plans for addressing NAEP policy issues; and changes to NAGB by-laws.

Also on August 6, the full Board will convene in partially closed session. From 9 a.m. until 11 a.m. the meeting will be open to the public for review of the agenda, the Executive Director's Report, NAEP Update, and Board discussion of policy issues. From 11 a.m. until 1:30 p.m., the meeting will be closed to the public. Beginning at 11 a.m. until 12:30 p.m., the Board will hear a briefing on the draft report by the National Academy of Education on the evaluation of the 1992 trial state assessment. Premature disclosure of the information contained in this report may be misleading and could have serious consequences for third parties, whose performance could be misinterpreted, leading to decisions taken by the Department and/or others, that would be based on incomplete, confusing, or erroneous inferences. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 U.S.C. From 12:30 p.m. until 1:30 p.m., the Board will hear a briefing on the 1992 Writing Results by Educational Testing Service, the NAEP contractor. The presentation will include references to specific items from the assessment. This portion of the meeting must be closed because reference may be made to data which may be misinterpreted, incorrect, or incomplete. Premature disclosure of these data might significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 U.S.C.

From 1:30 p.m. until 3:30 p.m., there will be open meetings of the Reporting and Dissemination Committee, and the Design and Analysis Committee. At the same time, Subject Area Committee (SAC) #1 will hold a partially closed meeting. The SAC #1 meeting will be open from 1:30 p.m. to 1:45 p.m. for a brief discussion on the NAEP Civics procurement. From 1:45 p.m. to 3:30 p.m., the meeting will be closed to the public to permit the committee to take final action on the cognitive items for Reading, Geography, and U.S. History assessments. This portion of the meeting must be conducted in closed session because premature disclosure of the information presented for review might

significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption 9(B) of section 552b(c) of title 5 U.S.C.

The full Board will reconvene at 3:30 p.m. until 4:30 p.m. to hear a report from Subject Area Committee #2 and a presentation on criteria for national standards. The August 6 proceedings of the Board will conclude with the Nominations Committee meeting in open session from 4:30 p.m. until 5 p.m., to review the procedures to select candidates for nomination to the Board to replace members whose terms expire in 1994, and to approve the schedule of committee activities over the selection period.

On August 7, from 8 a.m. until 9 a.m., there will be an open meeting of the Ad Hoc Item Development Policy Committee. The agenda for this meeting includes an examination of Board policies related to cognitive item development and review, for the purpose of suggesting possible revisions to the policies.

At 9 a.m., the full Board will reconvene to review Board policies and to hear reports from Subject Area Committee #1, Reporting and Dissemination, Nominations, and Executive Committees. This meeting of the National Assessment Governing Board will be adjourned at approximately 12 noon.

Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW., Washington, DC, from 8:30 a.m. to 5 p.m. A summary of the activities at each closed portion of these meetings, including related matters that are informative to the public, consistent with the policy of title 5 U.S.C. 552b(c), will be available to the public within fourteen days of the partially closed meeting.

Dated: July 14, 1993.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 93–17015 Filed 7–16–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of the Secretary

Federal Fleet Conversion Task Force; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Federal Fleet Conversion Task Force.

Date and Time: Monday, July 19, 1993, 1:30 p.m.–5 p.m., Tuesday, July 20, 1993, 9 a.m.–5 p.m.

Location: Hotel Washington, Ballroom (Lower Lobby), 515 15th Street, NW., Washington, DC 20004.

Contact: Mark Bower, Office of Domestic and International Policy, U.S. Department of Energy, Mail Stop PO–50, Washington, DC 20585, Phone: (202) 586–3891, Fax: (202) 586–4447.

Purpose of the Task Force: Established by Executive Order 12844, the Task Force is charged with the development of recommendations to:

1. Assure that federal agencies exercise leadership in promoting alternative fuels.
2. Focus federal actions to promote market impetus for the development and manufacturing of alternative fueled vehicles.
3. Aid the expansion of the refueling infrastructure necessary to support growing numbers of privately owned alternative fueled vehicles.

In addition, the Task Force will issue a public report within 90 days, setting forth a recommended plan and schedule of implementation and, no later than one year from the date of this order, file a report on the status of the fleet conversion effort.

Agenda

July 19, 1993

1:30 p.m.

Welcome and Introductory Remarks
- Garry Mauro, Task Force Chair, Texas Land Commissioner
- Susan Tierney, Task-Force Vice-Chair, Assistant Secretary, Policy, Planning and Program Evaluation, U.S. Department of Energy

1:45 p.m.–2:00 p.m.

Presentation of Objectives and Desired Work Product for Task Force
- Tom Henderson, Special Assistant to the Task Force Chair

2:00 p.m.–3:30 p.m.

Presentation of Reports and Recommendations of Working Groups by Co-Chairs

3:30 p.m.–3:45 p.m.

Break

3:45 p.m.–4:15 p.m.

Presentation of Data for Prioritizing Geographical Areas for Program Implementation
- Federal Fleet Data
- Air Quality Status
- Refueling Infrastructure
- State and Local Programs

4:15 p.m.–5:00 p.m.

Presentation of Draft Task Force Report

July 20, 1993

9:00 a.m.–9:15 a.m.

Presentation of Regional Alternative Fuel Strategy by Alternative Fuels User Group
- Metropolitan Washington Council of Governments

9:15 a.m.–10:00 a.m.

Determination of Geographical Areas for Program Implementation

10:00 a.m.–10:45 a.m.

Presentation of Framework for Operation of Local Implementation Process

10:45 a.m.–11:00 a.m.

Break

11:00 a.m.–12:00 p.m.

Presentation of Plan for Continuing Task Force Role in Implementation Process

12:00 p.m.–1:00 p.m.

Lunch

1:00 p.m.–2:00 p.m.

Public Comment Period

2:00 p.m.–3:45 p.m.

Discussion and Adoption of Task Force Report

3:45 p.m.–4:00 p.m.

Break

4:00 p.m.–5:00 p.m.

Continue Discussion and Adoption of Task Force Report

5:00 p.m.

Adjourn

Public Participation

The meeting is open to the public. Written statements may be filed with the Task Force either before or after the meeting. Members of the public who wish to make oral statements pertaining to the agenda items should contact Mark Bower at the address or telephone number listed above. Requests must be received five calendar days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. These oral presentations will be limited to five minutes. The Chairman of the Task Force is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days prior to the meeting because the Task Force was awaiting finalization of the geographical areas for program implementation, as well as the information and recommendations that were collected and agreed upon by the working groups of the Task Force.

Minutes

Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Ave., SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

Issued at Washington, DC, on July 15, 1993.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 93–17254 Filed 7–16–93; 8:45 am]

BILLING CODE 6450–01–M

Technology Development Program

AGENCY: Office of Environmental Restoration and Waste Management, Department of Energy.

ACTION: Notice of Technology Systems Display.

SUMMARY: The Department of Energy (DOE) is announcing a Technology Exhibition at which DOE will display a number of innovative technologies that have been demonstrated for remediation of buried waste sites within the DOE-Complex. These technologies may have potential application to a number of other waste cleanup operations outside the DOE-Complex. The technologies being demonstrated may impact a range of remediation objectives, including characterization, retrieval, and contamination control.

The Technology Exhibition will be held at University Place, Idaho Falls, Idaho, on July 29–30, 1993 to display these technologies. The equipment used in the demonstrations will be on exhibition to the public. The principal investigators responsible for the development of the technologies will also be available to discuss associated issues with the public. The technologies to be displayed at this exhibition are listed below:

Rapid Geophysical Surveyor
Remote Excavation System
Rapid Monitoring Unit
Remote Characterization System
Contamination Control Unit
Natural Polysaccharide Fixants
Retrieval Technology
Overburden Removal Technology

FOR FURTHER INFORMATION CONTACT: For information concerning this announcement, contact Jaffer Mohiuddin, telephone (301) 903–7965. The address is Division of Demonstration, Testing, and Evaluation (EM–55), Office of Technology Development, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874. For registration to the Technology Exhibition, please write to or phone Barbara Henricksen, DOE Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83401, (208) 526–0142.

SUPPLEMENTARY INFORMATION: The Office of Environmental Restoration and Waste Management was created to clean up 45 years of environmental pollution from the design and manufacture of nuclear materials and weapons. Environmental Restoration and Waste Management's programs are responsible for treating and disposing of the currently generated and stored inventory of radioactive and chemically hazardous waste, developing technology to achieve those goals, and implementing a new organizational culture founded on the principles of openness, responsiveness, and accountability.

Technology Development Program: Within the DOE Office of Environmental Restoration and Waste Management, the Office of Technology Development carries out a national program of applied research and development to focus, manage, and accelerate the development and implementation of new and existing technologies to meet specific Environmental Restoration and Waste Management Program requirements. The objective of the Technology Development Program is to respond to Environmental Restoration and Waste Management Program needs by developing and implementing technologies to (1) facilitate compliance with applicable requirements; (2) minimize the generation of wastes; (3) clean up DOE sites at lesser cost than for the currently available technologies; and (4) ensure that the technical work force is developed and retained to meet Environmental Restoration and Waste Management goals. Already, Environmental Restoration and Waste Management technology development activities have included a broad national program to meet this immense challenge of solving DOE problems.

Environmental Restoration and Waste Management invests in technologies with the potential to facilitate timely, cost-effective site cleanup. Environmental Restoration and Waste Management is keenly aware that budget and resource limitations dictate that Environmental Restoration and Waste Management's research and development program be conducted collaboratively with the private sector.

To ensure that technologies applicable in one area are transferred to another, the Technology Development Program has established integrated demonstrations and integrated programs utilizing technology available in the private sector, the academic community, and the national laboratories.

An Integrated Demonstration is a cost-effective mechanism that assembles a group of related technologies to evaluate their performance individually or as a complete system in correcting waste management and environmental problems from waste generation to ultimate disposal. An Integrated Program is a cost-effective mechanism that assembles a group of related technologies to solve a specific aspect of a waste management or environmental problem unique to a site or common to many sites. The Integrated Demonstration consists of technologies for characterization, retrieval, treatment, disposal, and post closure monitoring and encompasses the entire remediation process and represents a "cradle-to-grave" approach. The selection of technology to be incorporated in an Integrated Demonstration is predicated upon the synergies it brings to the technology, compatibility, and other technical factors. For example, selection of a treatment technology may be dependent upon the performance characteristics of the off-gas control system. The selection of a retrieval technology may be dependent upon the performance characteristics of a characterization technology. Although technologies for demonstration are selected on the basis of interdependent synergistic factors, the technology development for each technology is capable of being carried out independently. This facilitates earlier transfer of technology to the user.

Buried Waste Integrated Demonstration: DOE established the Buried Waste Integrated Demonstration program to support research, development, demonstration, testing, and evaluation of emerging technologies that offer promising and cost-effective solutions to the problems associated with the environmental restoration of buried waste sites.

The mission of Buried Waste Integrated Demonstration is to support the development, demonstration and integration of a number of technologies that when integrated effectively and efficiently remediate buried waste throughout the DOE complex. The technologies being developed by Buried Waste Integrated Demonstration program have very high potential for application to remediation problem in the private sector as well. The Buried Waste Integrated Demonstration program will evaluate and validate demonstrated technologies and transfer this information and equipment to support remediation planning and implementation.

The goal of Buried Waste Integrated Demonstration program is to determine the capabilities of emerging remediation technologies in the remediation of buried waste. Technologies will be identified, screened for applicability to the identified needs and requirements, selected for demonstration, and evaluated based on prescribed

performance objectives, such as implementability, effectiveness, potential schedule reduction, cost savings, and worker safety.

Key technology demonstrations include the Remote Characterization System, Remote Excavation Systems, Contamination Control Unit, Rapid Monitoring Unit, Polysaccharide Soils Fixation System, and the Rapid Geophysical Surveyor.

The Remote Characterization System is a mobile remote-controlled low-signature vehicle. The system uses a global positioning system to deploy a suite of geophysical sensors (e.g., ground penetrating radar and magnetometers). The purpose of this system is to characterize wastes in the soils including drums and other containers.

The Remote Excavation System involves a mobile remote-controlled Small Emplacement Excavator which will remotely excavate and retrieve buried materials. The key development features of this system include the remote control system, operator station, and end-effector teleoperations.

The Contamination Control Unit includes misting, fixative, dust suppressant, and vacuum devices for the control of airborne dust contamination during retrieval operations. This equipment is being assembled in a self-contained mobile trailer for manual operations at a retrieval site.

The Rapid Monitoring Unit consists of a collection of monitoring devices that measure loose surface and airborne contamination at a retrieval site. This system, which is contained in a mobile trailer, includes a large area alpha spectrometer and an U-L-shell X-ray spectrometer, a large area ionization chamber, and alpha continuous air monitors.

The Polysaccharide Soils Fixation System involves the demonstration of a method to control the wind transport of contaminated soil from excavation and clean-up sites. The system uses natural polysaccharide as soil fixation agents.

The Rapid Geophysical Surveyor provides for cheaper, faster, and increased data collection using magnetometers to image the subsurface to locate buried objects and identify pit/trench boundaries.

Technology Transfer Process: Within the DOE Office of Technology Development, the Technology Integration Division was established to ensure opportunities for public-private partnerships, specifically those focusing on the applied development and transfer of innovative environmental management technologies. As it is presently structured, the technology integration program involves private- and public-sector partners (e.g., industry, universities, and other agencies) in the research, development, demonstration, testing and evaluation of innovative environmental management technologies. Collectively, these efforts hasten the adoption of successfully-demonstrated technologies across the DOE weapons manufacturing complex for use in environmental restoration and waste management activities. In addition, they expedite the transfer of technologies to potential industry and government users.

Efforts are already underway to ensure technologies successfully demonstrated within Buried Waste Integrated Demonstration program will be transferred to appropriate users in industry and government. The DOE Enhanced Technology Transfer Program requires that DOE program offices provide fairness of opportunity (i.e., equal access) to private-sector partners that have legitimate interests in securing or commercializing DOE-developed technologies.

Various tools are used to facilitate technology transfer to private-sector partners. Specifically, the Environmental Restoration and Waste Management Technology Integration Program has at its disposal defined contractual mechanisms by which industry could become involved in the Buried Waste Integrated Demonstration program and other research, development, demonstration, testing and evaluation activities sponsored by Environmental Restoration and Waste Management. These include; direct procurement of innovative technologies and research through Program Research and Development Announcements and Research Opportunity Announcements, and cooperative research efforts through Cooperative Research and Development Agreements. Environmental Restoration and Waste Management can also provide assistance to small businesses in areas such as proposal preparation and technology commercialization and business planning. The Environmental Restoration and Waste Management Technology Integration Program also operates a toll-free "1–800" telephone number (1–800–845–2096) to identify potential matches between private-sector representatives (and their technologies) and DOE points of contact, and disseminates information about our R&D programs and associated business and research opportunities.

In the area of technology licensing, the Environmental Restoration and Waste Management program has already been instrumental in placing fourteen licenses for horizontal well technology successfully demonstrated under the auspices of the Volatile Organic Compounds in Non-Arid Soils Integrated Demonstration conducted at Savannah River Site, and intends to offer similar services in conjunction with Buried Waste Integrated Demonstration. Additionally, environmental technology transfer services have been established at Idaho National Engineering Laboratory to aggressively pursue commercial licensing partners for environmental technologies. DOE also makes use of personnel exchanges and user facility arrangements to provide greater access to the skills and expertise resident within laboratories and production plants of the weapons manufacturing complex. Finally, the Environmental Restoration and Waste Management Small Business Technology Integration Program focuses its efforts on providing firms with comprehensive information on Environmental Restoration and Waste Management activities and associated business opportunities. This Program also provides small businesses with special considerations for DOE funding and resources to help them develop, test, apply and commercialize their technologies. In addition, information is provided by means of regional workshops or by contacting the relevant Environmental Restoration and Waste Management program office directly.

Issued in Washington, DC on July 13, 1993.

C. W. Frank,

Acting Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 93–17066 Filed 7–16–93; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket Nos. ER93–758–000, et al.]

Niagara Mohawk Power Corporation, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

July 12, 1993.

Take notice that the following filings have been made with the Commission:

1. Niagara Mohawk Power Corporation

[Docket No. ER93–758–000]

Take notice that on July 2, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a proposed change to Niagara Mohawk Rate Schedule No. 141, an agreement between Niagara Mohawk and the

Central Hudson Gas and Electric Corporation.

Rate Schedule No. 141 provides for the wheeling of certain loads by Niagara Mohawk to CHG&E. The proposed change revises the rates for the wheeling of power and energy by Niagara Mohawk. Niagara Mohawk proposes an effective date of September 1, 1993. In support thereof, Niagara Mohawk states that CHG&E has consented to this proposed effective date.

Copies of this filing were served upon the following:

Public Service Commission, State of New York, Three Empire State Plaza, Albany, NY 12223.

and

Central Hudson Gas & Electric Corp., 284 South Avenue, Poughkeepsie, NY 12601.

Comment date: July 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Consolidated Edison Company of New York, Inc.

[Docket No. ER93–763–000]

Take notice that on July 2, 1993, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing Supplements to sixteen of its Rate Schedules:

Rate schedule	Supplement No.	Person receiving service
55	11	Philadelphia Electric Company (PECO).
56	11	Public Service Electric and Gas Company (Public Service).
57	11	Northeast Utilities (NU).
62	11	Orange & Rockland Utilities, Inc. (O&R).
69	8	NU.
70	6	Niagara Mohawk Power Corporation (Mohawk) and Pennsylvania Power & Light Company (PP&L).
71	6	New England Power Co. (NEP).
74	9	PP&L.
75	10	GPU Service Corporation (GPU).
78	14	Power Authority of the State of New York (the Power Authority).
82	7	Baltimore Gas & Electric Company (BG&E).
83	7	Atlantic City Electric Company (Atlantic).
84	7	Connecticut Municipal Electric Energy Cooperative (CMEEC).
88	6	Boston Edison (BE).
95	4	Long Island Lighting Company (LILCO).
103	3	United Illuminating Company (UL).

The Supplements provide for an increase in rate from $2.50 to $2.51 per megawatthour of interruptible transmission of power and energy over Con Edison's transmission facilities, thus increasing annual revenues under the Rate Schedules by a total of $16,980.99.

Con Edison states that copies of this filing have been served by mail upon PECO, Public Service, NU, O&R, Mohawk, PP&L, NEP, GPU, the Power Authority, BG&E, Atlantic, CMEEC, BE, LILCO and UL.

Comment date: July 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Bill D. Helton, Coyt Webb, Robert D. Dickerson, Mary Pullum, J. Avery Rush, Jr.

[Docket Nos. ID 2789–000, ID 2790–000, ID 2791–000, ID 2792–000, ID 2793–000]

Take notice that on May 19, 1993, the above-named Applicants tendered for filing an application to hold the following positions under section 305(b) of the Federal Power Act:

Bill D. Helton

Director & Chairman of the Board—Utility Engineering Corporation
Director; Chairman of the Board and Chief Executive Officer—Southwestern Public Service Company

Coyt Webb

Director—Utility Engineering Corporation
Director; President and Chief Operating Officer—Southwestern Public Service Company

Robert D. Dickerson

Secretary—Utility Engineering Corporation
Secretary and Treasuerer—Southwestern Public Service Company

Mary Pullum

Assistant Secretary—Utility Engineering Corporation
Assistant Secretary—Southwestern Public Service Company

J. Avery Rush, Jr.

Director—Utility Engineering Corporation
Director—Southwestern Public Service Company

Comment date: July 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Niagara Mohawk Power Corporation

[Docket No. ER93–757–000]

Take notice that on July 2, 1993, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a proposed change to Niagara Mohawk Rate Schedule No. 176, an agreement between Niagara Mohawk and the Rochester Gas & Electric Corporation.

Rate Schedule No. 176 provides for the wheeling of certain loads by Niagara Mohawk to RG&E. The proposed change revises the rates for the wheeling of power and energy by Niagara Mohawk. Niagara Mohawk proposes an effective date of September 1, 1993. In support thereof, Niagara Mohawk states that RG&E has consented to this proposed effective date.

Copies of this filing were served upon the following:

Public Service Commission, State of New York, Three Empire State Plaza, Albany, NY 12223.

And

Rochester Gas & Electric Corporation, 89 East Avenue, Rochester, NY 14649.

Comment date: July 26, 1993, in accordance with Standard Paragraph E end of this notice.

5. Wisconsin Public Service Corporation

[Docket No. ER93–770–000]

Take notice that Wisconsin Public Service Corporation (WPSC) on July 5, 1993, tendered for filing Supplement No. 5 to its partial requirements service agreement with Manitowoc Public Utilities (MPU), Manitowoc County, Wisconsin. Supplemental No. 5 provides MPU's contract demand nominations for January 1993-December 1997, under WPSC's W-2 partial requirements tariff and MPU's applicable service agreement.

The company states that copies of this filing have been served upon MPU and to the State Commissions where WPSC serves at retail.

Comment date: July 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. The Washington Water Power Company

[Docket No. ER93–772–000]

Take notice that on July 7, 1993, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 33.1(a)(2)(ii) a Use of Facilities Agreement (Agreement, WWP Contract No. WP–PS93–4903) and

a Letter Agreement Providing for Early Termination of WWP-Modern Electric Service Agreement (Letter Agreement, WWP Contact No. WP–PS93–49010–03). The Agreement and the Letter Agreement provide for the sale of certain substation facilities by WWP to Modern Electric Company.

Comment date: July 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Interregional Transmission Coordination Forum

[Docket No. ER93–771–000]

Take notice that on July 6, 1993, the Interregional Transmission Coordination Forum, a voluntary association of utilities, independent power producers and public power entities in the eastern United States for coordination and dispute resolution of transmission issues, submitted for filing under Section 205 of the Federal Power Act its organizational documents (charter, bylaws, dispute resolution process) as amended, superseding the set submitted on June 26, 1992. An effective date of 60 days after submission is requested for the superseding filing.

Comment date: July 26, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Westmoreland-LG&E Partners (Roanoke Valley I).

[Docket No. QF90–147–003]

On July 2, 1993, Westmoreland-LG&E Partners (Roanoke Valley I) (Applicant), c/o Westmoreland Energy, Inc., 300 Preston Avenue, Charlottesville, Virginia 22902, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commissions's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the topping-cycle cogeneration facility will be located in Weldon Township, near Roanoke Rapids, North Carolina. The Commission previously certified the facility as a qualifying cogeneration facility *Westmoreland-Hadson Partners*, 52 FERC ¶ 62,001 (1990) and recertified the facility as a qualifying cogeneration facility *Westmoreland-Hadson Partners*, 59 FERC ¶ 62,202 (1992). The instant request for recertification is made to reflect a change in the name of the partnership from Westmoreland-Hadson Partners, and to reflect the execution of a credit support arrangement on behalf of one of applicant's partners.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

9. Grayling Generating Station Limited Partnership

[Docket No. QF87–277–004]

On July 6, 1993, Grayling Generating Station Limited Partnership (Applicant), of 330 Town Center Drive, Suite 1000, Dearborn, Michigan 48126 submitted for filing an application for recertification of a facility as a qualifying production facility pursuant to § 292.207(b) of the Commissions's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the biomass-fueled small power production facility is located in the Township of Grayling, Crawford County, Michigan. The Commission originally certified the facility as a qualifying small power production facility in Decker Energy International, Inc., 40 FERC ¶ 62,042 (1987). On February 26, 1990, the Commission issued recertification in Decker Energy International, Inc., 50 FERC ¶ 62,117 (1990). On August 23, 1990, in Docket No. QF87–277–002, applicant filed a notice of self-recertification. On April 22, 1992, the Commission issued recertification in Grayling Generating Station Limited Partnership, 59 FERC ¶ 62,068 (1992). The instant recertification is requested to reflect an increase in the maximum net electric power production capacity from 34 MW to 36.16 MW.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 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 on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–17049 Filed 7–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–58–000]

Hidroelectrica Cerros Colorados S.A.; Application for Commission Determination of Exempt Wholesale Generator Status

July 13, 1993.

On July 8, 1993, Hidroelectrica Cerros Colorados S.A. ("HSA"), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

HSA, an Argentine corporation, will be owned in part by Patagonia Holding S.A., an Argentine corporation, which is owned in part by Dominion Generating S.A., also an Argentine corporation. Dominion Generating S.A. is a wholly-owned subsidiary of Dominion Energy, Inc., which is a wholly-owned subsidiary of Dominion Resources, Inc.

HSA will own part and operate all of a 450 MW hydroelectric plant located on the Neuquen River in Neuquen Province, Republic of Argentina, South America. The Facility has a nominal power production capacity of 450 MW. The Facility consists of two 225 MW turbogenerators with associated equipment and five dams.

Any person desiring to be heard concerning the application for exempt wholesale generator status should file a motion to intervene or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application. All such motions and comments should be filed on or before July 30, 1993, and must be served on the applicant (c/o Michael W. Maupin, Esq., Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219). 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. 93–16991 Filed 7–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93-207-000]

Montana Power Co.; Notice of Filing

July 13, 1993.

Take notice that on June 9, 1993, Montana Power Company tendered for filing an amendment in the above-referenced docket.

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 July 27, 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. 93-16988 Filed 7-16-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER93-740-000]

Montenay Montgomery Limited Partnership; Notice of Filing

July 13, 1993.

Take notice that Montenay Montgomery Limited Partnership, on July 25, 1993, tendered for filing its FERC Electric Service Tariff No. 2.

Copies of the filing were served upon Montenay Montgomery' jurisdictional customer, Public Service Electric & Gas Company.

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 filled on or before July 27, 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. 93-16989 Filed 7-16-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP93-534-000]

Stingray Pipeline Co.; Request Under Blanket Authorization

July 13, 1993.

Take notice that on July 6, 1993, Stingray Pipeline Company (Stingray), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP93-534-000 a request pursuant to Sections 157.205 and 157.208(b) of the Commission's Regulations under the Natural Gas Act for authorization to acquire, construct, own and operate certain facilities under the blanket certificate issued in Docket No. CP91-1505-000, 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 for public inspection.

Stingray specifically proposes the following:

(1) To acquire, own and operate dual 10-inch diameter meter facilities and approximately 0.15 miles of 16-inch diameter lateral that will be constructed by Chevron U.S.A. Production Company, A Division of Chevron U.S.A. (Chevron) and Union Oil Company of California (Unocal) on the production platform being constructed by them in Garden Banks Block 191, offshore Louisiana, at an estimated cost of $600,000;

(2) To construct, own and operate approximately 13.25 miles of 16-inch diameter lateral from the Garden Banks 191 platform to Stingray's existing system in West Cameron Block 639, offshore Louisiana, and a 16-inch diameter side tap to tie the new lateral into said existing facilities, at a total estimated cost of $8.5 million; and

(3) To construct, own and operate a 16-inch diameter subsea tap valve on the proposed 16-inch diameter lateral to be available for a future interconnect, at an estimated cost of $200,000.

Stingray indicates that the proposed facilities will allow it to receive and transport up to approximately 130 MMcf of natural gas per day produced by Chevron and Unocal at Garden Banks 191. Stingray further indicates that the total cost of the facilities proposed herein for acquisition and construction is estimated to be approximately $9.3 million.

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 Rules of Practice and Procedure (18CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 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 date 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(c) of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93-16992 Filed 7-16-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP93-539-000]

Texas Gas Transmission Corp.; Notice of Request Under Blanket Authorization

July 13, 1993.

Take notice that on July 7, 1993, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP93-539-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to add a new delivery point for Western Kentucky Gas Company (WKG) in Warren County, Kentucky, under Texas Gas's blanket certificate issued in Docket No. CP82-407-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas proposes to add the new delivery point on its Franklin 4-inch line in order to render natural gas service to a new asphalt plant which desires natural gas to heat its asphalt for highway construction and repair.

Texas Gas estimates that the natural gas requirements at this delivery point would be a maximum daily quantity of 300 MMBtu, with a maximum annual quantity of 50,000 MMBtu which amounts would not result in an increase in WKG's current daily contract demand, as stated by Texas Gas. Furthermore, Texas Gas states that service through this new delivery point can be accomplished without detriment 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 National Gas Act.

Lois D. Cashell,

Secretary

[FR Doc. 93–16990 Filed 7–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD93–12143T Texas-143]

State of Texas; NGPA Notice Of Determination By Jurisdictional Agency Designating Tight Formation

July 13, 1993.

Take notice that on July 6, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to section 271.703(c)(3) of the Commission's regulations, that a portion of the Bend Formation, Broken Bone Conglomerate Field, underlying Cottle County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 8A and is described on the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Bend 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.

Appendix

The recommended area covers approximately 11,307 Acres and includes all or portions of the following surveys:

Tract 1: 715.35 acres, all of the I.R.R. Co. Survey 2, A–1339 and A–1517

Tract 2: 162 acres, the South 162 acres of section 3, I.R.R. Co. Survey, A–369

Tract 3: 157.8 acres, out of the Northeast corner of the A. Dunman Survey, A–88

Tract 4: 246.7 acres, all of the South 246.7 acres of the I.R.R. Co. Survey 7, A–368

Tract 5: 324.1 acres, all of the South 324.1 acres of the I.R.R. Co. Survey 9, A–366

Tract 6: 324 acres, all of the South 324 acres of the I.L. Pickering Survey 10, A–1219

Tract 7: 179.6 acres, all of the W.Q. Richards Survey, A–1596

Tract 8: 12.65 acres, all of the Z.T. Pelley Survey, A–1592

Tract 9: 349 acres, all of the R.M. Thomson Survey, Blk. K, A–806

Tract 10: 640 acres, all of section 6 of the R.M. Thomson Survey, Blk. K, A–757

Tract 11: 642 acres, all of section 3 of the R.M. Thomson Survey, Blk. K, A–756

Tract 12: 320.5 acres, all of the West 320.5 acres of section 2 of the R.M. Thomson Survey, Blk, K, A–755

Tract 13: 129 acres, out of the East part of section 1 of the A. Forsythe Survey, Blk. L, A–660

Tract 14: 160 acres, all of the Southwest One-fourth of section 13 of the A. Forsythe Survey, Blk. L, A–787

Tract 15: 442.2 acres, all of section 8 of the R.M. Thomson Survey, Blk. K, A–807

Tract 16: 640 acres, all of section 5 of the R.M. Thomson Survey, Blk. K, A–805

Tract 17: 640 acres, all of section 4 of the R.M. Thomson Survey, Blk. K, A–804

Tract 18: 647 acres, all of section 1 of the R.M. Thomson Survey, Blk. K, A–803

Tract 19: 480 acres, all of section 2 of the A. Forsythe Survey, Blk. L, A–654, Save and Except the Southeast One-fourth

Tract 20: 80 acres, all of the North 80 acres of the Northwest One-fourth of section 3 of the A. Forsythe Survey, Blk. L, A–659

Tract 21: 159.75 acres, all of the Northwest One-fourth of section 4, of the AB & M Survey, (J.E. Earp) A/1387

Tract 22: 646.62 acres, all of section 1 of the AB & M Survey, A–17

Tract 23: 640 acres, all of section 4 of the I.G. & N.R.R. Co. Survey, A–147 (A–917, A–919, A–920, A–928, A–929 and A–930)

Tract 24: 664.7 acres, all of section 1 of the B & B Survey, A–53

Tract 25: 523.3 acres, all of the L.L. Pickering Survey 2, A–1404

Tract 26: 572.085 acres, all of the H. & G.N. R.R. Co. Survey 1, A–134

Tract 27: 688.979 acres, all of section 2 of the B & B Survey, A–1224, and

Tract 28: 120 acres, all of the North 120 acres of the Northwest One-fourth of section 3, B & B Survey, A–57.

[FR Doc. 93–16987 Filed 7–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–5–000]

Northwest Pipeline Corporation; Informal Settlement Conference

July 13, 1993

Take notice that an informal settlement conference will be convened in this proceeding on August 11, 1993 at 9 a.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the issues in this proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Marc G. Denkinger (202) 208–2215 or Kathleen M. Dias (202) 208–0524.

Lois D. Cashell,

Secretary.

[FR Doc. 93–16993 Filed 7–16–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 93–61–NG]

Brymore Energy Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Brymore Energy Inc., authorization to import up to 200 billion cubic feet (Bcf) of natural gas from Canada and to export up to 200 Bcf of natural gas to Canada over a two-year term beginning on the date of first import or export delivery after August 13, 1993.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., July 14, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–17065 Filed 7–16–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–62–NG]

Iroquois Energy Management, Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Iroquois Energy Management, Inc., blanket authorization to import from Canada up to 10 Bcf of natural gas over a period of two years beginning on the date of the first delivery.

This order is available for inspection and copying in the office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on July 14, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–17064 Filed 7–16–93; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 93–65–NG]

Nortech Energy Corp.; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Nortech Energy Corp., blanket authorization to import from Canada up to 40 Bcf of natural gas and to export to Canada up to 40 Bcf of natural gas over a two-year period beginning on the date of the initial import or export delivery, whichever occurs first.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on July 13, 1993.

Clifford Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–17063 Filed 7–16–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4680–4]

Organizational Meeting for the Environmental Statistics Technical Advisory Committee of the U.S. Environmental Protection Agency

The organizational meeting of the U.S. Environmental Protection Agency's Environmental Statistics Technical Advisory Committee (a standing committee of the American Statistical Association) will be held during the annual meeting of the American Statistical Association in San Francisco, CA, August 10, 1993 from 10:30 a.m. to 12:20 p.m. in the Tamalpais Room of the Hilton Hotel.

As this is the first meeting of the committee, the agenda will involve primarily organizational matters. The meeting is open to the public who may make presentations which will be limited to 10 minutes and require the notification of the Designated Federal Official (Dr. C. Richard Cothern, Environmental Statistics and Information Division, Office of Policy, Planning and Evaluation, PM–222B, U.S. Environmental Protection Agency, Washington, DC, 20460, phone 202–260–2734, FAX 202–260–4968) not later than July 27, 1993.

Approved July 8, 1993.

Barry D. Nussbaum,

Acting Director, ESID.

[FR Doc. 93–17057 Filed 7–16–93; 8:45 am]

BILLING CODE 6560–50–M

[FIFRA Docket No. 655 FRL–4680–6]

Pesticide Milban

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Notice of objections and request for hearing.

Notice is hereby given, pursuant to § 164.8 (40 CFR 164.8) of the Rules of Practice Governing Hearings under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 *et seq.*, that objections have been filed and a hearing has been requested by a person adversely affected by the Administrator's notice of intent to cancel the registration of the pesticide Milban as published in the **Federal Register** on May 21, 1993, 58 FR 29579.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, United States Environmental Protection Agency, room 3708 (Mail Code A–110), 401 M Street, SW., Washington, DC 20460 (Telephone 202–260–4865).

Dated: July 9, 1993.

Thomas W. Hoya,

Administrative Law Judge.

[FR Doc. 93–17058 Filed 7–16–93; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–140212; FRL–4631–4]

Access to Confidential Business Information by PRC, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, PRC, Inc. (PRC) of McLean, Virginia, for access to information which has been submitted to EPA under sections 5 and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than August 2, 1993.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under GSA contract number GS11K90BJD050, contractor PRC of 1505 Planning Research Drive, McLean, VA, will assist the Office of Pollution Prevention and Toxics (OPPT) in providing technical support for the CBI Tracking System and the OPPT Image Processing System.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number GS11K90BJD050 will require access to CBI submitted to EPA under sections 5 and 8 of TSCA to perform successfully the duties specified under the contract. PRC personnel will be given access to information submitted to EPA under sections 5 and 8 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 5 and 8 of TSCA that EPA may provide PRC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters only.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1995.

PRC personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: July 1, 1993.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–17060 Filed 7–16–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[DA 93–765; AAD 92–42]

Implementation of Further Cost Allocation Uniformity

AGENCY: Federal Communications Commission.

ACTION: Implementation of order.

SUMMARY: The Chief, Common Carrier Bureau adopted an Order which prescribes uniform cost pools and allocators for ten accounts contained in Part 32, Uniform System of Accounts for Telecommunications Common Carriers (USOA). This is part of an effort by the Commission to strengthen its nonstructural safeguards for enhanced services and other nonregulated offerings.

EFFECTIVE DATE: January 1, 1994.

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

FOR FURTHER INFORMATION CONTACT: Debra Weber, Common Carrier Bureau, Accounting and Audits Division, (202)–634–1861.

SUPPLEMENTARY INFORMATION: This is a summary of the Chief, Common Carrier Bureau's Memorandum Opinion and Order, DA 93–765, adopted June 23, 1993, and released July 1, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the public reference room of the Commission's Accounting and Audits Division, 2000 L Street, NW., room 812, Washington, DC 20554. The full text of this decision may also be purchased from the Commission's contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Paperwork Reduction

Public reporting burden for the collection of information is estimated to average 300 hours 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Records Management Division, Paperwork Reduction Project (3060–0470), Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060–0470), Washington, DC 20503.

Summary of Memorandum Opinion and Order

1. This Order prescribes cost allocation uniformity practices for local exchange carriers (LECs) who file cost allocation manuals (CAMs). Specifically, this Order adopts definitions which clarify distinctions among apportionment methods; allows carriers to use sub-pools; adopts uniform cost pools and allocators for ten Part 32 accounts as shown in Appendix B of the Order; and requires all LECs that file CAMs to file these changes with the Commission by November 1, 1993, and to implement them by January 1, 1994.

2. Accordingly, it is ordered, pursuant to sections 4(i), 4(j), 201–205, 215, 218, 219, and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201–205, 215, 218, 219, and 220 and § 0.291 of the Commission's rules, 47 CFR 0.291, that the cost allocation uniformity requirements set forth in Appendix B of the Order are adopted, effective January 1, 1994.

Federal Communications Commission.

Kathleen B. Levitz,

Acting Chief, Common Carrier Bureau.

[FR Doc. 93–16832 Filed 7–16–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Port Everglades Discovery Cruises, Inc., Service Agreement

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200787

Title: Port Everglades/Discovery Cruises, Inc. Service Agreement

Parties: Port Everglades Authority ("Port") Discovery Cruises, Inc. ("DCI")

Synopsis: The proposed Agreement would permit the Port to provide berthing and terminal facilities to DCI. In addition, DCI will pay wharfage and dockage fees to the Port during the three year term of the Agreement.

Agreement No.: 224–200788

Title: Alabama State Docks Department/ Southeast Stevedores, Inc. Cargo and Handling Service Agreement

Parties: Alabama State Docks Department Southeast Stevedores, Inc. ("SSI")

Synopsis: The proposed Agreement would permit SSI to perform freight handling services at the Port of Mobile during the 10 year term of the Agreement.

Dated: July 14, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–17016 Filed 7–16–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of May 18, 1993

In accordance with § 271.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on May 18, 1993.[1] The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that the economic expansion has slowed in recent months. Total nonfarm

[1] Copies of the Minutes of the Federal Open Market Committee Meeting of May 18, 1993, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

payroll employment rose only slightly over March and April after registering sizable increases earlier in the year, and the civilian unemployment rate remained at 7.0 percent. Industrial production was little changed in March and April after posting solid gains in previous months. Retail sales increased substantially in April but were about unchanged on balance for the year to date. Housing starts picked up in April. Incoming data on orders and shipments of nondefense capital goods suggests a further brisk advance in outlays for business equipment, while nonresidential construction has remained soft. The nominal U.S. merchandise trade deficit in January-February was slightly below its average level in the fourth quarter. Increases in wages and prices have been appreciably larger this year than in the second half of 1992.

Short-term interest rates have changed little since the Committee meeting on March 23 while bond yields have risen somewhat. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies declined somewhat on balance over the intermeeting period.

After contracting during the first quarter, M2 was unchanged in April while M3 turned up; both aggregates increased substantially in early May. Total domestic nonfinancial debt expanded somewhat further through March.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. In furtherance of these objectives, the Committee at its meeting in February established ranges for growth of M2 and M3 of 2 to 6 percent and 1/2 to 4-1/2 percent respectively, measured from the fourth quarter of 1992 to the fourth quarter of 1993. The Committee expects that developments contributing to unusual velocity increases are likely to persist during the year. The monitoring range for growth of total domestic nonfinancial debt was set at 4-1/2 to 8-1/2 percent for the year. The behavior of the monetary aggregates will continue to be evaluated in the light of progress toward price level stability, movements in their velocities, and developments in the economy and financial markets.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. In the context of the Committee's long-run objectives for price stability and sustainable economic growth, and giving careful consideration to economic, financial, and monetary developments, slightly greater reserve restraint would or slightly lesser reserve restraint might be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with appreciable growth in the broader monetary aggregates over the second quarter.

By order of the Federal Open Market Committee, July 13, 1993.

Normand Bernard,

Deputy Secretary, Federal Open Market Committee.

[FR Doc. 93–17007 Filed 7–16–93; 8:45 am]

BILLING CODE 6210–01–F

[Docket No. R-0786]

Telecommunications Service Priority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: In November 1988, the Federal Communications Commission (FCC) established the Telecommunications Service Priority (TSP) system to provide a uniform system for assigning priorities for provisioning and restoring telecommunication services that support national security and emergency preparedness (NS/EP). Under the FCC rule, the Board may sponsor TSP assignments to telecommunication services of non-federal government organizations that are critical for supporting NS/EP functions.

Backbone circuits used for the Federal Reserve's Fedwire system, which interconnect the Federal Reserve Banks, have been assigned TSP status. The Board has adopted criteria for providing TSP sponsorship for backbone circuits of eligible private-sector interbank large-value funds or securities transfer systems and access circuits that connect participants to a sponsored large-value payments system. The Board will also sponsor for TSP assignment certain circuits used to support the Federal Reserve Bank of New York's open market and foreign operations, and the Treasury Automated Auction Processing System.

The Board believes that assignment of TSP status to these circuits will help ensure the operations and liquidity of banks and the maintenance and restoration of stable and orderly financial markets, and thus is consistent with NS/EP responsibilities. Applications requesting TSP sponsorship from the Board should be submitted to the address provided below.

EFFECTIVE DATES: July 13, 1993.

ADDRESSES: Applications for TSP sponsorship should be sent to Ms. Louise L. Roseman, Assistant Director, Division of Reserve Bank Operations and Payment Systems, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: Louise L. Roseman, Assistant Director (202/452-2789), or Kenneth D. Buckley, Manager (202/452-3993), Division of Reserve Bank Operations and Payment Systems, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-2077), Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. The above individuals can also be contacted to obtain copies of the forms and instructions referenced in this document.

SUPPLEMENTARY INFORMATION:

Background

The Communications Act of 1934 authorizes the Federal Communications Commission (FCC) to assign and approve reasonable priorities for the provision and restoration of common carrier-provided telecommunications services.[1] In November 1988, the FCC adopted rules (Report and Order FCC 88-341) establishing the Telecommunications Service Priority (TSP) system for priority restoration and provision of telecommunications services that support National Security and Emergency Preparedness (NS/EP) functions. Telecommunication services necessary for NS/EP are defined as those that are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international) that causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NS/EP posture of the United States.

The FCC rules establish procedures for the assignment and approval of priority levels. Under these rules, there are two types of Essential priority functions:

(1) Expedited restoration of disrupted telecommunication service; and

(2) Expedited provision of new telecommunication services.

In the event of a telecommunications disruption, carriers are obligated to restore TSP designated circuits according to the ranking of their assigned codes and preempt, if necessary, any other restoration arrangement for non-TSP circuits. The status of a TSP-designated circuit and its preemptive rights over non-TSP circuits are recognized by all regulated telecommunication carriers in the United States. Consequently, a consistent level of priority is provided end-to-end on a TSP designated circuit and the priority is acknowledged with

[1] Under section 706 of the Act, this authority may be superseded, and expanded to non-common carrier telecommunications services, by the emergency war powers of the President of the United States. The Executive Office of the President has developed separate regulations and procedures to cover the exercise of these emergency powers. See 47 CFR Ch. II and Executive Order 12656.

the same level of urgency by local exchange carriers and inter-exchange carriers. Carriers are required to ensure that any trouble tickets or problem logs specifically identify TSP circuits to ensure priority service is received.

In an event or crisis that requires the provision of new telecommunications services to a TSP participant, such as relocating to or establishing new facilities, telecommunication carriers are required to expedite circuit installation. Both local exchange and inter-exchange carriers prioritize TSP requests for the provision of new service above any requests from non-NS/EP services.

Essential NS/EP telecommunication services must qualify under one of four subcategories:

(A) National security leadership;

(B) National security posture and U.S. population attack warning;

(C) Public health, safety, and maintenance of law and order; and

(D) Public welfare and maintenance of national economic posture.

Essential services are assigned a priority on a scale of 1 to 5 (with 1 as the highest priority) based on the appropriate subcategory. Services in subcategory A qualify for priority levels 1-5; those in subcategory B qualify for priority levels 2 5; those in subcategory C qualify for priority levels 3-5; and services in subcategory D qualify for priority levels 4-5.

The FCC has delegated the administration of the TSP program to the Executive Office of the President. The Executive Office of the President's responsibilities under the TSP program are administered by the National Communications System (NCS), established by Executive Order 12472.[2]

Organizations other than Federal government agencies must apply for TSP assignments through a Federal agency that is willing to sponsor such applications. Pursuant to the FCC rule, the Board may sponsor the minimum number of telecommunication services necessary for the "maintenance of national economic posture" (category D), and, in particular, services that support the "maintenance of national monetary, credit, and financial systems." In its role as a sponsoring Federal organization, the Board would also support the Department of Treasury's specific NS/EP responsibilities, as described in Executive Order 12656, on matters related to the "operation and liquidity of banks" and "maintenance and restoration of stable and orderly markets." These essential telecommunication services may be assigned a TSP priority level of 4 or 5.

TSP is intended to be used only as a "last resort" and, as such, organizations granted TSP status are required to ensure that circuits covered by TSP are afforded the highest level of disaster recovery and contingency capabilities. Organizations requesting TSP sponsorship by the Board will be expected to minimize single points of failure or other vulnerabilities through diverse circuit paths, multiple telecommunication carrier services, and/or redundant switching arrangements. The NCS strongly encourages TSP users to maintain adequate communication diagnostic and monitoring equipment that can differentiate outages due to a circuit disruption from those arising from premise equipment. The sponsored organization must maintain a robust backbone network that can recover quickly from equipment or circuit failures. Disaster recovery capabilities also must be maintained in a high state of readiness. Network management procedures should be able to isolate errors, reroute data, and remotely reconfigure equipment. A depository institution that uses an access circuit(s) with TSP assignment should have a backup circuit or dial backup capabilities. In the Federal Reserve's new Fednet network environment, Fedwire leased-line access circuits will have, at a minimum, dial backup capability and a redundant digital service unit.

Telecommunication services are designated as essential where a disruption of "a few minutes to one day" could seriously affect the continued operations that support an NS/EP function. An outage of up to one day affecting large-value funds or securities transfer services may adversely affect the financial systems, and in particular, the operation and liquidity of banks and/or the stability of financial markets. Backbone circuits used for the Federal Reserve's Fedwire system, which interconnect the Federal Reserve Banks, have been assigned TSP priority level 4. TSP further enhances the resilience and recoverability of the communications infrastructure supporting the Fedwire system and is consistent with the Federal Reserve's efforts to improve the reliability of its automation and communications environment.

The Fedwire funds and securities transfer services are used to facilitate much of the country's economic activity. The average value of Fedwire funds and securities transfers approaches $1.5 trillion per day. Most domestic transactions that rely on the immediate and irrevocable transfer of a large-value payment are processed through the Fedwire system. A substantial level of international economic activity is conducted via the domestic telecommunication services used by the Clearing House Interbank Payments System (CHIPS) and the Society for Worldwide Interbank Financial Telecommunication (SWIFT) system. Interruptions in the ability to make payments via these systems could adversely affect the ability of private enterprises to engage in their business activities, which could in turn affect the ability of their counterparties to conduct business.

In addition, the Fedwire funds transfer system is critical to the ability of participants in the securities, options and futures markets to effect settlement for their trading activity. The Fedwire system is also used by these market participants to fund margin calls. These transactions require the ability to transfer funds in a short time frame (*i.e.*, less than one day, as specified by the NS/EP criteria). In addition, the Fedwire system is critical to depository institutions' ability to manage their reserve positions.

Therefore, the Board believes TSP status is warranted to expedite the provision and restoration of those resources within the telecommunication infrastructure that supports these systems. Assignment of TSP status to circuits used in large-value payment systems will help ensure an orderly and timely resumption of large-dollar funds and securities transfer services in the event of an emergency or disaster. Specifically, the Board believes it would be appropriate to sponsor TSP status for backbone circuits of private-sector interbank large-value funds or securities transfer systems, and certain access circuits that connect participants to a sponsored large-value payments system.

[2] The administrative structure of the NCS consists of the executive agent, (the Secretary of Defense, as designated by the President), the Manager (designated by the executive agent) and the Committee of Principals (representatives from federal departments, agencies, and entities with significant national security or emergency preparedness telecommunications responsibilities). The Federal Reserve System was designated as a "participating independent entity" on the Committee of Principals. The Executive Office of the President has assigned to the NCS Manager the administrative authority delegated to it by the FCC, as well as the authority to administer the TSP program after invocation of the President's war emergency powers. The NCS has issued, with the FCC's approval, a directive (NCS Directive 3-1), a service vendor handbook (NCS Handbook 3-1-2), and a user manual (NCS Manual 3-1-1) to implement its responsibilities (Memorandum Opinion and Order, 4 FCC Rcd 9473 (1989) and 54 FR 50622, December 8, 1989).

TSP Sponsorship Criteria

In December 1992, the Board requested comment on proposed TSP sponsorship criteria for backbone circuits of private-sector interbank large-value payments systems; and certain access circuits that connect participants to the Fedwire funds and book-entry securities transfer system or to a private-sector sponsored payments system. (57 FR 61088, December 23, 1992). The proposed criteria are as follows:

(1) The payments system requesting TSP sponsorship must be critical to the operation and liquidity of banks or to the stability of financial markets;

(2) A payments system seeking TSP sponsorship must clearly delineate the boundaries of its backbone telecommunications network;

(3) Access circuits connecting depository institutions or other participants to a sponsored large-value system may be eligible for sponsorship if they are used to transmit a daily average aggregate value of at least $2 billion of funds and/or securities transfers, or if they meet an alternative criterion acceptable to the Board;

(4) The network backbone circuits and the access circuits for which a payments system seeks TSP sponsorship must be subject to adequate contingency backup arrangements; and

(5) A payments system sponsored by the Board that receives TSP status for essential circuits must provide the Federal Reserve the opportunity to verify continuing TSP eligibility for those circuits.

The Board received twelve comments on the proposed criteria: six from banks or bank holding companies; three from private-sector networks (the New York Clearing House (NYCH), on behalf of CHIPS and the New York Automated Clearing House; SWIFT; and the Participants Trust Company (PTC)); one from another clearing house, and two from Reserve Banks. All of the commenters supported the Board's sponsorship of circuits for TSP status, and generally supported the proposed criteria for sponsorship. Several commenters, however, requested that the Board liberalize its sponsorship criteria. In particular, several commenters questioned the Board's intent not to sponsor circuits used by automated clearing house (ACH) systems and requested that the Board expand its sponsorship to include networks that support the securities, futures, and options markets. In addition, several commenters suggested alternate criteria for determining the eligibility of access circuits (*i.e.*, circuits that connect depository institutions or other participants to the network).

Sponsorship of ACH circuits. The Board's proposed criteria excluded the ACH service from consideration for TSP sponsorship. Commenters generally supported the proposed criterion that would limit TSP sponsorship to circuits used in large-value systems. However, one commenter stated that ACH services should be eligible for TSP sponsorship at this time, while two commenters noted that ACH services may warrant sponsorship in the future. The New York Clearing House recommended that circuits connecting its ACH to the Federal Reserve Bank of New York be eligible for TSP sponsorship.

ACH transfers are value dated and have very small dollar value compared to that of Fedwire or CHIPS transfers. The Board does not believe that the ACH service currently meets the NCS definition of an "essential" telecommunications service where a disruption of a few minutes to one day would have a serious adverse effect on the operation and liquidity of banks or on the stability of the financial markets. Therefore, the final criteria adopted by the Board excludes from consideration the sponsorship of circuits used by ACH systems. Depending on the types and aggregate value of payments made via the ACH in the future, the Board may extend TSP sponsorship to ACH systems as they evolve over time.

Sponsorship of networks that support the securities, futures, and options markets. Two commenters, Chase and PTC, suggested that the Board's criteria for TSP sponsorship be broadened to encompass sponsorship of circuits used by networks that support the securities, futures, and options markets. PTC specifically stated in its comments that it desired TSP sponsorship of its network.

The Securities and Exchange Commission has agreed to consider for TSP sponsorship circuits used by clearing systems operated by SEC-registered clearing agencies (such as networks operated by the Participants Trust Company, the Depository Trust Company, the Government Securities Clearing Corporation, and the National Securities Clearing Corporation), securities exchanges, and other securities industry participants registered with the SEC. The CFTC has agreed to consider for TSP sponsorship circuits used by contract markets or by clearing organizations for contract markets registered under the Commodity Exchange Act (such as the Chicago Board of Trade and the Chicago Mercantile Exchange), and certain other futures and options market participants subject to the jurisdiction of the CFTC. The Board believes that the SEC and the CFTC would be in the best position to delineate the appropriate scope of sponsorship for circuits used to support the markets that they oversee. Therefore, the Board will refer TSP sponsorship requests from such networks to the SEC or to the CFTC, as appropriate.

Eligibility of access circuits for TSP sponsorship. In order to determine which access circuits should be eligible for TSP sponsorship, the Board proposed a criterion that generally limited eligibility to those circuits that transmit a large aggregate value of transfers. If an outage of a day or less affected these circuits, the operations and liquidity of banks or the stability of the financial markets could be adversely affected. In contrast, an outage that affected participants that transmit a relatively smaller aggregate value of transfers would generally not have similar systemic effects.

Specifically, the Board's third proposed criterion stated that access circuits that connect depository institutions or other participants to a sponsored large-value system may be eligible for sponsorship if they are used to transmit a daily average of at least $2 billion in funds and/or securities transfers, or if they meet an alternative criterion acceptable to the Board. To minimize the costs associated with administering the TSP program, all Fedwire computer-interface point-to-point leased-line circuits would be eligible for sponsorship, as well as those Fedline point-to-point leased-line circuits used for Fedwire transfers that the Reserve Banks believe are critical and therefore warrant sponsorship.

Most commenters generally supported this proposed criterion. Two commenters, NYCH and Chase, opposed the criterion as proposed. NYCH recommended that if a sponsored network transfers over $500 billion in funds on a daily average basis, all access circuits to that network should receive TSP sponsorship. Under this alternate criterion, NYCH requested sponsorship of the access circuits used by all 122 CHIPS participants. Chase stated that it was not appropriate to determine eligibility of access circuits based on the dollar value of transfers transmitted over the circuits, and recommended that all access circuits of a sponsored private-sector system (as well as circuits that connect a network participant to the processing location it uses) be eligible for TSP sponsorship.

The Board believes that NYCH's request that the Board sponsor all CHIPS access circuits is reasonable, given the manageable number of circuits

and the very large aggregate value transmitted over the CHIPS network, and therefore is willing to sponsor all CHIPS access circuits. If, however, the number of CHIPS access circuits increases significantly in the future, the eligibility criterion for CHIPS access circuits would need to be reassessed. The Board believes that the proposed general criterion regarding the eligibility of access circuits is flexible in that it permits the use of an alternate criterion proposed by the network, and therefore has adopted it substantially as proposed.[3] The Board has not broadened this criterion to allow for sponsorship of all access circuits used in all sponsored private-sector networks, as TSP status is intended to be limited to the minimum number of circuits necessary to support an NS/EP function.

Final eligibility criteria. The Board has adopted the following TSP sponsorship criteria, which are substantially similar to the proposed criteria, and will consider sponsorship of circuits meeting these criteria for a TSP priority level 4:

(1) The system requesting TSP sponsorship must provide a large-value interbank funds transfer, securities transfer, or payment-related service that requires same-day recovery and must be critical to the operation and liquidity of banks or to the stability of financial markets. Clearing systems operated by SEC-registered clearing agencies, securities exchanges, and other securities industry participants registered with the SEC should request TSP sponsorship from the SEC. Contract markets or clearing organizations for contract markets registered under the Commodity Exchange Act and other futures and options market participants subject to the jurisdiction of the CFTC should request TSP sponsorship from the CFTC.

(2) A system seeking TSP sponsorship must clearly delineate the boundaries of its backbone telecommunications network.

(3) Access circuits connecting depository institutions or other participants to a sponsored large-value system, or the network access circuit to the processing location used by the participant, may be eligible for sponsorship if they are used to transmit a daily average aggregate value of at least $2 billion of funds and/or securities transfers, or if they meet an alternate criterion acceptable to the Board's Director of the Division of Reserve Bank Operations and Payment Systems or his designee.

(4) The network backbone circuits and the access circuits for which a payments system seeks TSP sponsorship must be subject to adequate contingency backup arrangements.

(5) A system sponsored by the Board that receives TSP status for essential circuits must provide the Federal Reserve with the opportunity to verify continuing TSP eligibility for those circuits.

As TSP assignment to switched circuits is limited, both the backbone and access circuits must be leased line circuits. If a leased circuit is a sub-component of a larger circuit, the full circuit may be sponsored for TSP status.

Sponsorship of circuits used for the Open Market Desk, Foreign Exchange Desk, and Treasury Automated Auction Processing System. The Board will also sponsor TSP status for eligible dedicated voice circuits from the Federal Reserve Bank of New York's Open Market Desk to primary dealers and from the Foreign Exchange Desk to foreign exchange counterparties and foreign central banks. In addition, the Board will sponsor leased circuits used to connect the large competitive bidders to the Treasury Automated Auction Processing System. These circuits support operations that are necessary to the stability of the financial markets.

Application for TSP Sponsorship

Federal Reserve Banks and private-sector organizations can apply to the Board for TSP sponsorship to obtain priority restoration of existing circuits. These organizations must use form SF-315, "TSP Request for Service Users", to apply for each TSP code and form SF-316, "TSP Service Order Report", to report the primary service vendor assigned the TSP code. These forms are described and included in the NCS user manual (NCS Manual 3-1-1). Board staff has developed software that can be used by Reserve Banks and other sponsored organizations for submitting SF-315 applications for TSP status electronically. The software reduces the amount of information that must be supplied by the TSP applicant by automatically completing a number of the fields in the SF-315.

The Board can also invoke TSP to provision new telecommunication services on an "as needed" basis as a result of emergencies or disasters warranting extraordinary action. The Board will consider requests from sponsored organizations for TSP provision of new services under the sponsorship criteria it has adopted. The Board has delegated to the Director of the Division of Reserve Bank Operations and Payment Systems or his designee the authority to sponsor TSP assignments or to invoke expedited provision of new telecommunications services to sponsored organizations, pursuant to the Board's criteria. Applications related to telecommunication services that the Board believes warrant TSP status will be forwarded by the Board to the Manager of NCS, who is charged with making TSP assignments.

The Reserve Banks will complete the necessary applications for TSP sponsorship of Fedwire backbone and access circuits. The Fedwire access circuits will be sponsored for TSP status as they are added to the new Fednet network. A private-sector large-value systems will be responsible for completing the applications for TSP sponsorship of its essential network circuits. These applications should be submitted to the Board and should be accompanied by a description of how the backbone and access circuits for which the organization is requesting TSP assignment qualify under each applicable criterion. Applications for TSP sponsorship of network access circuits should be made by the network operator, rather than by individual network participants.

A depository institution that leases a circuit that connects a TSP-sponsored leased Fedwire or other large-value network access circuit with the location it uses to process these transfers would be responsible for completing the application for TSP sponsorship of the additional circuit(s). The depository institution should submit the TSP application, along with a description of how the circuit meets the Board's sponsorship criteria, to the Board. Once a circuit has been assigned TSP status, the depository institution will communicate directly with the Board or NCS on changes to the circuit or TSP status.

Primary dealers, other large competitive bidders at Treasury auctions, and foreign central banks that lease circuits used to connect to the Open Market Desk, the Treasury Automated Auction Processing System, and the Foreign Exchange Desk are responsible for submitting the TSP applications for these circuits. The Federal Reserve Bank of New York (or other appropriate Reserve Bank) will

[3] SWIFT has proposed an alternate criterion for the sponsorship of those access circuits that represent the majority of its volume in the United States. Specifically, SWIFT recommends that only those participants that have leased lines that connect to multiple SWIFT concentration points be eligible for TSP sponsorship. Under this criterion, SWIFT would request TSP assignment for less than 100 of its 500 access circuits in the United States. The Board believes this alternate criterion is reasonable and is willing to sponsor SWIFT access circuits based on the alternate criterion.

assist organizations that lease these circuits in completing the TSP applications. The Federal Reserve Bank of New York will complete the TSP applications for circuits it leases to connect to foreign exchange counterparties.

Reconciliation of TSP Information

NCS requires that telecommunication service providers maintain an accurate inventory of circuits that are assigned TSP status and reconcile this inventory against NCS records annually. Reconciliation is necessary to ensure that the user, service provider, and NCS maintain accurate TSP information in the event that a disaster or emergency requires the restoration of NS/EP telecommunication services. As a sponsoring organization, the Board must maintain accurate records of the assignment and disposition of TSP codes provided to sponsored payment system participants. Consequently, Reserve Banks and other organizations receiving TSP assignments pursuant to the Board's sponsorship will be required to:

(1) Provide the Board with information pertaining to the telecommunication carrier and identifying code for each circuit receiving a TSP assignment;

(2) Notify the Board of any engineering changes affecting TSP assigned circuits; and

(3) Notify the Board of any TSP codes that should be revoked.

The Board may periodically review records pertaining to TSP sponsored circuits and work with the sponsored organization to resolve any identified discrepancies in TSP service information.

Revalidation of TSP Status

NCS also requires that the justification of TSP priority level assignments be revalidated every three years. This revalidation ensures that TSP-assigned circuits continue to be essential to support an NS/EP function. As part of the revalidation process, the Board will assess whether circuits it has sponsored for TSP assignment continue to meet its eligibility criteria.

Confidentiality of TSP Information

The Board believes that information provided to apply for TSP status as well as information included in subsequent TSP reports will be, in most cases, proprietary. Applicants will be required to describe the topology of their payments network and disaster recovery capabilities. Furthermore, private-sector entities will be required to identify telecommunication service providers and the unique circuit identifiers supporting sponsored TSP services. The release of this information could cause competitive harm. Consequently, the Board generally intends to consider TSP information exempt from the Freedom of Information Act under exemption 4 to protect both the interests of commercial entities that submit proprietary information to the government and the interests of the government in receiving continued access to such data (5 U.S.C. 552(b)(4)).

Costs Associated With TSP Status

Telecommunication carrier tariffs. Telecommunications carriers' charges for providing TSP services are filed as tariffs with the FCC or with state regulatory agencies. The tariffs permit carriers to assess a one-time charge and a monthly charge for each circuit assigned a TSP restoration authorization code. In the event of the provision of new service under TSP, carriers can apply a surcharge to the normal installation charges for each telecommunication service ordered. Finally, under the tariff, telecommunication carriers can assess a penalty to TSP customers for reporting an erroneous outage on a TSP circuit that is traced to the customer's premise equipment.

The TSP tariffs are cost-based and are not uniform between states or carriers. Tariffs are charged for Local Access and Transport Area (LATA) and inter-exchange TSP services. A single carrier generally collects TSP charges for all portions of the end-to-end service. TSP restoration assignment involves a one-time "set-up" charge and an ongoing monthly charge. For example, under AT&T's Tariff 11, a one-time charge ranging from $46 to $345 would be assessed for assigning TSP status to the LATA portion of a circuit; an ongoing monthly charge ranging from $.90 to $9.00 would also be assessed, depending on the LATA. TSP restoration charges for inter-exchange circuits are assessed on three network components:

(1) The LATA access at one end of the circuit;

(2) The inter-exchange carrier portion of the circuit; and

(3) The LATA access at the other end of the circuit.

The TSP charges for an inter-exchange circuit would include the LATA charges for each end of the circuit, plus the charges for the inter-exchange portion of the circuit. Under AT&T's Tariff 9, a one-time charge of $235 would be assessed for assigning TSP status to the inter-exchange portion of a circuit; a $9 monthly charge would also be assessed.[4] Under AT&T's Tariff 9 and 11, the TSP surcharge for the emergency provision of a new circuit ranges from $50 to $200 for LATA access portions of the circuit, depending on the LATAs, and $400 for the inter-exchange portion of a circuit. Under the AT&T tariff, the penalty for initiating a service call resulting from an erroneous report of an outage on a TSP circuit is $127.00. US Sprint and MCI have also filed tariffs for TSP services.

Recovery of TSP costs associated with Fedwire circuits. The costs associated with TSP status for computer interface or Fedline leased Fedwire access circuits used for priced services will be recovered through the fees charged to depository institutions that use those circuits.[5] The costs associated with TSP assignments for backbone circuits used for Fedwire are distributed to the services and activities that use these circuits, and, in the case of priced services, are recovered through the fees assessed for that service. The incremental costs associated with TSP status should not have a significant effect on Federal Reserve fees.

TSP costs for circuits not leased by the Federal Reserve. Private-sector organizations that are granted TSP status must bear the cost of all TSP-related charges. The Federal Reserve will not pay for TSP charges for circuits not leased by the Federal Reserve, including circuits leased by private-sector large-value networks, circuits used to connect a sponsored network access circuit to a participant's back-office processing location, and circuits leased by primary dealers, other large competitive bidders at Treasury auctions, and foreign central banks to connect to the Open Market Desk, the Treasury Automated Auction Processing System, or the Foreign Exchange Desk. Moreover, any costs incurred by sponsored private-sector organization for improvements to network facilities

[4] For example, using AT&T's Tariff 11, the cost of TSP restoration priority on an intra-LATA Fedwire access circuit of the Federal Reserve Bank of Philadelphia would include a one-time charge of $45.93 and monthly charges of $1.29. TSP assignment on an inter-LATA Fedwire access circuit from a Delaware depository institution to the Federal Reserve Bank of Philadelphia would include the costs referenced above as well as an additional one-time charge of $45.93 and monthly charges of $1.29 for the Delaware LATA access portion of the circuit and, under AT&T's Tariff 9, an additional $235 one-time charge and monthly charges of $9.00 for the inter-exchange portion of the circuit.

[5] Depository institutions that use their access circuits solely for non-priced services are not assessed electronic connection fees. Consequently, leased Fedwire access circuits used only for non-priced services will not be charged for TSP.

necessary to comply with NCS standards will not be reimbursed by the Federal Reserve.

Analysis of Competitive Effect

The Board does not believe that its sponsorship of telecommunications circuits of private-sector large-value payment systems or certain Fedwire access circuits for TSP status would adversely affect the ability of other service providers to compete effectively with Federal Reserve Banks in providing similar services. The Board's criteria for determining whether it should sponsor the critical backbone and access circuits of a private-sector payments network are consistent with the criteria for determining whether it should sponsor circuits used to provide Federal Reserve payment services.

The Board recognizes that granting TSP status to access circuits of certain depository institutions could provide a slight competitive advantage to those institutions vis-a-vis institutions whose access circuits do not qualify for TSP sponsorship, due to the slightly higher level of reliability and availability they may be able to achieve due to the TSP assignment. To eliminate this competitive advantage, TSP would need to be extended to all depository institution access circuits, or provided to none of these circuits. Neither of these alternatives would be consistent with the objective of protecting only essential NS/EP functions. Given that any circuit subject to TSP status must be subject to other contingency backup arrangements, which would be used in most situations of service outage, the Board does not believe that the marginal competitive advantage that TSP assignment may provide some institutions is significant enough to outweigh the benefits to the payments system of this program.

Paperwork Reduction Act

The Board will use three forms to implement its TSP sponsorship and invocation responsibilities. The forms are entitled "TSP Request for Service Users" (Standard Form 315), "TSP Service Order Report" (Standard Form 316), and "TSP System NSEP Invocation Report" (Standard Form 320). The Board received no comments related to the paperwork burden associated with these forms. Copies of the forms and related instructions are available from the Board upon request at the address above. NCS has assumed administrative responsibility for these forms under the Paperwork Reduction Act.

By order of the Board of Governors of the Federal Reserve System, July 13, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–17037 Filed 7–16–93; 8:45 am]

BILLING CODE 6210–01–F

City Holding Company, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 9, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. City Holding Company, Charleston, West Virginia; to engage *de novo* in providing to non-affiliated financial institutions, under written agreements with renewable one-year terms, data processing services, including item capture, reject re-entry, deposit account updates, loan account updates, statement production, notice production, credit bureau reporting, ACH file processing and loan coupon preparation pursuant to § 225.25(b)(7) of the Board's Regulation Y. These activities will be conducted in the States of West Virginia, Ohio, Kentucky, and Virginia.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Van Buren Bancorporation Employee Stock Ownership Plan, Keosauqua, Iowa; to engage *de novo* in making, servicing or acquiring loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Security Capital Corporation, Batesville, Mississippi; to engage *de novo* in making loans to executive officers and directors of its subsidiary bank pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in Panola County and Quitman County, Mississippi.

Board of Governors of the Federal Reserve System, July 13, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–17042 Filed 7–16–93; 8:45 am]

BILLING CODE 6210–01–F

Community Banc-Corp. of Sheboygan, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may

express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than August 12, 1993.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Community Banc-Corp of Sheboygan, Inc., Sheboygan, Wisconsin; to acquire G & H Insurance Agency, Sheboygan, Wisconsin, which will become Community Insurance and Financial Services, Inc., Sheboygan, Wisconsin, and thereby engage in selling commercial and personal lines of insurance, and the sale of bonds except bail bonds, pursuant to § 225.25(b)(8)(vi) of the Board's Regulation Y. These activities will be conducted in the State of Wisconsin.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Farmers State Corporation, Mountain Lake, Minnesota; to acquire United Prairie Insurance Agency, Slayton, Minnesota, and thereby engage in general insurance agency activities in Slayton, Minnesota, a community with a populaton of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. Comments on this application must be received by August 2, 1993.

Board of Governors of the Federal Reserve System, July 13, 1993

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–17046 Filed 7–16–93; 8:45 am]

BILLING CODE 6210–01–F

First National Bank Shares, Ltd., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 12, 1993.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. First National Bank Shares, Ltd., Great Bend, Kansas; to acquire 100 percent of the voting shares of The Home State Building, Inc., Kinsley, Kansas, and thereby indirectly acquire The Home State Bank, Kinsley, Kansas.

In connection with this application, Applicant also proposes to acquire Lewis Insurance Services, Inc., Lewis, Kansas, and Potpourri Insurance, Inc., Kinsley, Kansas, and thereby engage in the sale of general insurance in Lewis and Kinsley, Kansas, towns each with less than 5,000 in population pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. First Security Corporation, Salt Lake City, Utah; to merge with Continental Bancorporation, Las Vegas, Nevada, and thereby indirectly acquire Continental National Bank, Las Vegas, Nevada.

In connection with this application, Applicant also proposes to acquire Continental Trust Company, Las Vegas, Nevada, and thereby engage in trust company activities pursuant to § 225.25(b)(3); and CNB Services, Inc., Las Vegas, Nevada, and thereby engage in data processing activities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 13 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–17044 Filed 7–16–93; 8:45 am]

BILLING CODE 6210–01–F

PHSB Mutual Holding Company, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on

an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 12, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. PHSB Mutual Holding Company, Beaver Falls, Pennsylvania; to become a bank holding company by acquiring 52.4 percent of the voting shares of Peoples Home Savings Bank, Beaver Falls, Pennsylvania.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Farmers Bancorporation, Buhl, Idaho; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers National Bank, Buhl, Idaho.

Board of Governors of the Federal Reserve System, July 13, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–17043 Filed 7–16–93; 8:45 am]

BILLING CODE 6210–01–F

Switzer Deason; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than August 9, 1993.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Switzer Deason, Bryan, Texas, to acquire 14.7 percent of the voting shares of Caldwell Capital Corporation, Caldwell, Texas, and thereby indirectly acquire First State Bank in Caldwell, Caldwell, Texas.

Board of Governors of the Federal Reserve System, July 13, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–17045 Filed 7–16–93; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENT OF AGRICULTURE

Invitation for Nominations for the Dietary Guidelines Advisory Committee

AGENCIES: Office of the Assistant Secretary for Health, Department of Health and Human Services, and Food and Consumer Services, U.S. Department of Agriculture.

ACTION: Dietary Guidelines Advisory Committee: Invitation for nominations.

SUMMARY: The Department of Health and Human Services (HHS) and the Department of Agriculture (USDA), announce their intention to establish a Dietary Guidelines Advisory Committee pending approval of the charter and invites nominations for the Dietary Guidelines Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Elena T. Carbone, M.S., R.D., Co-executive Secretary from HHS to the Dietary Guidelines Advisory Committee, Office of Disease Prevention and Health Promotion, room 2132 Switzer Building, 330 C Street, SW., Washington, DC 20201, (202) 205–9007; or Alanna J. Moshfegh, M.S., R.D., Co-executive Secretary from USDA to the Dietary Guidelines Advisory Committee, Human Nutrition Information Service, room 366, 6505 Belcrest Road, Hyattsville, Maryland 20782 (301) 436–8457.

SUPPLEMENTARY INFORMATION: The *Dietary Guidelines for Americans* form the basis of Federal food and nutrition education activities. The Guidelines were first published by USDA and HHS in 1980, with revisions in 1985 and 1990. The National Nutrition Monitoring and Related Research Act of 1990 (Pub. L. 101–445) requires the Secretaries of USDA and HHS to publish the *dietary Guidelines for Americans* at least every five years.

Prospective members of the Dietary Guidelines Advisory Committee should be familiar with current scientific knowledge in the field of nutrition and be recognized experts in their field. Based on their knowledge of current research related to dietary guidance issues, Committee members will determine if revision of the 1990 *Nutrition and Your Health: Dietary Guidelines for Americans* is warranted and will proceed to develop recommendations for these revisions. Copies of the *Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans*, 1990 is available upon request from USDA.

The Departments invite nominations for Committee membership of individuals qualified to carry out the above-mentioned tasks. Nominations should describe and document the nominee's qualifications in the relevant subject areas. Nominations may be submitted either to Elena T. Carbone or Alanna J. Moshfegh at the addresses above up to 60 days after publication of this notice.

Dated: July 9, 1993.

J. Michael McGinnis,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion), U.S. Department of Health and Human Services.

Ellen Haas,

Assistant Secretary for Food and Consumer Services, U.S. Department of Agriculture.

[FR Doc. 93–17055 Filed 7–16–93; 8:45 am]

BILLING CODE 4160–17–M

Administration of Children and Families

Agency Information Collection Under OMB Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for approval of new information collection requirements found at section 402(i)(6) of the Social Security Act. This information collection titled: "At-Risk Child Care Annual Report (Form ACF 301) is sponsored by the Office of Family Assistance (OFA) of the Administration for Children and Families (ACF).

ADDRESSES: Copies of this information collection request may be obtained from Steve R. Smith, Office of Information Systems Management, ACF, by calling (202) 401–6964.

Written comments and questions regarding the requested approval for information collection should be sent

directly to: Laura Oliven, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725–17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document:

Title: At-Risk Child Care Annual Report (Form ACF 301).

OMB No.: New Request.

Description: This request for information is required by section 402(i)(6) of the Social Security Act and section 257.50 of the At-Risk Child Care regulations. Part 257 of the regulations pertains to the At-Risk Child Care program which permits States to provide assistance to low-income working families who need child care in order to work and are otherwise at risk of becoming eligible for AFDC. The State agency responsible for administering or supervising the State's IV–A Plan is responsible for administering the At-Risk Child Care program.

Section 257.50 of the regulations requires that beginning with FY 1993, the State IV–A agency shall prepare and submit an annual report to the Secretary of the Department of Health and Human Services. Other information mandated by the statute will be compiled for the Secretary by OFA and submitted to the Congress annually. The information collected by use of this form shall contain the following:

(1) The State's criteria applied in determining eligibility or priority for receiving services; and

(2) The separate amounts of Federal and State expenditures for each subsequent period, in accordance with section 257.64(b)(4) in the At-Risk regulations.

Annual Number of Respondents: 54.

Annual Frequency: 1.

Average Burden Hours Per Response: 3.5.

Total Burden Hours: 189.

Dated: June 21, 1993.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 93–16970 Filed 7–16–93; 8:45 am]

BILLING CODE 4184–01–M

Agency Information Collection Under OMB Review

Under the provisions of the Federal Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for the reauthorization of an information collection titled: "Uniform Reporting Requirements IV–A and IV–F Funded Child Care for Non-Jobs Participants and Tribal JOBS Participants." This information collection is currently approved under OMB Control Number 0970–0115. The request is sponsored by the Office of Family Assistance (OFA) of the Administration for Children and Families (ACF).

ADDRESSES: Copies of this information collection request may be obtained from Steve R. Smith, Office of Information Systems Management, ACF, by calling (202) 401–6964.

Written comments and questions regarding the requested approval for this information collection should be sent directly to: Laura Oliven OMB Desk Officer for ACF OMB Reports Management Branch New Executive Office Building, room 3002 725 17th Street, NW. Washington, DC 20503 (202) 395–7316.

Information on Document

Title: Uniform Reporting Requirement IV–A and IV–F Funded Child Care for Non-Jobs Participants and Tribal Jobs Participants.

OMB No.: 0970–0115.

Description: The Administration for Children and Families uses Form ACF–115 to collect information to meet the IV–A child care uniform reporting requirements under section 606 of the Family Support Act of 1988 and section 5081 of the Omnibus Budget Reconciliation Act of 1990. Form ACF-115 comprises information on children receiving child care assistance paid with IV–A funds for families who are participating in a Tribal Job Opportunities and Basic Skills Training (JOBS) program or in an approved non-JOBS eduction and training program, or are employeed (including At-Risk families and families in transition. Data is collected on the number of families and children served, IV–A program status of families, number of months families receive services, types of child care providers, and IV–A expenditures.

Annual Number of Respondents: 54.

Annual Frequency: 4.

Average Burden Per Responses: 35.

Total Burden Hours: 7,560

Naomi B. Marr,

Director, Office of Information Systems Management.

[FR Doc. 93–16997 Filed 7–16–93; 8:45 am]

BILLING CODE 4184–01–M

Agency Information Collection Under OMB Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for reauthorization to continue use of information collection activities currently approved by OMB. This request is sponsored by the Office of Family Assistance (OFA) of the Administration for Children and Families (ACF).

This information collection is entitled:

ACF–116, Job Opportunities and Basic Skills Training (JOBS) Program Tribal Plan, and

ACF–117, Transmittal and Notice of Approval of Tribal Plan Material.

ADDRESSES: Copies of this information collection request may be obtained from Steve R. Smith, Office of Information Systems Management, ACF, by calling (202) 401–6964.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Laura Oliven, OMB Desk Officer of ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: ACF–116, Job Opportunities and Basic Skills Training (JOBS) Program Tribal Plan.

and

Tribal ACF–117, Transmittal and Notice of Approval of Tribal Plan Material.

OMB No.: 0970–0117.

Description: This information collection is authorized by sections 402 and 482 of the Social Security Act and by regulations at 45 CFR 250.94 and 250.97. The ACF–116 is the form currently used by Indian Tribes and Alaska Native organizations administering a Job Opportunities and Basic Skills Training (JOBS) and supportive services program.

The Tribal (refers to both Indian Tribes and Alaska Native organizations) JOBS application is a mandatory statement submitted to the Administration for Children and Families (ACF) by the Tribal grantee responsible for administering the JOBS and supportive services program. The application provides assurances that the program will be administered in conformity with Titles IV–A and IV–F of

the Social Security Act, pertinent Federal regulations, and other applicable instructions or guidelines issued by ACF. The application constitutes the agreement between the Tribe or organization and the Federal government as to how the JOBS and supportive services program will operate within the Tribe or organization. Regulations at 45 CFR 250.97 require Indian Tribes that are operating a JOBS program to file a new application/plan every two years and amendments to the application/plan whenever necessary. The Tribal application will be forwarded to the Administration for Children and Families via the Transmittal and Notice of Approval of Tribal Plan Material (ACF–117). This form will also be used to notify the Tribal grantee of the approval of the JOBS application.

	ACF–116	ACF–117
Annual Number of Respondents:	77	77.
Annual Frequency:	1	1.
Average Burden Hours Per Response:	40	.05.
Total Burden Hours:	3,080	3.85.

Dated: June 24, 1993.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 93–16972 Filed 7–16–93; 8:45 am]

BILLING CODE 4184–01–M

Centers for Disease Control and Prevention

[CDC–330]

Announcement of Cooperative Agreement to the Association of State and Territorial Health Officials

Summary

The Centers for Disease Control and Prevention (CDC), announces the availability of funds in fiscal year (FY) 1993 for a sole source cooperative agreement with the Association of State and Territorial Health Officials (ASTHO) to provide technical and financial assistance to state health department tobacco-use prevention and control programs. This cooperative agreement will provide a continuation of the project for which ASTHO has been funded for the previous three years. Approximately $135,000 is available in FY 1993 to support this program. It is expected that the award will be made on or about September 20, 1993, for a 12-month budget period within a project period of up to 3 years. This funding estimate may vary and is subject to change. Continuation awards within the approved project period will be made on the basis of satisfactory progress and the availability of funds.

The purpose of this program is to facilitate ASTHO's efforts in serving as a link between the state health officials and the CDC, National Cancer Institute (NCI), and National Heart, Lung, and Blood Institute (NHLBI). This link provides a mechanism for coordination of the Healthy People 2000 objectives for the nation and promotes the coordination of national program goals between the Office on Smoking and Health (OSH), NCI, and NHLBI.

The CDC will: assist in the development and distribution of informational packages and mailings to states; assist in the development of the databases of tobacco-intervention programs and policies; collaborate in the planning and support of workshops, conferences, and other professional gatherings that serve a public health purpose, and provide speakers for meetings that are national in scope; provide analytical expertise and assist in preparation of material for publication that includes information on state tobacco prevention and control activities; and provide technical assistance to ASTHO regarding tobacco control programs and policies.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of tobacco. (For ordering a copy of Healthy People 2000, see the Section Where To Obtain Additional Information.)

Authority

This program is authorized by Section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act, as amended.

Eligible Applicant

Assistance will be provided only to ASTHO for this project. No other applications are solicited. The Program Announcement and application kit have been sent to ASTHO.

Eligibility is limited to ASTHO since it represents all state and territorial public health officials, including a network of (state) health department tobacco-control representatives identified through these officials. ASTHO was created specifically to represent this group of state agencies to the Federal government and other national organizations and is unique in its role as a liaison between these officials. It has served as a policy development and capacity-building organization in public health matters for many years and has as one of its major objectives the sharing of information between state health departments.

ASTHO has established a unique network of public health professionals in each state and territory who are concerned with tobacco-use prevention and control programs. ASTHO has maintained active involvement in tobacco-related issues through their Tobacco or Health Committee. With assistance from Centers for Disease Control and Prevention/Office on Smoking and Health (CDC/OSH), the National Cancer Institute (NCI), and the National Heart, Lung, and Blood Institute (NHLBI), this committee has (1) developed a network of tobacco-control representatives, (2) conducted regular mailings and communications with state health officials, and (3) coordinated activities between Federal agencies and states.

Executive Order 12372 Review

This application is not subject to review under Executive Order 12372, Intergovernmental Review of Federal Programs.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirement as cited in PHS Circular 93.01.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Number is 93.283.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please refer to Announcement Number 330 and contact Leah D. Simpson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mail Stop E–14, Atlanta, GA 30305; (404) 842–6803.

A copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the Summary may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, (telephone: 202–783–3238).

Dated: July 12, 1993.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–17011 Filed 7–16–93; 8:45 am]

BILLING CODE 4160–18–P

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB) for Clearance

AGENCY: Health Care Financing Administration, HHS.

The Health Care Financing Administration (HCFA), Department of Health And Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96–511).

1. *Type of Request:* New; *Title of Information Collection:* Surveyor Survey for the Home Health Agency Assessment Evaluation Project; *Form No.:* HCFA–157 *Use:* This project will evaluate the new patient centered, outcome-oriented survey and certification process for home health agencies. This questionnaire, a component of the project, will examine aspects of the survey process, focusing on surveyor decision-making and information sources; *Frequency:* On occasion, one-time only study; *Respondents:* State or local governments, Federal agencies or employees; *Estimated Number of Responses:* 200; *Average Hours Per Response:* .75; *Total Estimated Burden Hours:* 150.

2. *Type of Request:* Extension; *Title of Information Collection:* Survey Report Form (CLIA); *Form No.:* HCFA–1557; *Use:* This survey form is an instrument used by the State agency to record data collected in order to determine compliance with CLIA. This information is needed for laboratory certification and recertification: *Frequency:* bi-annually; *Respondents:* Businesses or other for profit, nonprofit institutions, Small businesses or organizations, State and Local governments, Federal agencies or employees; *Estimated Number of Responses:* 31,200; *Average Hours Per Response:* 0.54; *Total Estimated Burden Hours:* 16,848.

3. *Type of Request:* Reinstatement; *Title of Information Collection:* Quarterly Showing Validation Survey; *Form No.:* HCFA–9050; *Use:* Validates State inspection of care reviews, which are conducted at least annually in all intermediate care facilities for a select number of institutions. Reporting entities may be requested to submit list of patients for which the State is currently responsible for care. This is part of the operation to determine that States have an effective utilization control program; *Frequency:* Annually; *Respondents:* State or local governments; *Estimated Number of Responses:* 47; *Average Hours Per Response:* 8; *Total Estimated Burden Hours:* 376.

4. *Type of Request:* Reinstatement; *Title of Information Collection:* Quarterly Showing; *Form No.:* HCFA–R–41; *Use:* This form is used by State Medicaid agencies to list the participating health care facilities and the dates the State agencies reviewed the 2 facilities. The lists are required to ensure the existence of an effective utilization (of services) control program, as required by law and regulations, to avoid a penalty.; *Frequency:* Quarterly; *Respondents:* State or local governments; *Estimated Number of Responses:* 45; *Average Hours Per Response:* 16; *Total Estimated Burden Hours:* 9,212.

5. *Type of Request:* New; *Title of Information Collection:* Contractor Financial Reports; *Form Nos.:* HCFA–750A and 750B; *Use:* HCFA needs to secure financial information regarding Medicare benefits from its 84 Medicare contractors for inclusion in its annual financial statement in accordance with the requirements of the Chief Financial Officers Act and for quarterly reporting to the U.S. Treasury on the SF–220 series of financial reports; *Frequency:* Quarterly and annually; *Respondents:* Businesses or other for-profit and nonprofit institutions; *Estimated Number of Responses:* 188; *Average Hours Per Response:* 6; *Total Estimated Burden Hours:* 1,128.

6. *Type of Request:* New; *Title of Information Collection:* Status of Accounts Receivable; *Form Nos.:* HCFA–751A and 751B; *Use:* HCFA needs to secure financial information regarding Medicare benefits from its 84 Medicare contractors for inclusion in its annual financial statement in accordance with the requirements of the Chief Financial Officers Act and for quarterly reporting to the U.S. Treasury on the SF–220 series of financial reports; *Frequency:* Quarterly and annually; *Respondents:* Businesses or other for-profit and nonprofit institutions; *Estimated Number of Responses:* HCFA–751A (188), HCFA–751B (336); *Average Hours per Response:* HCFA–751A (2), HCFA–751B (2); *Total Estimated Burden Hours:* HCFA–751A (376), HCFA–751B (672).

7. *Type of Request:* Reinstatement; *Title of Information Collection:* 42 CFR.138 Determining Liability of Third Parties and Related State Plan Preprint; *Form Nos.:* HCFA-R–107 and SP–2; *Use:* HCFA is requesting reinstatement of the information collection requirements contained in 42 CFR 433.138 and the related State plan preprint. The information is collected from applicants and recipients from State and local agencies for the purpose of determining the legal liability of third parties to pay for services under the Medicaid program. *Frequency:* On occasion; *Respondents:* Individuals or households, State or local governments, Federal agencies or employees; *Estimated Number of Responses:* Not applicable; *Average Hours per Response:* Not applicable; *Total Estimated Burden Hours:* 171,165.

Additional Information or Comments: Call the Reports Clearance Office on 410–966–5536 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, room 3001, Washington, DC 20503.

Dated: July 2, 1993.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 93–16982 Filed 7–16–93; 8:45 am]

BILLING CODE 4120–03–P

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing in the U.S. (and in foreign markets) in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

U.S. Patent Application Number 07/679,674, filed April 4, 1991, and entitled "Immortalization of Endothelial Cell Line"—This invention pertains to the immortalization of human endothelial cell lines. Endothelial cells are critical components of wound

healing, inflammation, circulation, and tumor growth metastases and up to this point were difficult to isolate and culture. However, a unique approach has been devised to immortalize endothelial cells which will be of great value for numerous applications throughout the world.

These cells exhibit typical cobblestone morphology when grown in monolayer culture, express von Willebrand's Factor, take up acetylated low density lipoprotein and rapidly form tubes when cultured on matrigel. The cell lines can grow in serum free media, and express cell surface molecules typically associated with endothelial cells and cell adhesion molecules. The cell line is also quite viable having been passaged fifty (50) times with no sign of senescence.

The cell lines provide a ready source of human endothelial cells for commercial research purposes. Some examples may include:

- Studies on the physiologic and pathophysiologic factors that induce endothelial mitosis
- Pharmacological studies as substrates for the screening of various agents
- Toxicity studies for the cosmetic and pharmaceutical industries

The invention claimed in this patient application is available for licensing on a nonexclusive basis for upfront and annual minimum royalty payments. A time limited evaluation agreement is also available.

ADDRESSES: Licensing information and a copy of the U.S. patent application may be obtained by writing to Carol Lavrich at the Office of Technology Transfer, National Institutes of Health, Box OTT, Rockville, Maryland 20892 (telephone 301/496–7735; fax 301/402–0220). A signed Confidentiality Agreement will be required to receive a copy of the patent application.

Dated: July 13, 1993.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 93–17070 Filed 7–16–93; 8:45 am]

BILLING CODE 4140–01–M

Behavioral and Neurosciences Special Emphasis Panel; Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Division of Research Grants Behavioral and Neurosciences special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications in the various areas and disciplines related to behavior and neuroscience. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–594–7265, will furnish summaries of the meeting and roster of panel members.

Meeting To Review Individual Grant Applications

Scientific Review Administrator: Dr. Anita Sostek (301) 594–7358.

Date of Meeting: July 28, 1993.

Place of Meeting: Westwood Bldg., rm 319C, NIH, Bethesda, MD (Telephone Conference).

Time of Meeting: 12 noon.

(Catalog of Federal domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 12, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–17069 Filed 7–16–93; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Co-Exclusive License: Recombinant Pseudomonas Exotoxin Immunoconjugate Specifically Directed Against the Lewis Y Antigen

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a limited field of use co-exclusive license in the United States to practice the invention embodied in U.S. Patent Application Number 06/911,227 (issued on January 9, 1990 as U.S. Patent No. 4,892,827) entitled "Recombinant Pseudomonas Exotoxins: Construction of an Active Immunotoxin with Low Side Effects", to NeoRx Corporation, having a place of business in Seattle, WA; Boehringer Mannheim GMbH, having a place of business in Penxberg, Germany; and to Bristol-Myers Squibb Company, having a place of business in Princeton, NJ. The patent rights in these inventions have been assigned to the United States of America.

The prospective co-exclusive licenses will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive licenses may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the licenses would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use would be limited to the use of the recombinant Pseudomonas exotoxin of this invention in conjunction with antibodies for constructing immunotoxins targeting the Lewis Y antigen.

The present inventions relate to modifications of recombinant Pseudomonas exotoxins with insertion of various targeting molecules specific for a given target site. The modified exotoxins of these inventions may prove to be a valuable cancer therapeutic when fused to various target-specific cell recognition proteins. The modifications result in reduced non-specific cytotoxicity while increasing target specific cytotoxicity.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Daniel R. Passeri, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, MD 20892. Telephone: (301) 496–7735; Facsimile: (301) 402–0220. Properly filed competing applications for a license filed in response to this notice will be treated as objections to be contemplated license. Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer within sixty (60) days of this notice will be considered.

Dated: July 13, 1993.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 93–17071 Filed 7–16–93; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Co-Exclusive License: Recombinant Pseudomonas Exotoxin Immunoconjugate Specifically Directed Against the Lewis Y Antigen

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a limited field of use co-exclusive license in the United States to practice the invention embodied in U.S. Patent Application Number 07/596,289 entitled "Antibodies Specific for Normal Primate Tissue, Malignant Human Cultured Cell Lines and Human Tumors", to NeoRx Corporation, having a place of business in Seattle, WA and Boehringer Mannheim GMbH, having a place of business in Penxberg, Germany. The patent rights in these inventions have been assigned to the United States of America.

The prospective co-exclusive licenses will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective co-exclusive licenses may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the licenses would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use would be limited to the use of the monoclonal antibodies of the subject invention with the recombinant Pseudomonas exotoxin for targeting the Lewis Y antigen.

The present invention relates to the monoclonal antibodies (MAb) B1, B3, and B5. More specifically, the invention relates to MAb B3 which shows strong reactivity with the Lewis Y antigen on many human solid tumors and has limited reactivity with normal human tissues. MAb B3 reacts strongly with all adenocarcinomas of the colon and 75% of them react strongly and homogeneously. MAb B3 has also shown similar strong reactivity with other gastrointestinal malignancies such as esophageal (80%) and gastric carcinomas (75%); MAb B3 reacts strongly with approximately 70% of adenocarcinomas of the lung and also reacts with about 40% of squamous cell carcinomas of the lung and 25% of large cell carcinomas. MAb B3 reacts heterogeneously with 70% of breast carcinomas and homogeneously with about 65% of adenocarcinomas of the prostate and 100% of transitional cell carcinomas of the bladder. Several important characteristics of MAb B3 make it an ideal candidate for further development for use as an immunotoxin for treatment of cancers: (1) its strong and uniform reactivity with many human solid carcinomas; (2) its limited reactivity with normal tissues; (3) the fact that similar reactivity is found in normal monkey and human tissues (which allow for performance of preclinical toxicology studies with predictive value for a clinical trial); and (4) when coupled to recombinant forms of Pseudomonas exotoxin lacking the cell binding domain, the resulting immunotoxin is capable of killing tumor cells expressing the Lewis Y antigen on their surface, indicating that the antibody/antigen complex is readily internalized.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Daniel R. Passeri, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, MD 20892. Telephone: (301) 496–7735; Facsimile: (301) 402–0220. Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer within sixty (60) days of this notice will be considered.

Dated: July 13, 1993.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 93–17072 Filed 7–16–93; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Cosponsorship of the Healthy Start Communications Campaign

AGENCY: Health Resources and Services Administration, PHS, DHHS.

ACTION: Notice of opportunity for cosponsorship.

SUMMARY: The Health Resources and Services Administration, (HRSA) announces the opportunity for for-profit and non-profit organizations to cosponsor with HRSA the Healthy Start Communications Campaign.

DATES: To receive consideration, requests to participate as a cosponsor must be received by Ms. Charlotte Mehuron, Director, Healthy Start Communications Program. There are no deadlines applicable to this cosponsorship opportunity.

FOR FURTHER INFORMATION CONTACT: Ms. Charlotte Mehuron, Director, Healthy Start Communications Program, HRSA, Public Health Service, Parklawn Building, Room 18A–39, 5600 Fishers Lane, Rockville, Maryland, 20857. (301) 443–0948.

SUPPLEMENTARY INFORMATION:

Background

In 1989, 25 percent of America's pregnant women received no prenatal care in their first trimester. Among African American women, over 40 percent received no first trimester care.[1] Babies born to women receiving no first trimester prenatal care are three times more likely to be born at low birth weight and four times more likely to die than those whose mothers receive first trimester care. Low birth weight, often preventable, is costly, both emotionally and economically. In 1990, the hospital-related costs of caring for all low birth weight infants during the neonatal period totaled more than $2 billion, or $21,000 for each baby.[2] The average cost of a normal delivery is around $2,900.

As part of the Department of Health and Human Services' (DHHS) efforts to reduce infant mortality, DHHS developed the Healthy Start Initiative, a part of which is the Healthy Start Communications Campaign (the Healthy Start Campaign). The Healthy Start Campaign is a federal information program designed to decrease the Nation's alarmingly high rate of infant mortality and morbidity by increasing certain prenatal behaviors that have been shown to maximize an infant's opportunity to have a 'healthy start' in life. DHHS believes that education is the key to assuring healthy behaviors and, therefore, the Healthy Start Campaign is dedicated to the development and dissemination of information formats to enhance the knowledge base and affect the actions of pregnant women.

The goal of the Healthy Start Campaign is to improve the chances of women to have healthy pregnancies, healthy births and healthy babies through early and continuing prenatal, neonatal and infant care along with responsible behaviors. Education/information efforts focusing on the need

[1] National Center for Health Statistics.

[2] AF. Minor, Cost of Maternity Care & Childbirth in the U.S.; 1989 Research Bulletin, HIAA, Dec. 1989.

for appropriate health care and healthy behaviors, including the avoidance of drugs, alcohol and tobacco, are directed to women of childbearing age, pregnant women, fathers, family members and others in the community who can influence the outcome of pregnancies.

Requirements of Cosponsorship

The Healthy Start Communications Program is seeking a partnership with public and private for-profit and non-profit organizations to develop and distribute information designed to effectively impart the Healthy Start message to target groups, such as women of childbearing age, expectant dads, health care professionals and organizations, government agencies, community organizations, the general public and others. DHHS will reserve the right to determine both the form and the content of the information provided to the target groups. The Healthy Start Communications Program envisions cosponsorship with a wide variety of corporations concerned about women's and young children's issues to assist in the development and dissemination of information. The duties of the cosponsor will include:

(1) Development of an information campaign for the dissemination of Healthy Start messages, and

(2) Implementation of an information campaign for the dissemination of Healthy Start messages, including but not limited to, the printing of brochures or booklets; the production of public service spots or videos; and the production and distribution of other materials, such as posters, flyers, paid advertising, "how to" manuals for health care providers or community organizations, and programs for employees, schools and physician/health groups.

Availability of Funds

There are no Federal funds available to conduct the cosponsored activities for the Healthy Start Campaign. It will be the unilateral responsibility of the cosponsor to bear all costs.

Eligibility for Cosponsorship

To be eligible, an interested party must be: (1) A public or a private non-profit or for-profit organization or corporation and (2) an entity that, by virtue of its nature and purpose, has a legitimate interest in the target groups.

Expressions of Interest

Each request for cosponsorship should be in writing and contain information pertinent to the cosponsorship opportunity.

Evaluation Criteria

The cosponsors will be selected by the Healthy Start Communications Program, HRSA, based on the following evaluation criteria:

(1) The interested party's qualifications and capability to develop and implement materials for the dissemination of the Healthy Start message to the target population, and

(2) The ability of the interested party to arrange for the funding of the development and dissemination of the Healthy Start information materials or message.

Neither this notice nor actions pursuant thereto, creates a property right or right of any kind in any natural or artificial person requesting cosponsorship. DHHS has the unilateral right to refuse to enter into a cosponsorship arrangement with any entity, and the exercise of this right is solely within the discretion of DHHS.

Other Information

Prior to the selection of the cosponsors, the Healthy Start Communications staff will meet separately with those interested parties who best meet the evaluation criteria. In those situations where the Food and Drug Administration regulates the labeling of products manufactured by cosponsors, the inclusion of a Healthy Start logo on such products will be subject to FDA review and may require agency authorization, depending on how and the context in which the logo is to be used. Moreover, other federal agencies may be involved in the cosponsorship process. Furthermore, as a general rule, restrictions will apply to the use of a Healthy Start logo or other indicia, so as to avoid suggestions that DHHS, or any other department or agency of the Federal government, endorses any of the products involved in the Healthy Start Campaign. Once details of the program have been mutually agreed upon, cosponsors will be required to enter into a cosponsorship agreement with the Department of Health and Human Services setting forth the rights and responsibilities of the cosponsor and DHHS, especially the right of DHHS to approve Healthy Start messages.

Dated: July 13, 1993.

William A. Robinson,

Acting Administrator.

[FR Doc. 93–17032 Filed 7–16–93; 8:45 am]

BILLING CODE 4160–15–P

Office of the Assistant Secretary for Health

Public Law 93–638; Indian Self-Determination and Education Assistance Act Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority to the Assistant Secretary for Health (ASH) by the Secretary of Health and Human Services on June 30, 1993, I redelegated to the Director, Indian Health Service (IHS), all the authorities vested in me under Public Law 93–638, Indian Self-Determination and Education Assistance Act, as amended.

However, the authority delegated is subject to the following special conditions:

(1) Contracts must continue to be awarded and administered by Contracting Officers appointed pursuant to Federal and Department Regulations until IHS obtains approval from the Deputy Assistant Secretary for Health Management Operations (DASHMO) for an alternative method of awarding and administering the contracts.

(2) The authority to award the self-governance compacts and funding agreements may not be exercised in Fiscal Year 1994 until an implementation plan describing the methodology for administering the program is approved by the DASHMO.

This authority does not include the authority to promulgate regulations under section 107 of the Act, to submit reports to the Congress, establish advisory committees or national commissions, and appoint members to such committees or commissions.

The authorities regarding the self-governance compacts and funding agreements may not be redelegated.

This delegation supersedes the delegation of May 25, 1976, from the ASH to the Administrator, Health Services Administration, for the Indian Self-Determination and Education Assistance Act, Public Law 93–638 as continued in the Reorganization Order of January 4, 1988 (52 FR 47053). Previous redelegations of authority made to officials within the IHS may continue in effect provided they are consistent with this delegation and until they are superseded or canceled by appropriate authority.

In addition, I have affirmed and ratified any actions taken by the Director, IHS, or his subordinates which, in effect, involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

This delegation was effective June 30, 1993.

Dated: June 30, 1993.
Anthony L. Itteilag,
Acting Assistant Secretary for Health.
[FR Doc. 93–17030 Filed 7–16–93; 8:45 am]
BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–040–93–4110–03]

Environmental Impact Statement; WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to conduct public scoping and prepare an environmental impact statement.

SUMMARY: The action proposed is to conduct scoping and to prepare an Environmental Impact Statement (EIS) on a proposed oil field enhanced oil recovery project. Enron Oil & Gas Company (Enron) has notified the Bureau of Land Management (BLM) Pinedale Resource Area that the company intends to drill 35 oil wells and subsequently convert approximately 15 of the oil production wells to water injection wells on Enron's oil and gas leases in Sublette County, Wyoming. The proposed wells would be located in portions of Sections 18, 19, 20 and 29 of Township 28 North, Range 113 West, an area of approximately 1,000 acres, within the Big Piney-LaBarge Coordinated Activity Plan (CAP) area (an area of approximately 197,000 acres).

The proposed wells would be drilled on a 20-acre spacing pattern and would be within Enron's existing Burly Field. Enron intends to drill five wells in 1993 to test the suitability of the Mesaverde Formation for primary oil recovery. Should this stage of the project prove successful, then Enron would proceed with drilling the remaining 30 wells through the year 2000. Approximately 15 of the oil production wells would be converted to water injection wells for secondary oil recovery. Secondary oil production would include a waterflood program to enhance oil recovery. If Enron determines the development of the Mesaverde formation is not economically feasible after the first five wells have been drilled, the project would be abandoned and further development of the Mesaverde Formation (beyond the five wells drilled in 1993) would not be pursued.

Construction of pipelines would occur concurrently with well drilling on the same schedule. Although some level of activity would be continuous, peak drilling and construction activities would be planned for the summer and fall.

DATES: A Scoping Notice will be distributed by mail on or about the date of this notice. Response and comments will be accepted for 30 days following the date of this notice. No public meetings are scheduled at this time. The comments and concerns received in response to the scoping will aid the BLM in identifying alternatives and assure all issues are analyzed in the EIS. Should public demand warrant a public meeting, it will be scheduled at a later date.

ADDRESSES: Information and a copy of the Scoping Notice for the proposed enhanced oil recovery project can be obtained by writing or visiting the following offices:

BLM, Wyoming State Office, 2515 Warren Ave., P.O. Box 1828, Cheyenne, Wyoming 82003.
BLM, Rock Springs District Office, Highway 191 North of Rock Springs, P.O. Box 1869, Rock Springs, Wyoming 82902–1869.
BLM, Pinedale Resource Area Office, 432 E. Mill Street, P.O. Box 768, Pinedale, Wyoming 82941.

Scoping comments should be sent to: Bureau of Land Management, Rock Springs District Office, ATTN: Teresa Deakins, P.O. Box 1869, Rock Springs, Wyoming 82901–1869.

FOR FURTHER INFORMATION CONTACT: Arlan Hiner, Area Manager, Bureau of Land Management, Pinedale Resource Area Office, P.O. Box 768, Pinedale, Wyoming 82941, phone: (307) 367–4358.

SUPPLEMENTARY INFORMATION: The action to be analyzed in the EIS consists of the construction, operation, and maintenance of the following project components: oil and water injection wells, access roads, a central oil tank battery, an oil gathering system to transport the oil from the wellhead to the central tank battery, a pipeline to transport the oil from the central tank battery to an existing oil transportation pipeline (Amoco's), an injection water pipeline distribution system, and an electrical distribution system.

Land and resource management issues and concerns associated with the construction, operation, and maintenance of the enhanced oil recovery project will be analyzed in the environmental impact statement.

Dated: July 8, 1993.
Ray Brubaker,
State Director, Wyoming.
[FR Doc. 93–17023 Filed 7–16–93; 8:45 am]
BILLING CODE 4310–22–M

[NM–060–4320–10–ADVB; 608]

Roswell District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Roswell District Grazing Advisory Board meeting.

SUMMARY: This notice sets forth the schedule and agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATES: Wednesday, August 18, 1993, beginning at 10 a.m. A public comment period will be held following conclusion of the agenda.

LOCATION: BLM Roswell District Office, 1717 West Second St., Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Leslie M. Cone, District Manager, Bureau of Land Management, 1717 W. 2nd St., Roswell, NM 88201.

SUPPLEMENTARY INFORMATION: The agenda will consist of review and discussion of FY 94 Range Improvement Projects and Holistic Resource Management Proposals. The meeting is open to the public. Interested persons may make oral statements to the Board during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the District Manager by August 11, 1993. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours, within 30 days following the meeting. Copies will be available for the cost of duplication.

Dated: July 6, 1993.
Leslie M. Cone,
District Manager.
[FR Doc. 93–17081 Filed 7–16–93; 8:45 am]
BILLING CODE 4310–FB–M

[AZ–040–4210–04]

Realty Action of the Exchange of Public Lands, Pinal County, AZ

AGENCY: Bureau of Land Management (BLM), Safford District, AZ., Interior.

ACTION: Exchange of Public Lands in Pinal County, AZ., Case Number AZA 27942.

SUMMARY: The Bureau of Land Management proposes to exchange public land in order to achieve more efficient management of other public land through consolidations of ownership and the acquisition of unique natural resources. The public lands within the following described lands are being considered for disposal via

exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 8 S., R. 11 E.
Sec. 1, 3–9, 14, 15, 17–31, 33, 34, and 35.
T. 9 S., R. 11 E.
Secs. 1, 5–8, 17–21, 23–31, 33, 34, and 35.
T. 10 S., R. 11 E.
Secs. 4–7, 9, 10, 11, 13, 14, 20, 21, 28, 33, and 34.
Comprising 33,775.47 acres.

Final determination on disposal will await completion of an environmental analysis. The proposed exchange is consistent with the Bureau's land use planning objectives. Lands being proposed for exchange would be conveyed from the United States subject to all valid existing rights.

In accordance with the regulations at 43 CFR 2201.(b), publication of this notice shall segregate the affected public lands from appropriation under the public land and mining laws, subject to valid existing rights, except exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The segregation of the above-described land shall terminate upon issuance of a document conveying title to such lands, publication in the **Federal Register** of a notice of termination of the segregation, or two years from the date of this publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Safford District Office, 711 14th Avenue, Safford, Arizona 85546. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: July 8, 1993.

William T. Civish,

District Manager.

[FR Doc. 93–17021 Filed 7–16–93; 8:45 am]

BILLING CODE 4310–32–M

[UT–943–4730–04–269Z]

Filing of Plat of Survey

AGENCY: Bureau of Land Management, Utah.

ACTION: Notice.

SUMMARY: These plats of survey of the following described land have been filed in the Utah State Office, Salt Lake City, Utah:

Group	Tp.	Rge.	Meridian	Approved	Type
Supplemental	2 S.	4 E.	SLM	10/21/92	Supplemental.
748	12 S.	5 W.	SLM	10/22/92	Dep. Resurvey.
773	3 S.	21 W.	SLM	10/22/92	Do.
Supplemental	2 S.	22 E.	SLM	03/04/93	Supplemental.
Supplemental	8 S.	5 W.	SLM	03/04/93	Do.
776	33 S.	8 W.	SLM	03/30/93	Dep. Resurvey.
Supplemental	22 S.	19 W.	SLM	04/28/93	Supplemental.
757	19 S.	1 W.	SLM	06/01/93	Dep. Resurvey.
768	23 S.	1 E.	SLM	06/01/93	Do.
736	14 N.	19 W.	SLM	06/14/93	Do.
736	15 N.	19 W.	SLM	06/14/93	Do.
749	9 S.	19 E.	SLM	06/14/93	Do.

G. William Lamb,

Associate State Director.

[FR Doc. 93–17004 Filed 7–16–93; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Air Act and the Toxic Substances Control Act

In accordance with Departmental policy at 28 CFR 50.7, notice is hereby given that on June 10, 1993, a proposed consent decree in *United States* v. *Elliott Drywall and Asbestos, Inc.*, Civil Action No. 93–2237–GTV, was lodged with the United States District Court for the District of Kansas. The complaint filed by the United States sought injunctive relief and civil penalties for violations by defendant Elliott Drywall and Asbestos, Inc. ("Elliott") of (1) the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos, 40 CFR part 61, subpart M, promulgated pursuant to section 112 of the Clean Air Act ("Act"), 42 U.S.C. 7412; and (2) the Asbestos-Containing Materials in Schools Rule, 40 CFR part 763, subpart E and the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq.* Elliott's violations arise from four removal operations conducted at public schools located in Kansas and Missouri. Pursuant to the proposed Consent Decree agreed to by the Defendant and EPA, Elliott has agreed to: (1) pay a civil penalty in the amount of $22,000; (2) injunctive relief; and (3) to pay stipulated penalties for violation of the terms of the Consent Decree.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive written comments relating to the proposed consent decree from persons who are not parties to the action. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20530, and should refer to *United States* v. *Elliott Drywall and Asbestos, Inc.*, DOJ# 90–5–2–1–1512.

The proposed consent decree may be examined at the offices of the United States Attorney for the District of Kansas, 412 Federal Building, 812 North Seventh Street, Kansas City, Kansas 66101, and at the office of the United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 75202 (Attention: Kent Johnson, Assistant Regional Counsel). A copy of the consent decree may also be examined at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. A copy of the proposed Consent Decree can be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $2.75 (25 cents per page reproduction charge) payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93–16969 Filed 7–16–93; 8:45 am]

BILLING CODE 4410–01–M

Consent Decree In Action Brought Under the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in United States v. Global Inc., et al., Civil Action No. 92–0386–S–EJL, was lodged with the United States District Court for the District of Idaho on June 18, 1993. This Consent Decree settles an action filed by the United States, pursuant to section 112 of the Clean Air Act, 42 U.S.C. 7412, against Global Inc., Jordan-Wilcomb Construction, Inc., and Allied Construction, Inc.

The United States Department of Justice brought this action on behalf of the U.S. Environmental Protection Agency, to recover civil penalties from and obtain injunctive relief against the Defendants for alleged violations of the Clean Air Act and the National Emission Standards for Hazardous Air Pollutants for asbestos ("the asbestos NESHAP") promulgated thereunder, during renovation activities that took place at the Global Travel Office Building (formerly the Washington Federal Savings and Loan Building) in Boise, Idaho, during March 1990. In this settlement, the Defendants will pay the United States a civil penalty of $50,000.00. Also, any future renovation and demolition operations conducted at the Defendants' facilities will be subject to the provisions set out in the consent decree, as well as to the inspection, notification, and work practice requirements of the asbestos NESHAP.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044 and refer to United States v. Global Inc., et al., DOJ number 90–5–2–1–1661.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, District of Idaho, Room 328 Federal Building, 550 West Fort Street, Boise, Idaho 83724, and at the U.S. Environmental Protection Agency, Office of the Regional Counsel, Region X, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the proposed Consent Decree may also be obtained from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained by mail or in person from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. When requesting a copy of the Consent Decree, please enclose a check in the amount of $5.50 (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. 93–16968 Filed 7–16–93; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Bell Communications Research, Inc.

Notice is hereby given that, on May 25, 1993, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") has filed written notifications on behalf of Bellcore and VLSI Technology Inc. ("VLSI") 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 Bellcore, Livingston, NJ; and VLSI, San Jose, CA. Bellcore and VLSI entered into an agreement effective as of April 7, 1993 to engage in cooperative studies of the application of advanced CMOS VLSI technology to low-power wireless access for Personal Communications Systems (PCS) to better understand the application of this technology for exchange and exchange access services, including prototype fabrication of integrated circuits for the experimental demonstration of such technology.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–16964 Filed 7–16–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—Bell Communications Research, Inc.

Notice is hereby given that, on May 25, 1993, pursuant to Section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") has filed written notifications on behalf of Bellcore and Telecommunications Laboratories ("TL") 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 Bellcore, Livingston, NJ; and TL, Taiwan, Republic of China. Bellcore and TL entered into an agreement effective as of March 24, 1993 to engage in cooperative research in the areas of transceiver architectures and high speed timing/carrier recovery techniques for Asymmetric Digital Subscriber Line (ADSL) technologies to understand the applications of such technologies to exchange and exchange access services.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–16965 Filed 7–16–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Composite Materials Characterization, Inc.

Notice is hereby given that, on June 15, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Composite Materials Characterization, Inc. ("CMC") 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, CMC has admitted to membership Vought Aircraft Company, Dallas, TX, and has transferred membership from LTV Aerospace and Defense Company to Loral Vought Systems Corporation, Dallas, TX. Additionally, CMC has amended its bylaws to allow the admission of associate members.

No other changes have been made in either the membership or planned activity of CMC. Membership in CMC remains open, and CMC intends to file additional written notification disclosing all changes in membership.

On December 18, 1987, CMC 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 January 15, 1988 (53 FR 1074).

The last notification was filed with the Department on December 19, 1988. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act of January 13, 1989 (54 FR 1454).

Joseph H. Widmar,

Director of Operations, Antitrust Divisions.

[FR Doc. 93–16966 Filed 7–16–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993 Reckitt & Colman—New York 235 Consortium

Notice is hereby given that, on June 17, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Reckitt & Colman Household Products Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes to the New York 235 Consortium ("Consortium"). 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, Reckitt & Colman announced the removal of the following parties from the Consortium: Drackett Company; RocCorp, Inc.; and Zoe Chemical Co., Inc. Five Consortium members have changed their corporate names as follows: CSA Limited, Inc., Houston, TX, to IQ Products Company; Davies-Young Co., Maryland Heights, MO, to Buckeye International Inc.; Diversey Wyandotte Corporation, Wyandotte, MI, to Diversey Corporation; J.L. Prescott Co., South Holland, IL, to Desoto Prescott; and Roussel Environmental Health, Frenchtown, NJ, to Roussel Uclaf Corporation, Montvale, NJ. In addition, Consortium member Epic Industries Inc. has moved its corporate headquarters to Plainfield, NJ, and Consortium member Mason Chemical has moved its corporate headquarters to Arlington Heights, IL.

No other changes have been made in either the membership or planned activity of the venture. Membership in this Consortium remains open, and the members intend to file additional written notifications disclosing all changes in membership.

On May 16, 1991, the New York 235 Consortium 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 June 20, 1991, 56 FR 28416. The last notification was filed with the Department on June 18, 1992. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 2, 1992, 57 FR 29539.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–16967 Filed 7–16–93; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Fabric Softener Quats Steering Committee and Joint Venture

Notice is hereby given that, on June 23, 1993, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), written notice has been filed by Witco Corporation, simultaneously with the Attorney General and the Federal Trade Commission, disclosing a change in the membership of the parties to the Fabric Softner Quats Joint Venture. 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 change consists of the acquisition of Sherex Chemical Co., Inc. by Witco Corporation, Dublin, OH. No other changes have been made in either the membership or planned activities of the venture.

Membership in the venture remains open, and the parties intend to file additional written notification disclosing any changes in membership.

On July 29, 1988, the venture 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 August 19, 1988, 53 Fed. Reg. 31772.

The last notification was filed with the Department on June 15, 1992. A notice was published in the **Federal Register** in pursuant to Section 6(b) of the Act on July 9, 1992, 57 FR 30511.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93–16963 Filed 7–16–93; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Request for copies must be received in writing on or before September 2, 1993. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a

thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of State, Bureau of Legislative Affairs (N1–59–93–37 through 40). Routine and facilitative records of component Bureau offices.

2. Department of Treasury, Internal Revenue Service (N1–58–93–2). Administrative records relating to Collection, Taxpayer Service and the Problem Resolution Program.

3. Department of Treasury, Internal Revenue Service (N1–58–92–3). Administrative records relating to the Problem Resolution Program.

4. Department of Treasury, Office of Thrift Supervision (N1–483–93–2). Daily calendars and appointments books of senior level staff.

5. Department of the Navy, Naval Audit Service (N1–NU–93–1). Routine correspondence relating to management consulting services.

6. Department of the Navy, Bureau of Naval Personnel (N1–NU–93–7). Routine correspondence, Confinement Case Files, and log books maintained by Navy prisons and brigs.

7. Department of the Navy, Bureau of Naval Personnel (N1–NU–93–6). Data files maintained in the Staff Module of Corrections Management Information System (CORMIS).

8. Tennessee Valley Authority (N1–142–93–5). Credit card support documents.

9. Department of State, Executive Secretariat (N1–59–93–36). Reference copies of Emergency Action Plans.

10. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs (N1–59–93–33). Routine and facilitative records relating to science and technology affairs.

11. Farm Credit Administration (N1–103–93–1). Examiner Commissioning Tests.

12. Panama Canal Commission, Office to the Secretary (N1–185–93–3). Files on legislation relating to agencies other than the Commission.

13. Office of the Secretary of Defense (N1–330–93–1).

Reference papers, extra copies of reports, and transitory correspondence.

Dated: July 13, 1993.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 93–17082 Filed 7–16–93; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HOUSING

Meeting

AGENCY: The National Commission on American Indian, Alaska Native, and Native Hawaiian Housing.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing announces the forthcoming meeting of the Commission.

DATES: July 28–30, 1993, 9 a.m. to 5 p.m.

ADDRESSES: The Madison Hotel, 1177—15th Street, NW., Washington, DC 20005, (202) 862–1600.

FOR FURTHER INFORMATION CONTACT: Lois V. Toliver, Administrative Officer, (202) 275–0045.

SUPPLEMENTARY INFORMATION:

Type of Meeting

Open.

Agenda

Call to Order.

Roll Call.

Chairman's Message.

Final Review of Commission Activities.

Committee Reports.

Commission Strategy Session on:

1. Native American Finance Authority.

2. Programmatic Changes to Indian Housing Programs.

3. Final Recommendations of the Commission.

4. Native Hawaiian Housing Initiative.

Final Review of Supplemental Report.

Final Comments of the Commission.

Lois V. Toliver,

Administrative Officer.

[FR Doc. 93–17019 Filed 7–16–93; 8:45 am]

BILLING CODE 6820–07–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Challenge/Advancement Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Challenge/Advancement Advisory Panel (Museum Section) to the National Council on the Arts will be held on August 3–4, 1993 from 9 a.m. to 5:30 p.m. This meeting will be held in room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on August 3, 1993 from 9 a.m. to 10:15 a.m. for introductions.

The remaining portion of this meeting from 10:15 a.m. to 5:30 p.m., on August 3, 1993, and from 9 a.m. to 5:30 p.m. on August 4, 1993, is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 24, 1992, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5439.

Dated: July 13, 1993.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 93–17005 Filed 7–16–93; 8:45 am]

BILLING CODE 7537–01–M

Meetings

AGENCY: National Endowment for the Humanities, NFAH.

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 meetings 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 meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings 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 these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552(b) of title 5, United States Code.

1. *Date:* August 2, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in African, Asian and Latin American History, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

2. *Date:* August 2, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for University Teachers applications in African, Asian and Latin American History and Studies, submitted to the Division of Fellowship and Seminars, for projects beginning after January, 1994.

3. *Date:* August 3, 1993
Time: 9 a.m. to 5 p.m.
Room: 430
Program: This meeting will review Challenge Grant applications in Research programs, submitted to the Division of Research Programs, for projects beginning after January 4, 1994.

4. *Date:* August 4, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for University Teachers applications in Philosophy, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

5. *Date:* August 4, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review Fellowships for University Teachers applications in American History, Studies II; Communication, Media and Education, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

6. *Date:* August 5, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in Rhetoric, Communication, Media, Folklore and American Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

7. *Date:* August 5, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for University Teachers applications in American Literature and Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

8. *Date:* August 5–6, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 430
Program: This meeting will review applications in Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs, for projects beginning after January, 1994.

9. *Date:* August 6, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for University Teachers applications in European History, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

10. *Date:* August 6, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in Philosophy, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

11. *Date:* August 9, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in Sociology, Psychology and Education, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

12. *Date:* August 9, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

13. *Date:* August 16, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for University Teachers applications in Comparative Literature; Germanic, Slavic, Asian Language and Literatures; and Linguistics, submitted to the Division of Fellowships and Seminars Programs, for projects beginning after January, 1994.

14. *Date:* August 16, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in American History II, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

15. *Date:* August 17, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 315
Program: This meeting will review Fellowships for University Teachers applications in Political Science; Law and Jurisprudence, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

16. *Date:* August 17, 1993
Time: 8:30 a.m. to 5 p.m.
Room: 415
Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in Music, Theater, and Film, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

17. *Date:* August 18, 1993

Time: 8:30 a.m. to 5 p.m.

Room: 315

Program: This meeting will review Fellowships for University Teachers applications in Religious Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

18. *Date:* August 18, 1993

Time: 8:30 a.m. to 5 p.m.

Room: 415

Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in Classical and Medieval Studies, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

19. *Date:* August 19, 1993

Time: 8:30 a.m. to 5 p.m.

Room: 415

Program: This meeting will review Fellowships for College Teachers and Independent Scholars applications in Political, Law, and Economics, submitted to the Division of Fellowships and Seminars, for projects beginning after January, 1994.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 93–16961 Filed 7–16–93; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL INSTITUTE FOR LITERACY

[CFDA NO. 84.257]

Application for New Award for Establishment of the National Center for Adult Literacy and Learning Disabilities for Fiscal Year 1993; Grants Availability; Notice; Correction

In notice document 93–16147, which announced application packages for Establishment of the National Center for Adult Literacy and Learning Disabilities, beginning on page 36782 in the issue of Thursday, July 8, 1993 make the following correction: On page 36783, in the third column, delete the entire section entitled "NIFL Advisory Committee."

Dated: July 13, 1993.

Lilian S. Dorka,

Acting Interim Director, National Institute for Literacy.

[FR Doc. 93–16994 Filed 7–16–93; 8:45 am]

BILLING CODE 6055–01–M

NUCLEAR REGULATORY COMMISSION

Innovative Weaponry, Inc., Albuquerque, NM; Establishment of Atomic Safety and Licensing Board

[Docket No. 030–30266–EA; ASLBP No. 93–679–05–EA]

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceedings.

Innovative Weaponry, Inc., Albuquerque, New Mexico, Byproduct Material License No. 30–23697–01E, EA 93–067

This Board is being established pursuant to the request by Innovative Weaponry, Inc., the Licensee, for a hearing regarding an Order issued by the Director, Office of Enforcement, dated June 18, 1993, entitled "Order Modifying License (Effective Immediately)" (58 FR 34598–99, June 28, 1993). The order barred distribution and directed recall of certain gunsights identified in a 1993 confirmatory action letter and directed the Licensee to satisfy specified reporting requirements.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board consists of the following Administrative Judges:

Ivan W. Smith, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Charles N. Kelber, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Issued at Bethesda, Maryland, this 12th day of July 1993.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 93–17062 Filed 7–16–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Chicago Stock Exchange, Inc.

July 13, 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:

Levitz Furniture Incorporated
Common Stock, $.01 Par Value (File No. 7–10964)

U.S. Home Corporation
Class B Warrants (expiring 6/21/98) No Par Value (File No. 7–10965)

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 August 3, 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. 93–17001 Filed 7–16–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Notice and Opportunity for Hearing; Pacific Stock Exchange, Incorporated

July 13, 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:

Allegheny Ludlum Corp.
Common stock, $.10 Par Value (File No. 7–10957)
Ek Chor China Motorcycle Co., Ltd.
Common stock, $.10 Par Value (File No. 7–10958)
International Business Machines Corp.
Depository Shares (representing ¼ of Series A 7½% Preferred) (File No. 7–10959)
National Steel Corp.
Class B Common stock, $.01 Par Value (File No. 7–10960)
Republic New York Corp.
Common stock, $5.00 Par Value (File No. 7–10961)
Sonat Offshore Drilling, Inc.
Common stock, $.01 Par Value (File No. 7–10962)
YPF Sociedat Anonima
American Depository Receipts (representing Class D Shares) Par Value PS. 1 (File No. 7–10963)

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 August 3, 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. 93–17002 Filed 7–16–93; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; The Options Clearing Corp.; Notice of Filing of a Proposed Rule Change Relating to the Issuance, Clearance, and Settlement of Quarterly Expiration Options Proposed for Trading on the New York Stock Exchange

[Release No. 34–32608; File No. SR–OCC–93–08]

July 9, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on May 14, 1993, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–OCC–93–08) as described in Items I, II, and III below, which Items have been prepared primarily by OCC, a self-regulatory organization ("SRO"). 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 will accommodate the issuance, clearance, and settlement of a version of Quarterly Index Expiration Options ("QIX") being proposed for trading on the New York Stock Exchange ("NYSE").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC has 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. OCC 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 accommodate the issuance, clearance, and settlement of a version of QIX being proposed for trading on the NYSE.

1. Background

On November 6, 1992, the Commission approved an OCC rule filing to accommodate the issuance, clearance, and settlement of QIX traded on the Chicago Board Options Exchange ("CBOE") and the American Stock Exchange ("AMEX").[2] QIX are stock index options that have an expiration date different from the expiration date for conventional stock index options. Conventional stock index options expire on the Saturday following the third Friday of the month. In contrast, the QIX currently traded on the CBOE and the AMEX expire on the first business day following the end of a calendar quarter. The currently traded QIX product has an exercise settlement value that is based on the closing value of the corresponding index on the business day prior to expiration.

To accommodate the QIX product currently traded on the AMEX and the CBOE, modifications were made to OCC's By-Laws. First, the definition of "expiration date" for index options in OCC's By-Laws was modified to allow for products with flexible or varying expiration dates.[3] Second, a definition of QIX was added.[4] Finally, certain technical changes were made to OCC rules.

2. Proposed Amendment

On January 13, 1993, the NYSE filed with the Commission a proposed rule change to list a new version of the QIX product.[5] The QIX product proposed by NYSE differs in two ways from the QIX product currently traded on the CBOE and the Amex. First, the proposed QIX will expire on the second business day following the end of each calendar quarter rather than on the first business day. Second, the exercise settlement value for the proposed QIX will be based on the opening value of the corresponding index on the first business day following the end of a calendar quarter rather than on the closing value on the business day prior to expiration.

QIX currently are defined as index option contracts having an expiration date on the first business day of the month following the end of a calendar quarter.[6] Because the QIX product proposed for trading on the NYSE will expire on the second business day following the end of a calendar quarter, this rule proposal will amend the definition of QIX set forth in OCC's By-Laws,[7] to include the expiration dates of both versions of the QIX product.

Secondly, language will be deleted from subsection (a) of section 18 (Certain Delays) of Article VI (Clearance of Exchange Transactions) of OCC's By-Laws to make that Section applicable to QIX and to all options that expire on a business day. Article VI, Section 18(a) provides that if OCC is for any reason unable to make available on an expiration date any Preliminary

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 31418 (November 6, 1992), 57 FR 54435 [File No. SR–OCC–92–27] (order approving proposed rule change).

[3] OCC By-Laws, Art. XVII (Index Options), § 1.E(3).

[4] OCC By-Laws, Art. XVII, § 1.Q(1).

[5] Securities Exchange Act Release No. 32048 (March 25, 1993), 58 FR 16895 [File No. SR–NYSE–93–04] (notice of proposed rule change).

[6] *Id.*

[7] *Id.*

Exercise Report or any Final Exercise Report prior to the applicable cut-off times, OCC shall make available the delayed report as soon as practicable thereafter or in its discretion may defer making available the delayed report until the calendar day immediately following such expiration date. The last sentence of section 18(a) provides that subsections (a), (b), and (c) of section 18, which all relate to delayed reports, shall not apply to option contracts expiring on a business day in accordance with Rule 806 (Expiration Date Exercise Procedure for Business Day Expiration). OCC, however, believes that section 18 should be applicable to options expiring on a business day in the event that a computer malfunction or other unforeseeable event prevents OCC from making reports available prior to the applicable cut-off times. Accordingly, OCC proposes to delete the last sentence of Article VI, section 18(a). This change was inadvertently omitted from the earlier rule filings on QIX and Flexible Exchange ("FLEX") options.[8]

The changes made to OCC's Rules to accommodate the QIX product currently traded on the CBOE and the Amex also will accommodate the proposed QIX product. Expiration day processing procedures will be the same for all QIX products. Specifically, holders of QIX may exercise their QIX positions by tendering an exercise notice to OCC in accordance with the time frames established in OCC Rules 801(a) and 806, through Rule 1804(b)(1), or have their QIX positions exercised in accordance with the exercise-by-exception procedure set forth in OCC Rule 1804(b)(2).[9]

OCC believes that the proposed rule change is consistent with the purposes and requirements of section 17A of the Act [10] because it provides for the prompt and accurate clearance and settlement of another version of the QIX product and because it provides for the safeguarding of related securities and funds in OCC's custody or control. OCC believes that the proposed rule change establishes a framework in which existing, reliable OCC systems, rules, and procedures will govern the processing of the new QIX product.

[8] For a discussion of FLEX options, see Securities Exchange Act Release No. 31912 (February 23, 1993), 58 FR 11879 [File No. SR-OCC-92-33] (order approving FLEX option proposal).

[9] For a detailed description of the QIX exercise-by-exception procedure, refer to Securities Exchange Act Release No. 31418, *supra* note 2.

[10] 15 U.S.C. 78q-1 (1988).

B. SRO's Statement on Burden on Competition

OCC believes that the proposed rule change will not impose any burden on competition.

C. SRO's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

OCC has not solicited or received any comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to such period that the SRO consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-93-08 and should be submitted by August 9, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[11]

[FR Doc. 93-16998 Filed 7-16-93; 8:45 am]

BILLING CODE 8010-01-M

[11] 17 CFR 200.30-3(a)(12) (1991).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges; Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

July 13, 1993.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)91)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Levitz Furniture Incorporated Common Stock, $.01 Par Value (File No. 7-10951)

Merry Land and Investment Company $1.75 Preferred Stock (File No. 7-10952)

Calprop Corporation Common Stock, No Par Value (File No. 7-10953)

Milwaukee Land Company Common Stock, $.30 Par Value (File No. 7-10954)

Elf Overseas Limited 7⅝ Pc Guaranteed Preference Shares Series B (File No. 7-10955)

Storage Equities, Inc. 8.25 Conv. Preferred Stock (File No. 7-10956)

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 August 3, 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. 93-17000d 7-16-93; 8:45 am]

BILLING CODE 8010-01-M

Issuer Delisting; Application To Withdraw From Listing and Registration; (CSS Industries, Inc., Common Stock, $.10 Par Value) File No. 1–2661

July 13, 1993.

CSS Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on June 29, 1993 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its common stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before August 3, 1993, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–16999 Filed 7–16–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–19567; 812–8438]

Canada Life Insurance Company of New York, et al.

July 12, 1993.

AGENCY: Securities and Exchange Commission (the "SEC" or the "Commission").

ACTION: Notice of Application for Exemptions under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Canada Life Insurance Company of New York ("Canada Life"), Canada Life Insurance Company of New York Variable Annuity Account 2 (the "Variable Account"), and Canada Life of America Financial Services, Inc. ("CLAFS").

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act from sections 26(a)(2) and 27(c)(2).

SUMMARY OF APPLICATION: Applicants seek an order to permit them to deduct a mortality and expense risk charge from the assets of the Variable Account, which funds individual flexible premium variable deferred annuity contracts.

FILING DATE: The application was filed on June 10, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission, and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on August 6, 1993, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o D. Allen Loney, Canada Life Insurance Company of New York, 500 Mamaroneck Avenue, Harrison, New York 10528.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Counsel, at (202) 504–2802, or Michael V. Wible, Special Counsel, at (202) 272–2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

APPLICANT'S REPRESENTATIONS:

1. Canada Life, a stock life insurance company incorporated under the laws of the State of New York on June 7, 1971, is principally engaged in issuing annuity and life insurance policies in the State of New York. Canada Life is a wholly owned subsidiary of The Canada Life Assurance Company, a Canadian life insurance company.

2. On February 25, 1993, the Variable Account was established by Canada Life as a separate account under the laws of the State of New York to support the individual flexible premium variable deferred annuity contracts (the "Policies"). The Variable Account is a unit investment trust registered under the Act. The assets of the Variable Account will be owned by Canada Life, but will be held separately from the other assets of Canada Life and will not be chargeable with liabilities incurred in any other business operation of Canada Life (except to the extent that assets in the Variable Account exceed the reserves and other liabilities of the Variable Account). The income, capital gains, and capital losses incurred on the assets of the Variable Account will be credited to or charged against the assets of the Variable Account, without regard to the income, capital gains, or capital losses arising out of any other business that Canada Life may conduct. The Variable Account meets the definition of a "separate account" set forth in Rule 0–1(e) under the Act.

3. The Variable Account will invest in shares of one or more of the investment portfolios of Seligman Portfolios, Inc. (the "Fund"), which is registered with the Commission as a diversified, open-end management investment company consisting of several series. The Variable Account will have a number of subaccounts, each of which will invest solely in shares of a specific corresponding series of the Fund.

4. CLAFS will serve as the principal underwriter of the Policies. CLAFS is registered under the Securities Exchange Act of 1934 as a broker-dealer, and is a member of the National Association of Securities Dealers, Inc.

5. The Policies may be purchased on a non-tax qualified basis or they may be purchased and used in connection with qualified retirement plans or individual retirement accounts ("IRAs") that qualify for favorable federal income tax treatment. The Policies currently may be purchased with an initial premium payment of at least $5,000, or $2,000 if a Policy is being purchased and used in connection with an IRA. Under certain circumstances, Canada Life may accept an initial premium payment of less than $2,000 under a Policy being purchased

and used in connection with an IRA. Subsequent premium payments must be at least $1,000. Different premium payment requirements apply if the premium is submitted pursuant to a pre-authorized check agreement. The owner of a Policy ("Policy Owner") can allocate net premiums to one or more subaccounts of the Variable Account, or to Canada Life's general account.

6. The Policy provides for a series of annuity payments beginning on the annuity date. The Policy Owner may select from several payment options, all of which are fixed options that provide for payments out of Canada Life's general account.

7. In the event that Canada Life receives due proof of death of the last surviving annuitant before the annuity date, a death benefit is payable. If Canada Life receives due proof of death during the first seven policy years, the death benefit is the greater of (a) the premiums paid, less any partial withdrawals, contingent deferred sales charges, and any incurred taxes; or (b) the policy value on the date Canada Life receives such due proof. If Canada Life receives due proof of death after the first seven policy years, the death benefit is the greatest of: (a) Item "a" above; or (b) item "b" above; or (c) the policy value at the end of the seven policy year period preceding the date Canada Life receives such due proof, adjusted for any of the following items that occur after such last seven policy year period: (i) Any partial withdrawals, including applicable contingent deferred sales charges; (ii) any incurred taxes; and (iii) any premiums paid.

8. Canada Life will deduct an annual administration fee of $36 each policy year. This fee will be deducted from the policy value at the end of each policy year prior to the annuity date (and upon a full surrender on any date other than a policy anniversary) to compensate Canada Life for administrative services that it provides to Policy Owners. Applicants represent that this fee will be deducted in reliance on Rule 26a–1 under the Act, and will represent reimbursement only for administration costs expected to be incurred over the life of the Policies. The annual administration fee is guaranteed not to increase for the duration of the Policy, and Canada Life neither expects nor intends to make a profit from this fee.

9. Canada Life also will deduct a daily administration fee equal to an effective annual rate of 0.35% of the value of the assets in the Variable Account. This fee will be deducted in reliance on Rule 26a–1 under the Act, and represents reimbursement only for administrative costs expected to be incurred over the life of the Policies. This daily administration fee is guaranteed not to increase for the duration of the Policies, and Canada Life neither expects nor intends to make a profit from this fee.

10. Canada Life does not deduct sales charges at the time premiums are paid. However, within the first seven policy years after a premium has been paid, a contingent deferred sales charge ("CDSC") is imposed on any full surrender or partial withdrawal of policy value attributable to such premium. For purposes of determining whether the CDSC will be imposed and the amount of the charge, premiums are deemed to be withdrawn in the order in which they were received by Canada Life. The maximum CDSC is 6% for withdrawals of premiums that were paid fewer than two years previously, and the applicable percentage declines for premiums that were paid earlier. In addition, at the time of the first partial withdrawal during a policy year, ten percent of premiums that would otherwise be subject to a CDSC upon withdrawal may be withdrawn without imposition of any CDSC, provided that the systematic withdrawal privilege available under the Policy has not been elected.

11. Canada Life does not anticipate that the CDSC will generate sufficient funds to pay the costs of distributing the Policies. If this charge is insufficient to cover the distribution expenses, the deficiency will be met from Canada Life's general account funds, including amounts derived from the charge for mortality and expense risks.

12. No premium tax is currently payable under New York law. Canada Life reserves the right to deduct any premium taxes payable in respect of future premiums in the event New York law should change. Although no charges are currently made for federal, state, or local taxes, Canada Life reserves the right to charge, or provide for, any other taxes levied by any governmental entity.

13. Under Canada Life's current policy, which it reserves the right to change, Canada Life will impose no charge for the first fifteen transfers in each policy year, and will impose a $25 charge for the sixteenth and each subsequent transfer request made by the Policy Owner during a single policy year. Canada Life guarantees that any future transfer policy will provide at least four free transfers under the Policies during each policy year.

14. Canada Life seeks to impose a daily charge to compensate it for bearing certain mortality and expense risks in connection with the Policies. This charge is equal to an effective annual rate of 1.25% of the value of the net assets in the Variable Account. Of that amount, approximately 0.75% is attributable to mortality risks, and approximately 0.50% is attributable to expense risks. Canada Life guarantees that this charge will never increase.

15. The mortality risk borne by Canada Life arises from (a) its contractual obligation to make annuity payments (determined in accordance with the annuity tables and other provisions contained in the Policy) regardless of how long all annuitants or any individual annuitant may live; and (b) its guarantee to pay the death benefit provided under the Policy. The expense risk assumed by Canada Life is the risk that Canada Life's actual administrative costs will exceed the amounts recovered through the daily and annual administration fees.

16. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risks, the loss will fall on Canada Life. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to Canada Life. Canada Life currently anticipates making a profit from this charge.

APPLICANT'S LEGAL ANALYSIS:

1. Applicants request an exemption from Sections 26(a)(2) and 27(c)(2) of the Act to the extent any relief is necessary to deduct a mortality and expense risk charge from the assets of the Variable Account. Sections 26(a)(2)(C) and 27(c)(2), as herein pertinent, prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amounts as the Commission may prescribe, for performing bookkeeping and other administrative services.

2. Applicants submit that Canada Life is entitled to reasonable compensation for its assumption of mortality and expense risks. Applicants represent that the charge of 1.25% under the Policies made for mortality and expense risks is consistent with the protection of investors because it is a reasonable and proper insurance charge. The mortality and expense risk charge is a reasonable charge to compensate Canada Life for the risks that (a) annuitants under the Policies will live longer as a group than has been anticipated in setting the annuity rates guaranteed in the Policies;

(b) the policy value will be less than the death benefit; and (c) administrative expenses will be greater than amounts derived from the administration fees.

3. Canada Life further represents that the charge of 1.25% for mortality and expense risks is within the range of industry practice with respect to comparable annuity products. This representation is based upon Canada Life's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. Canada Life will maintain at its administrative offices, and make available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

4. Applicants acknowledge that the CDSC may be insufficient to cover all costs relating to the distribution of the Policies. Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses not reimbursed by the CDSC. Canada Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Variable Account and Policy Owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Canada Life at its administrative offices and will be made available to the Commission.

5. Canada Life also represents that the Variable Account will invest only in management investment companies which undertake, in the event such companies adopt a plan under Rule 12b–1 to finance distribution expenses, to have a board of directors (or trustees), a majority of whom are not interested persons of the company, formulate and approve any plan under Rule 12b–1.

CONCLUSION: Applicants assert that, for the reasons set forth above, the requested exemptions from sections 26(a)(2) and 27(c)(2) to deduct a mortality and expense risk charge under the Policies meet the standards in section 6(c) of the Act. Applicants assert that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–17003 Filed 7–16–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

United Financial Resources Corp.

[License No. 07/07–0087]

Filing of an Application for an Exemption Under Regulation 107.903 Governing Conflicts of Interest

Notice is hereby given that United Financial Resources Corp. (the Licensee), 7401 "F" Street, Omaha, Nebraska 68127, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the U.S. Small Business Administration (SBA) pursuant to § 107.903(b) of the Regulations governing small business investment companies (13 CFR 107.903(b) (1993)) for an exemption from the provisions of the cited Regulations.

Subject to SBA approval, the Licensee proposes to provide funds to an associate, Ames Avenue Corporation d/b/a Phil's Foodway (Ames), 3030 Ames Avenue, Omaha, Nebraska 68111, to be used for working capital.

The proposed financing is brought within the purview of § 107.903(b) of the Regulations because Mr. Phil Morrison is a director or the Licensee's parent, United-A.G. Cooperative, Inc. (UAG) which owns 100% of the Licensee, and is also an owner of Ames.

Notice is hereby given that any interested person may, not later than fifteen (15) days from the date of publication of this Notice, submit written comments on the proposed transactions to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Omaha, Nebraska.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 13, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93–17013 Filed 7–16–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Bureau of Intelligence and Research

[Public Notice 1830]

Discretionary Grant Programs: Application Notice Establishing Closing Date For Transmittal of Certain Fiscal Year 1994 Applications

The Department of State invites applications from national organizations with interest and expertise in conducting research and training to serve as intermediaries administering national competitive programs concerning the nations of Eastern Europe and the new states of the former Soviet Union under the Soviet-Eastern European Research and Training Act of 1983. The grants will be awarded through an open, national competition among applicant organizations.

Authority for this program, called the Russian, Eurasian and East European Research and Training Program, is contained in the Soviet-Eastern European Research and Training Act of 1983. The program was formerly called the Soviet-Eastern European Research and Training Program.

Summary

The purpose of this application notice is to inform potential applicant organizations of fiscal and programmatic information and closing dates for transmittal of applications for awards in Fiscal Year 1994 under a program administered by the Department of State.

Organization of Notice:

This notice contains three parts. Part I lists the closing date covered by this notice. Part II consists of a statement of purpose and priorities of the program. Part III provides the fiscal data for the program.

Part I

Closing Date for Transmittal of Applications

An application for an award must be mailed or hand-delivered by October 1, 1993.

Applications Delivered by Mail

An application sent by mail must be addressed to Kenneth E. Roberts, Executive Director, Russian, Eurasian and East European Studies Advisory Committee, Suite 404, Box 19, 1250 23rd Street, NW., Washington, DC 20037–1164.

An applicant must show proof of mailing consisting of *one* of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial center.

(4) Any other proof of mailing acceptable to the Department of State.

If an application is sent through the U.S. Postal Service, the Department of State does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Late applications will not be considered and will be returned to the applicant.

Applications Delivered by Hand

An application that is hand-delivered must be taken to Kenneth E. Roberts, Executive Director, Russian, Eurasian and East European Studies Advisory Committee, Suite 404, 1250 23rd Street, NW., Washington, DC.

The Russian, Eurasian and East European Studies Advisory Committee staff will accept hand-delivered applications between 9 a.m. and 4 p.m. (EDT) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:00 p.m. on the closing date.

Part II

Program Information

In the Soviet-Eastern European Research and Training Act of 1983 the Congress declared that independently verified factual knowledge about the countries of that area is "of utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs." Congress also declared that the development and maintenance of such knowledge and expertise "depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government." The Act authorizes the Secretary of State to provide financial support for advanced research, training and other related functions on the countries of the region.

The full purpose of the Act and the eligibility requirements are set forth in Public Law 98–164, title VIII, 97 stat. 1047–50. The countries include Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Czech Republic, Estonia, Georgia, the former German Democratic Republic, Hungary, Kazakhstan, Kyrgyz Republic, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, and the former Yugoslavia, including Bosnia and Herzegovina, Slovenia, Croatia, Serbia, Montenegro, and Macedonia.

The Act establishes an Advisory Committee to recommend grant policies and recipients. The Secretary of State, after consultation with the Advisory Committee, approves policies and makes final determination on awards.

Applications for funding under the Act are invited from organizations prepared to conduct competitive programs in the fields of Russian, Eurasian and East European and related studies. Applying organizations or institutions should have the capability to conduct competitive award programs that are national in scope. Programs of this nature are those that make awards which are based upon an open, nationwide competition, incorporating peer group review mechanisms. Individual end-users of these funds—those to whom the applicant organizations or institutions propose to make awards—must be at the graduate or post-doctoral levels, and must have demonstrated a likely career commitment to the Russian, Eurasian and East European fields.

Applications sought in this competition among organizations or institutions are those that would contribute to the development of a stable, long-term, national program of unclassified, advanced research and training on the nations of Eastern Europe and the new states of the former Soviet Union by proposing:

(1) National programs which award contracts or grants to American institutions of higher education or not-for-profit corporations in support of post-doctoral or equivalent level research projects, such contracts or grants to contain shared-cost provisions;

(2) National programs which offer graduate, post-doctoral and teaching fellowships for advanced training in Russian, Eurasian and East European and related studies, including training in the languages of the region, with such training to be conducted, on a shared-cost basis, at American institutions of higher education;

(3) National programs which provide fellowships and other support for American specialists enabling them to conduct advanced research in the field of Russian, Eurasian and East European and related studies; and those which facilitate research collaboration between Government and private specialist in these fields;

(4) National programs which provide advanced training and research on a reciprocal basis in the nations of Eastern Europe and the new states of the former Soviet Union by facilitating access for American specialities to research facilities and resources in those countries;

(5) National programs which facilitate public dissemination of research methods, data and findings; and those which propose to strengthen the national capability for advanced research or training on the nations of Eastern Europe and the new states of the former Soviet Union in ways not specified above.

Note: The Advisory Committee will not consider applications from individuals to further their own training or research, or from institutions or organizations whose proposals are not for competitive award programs that are national in scope as defined above. Support for specific activities will be guided by the following policies:

—Publications. Title VIII funds should not be used to subsidize journals, newsletters and other periodical publications except in special circumstances, in which cases the funds should be supplied through peer-review organizations with national competitive programs.

—Conferences. Proposals for conferences, like those for research projects and training programs, should be assessed according to their relative contribution to the advancement of knowledge and to the professional development of cadres in the fields. Therefore, requests for conference funding should be directed to one or more of the National peer-review organizations receiving Title VIII funds, with proposed conferences being evaluated competitively against research, fellowship or other proposals for achieving the purposes of the grant.

—Library Activities. Title VIII funds may be used for certain library activities which clearly strengthen research and training in Russian, Eurasian and East European studies and benefit the fields as a whole. Such programs must make awards based upon open, nationwide competition, incorporating peer group review mechanisms. Title VIII funds may not be used for activities such as modernization, acquisition, or preservation. Modest, cost-effective proposals to facilitate research, by eliminating serious cataloging

backlogs or otherwise improving access to research materials, will be considered for funding.

—Language Support. The Advisory Committee encourages attention to the non-Russian languages of the new states of the former Soviet Union and the less commonly taught languages of the East European countries. Support provided for Russian language instruction/study normally will be only for advanced level. All applicants proposing to offer language instruction are encouraged to apply to a national program as described above which has appropriate peer group review mechanisms.

—German Democratic Republic. Funding for research on the former German Democratic Republic is limited to projects selected by national organizations through a competitive process, which address either exclusively the communist experience of the GDR or which extend into the period of reunification, as long as the research relates to the transition experiences of other countries in the region covered by the Russian, Eurasian and East European Research and Training Program.

—Support for Non-Americans. The purpose of the Russian, Eurasian and East European Research and Training Program is to build and sustain U.S. expertise on the region. Therefore, the Advisory Committee has determined that highest priority for support should always go to American specialists (i.e., U.S. citizens or permanent residents). Support for such activities as long-term research fellowships, i.e., nine months or longer, should be restricted solely to American scholars. Support for short-term activities also should be restricted to Americans, except in special instances where the participation of a non-American scholar has clear and demonstrable benefits to the American scholarly community. In such special instances, the applicant must be prepared to justify the expenditure.

In making its recommendations, the Committee will seek to encourage a coherent, long-term, and stable effort directed toward developing and maintaining a national capability in Russian, Eurasian and East European studies. Program proposals can be for the conduct of any of the functions enumerated, but in making its recommendations, the Committee will be concerned to develop a balanced national effort which, over the life of the Act, will ensure attention to all the countries of the area. Title VIII legislation requires and this announcement indicates under Program Information of this section that in certain cases grantee organizations must include shared-cost provisions in their arrangements with end-users. Cost-sharing is encouraged whenever feasible in all programs.

Part III

Available Funds

Awards are contingent upon the availability of funding. Funding may be available at the level of approximately $10 million, but this will not be known until legislative action is complete. In Fiscal Year 1993, the Congress appropriated to the Title VIII program $4.961 million to the State budget and $5.0 million to the Agency for International Development budget.

The Department legally cannot commit funds that may be appropriated in subsequent fiscal years. Thus multi-year projects cannot receive assured funding unless such funding is supplied out of a single year's appropriation. Generally, grant agreements will permit the expenditure from a particular year's grant to be made up to three years from the grant's effective date.

Applications

Applications must be prepared and submitted in 20 copies in the form of a statement, the narrative part of which should not exceed 20 double-spaced pages. This must be accompanied by a one page executive summary, a budget, and vitae of professional staff. Proposers may append other information they consider essential, although bulky submissions are discouraged and run the risk of not being reviewed fully.

All applicants should provide detailed information about their plans for peer evaluation and review procedures and estimates of the types and amounts of anticipated awards.

Applicants who have received a Title VIII grant in the previous competition should provide detailed information on the peer evaluation and review procedures followed, and awards made, including, where applicable, names/affiliations of recipients, and amounts and types of awards. If an applicant also received Title VIII support prior to last year, a summary of those awards should be included.

Descriptions of all competitive award programs should specify both past and anticipated applicant-to-award ratios.

Procedures for evaluating and selecting applicants to receive awards should be described in detail. Proposals involving language instruction programs should provide for those programs supported in the past year information on the criteria for evaluation, including levels of instruction, degrees of intensiveness, facilities, methods for measuring language proficiency (including pre- and post-testing), instructors' qualifications, and budget information showing estimated costs per student.

A description of affirmative action policies and practices must be included in the application.

Applicants should include certifications of compliance with the provisions of: (1) The Drug-Free Workplace Act (Pub. L. 100–690), in accordance with Appendix C of 22 CFR 137, subpart F; and (2) section 319 of the Department of the Interior and Related Agencies Appropriations Act (Pub. L. 101–121), in accordance with Appendix A of 22 CFR 138, New Restrictions on Lobbying Activities.

Budget

Applicants should familiarize themselves with OMB Circular A–110, "Grants and Agreements with Institutions of Higher Education . . . Uniform Administrative Requirements," and OMB Circular A–133, "Audits of Institutions of Higher Learning and Other Non-Profit Institutions" and indicate or provide the following information:

(1) Whether the organization falls under OMB Circular No. A–21, "Cost Principles for Education Institutions," or OMB Circular No. A–122, "Cost Principles for Nonprofit Organizations;"

(2) A detailed program budget indicating direct expenses by program element, indirect costs, and the total amount requested. NB: Indirect costs are limited to 10 percent of total direct program costs. Applicants who are requesting Title VIII funds to supplement a program having other sources of support should submit a current budget for the total program and an estimated future budget for it showing how specific lines in the budget would be affected by the allocation of requested Title VIII grant funds. Other funding sources and amounts, when known, should be identified;

(3) The applicant's cost-sharing proposal, if applicable, containing appropriate details and cross references to the requested budget;

(4) The organization's most recent audit report (the most recent U.S. Government audit report if available) and the name, address and point of contact of the audit agency.

All payments will be made to grant recipients through the Department of State by wire transfers.

Technical Review

The Russian, Eurasian and East European Studies Advisory Committee will evaluate applications on the basis of the following criteria:

(1) Responsiveness to the substantive provisions set forth above in *Part II, Program Information* (40 points);

(2) The professional qualifications of the applicant's key personnel and their experience conducting national competitive award programs of the type the applicant proposes in the Russian, Eurasian and East European fields (30 points); and

(3) Budget presentation and cost effectiveness (30 points).

Further Information

For further information, contact Kenneth E. Roberts, Executive Director, Russian, Eurasian and East European Studies Advisory Committee, Suite 404, Box 19, 1250 23rd Street, NW., Washington, DC 20037–1164. Telephone: (202) 736–9060 or 736–9059.

Dated: July 7, 1993.

Kenneth E. Roberts,

Executive Director, Russian, Eurasian and East European Studies Advisory Committee.

[FR Doc. 93–16974 Filed 7–16–93; 8:45 am]

BILLING CODE 4710–32–M

Bureau of Political-Military Affairs

[Public Notice 1831]

Policy on Munitions Export Licenses to Guatemala

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 Guatemala are being reviewed on a case-by-case basis in accordance with sections 2, 38, and 42 of the Arms Export Control Act.

EFFECTIVE DATE: Immediate.

FOR FURTHER INFORMATION CONTACT: Dean A. Rogers, 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 review all licenses and approvals authorizing the export or other transfer of defense articles or defense services to Guatemala, including the armed forces of Guatemala, on a case-by-case basis.

The licenses and approvals subject to this policy include manufacturing licenses, technical assistance agreements, technical data, and commercial military exports of any kind involving Guatemala subject to the Arms Export Control Act.

This action has been taken pursuant to sections 2, 38, and 42 of the Arms Export Control Act (22 U.S.C. 2778, 2791) and § 126.7 of the ITAR in furtherance of the foreign policy of the United States.

Dated: July 8, 1993.

Robert L. Gallucci,

Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 93–16975 Filed 7–16–93; 8:45 am]

BILLING CODE 4710–25–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FTA Sections 3 and 9 Grant Obligations

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1993, Public Law 102–338, contains a provision requiring the Federal Transit Administration (FTA) to publish an announcement in the **Federal Register** every 30 days of grants obligated pursuant to sections 3 and 9 of the Federal Transit Act, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Janet Lynn Sahaj, Chief, Resource Management and State Programs Division, Office of Capital and Formula Assistance, Department of Transportation, Federal Transit Administration, Office of Grants Management, 400 Seventh Street, SW., room 9305, Washington, DC 20590, (202) 366–2053.

SUPPLEMENTARY INFORMATION: The section 3 program provides capital assistance to eligible recipients in three categories: Fixed guideway modernization, construction of new fixed guideway systems and extensions, and bus purchases and construction of bus related facilities. The section 9 program apportions funds on a formula basis to provide capital and operating assistance in urbanized areas. Section 9 grants reported may include flexible funds transferred from the Federal Highway Administration to the FTA for use in transit projects in urbanized areas. These flexible funds are authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) to be used for highway or transit purposes. Pursuant to the statute FTA reports the following grant information.

SECTION 3 GRANTS

Transit property	Grant No.	Grant amount	Obligation date
City and County of San Francisco-Public Utilities Commission, San Francisco-Oakland, CA	CA–03–0401–00	$14,357,287	06/28/93
Town of Avon, Avon, Colorado	CO–03–0051–00	1,070,976	06/24/93
Metropolitan Dade Transit Agency, Miami-Hialeah, FL	FL–03–0128–00	1,377,968	06/24/93
Metropolitan Dade Transit Agency, Miami-Hialeah, FL	FL–03–0130–00	3,338,660	06/24/93
Metropolitan Dade Transit Agency, Miami-Hialeah, FL	FL–03–0134–00	11,644,433	06/24/93
Metropolitan Dade Transit Agency, Miami-Hialeah, FL	FL–03–0137–00	80,000	06/25/93
Mass Transit Administration, Maryland	MD–03–0055–01	21,899,796	06/25/93
City of Raleigh, Raleigh, NC	NC–03–0028–00	311,000	06/24/93
New York Metropolitan Transportation Authority, New York, NY-Northeastern NJ	NY–03–0283–00	15,775,788	06/04/93
Nassau County, New York, NY-Northeastern NJ	NY–03–0288–00	7,729,004	06/24/93
Rogue Valley Transit District, Medford, OR	OR–03–0042–00	2,033,949	06/25/93
Tri-County Metropolitan Transportation District of Oregon, Portland-Vancouver, OR-WA	OR–03–0043–01	67,490,000	06/25/93
Area Transportation Authority of North Central Pennsylvania, Pennsylvania	PA–03–0192–02	92,000	06/25/93

SECTION 3 GRANTS—Continued

Transit property	Grant No.	Grant amount	Obligation date
Pennsylvania State University, State College, PA	PA–03–0238–00	560,000	06/23/93
City of El Paso-Sun Metro, El Paso, TX-NM	TX–03–0160–00	5,647,200	06/24/93
Fairfax County, Washington, DC-MD-VA	VA–03–0040–02	7,647,648	06/24/93

SECTION 9 GRANTS

Transit property	Grant No.	Grant amount	Obligation date
Municipality of Anchorage, Anchorage, AK	AK–90–X010–01	$546,400	06/22/93
City of Huntsville, Huntsville, AL	AL–90–X068–01	385,600	06/24/93
City of Montgomery—Montgomery Area Transit System, Montgomery, AL	AL–90–X073–01	156,040	06/24/93
Mobile Transit Authority, Mobile, AL	AL–90–X074–01	20,000	06/24/93
Birmingham—Jefferson County Transit Authority, Birmingham, AL	AL–90–X075–01	642,680	06/24/93
Tuscaloosa County Parking and Transit Authority, Tuscaloosa, AL	AL–90–X076–00	208,700	06/24/93
City of Phoenix, Phoenix, AZ	AZ–90–X035–00	17,649,374	06/24/93
City of Chico—Chico Area Transit, Chico, CA	CA–90–X452–00	249,500	06/25/93
City of Merced, Merced, CA	CA–90–X515–00	578,917	06/25/93
Monterey County, Seaside-Monterey, CA	CA–90–X518–00	96,000	06/25/93
Sacramento Regional Transit District, Sacramento, CA	CA–90–X523–00	13,650,349	06/28/93
Sonoma County Transit, Santa Rosa, CA	CA–90–X530–00	3,520,000	06/25/93
Southern California Rapid Transit District, Los Angeles, CA	CA–90–X534–00	155,946,331	06/24/93
City of Torrance, Los Angeles, CA	CA–90–X536–00	1,019,583	06/25/93
City of Napa, Napa, CA	CA–90–X550–00	1,521,100	06/25/93
City of Fairfield, Fairfield, CA	CA–90–X553–00	521,218	06/25/93
City of Laguna Beach, Los Angeles, CA	CA–90–X561–00	250,000	06/28/93
City of Commerce, Los Angeles, CA	CA–90–X562–00	3,990,000	06/28/93
City and County of San Francisco—Public Utilities Commission, San Francisco-Oakland, CA.	CA–90–X579–00	12,499,473	06/28/93
Regional Transportation District, Denver, CO	CO–90–X070–00	13,300,701	06/03/93
City of Greeley, Greeley, CO	CO–90–X074–00	461,514	06/24/93
Greater Hartford Transit District, Hartford-Middletown, CT	CT–90–X218–00	500,000	06/28/93
Middletown Transit District, Middletown, CT	CT–90–X224–00	196,519	06/28/93
Delaware Transportation Authority, Delaware	DE–90–X012–00	2,360,314	06/17/93
Escambia County Board of Commissioners, Pensacola, FL	FL–90–X192–02	148,800	06/24/93
Okaloosa County Board of County Commissioners, Fort Walton Beach, FL	FL–90–X203–00	330,904	06/24/93
Metropolitan Dade Transit Agency, Miami-Hialeah, FL	FL–90–X206–01	19,138,732	06/25/93
Hillsborough Area Regional Transit Authority, Tampa-St. Petersburg-Clearwater, FL	FL–90–X208–00	3,079,361	06/23/93
St. Lucie County Metropolitan Planning Organization, Fort Pierce, FL	FL–90–X216–00	327,109	06/24/93
Palm Beach Co Bd of Commissioners—Palm Beach Co Transit Authority, West Palm Bch-Boca Raton-Delray Bch, FL.	FL–90–X218–00	3,540,928	06/24/93
Brevard County Commissioners—Space Coast Area Transit, Melbourne-Palm Bay, FL	FL–90–X219–00	2,061,598	06/24/93
Lakeland Area Mass Transit District, Lakeland, FL	FL–90–X220–00	1,046,925	06/24/93
Pinellas Suncoast Transit Authority, St. Petersburg, FL	FL–90–X224–00	4,455,808	06/24/93
Cobb County Department of Transportation, Atlanta, GA	GA–90–X072–00	5,458,000	06/24/93
Metropolitan Atlanta Rapid Transit Authority, Atlanta, GA	GA–90–X073–00	19,613,951	06/24/93
Metropolitan Atlanta Rapid Transit Authority, Atlanta, GA	GA–90–X074–00	3,816,000	06/24/93
Gwinnett County Department of Planning and Development, Atlanta, GA	GA–90–X075–00	80,000	06/24/93
Georgia Dept. of Transportation—Office of Intermodal Programs, Georgia	GA–90–X076–00	1,372,784	06/24/93
City of Augusta, Augusta, GA–SC	GA–90–X077–00	959,214	06/25/93
Consolidated Government of Columbus, Columbus, GA–AL	GA–90–X078–00	1,513,553	06/24/93
City of Bettendorf, Davenport-Rock Island-Moline, IA–IL	IA–90–X148–00	152,468	06/17/93
Des Moines Metropolitan Transit Authority, Des Moines, IA	IA–90–X149–00	114,166	06/24/93
Idaho Transportation Department, Idaho Falls, ID	ID–90–X026–00	389,740	06/24/93
City of Pocatello, Pocatello, ID	ID–90–X027–00	297,158	06/25/93
Greater Peoria Mass Transit District, Peoria, IL	IL–90–X220–00	317,520	06/28/93
Topeka Metropolitan Transit Authority, Topeka, KS	KS–90–X057–00	1,077,611	06/23/93
Transit Authority of River City, Louisville, KY–IN	KY–90–X066–01	3,609,520	06/24/93
City of Ashland, Huntington-Ashland, WV–KY–OH	KY–90–X067–00	476,226	06/24/93
City of Henderson Transit, Evansville, IN–KY	KY–90–X070–00	213,000	06/23/93
Transit Authority of Lexington-Fayette Urban County Government, Lexington-Fayette, KY	KY–90–X071–00	1,270,162	06/24/93
City of Owensboro, Owensboro, KY	KY–90–X072–00	325,600	06/24/93
St. Bernard Parish, New Orleans, LA	LA–90–X144–00	223,480	06/22/93
Mass Transit Administration, Washington, DC–VA–MD	MD–90–X049–03	1,370,000	06/17/93
Mass Transit Administration, Baltimore, MD	MD–90–X051–01	947,282	06/17/93
Mass Transit Administration, Maryland	MD–90–X052–00	1,721,222	06/25/93
City of Holland, Holland, MI	MI–90–X166–00	710,595	06/28/93
Ann Arbor Transportation Authority, Ann Arbor, MI	MI–90–X178–00	260,000	06/25/93
Grand Rapids Area Transit Authority, Grand Rapids, MI	MI–90–X187–00	58,000	06/28/93
County of Muskegon System, Muskegon, MI	MI–90–X191–00	554,970	06/28/93

SECTION 9 GRANTS—Continued

Transit property	Grant No.	Grant amount	Obligation date
Flint Mass Transportation Authority, Flint, MI	MI–90–X198–00	271,376	06/24/93
Kalamazoo Metro Transit, Kalamazoo, MI	MI–90–X199–00	20,000	06/24/93
Metropolitan Transit Commission, Minneapolis-St. Paul, MN	MN–90–X066–00	3,286,667	06/02/93
Duluth Transit Authority, Duluth, MN–WI	MN–90–X069–00	375,496	06/22/93
City of East Grand Forks, Grand Forks, ND–MN	MN–90–X071–00	68,958	06/25/93
Kansas City Area Transportation Authority, Kansas City, KS–MO	MO–90–X082–00	292,040	06/01/93
East-West Gateway Coordinating Council, St. Louis, IL–MO	MO–90–X91–00	160,000	06/24/93
Great Falls Transit District, Great Falls, MT	MT–90–X035–00	674,545	06/23/93
City of Greenville, NC	NC–90–X152–00	173,625	06/24/93
City of Rocky Mount, Rocky Mount, NC	NC–90–X153–00	144,592	06/24/93
City of Hickory, Hickory, NC	NC–90–X155–00	259,614	06/24/93
City of Winston-Salem, Winston-Salem, NC	NC–90–X156–00	1,307,217	06/24/93
City of Fayetteville, Fayetteville, NC	NC–90–X158–00	1,692,148	06/24/93
Omaha Metro Area Transit, Omaha, NE–IA	NE–90–X034–00	2,257,730	06/23/93
Manchester Transit Authority, Manchester, NH	NH–90–X037–00	587,460	06/28/93
Delaware River Port Authority, Philadelphia, PA–NJ	NJ–90–X038–00	2,234,652	06/17/93
City of Santa Fe, Santa Fe, NM	NM–90–X036–00	314,799	06/22/93
Suffolk County, New York, NY–Northeastern NJ	NY–90–X244–00	3,406,451	06/23/93
New York City Department of Transportation, New York, NY–Northeastern NJ	NY–90–X247–00	8,201,975	06/23/93
Capital District Transportation Authority, Albany-Schenectady-Troy, NY	NY–90–X253–00	8,584,945	06/28/93
Central New York Regional Transportation Authority, Syracuse, NY	NY–90–X254–00	5,859,708	06/23/93
Dutchess County Poughkeepsie, NY	NY–90–X255–00	439,700	06/24/93
Chemung County Transit System, Elmira, NY	NY–90–X258–00	458,767	06/23/93
City of Poughkeepsie, Poughkeepsie, NY	NY–90–X259–00	293,227	06/23/93
Tompkins County, Elmira, NY	NY–90–X260–00	268,700	06/24/93
Nassau County, New York, NY-Northeastern NJ	NY–90–X262–00	3,418,309	06/23/93
Niagara Frontier Transportation Authority, Buffalo-Niagara Falls, NY	NY–90–X263–00	5,902,400	06/23/93
City of Poughkeepsie, Poughkeepsie, NY	NY–90–X266–00	800,000	06/25/93
Laketran, Cleveland, OH	OH–90–X157–00	847,427	06/02/93
Greater Cleveland Regional Transit Authority, Cleveland, OH	OH–90–X161–00	4,800,000	06/28/93
Southwest Ohio Regional Transit Authority, Cincinnati, OH–KY	OH–90–X190–00	757,600	06/22/93
Laketran, Cleveland, OH	OH–90–X191–00	904,950	06/28/93
Central Oklahoma Transportation and Parking Authority, Oklahoma City, OK	OK–90–X043–00	3,614,101	06/25/93
Rogue Valley Transit District Medford, OR	OR–90–X045–00	384,655	06/21/93
Centre Area Transportation Authority, State College, PA	PA–90–X249–01	24,000	06/23/93
Mid Mon Valley Transit Authority, Monessen, PA	PA–90–X253–00	636,133	06/23/93
City of Williamsport-Bureau of Transportation, Williamsport, PA	PA–90–X255–00	347,184	06/23/93
Lehigh and Northampton Transportation Authority, Allentown-Bethlehem-Easton, PA–NJ	PA–90–X256–00	3,623,000	06/24/93
Borough of Pottstown, Pottstown, PA	PA–90–X257–00	502,766	06/24/93
Erie Metropolitan Transit Authority, Erie, PA	PA–90–X258–00	1,663,729	06/18/93
Transportation and Motor Buses for Public Use Authority, Altoona, PA	PA–90–X259–00	473,176	06/17/93
Berks Area Reading Transportation Authority, Reading, PA	PA–90–X260–00	1,282,605	06/17/93
Red Rose Transit Authority Lancaster, PA	PA–90–X261–00	1,153,008	06/17/93
Cumberland-Dauphin-Harrisburg Transit Authority, Harrisburg, PA	PA–90–X262–00	953,688	06/17/93
City of Sharon, Sharon, PA–OH	PA–90–X264–00	199,066	06/23/93
Beaver County Transit Authority, Pittsburgh, PA	PA–90–X265–00	468,592	06/17/93
Puerto Rico Ports Authority-Development Department, San Juan, PR	PR–90–X076–00	2,240,000	06/24/93
Municipality of Vega Baja, Vega Baja-Manati, PR	PR–90–X077–00	230,000	06/24/93
Municipality of Humacao, Humacao, PR	PR–90–X078–00	420,000	06/24/93
Aiken County, Augusta, GA–SC	SC–90–X052–01	3,462	06/24/93
City of Spartanburg, Spartanburg, SC	SC–90–X054–01	119,868	06/24/93
City of Anderson, Anderson, SC	SC–90–X061–00	231,481	06/24/93
Pee Dee Regional Transit Authority, Florence, SC	SC–90–X062–00	238,096	06/24/93
Aiken County, Augusta, GA–SC	SC–90–X063–00	147,502	06/24/93
Santee Wateree Regional Transportation Authority, Sumter, SC	SC–90–X064–00	274,622	06/24/93
City of Bristol, Bristol, TN–VA	TN–90–X108–00	101,000	06/24/93
City of Clarksville, Clarksville, TN–KY	TN–90–X110–00	523,500	06/24/93
City of Johnson City, Johnson City, TN	TN–90–X111–00	524,000	06/24/93
Metropolitan Transit Authority, Nashville, TN	TN–90–X112–00	4,389,190	06/24/93
City of Mesquite, Dallas-Ft. Worth, TX	TX–90–X277–00	249,000	06/28/93
City of Denton, Denton, TX	TX–90–X278–00	389,000	06/25/93
Utah Transit Authority, Salt Lake City, UT	UT–90–X018–00	8,686,005	06/02/93
Greater Roanoke Transit Company, Roanoke, VA	VA–90–X108–00	898,846	06/18/93
City of Charlottesville, Charlottesville, VA	VA–90–X109–00	495,317	06/18/93
City of Petersburg, Petersburg, VA	VA–90–X110–00	216,883	06/18/93
Greater Lynchburg Transit Company, Lynchburg, VA	VA–90–X111–00	840,411	06/18/93
Pierce County Public Transportation Benefit Area Authority, Tacoma, WA	WA–90–X131–00	6,144,809	06/28/93
Snohomish County Public Transportation Benefit Area Corporation Seattle, WA	WA–90–X143–00	5,262,720	06/25/93
Whatcom Transportation Authority, Bellingham, WA	WA–90–X146–00	592,000	06/25/93
Ben Franklin Transit, Richland-Kennewick-Pasco, WA	WA–90–X148–00	53,218	06/25/93
City of Superior, Duluth, MN-WI	WI–90–X182–00	144,876	06/28/93

SECTION 9 GRANTS—Continued

Transit property	Grant No.	Grant amount	Obligation date
City of Green Bay Transit System, Green Bay, WI	WI–90–X183–00	792,597	06/24/93
City of Racine, Racine, WI	WI–90–X184–00	830,760	06/23/93
Milwaukee County Transit System, Milwaukee, WI	WI–90–X185–00	15,902,262	06/25/93
Kenosha Department of Transportation, Kenosha, WI	WI–90–X186–00	540,839	06/28/93
Mid-Ohio Valley Transit Authority, Parkersburg, WV–OH	WV–90–X054–00	330,017	06/25/93
Tri-State Transit Authority, Huntington-Ashland, WV–KY–OH	WV–90–X055–00	515,985	06/18/93
City of Weirton, Steubenville-Weir, OH–PA–WV	WV–90–X056–00	140,000	06/22/93
Eastern Ohio-Ohio Valley Regional Transportation Authority, Wheeling, WV–OH	WV–90–X057–00	509,444	06/18/93
City of Cheyenne, Cheyenne, WY	WY–90–X013–00	444,358	06/24/93

Issued on: July 13, 1993.

Edward R. Fleischman,

Director, Office of Capital and Formula Assistance.

[FR Doc. 93–17048 Filed 7–16–93; 8:45 am]

BILLING CODE 4910–57–M

Maritime Administration

[Docket No. S–898]

Maritime Subsidy Board; Lykes Bros. Steamship Co. Inc.; Withdrawal of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. (Lykes), by letter dated July 1, 1993, has withdrawn its application in Docket No. S–898. The application requested authorization under section 608 of the Merchant Marine Act, 1936, as amended to transfer the Operating-Differential Subsidy Agreement (ODSA) Contract MA/MSB–451 from Lykes to Louisiana Vessel Management, Inc. Publication of this notice closes proceedings in this docket.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies).

Dated: July 13, 1993.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 93–17051 Filed 7–16–93; 8:45 am]

BILLING CODE 3525–25–P

DEPARTMENT OF THE TREASURY

[General Counsel Designation No. 203]

Appointment of Members to the Legal Division Performance Review Board

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101–5 (Revised), and pursuant to the Civil Service Reform Act, I hereby appoint the following persons to the Legal Division Performance Review Board:

(1) For the General Counsel Panel—

Dennis I. Foreman, Deputy General Counsel, who shall serve as Chairperson;

Russell L. Munk, Assistant General Counsel (International Affairs);

Kenneth R. Schmalzbach, Assistant General Counsel (Administrative & General Law);

Robert M. McNamara, Jr., Assistant General Counsel (Enforcement);

Marvin J. Dessler, Chief Counsel, Bureau of Alcohol, Tobacco and Firearms; and

Michael T. Schmitz, Chief Counsel, United States Customs Service.

(2) For the Internal Revenue Service Panel—

Chairperson, Deputy Chief Counsel, IRS;

Deputy General Counsel;

Two Associate Chief Counsel, IRS; and

Two Regional Counsel, IRS.

I hereby delegate to the Chief Counsel of the Internal Revenue Service the authority to make the appointments to the IRS Panel specified in this Designation and to make the publication of the IRS Panel as required by 5 U.S.C. 4314(c)(4).

Dated: July 14, 1993.

Jean E. Hanson,

General Counsel.

[FR Doc. 93–17033 Filed 7–16–93; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 136
Monday, July 19, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, July 21, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

FY 95 Budget

The Commission will consider issues related to the Commission's budget for fiscal year 1995.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, (301) 504–0800.

Dated: July 13, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–17189 Filed 7–15–93; 2:25 pm]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, July 22, 1993.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public

1. Pride in Public Service

The Commission will present the Pride in Public Service Award to July's recipient.

2. Aluminum Ladders Petition CP 93–2

The staff will brief the Commission on petition CP 93–2 from John C. Moghtable requesting that a change be made to the current warning label on portable aluminum ladders.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504–0800.

Dated: July 13, 1993.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 93–17190 Filed 7–15–93; 2:25 p.m.]

BILLING CODE 6355–01–M

POSTAL RATE COMMISSION

TIME AND DATE: 9:30 a.m., July 21, 1993.

PLACE: Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268.

STATUS: Open.

MATTERS TO BE CONSIDERED: To discuss and vote on the Postal Rate Commission Budget for FY 1994.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268-0001, Telephone (202) 789-6840.

Charles L. Clapp,

Secretary.

[FR Doc. 93–17114 Filed 7–14–93; 4:44 pm]

BILLING CODE 7710–FW–P

POSTAL RATE COMMISSION

TIME AND DATE: 2:30 p.m., July 21, 1993.

PLACE: Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. MC93–1.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268–0001, Telephone (202) 789–6840.

Charles L. Clapp,

Secretary.

[FR Doc. 93–17115 Filed 7–14–93; 4:44 pm]

BILLING CODE 7710–FW–P–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 19, 1993.

A closed meeting will be held on Monday, July 19, 1993, at 2:00 p.m. An open meeting will be held on Friday, July 23, 1993, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Monday, July 19, 1993, at 2:00 p.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of injunctive action.
Opinions.

The subject matter of the open meeting scheduled for Friday, July 23, 1993, at 10:00 a.m., will be:

Consideration of whether to adopt rules 53, 54 and 57, under the Public Utility Holding Company Act of 1935. Rule 53 defines a partial safe harbor for registered holding company financing of exempt wholesale generator acquisitions, and rule 54 creates a similar safe harbor for other transactions involving companies in the registered system. Rule 57 prescribes notification (Form U–57) and reporting requirements (Form U–33–S) for foreign utility companies and their associate public-utility companies. The Commission will also consider amendments to Forms U5S and U–3A–2. Further, the Commission will consider whether to publish for comment proposed amendments to rule 87 to require Commission approval for the sale of goods and construction and services rendered, directly or indirectly, both to exempt wholesale generators and foreign utility companies from, and by such entities to, other companies in the registered holding company system. For further information, please contact Karrie McMillan at (202) 504–3387.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Rosenblum at (202) 272–2100.

Dated: July 15, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–17214 Filed 7–15–93; 3:56 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 58, No. 136
Monday, July 19, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 55, 56, 59, and 70

[Docket No. PY-93-003]
RIN 0581-AA72

Increase in Fees and Charges for Egg Products Inspection and Egg, Poultry, and Rabbit Grading

Correction

In proposed rule document 93-16614 beginning on page 37872 in the issue of Wednesday, July 14, 1993, make the following correction:

On page 37872, in the first column, under **DATES:**, in the second line, "August 30, 1993." should read "August 13, 1993."

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4673-7]

Proposed Settlement, Clean Air Act Citizen Suit

Correction

In notice document 93-15521 appearing on page 35451 in the issue of Thursday, July 1, 1993, in the second column, in the next-to-last line of the last paragraph, "August 21, 1993." should read "August 2, 1993."

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4673-8]

Kentucky: Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program

Correction

In notice document 93-15519 beginning on page 35454 in the issue of Thursday, July 1, 1993, on page 35455, in the first column, under **EFFECTIVE DATE**, beginning in the third line, "July 9, 1993." should read "July 1, 1993."

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6983

[OR-943-4210-06; GP3-163; OR-19025, OR-19032]

Partial Revocation of Two Executive Orders Dated July 2, 1910, and Opening of Lands Subject to Section 24 of the Federal Power Act; Oregon

Correction

In rule document 93-14531 beginning on page 33772 in the issue of Monday, June 21, 1993, make the following correction:

On page 33773, in the first column, under **FOR FURTHER INFORMATION CONTACT:**, in the third paragraph, in the first line, "July 1, 1910," should read "July 2, 1910,".

BILLING CODE 1505-01-D

federal register

Monday
July 19, 1993

Part II

Department of Labor

Employment and Training Administration

Job Training Partnership Act: Defense Diversification Program, Title III National Reserve Grants; Availability of Funds and Application Procedures; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Title III National Reserve Grants for the Defense Diversification Program; Availability of Funds and Application Procedures

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of funds and solicitation for grant applications.

SUMMARY: The Employment and Training Administration of the U.S. Department of Labor is announcing that grant funds are available for a new Defense Diversification Program (DDP), pursuant to section 325A of the Job Training Partnership Act (JTPA). Applications prepared and submitted pursuant to these guidelines and received at the address below will be considered. Grant awards will be made only to the extent that funds remain available.

DATES: The funds available for this program may be obligated by the Secretary of Labor from the date of this announcement through September 30, 1994. Applications will be accepted on an ongoing basis as the need for funds arises at the State and local level. Grant awards will be made in response to the applications received.

ADDRESSES: It is preferred that applications be mailed. Mail or hand deliver applications to: Office of Grants and Contracts Management, Division of Acquisition and Assistance, Employment and Training Administration, U.S. Department of Labor, room S–4203, 200 Constitution Avenue, NW., Washington, DC 20210; Attention: Barbara J. Carroll, Grant Officer.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs. Telephone: (202) 219–5577. (This is not a toll free number). Technical assistance, including a template-based application package which addresses the application requirements described in Part III of this notice, is available from the Office of Worker Retraining Administration, U.S. Department of Labor, room N–5426, 200 Constitution Avenue, NW., Washington, DC 20210. Applicants are encouraged to use this template-based package as the basis for preparing and submitting their application.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces the availability of funds for grants to provide training, adjustment assistance, and employment services for discharged military personnel, terminated defense employees, and displaced employees of defense contractors.

Section 4465(a) of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484; 29 U.S.C. 1662d–1) amends title III of the Job Training Partnership Act by adding a new section 325A which authorizes the Defense Diversification Program (DDP).

As provided for at section 4465(b) of the National Defense Authorization Act (Pub. L. 102–484; 29 U.S.C. 1662d–1, note), the Secretary of Defense has transferred all functions of the Secretary of Defense under the Defense Diversification Program to the Secretary of Labor. Further, $75 million appropriated for the Secretary of Defense to carry out the DDP has been transferred to the Department of Labor for the performance of this function.

The funds and program requirements for the DDP are distinct from the funds and program requirements authorized under the Defense Conversion Act of 1990 which amended title III of the Job Training Partnership Act by adding a new section 325.

The application procedures, selection criteria, and approval process contained in this notice are issued in accordance with section 325A of the Act, and the JTPA regulations at 20 CFR part 631, revised as of December 18, 1992 (57 FR 62004 and 58 FR 31471).

This program announcement consists of four parts. Part I provides the background and basic U.S. Department of Labor (Department or DOL) policies and emphases for discretionary grants under section 325A of the Act. Part II describes the specific program and administrative requirements for the Defense Diversification Program that will apply to all grants awarded under this program. Part III describes the grant application process requirements that must be satisfied in order for an application to be considered for funding. Part IV describes the process and criteria for review and selection of applications for award, and briefly discusses the process for modifying existing grants. There are ten appendices which include copies of required assurances, certifications and definitions of key terms.

The JTPA Title III program is listed in the Catalogue of Federal Domestic Assistance at No. 17–246 "Employment and Training Assistance—Dislocated Workers (JTPA Title III Programs)."

Signed in Washington, DC, on this 9th day of July 1993.

Carolyn M. Golding,

Acting Assistant Secretary for Employment and Training.

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Part I. Background

A. Fund Availability

Funds available for the Defense Diversification Program (DDP) total $75 million and shall be awarded pursuant to the requirement contained in the JTPA, its implementing regulations, and these guidelines. These funds are in addition to funds appropriated for the basic title III program, and may be

obligated by the U.S. Department of Labor until September 30, 1994.

B. Eligible Circumstances and Applicants

Services authorized in JTPA section 325A may be provided with DDP national reserve funds where there is a dislocation resulting from reductions in expenditures by the United States for defense, or from closures or realignments of U.S. military facilities.

Grants of DDP national reserve funds may be awarded to States, JTPA title III substate grantees, employers, representatives of employees, labor-management committees and other employer-employee entities which are certified by the State as qualified project operators. Grants may be awarded directly to the eligible grantee or through the State via a subgrant. Applications must be submitted by an eligible entity in accordance with these guidelines.

Note: The capability of each grantee entity to effectively manage grant funds must be verified by the Department to ensure accountability and integrity of public funds. States, which are already subject to the provisions of the Governor-Secretary and JTPA Grant Agreements, do not have to separately demonstrate their management capability. Non-State entities are strongly encouraged to submit applications through the State, as the grant applicant. This will facilitate a more timely award of funds to successful applicants.

C. Policies Governing Award of Grants

1. Available funds shall be awarded by the Secretary of Labor in a manner that efficiently targets resources to areas most in need or most severely impacted, and in a manner which promotes effective use of funds.

2. All projects and activities funded shall be subject to the applicable provisions of JTPA, the appropriate regulations, the requirements contained in these instructions and the Grant Officer's award document(s), and any subsequent grant modification which is authorized.

3. DDP grant funds shall not be considered as an ongoing source of funds for existing dislocated worker services or other projects or activities. As reflected in these guidelines, DDP funds are targeted to specific categories of workers affected by reductions in defense expenditures and by the closures/realignments of military installations.

4. DDP national reserve funds shall only be provided to meet needs consistent with the provisions of section 325A of JTPA. Grants will be primarily awarded, therefore, where substantial numbers of workers, relatively speaking, in a substate area, labor market, region or industry are dislocated as a consequence of a reduction in defense expenditures and base closures/realignments.

5. Only dislocated workers who meet the requirements of 325A(b) of the Act will be eligible for services funded by DDP. The Department of Defense will review each application to determine whether the target population conforms to this provision.

6. No grant funds awarded shall be used to reimburse costs incurred prior to the date authorized by the Grant Officer, except for the cost of required rapid response services, as described in JTPA section 325A(c)(1)(C).

D. Secretary's Rights Reserved

1. The Secretary reserves the right to distribute a portion of DDP national reserve funds in a manner other than that provided by this notice, consistent with the JTPA, and taking into consideration special circumstances and unique needs which may arise. This may include the funding of demonstration projects through a separate competitive grant process.

2. The Secretary also reserves the right to fund individual projects on an incremental basis where the Department determines that such an action would result in the most effective use of available resources.

3. If insufficient applications are received by the Department which are of acceptable quality and which meet the guidelines and selection criteria contained in this notice to exhaust the DDP national reserve account, the Department will take whatever action it deems necessary and appropriate, consistent with the Act and the regulations, to exhaust the funds. Unobligated funds remaining when the Secretary's obligational authority expires will be returned to the Treasury.

Part II. Program Requirements

A. Participant Eligibility

1. CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

a. Was on active duty or full-time National Guard duty on September 30, 1990;

b. During the 5-year period beginning on that date—

(i) Is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) Is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

c. Is not entitled to retired or retainer pay incident to that separation; and

d. Applies to a local administrative entity or project operator for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

Note: "Retainer pay" and "Incident to that separation" are defined in Appendix H.

2. CERTAIN DEFENSE EMPLOYEES.—

a. IN GENERAL.—Except as provided in subparagraph b, a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

(i) During the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of termination or lay off; and

(ii) Is not entitled to retired or retainer pay incident to that termination or lay off.

b. SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under laws referred to in clause (ii) of this paragraph shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination (including a Certification of Expected Separation), or the date determined by the Secretary of Defense under clause (iii) of this paragraph, whichever occurs earlier.

(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this paragraph are—

(I) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Pub. L. 101–510; 10 U.S.C. 2687 note); and

(II) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Pub. L. 100–526; 10 U.S.C. 2687 note).

(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

3. CERTAIN DEFENSE CONTRACTOR EMPLOYEES.—An employee of a private defense contractor shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

a. During the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

b. Is not entitled to retired or retainer pay incident to that termination.

B. Allowable Activities and Services

1. READJUSTMENT AND RETRAINING SERVICES. Funds may be used to provide any of the rapid response, basic readjustment and retraining services identified in JTPA sections 314 (b), (c) and (d). Funds provided to DOL by DoD for DDP programs shall not be provided to substitute for activities related to the employer's traditional training responsibility associated with product model changes, the introduction of new products, and general employee upgrading, except as provided below in B.2. Skills Upgrading.

2. SKILLS UPGRADING.

a. Skills upgrading may be provided to—

(i) Individuals who are employed in non-managerial positions, including individuals in such positions who have received notice of termination or lay off, if such upgrading—

(I) Is integral to the conversion of a defense facility and necessary to prevent a closure or mass layoff which would result in the termination or layoff of such individuals; and

(II) Is to replace or update obsolete skills of such individuals with marketable skills; and

(ii) Individuals who have received notice of termination or lay off from non-managerial positions, including individuals who have been terminated from such positions, if such upgrading is to replace or update obsolete skills of such individuals with marketable skills, without which reemployment in a high demand occupation or industry would be unlikely.

Note: "Obsolete skills" is defined in Appendix F.

b. The employer of employees who receive skills-upgrading training with funds under this grant must maintain its expenditures from all other sources for skills-upgrading at or above the average level of such expenditures during the period October 1, 1991 to September 30, 1992. The employer must maintain documentation indicating the level of such expenditures. This documentation will be made available for review upon request of the Grant Officer or its designee.

3. DEVELOPMENT AND INTRODUCTION OF HIGH PERFORMANCE WORKPLACE AND WORKER PARTICIPATION SYSTEMS. Funds may be used for the development and introduction of high performance workplace systems; employee and participative management systems; and workforce participation in the evaluation, selection, and implementation of new production technologies. Any such activities proposed to be funded, in whole or in part, by this grant must meet the following requirements:

a. Each proposed activity must have an objective related to preventing a closure or mass layoff of workers who, if terminated, would be eligible for the DDP program, or to reduce the number of workers who otherwise would be laid off or terminated;

b. Any costs for tuition payments or staff training under this activity to be charged to the grant shall be limited to training of individuals employed in non-managerial positions; and

c. Any planned activities must include a mechanism through which non-managerial employees are involved in planning and oversight of the activities.

Budget template 2 in the Application Requirements section identifies the types of expenses which can be charged to the grant for these activities. Appendix G provides a listing of sample activities in this category. This list is not exhaustive or limiting. The appropriateness of proposed activities in this category will be determined by the Department based on information provided in the application.

4. CONVERSION PLANNING ACTIVITIES. Funds may be used for planning activities related to conversion of existing defense-oriented facilities and business operations to public or non-defense commercial uses. Such activities can include, but are not limited to, feasibility or market studies to identify alternative uses, and development of proposals/business plans to obtain public and/or private development funding.

5. RELOCATION ASSISTANCE.

a. Relation shall be an allowable activity only where a dislocated worker who meets the eligibility criteria under JTPA section 325A(b) cannot reasonably be expected to secure suitable employment in the commuting area in which the dislocated worker resides and has obtained suitable employment affording a reasonable expectation of long-term employment in the area in which the worker wishes to relocate, or has obtained a bona fide offer of such employment, provided that the worker is totally separated from employment at the time relocation commences.

b. The cost of relocation for a dislocated worker under DDP shall not exceed an amount which is equal to the sum of:

(i) 90 percent of the reasonable and necessary expenses incurred in transporting the dislocated worker and the dislocated worker's family, if any, and household effects; plus

(ii) A lump sum payment equivalent to three times such worker's average weekly wage, except that the maximum allowable amount of such payment is $800 per participant, unless a greater amount is justified and approved by the Grant Officer.

Necessary expenses shall be travel expenses for the dislocated worker and the dislocated worker's family and for the transfer of household effects. Reasonable costs for such travel and transfer expenses shall be by the least expensive, most reasonable form of transportation.

c. For any individual who is eligible for student financial assistance under programs for employees of the Department of Defense and veterans, such assistance shall be used to meet the needs of the eligible individual prior to the provision of relocation assistance with funds under this grant program.

6. OUT-OF-AREA JOB SEARCH ASSISTANCE.

a. Out-of-area job search shall be an allowable activity only for the purpose of assisting a dislocated worker to secure a job within the United States. The dislocated worker must meet the eligibility criteria under JTPA section 325A(b), and must have been separated from his/her job. There must also have been a determination that the dislocated worker cannot reasonably be expected to secure suitable employment within the commuting area in which (s)he resides. Procedures for determining whether a separated dislocated worker cannot reasonably be expected to secure

suitable employment within the commuting area in which the dislocated worker resides must be described in the grant application and be approved by the Grant Officer.

b. The cost of out-of-area job search for a separated dislocated worker under DDP shall be an allowable readjustment cost, but shall not provide for more than 90 percent of the cost of necessary and reasonable out-of-area job search expenses, and may not exceed a total of $800, unless the need for a greater amount is justified and approved by the Grant Officer.

c. These requirements do not apply to regular job search activities and services provided to an eligible participant within the commuting area within which the eligible participant resides.

7. PROHIBITED ACTIVITIES. DDP national reserve funds may not be used for work experience activities or public service employment.

C. Needs-Related Payments

1. APPLICANT RESPONSIBILITY.—An application for funds under DDP must provide for sufficient funds to provide needs-related payments to eligible participants to enable such participants to participate in and complete training or education programs under the grant. In developing a budget, applicants must be aware that the funds available for needs-related payments are limited and that, in projecting use of budget resources, applicants must take into account those persons who will and will not be eligible for needs-related payments. For those individuals determined or expected to be eligible for needs-related payments, sufficient funds must be budgeted to cover any anticipated payments.

2. ELIGIBILITY FOR NEEDS-RELATED PAYMENTS.

a. To qualify for needs-related payments under a DDP grant, the dislocated worker must receive, or be a member of a family that currently receives a total family income that, in relation to family size, does not exceed the lower living income level as published annually in the Federal Register by DOL.

Note: "Family income" is defined in Appendix H.

b. To receive needs-related payments, the eligible participant shall not qualify for or must have ceased to qualify for unemployment compensation. An eligible individual who has ceased to qualify for unemployment compensation must have been enrolled in a training or education program by the end of the thirteenth week of the worker's initial unemployment compensation benefit period, or, if later, by the end of the eighth week after being informed that a short-term layoff will, in fact, exceed 6 months.

Note: "Enrolled in training or education program" is defined in Appendix H.

c. To receive needs-related payments, an eligible worker must be participating in a training or education program.

d. Needs-related payments shall not be provided to any participant where the program operator determines that the participant is not making satisfactory progress in acquiring relevant skills in the training program, nor to any participant receiving trade readjustment allowances, on-the-job training, out-of-area job search allowances, or relocation allowances under this program or chapter 2 of the title III of the Trade Act of 1974.

3. LEVEL OF NEEDS-RELATED PAYMENT.

a. The weekly level of needs-related payments to an eligible dislocated worker in DDP national reserve programs who satisfies the criteria in paragraphs 2.a.-2.d. above must be equal to the higher of:

(i) The applicable level of unemployment compensation (i.e., the average of the weekly compensation payments made to the dislocated worker during the worker's initial unemployment compensation period); or

(ii) The annual poverty level determined in accordance with criteria published by the Department of Health and Human Services, divided by 52 (to obtain a weekly equivalent).

b. The weekly payment level shall be determined at the time of the participant's enrollment into training, and shall be provided to each eligible participant who satisfies the criteria of paragraphs 2.a-2.d.

c. Every three months from the date of the original determination of eligibility for needs-related payments, the family income for any participant in a training or education program must be redetermined. The redetermination shall be based on the family income for the three-month period using the same criteria that were used in the initial determination process, except that income from needs-related payments are not included. The revised family income will determine that participant's current eligibility for needs-related payments.

Note: "Family income" will be an annualized figure based on actual family income during a six month period. At the time of program application, this period will be the six months immediately preceding application. For subsequent determinations, the period will be the most recent three months plus the preceding three months.

d. An eligible program participant may qualify or requalify for needs-related payments during the period of the training or education program.

e. For any individual who is eligible for student financial assistance under programs for employees of the Department of Defense and under all programs for veterans (including through the Veterans Administration), such assistance must be used to meet the needs of the eligible individual prior to the provision of needs-related payments with funds under this grant program.

D. Required Services

Each application for funds under DDP must include verification that the State Dislocated Worker Unit has provided, or is in the process of providing, the following activities and services:

1. In conjunction with the substate grantee (and where appropriate, representatives from the Department of Defense), has established on-site contact with employers and employee representatives affected by a dislocation or potential dislocation of eligible individuals, preferably not later than 2 business days after notification of such dislocation.

2. Has promoted the formation of a labor-management committee or other employer-employee entity in the case of a facility affected by an employee dislocation or potential dislocation in accordance with JTPA section 314(b)(1)(B), including the provision of technical assistance and, where appropriate, financial assistance to cover the start-up costs of such committee.

3. Has provided, in conjunction with the labor-management committees or other employer-employee entity established pursuant to clause 2., the following services:

a. An initial survey of potential eligible individuals to determine the approximate number of such individuals interested in receiving services under this section;

b. Orientation sessions, counseling services, and early intervention services for eligible individuals and management. Such services may be provided in coordination with representatives from the United States Employment Service, the Interstate Job Bank, the Department of Defense, and the National Occupational Information Coordinating Committee;

c. Initial basic readjustment services in conjunction with such services provided by substate grantees.

These services must be provided as a condition of the grant, and must be provided by, or under the direction of, the State through its Dislocated Worker Unit. A portion of the grant award shall be retained by the Department until verification is made that the services have been provided. This portion shall be used to reimburse the DWU for the cost of providing the services. Reimbursement can only be made for the costs of rapid response and initial basic readjustment services incurred by the State with its reserve funds. This procedure is described in Part IV of these guidelines.

E. Performance Outcomes

The following are the minimum expected performance levels for any project receiving DDP funds:

1. Entered Employment Rate=75.0%
2. Wage Replacement Rate for Entered Employments=90.0%

Note: The "wage replacement rate is defined in Appendix H.

Any project which does not propose, or is determined unlikely to meet these minimum performance levels will not be funded, unless the applicant provides sufficient information in the application to indicate that these performance levels are not feasible in the context of local labor market conditions.

[**Note:** The entered employment rate is for the total project. The Department expects that certain activities (e.g., classroom skills training, on-the-job training) will achieve higher entered employment rates. Applicants should note the requirement in the assurances that on-the-job training contracts contain "hire first" provisions.]

F. Administrative Requirements

1. GENERAL.—In addition to the JTPA regulations and these guidelines, some grantee organizations may be subject to the requirements listed below—

a. State and local governments (except for JTPA State grant recipients that receive DDP funds under the JTPA State Grant Agreement "block grant")—OMB Circular A–87 (Cost Principles) and 29 CFR part 97 (Uniform Administrative Requirements for Grants with State and Local governments) apply.

b. Non-Profit Organizations—OMB Circulars A–122 (Cost Principles) and 41 CFR 29–70 (Administrative Requirements) apply.

c. Educational Institutions—OMB Circulars A–21 (Cost Principles) and 41 CFR 29–70 (Administrative Requirements) apply.

d. Profit Making Commercial Firms—Federal Acquisition Regulation (FAR)—48 CFR part 31 (Cost Principles) and 41 CFR 29–70 (Administrative Requirements) apply. In addition, the audit requirements at 20 CFR 627.480(c) shall apply to commercial recipients.

2. FINANCIAL MANAGEMENT.

a. Cost limitations under section 315 of JTPA and 20 CFR 631.13 apply to DDP grants except where justification for adjusting these limitations is included in the grant application and approved by the Grant Officer. This limitation applies to the total expenditures for program administration including any funds reserved by the State where it is the applicant but not the project operator.

b. Not more than 20 percent of the grant award, excluding funds expended for needs-related payments, can be used for program administration, conversion planning activities, and activities related to development and introduction of high performance workplace systems, employee and participative management systems, and workforce participation in the evaluation, selection, and implementation of new production technologies. No waivers of this cost limitation will be granted.

c. Costs associated with the establishment of a Labor Management Committee (LMC) are appropriately charged as Rapid Response costs. Ongoing operational costs of the Labor Management Committee during the period of performance of the grant are chargeable to the appropriate cost categories based on the functions performed by the LMC.

d. When a participant is eligible for either partial or full reimbursement of training costs (e.g., Pell grants, employer tuition reimbursement, student financial assistance under programs for employees of the Department of Defense and veterans, etc.) the application must describe the procedures established for the reimbursement and/or crediting of such costs if such costs are initially charged to the DDP national reserve grant.

Note: DDP national reserve funds which have been expended for training prior to certification of Trade Adjustment Assistance (TAA) eligibility need not be reimbursed when TAA funds become available to cover the balance of the training..

e. If an indirect cost rate is applied calculating administrative costs, the basis for the rate and the approving authority must be cited.

f. It is not intended that DDP national reserve projects automatically budget 15 percent of the award amount toward administration. The amount planned to be used for administration and the specific purposes for which it will be used must be specified in the budget. A portion of costs charged to an administrative pool may be allocated to the grant, up to the total amount approved for the grant and consistent with overall expenditures for the grant and with the rules defined in part 627 of the JTPA Regulations for the charging of costs against a cost pool.

3. INFORMATION AND REPORTING REQUIREMENTS.

a. *Records.* By accepting a grant, the grantee agrees that it will maintain and make available to the U.S. Department of Labor, upon request, information on the operation of the project and on project expenditures. Such information must include all financial information consistent with generally accepted accounting principles, participant information sufficient to justify a determination of eligibility and a complete record of assistance received under the DDP project.

b. *Reports.* The grantee shall submit to the Employment and Training Administration an original and two copies of "The Dislocated Worker Special Project Report". ETA Form No. 9038 (OMB No. 1205–0318). In addition to the standard instructions for this report form, the following instructions shall apply to completion of the form for DDP projects:

—Administration costs and the costs incurred for workplace system and conversion planning activities shall be reported under the "Administration" line item;
—In the "Comments" section, enter a breakout of the administration costs only.

G. State Review

1. RESPONSIBILITY. Where the applicant is not the State, the applicant will submit the application to the State JTPA administrative entity for review (see Appendix J: List of State JTPA Liaisons). The State's review shall include a determination of the applicant's ability to satisfactorily undertake the proposed project; that the project design is reflective of, and responsive to, the dislocation circumstances, that the application package is complete in accordance with these guidelines; and that the required rapid response services are being or will be provided by the State DWU. The State's review and determination letter must be included in the application package, subject to the provisions of paragraph 2.

2. TIMING. The State shall have 30 calendar days to review the application. The applicant may submit the application to the Department after the date on which it receives the letter from

the State or upon expiration of the 30 calendar days, whichever occurs first.

Part III. Application Requirements

To be considered for funding, the application must include the information identified in this part. If an applicant plans to operate a project in more than one location, each location shall be listed and separate budgets, implementation schedules and, where appropriate, lists of local demand occupations or skills for retraining shall be provided. In all cases, the applicant must also include a summary budget and implementation schedule for the entire project.

A. Transmittal Letter

A letter requesting DDP funds on behalf of the applicant, signed by the Governor (or his/her authorized JTPA signatory official), or by the applicant's authorized signatory must accompany the application. The letter shall indicate support for the application, and acceptance of full responsibility for effect administrative of the funds requested in the application. If the applicant is not the State, a letter from the State, as described in section II.G. of these guidelines must also be included.

B. Standard Form (SF 424)

Each application must include a completed SF 424, Application for Federal Domestic Assistance (Catalogue No. 17.246) with an original signature by the authorized signatory. This form is found in appendix A.

C. Assurances and Certifications

Each application must include the following required assurances and certifications. Applications which do not contain each of the following required elements may be returned to the applicant for correction and/or completion before they are considered for funding.

1. An original signature certification of acceptance of the required assurances. The "Required Programmatic Assurances" are found in appendix b.

2. An original signature certification regarding "Drug-Free Workplace" must be submitted with the application except in the case where the applicant is the State JTPA agency. A suggested form incorporating the required text is found in appendix C.

3. A "Certification Regarding Debarment, Suspension and other Responsibility Matters, Primary Covered Transactions" must be submitted with all applications as required by the DOL regulations implementing Executive Order 12549, "Debarment and Suspension," 29 CFR 98.510. A suggested form incorporating the required text is found in Appendix D.

4. A "Certification Regarding Lobbying" shall be submitted with each application as required by 29 CFR part 93, "New Restrictions on Lobbying." 54 FR 6736, 6751 (February 26, 1990). A suggested form incorporating the required text is found in Appendix E.

5. An assurance of compliance with "Nondiscrimination and Equal Opportunity Requirements of JTPA." A suggested form (State and Non-State version) is found in Appendix F.

6. When the applicant is not the State JTPA entity (i.e., subject to the Governor/Secretary and JTPA Grant Agreements), SF 424B, Assurances—Non-Construction Programs, with an original signature, must be submitted with the application. This assurance form is found in Appendix G.

D. Synopsis of the Project

A short summary of the project providing the following information must be included:

1. The name and address of the project operator, along with the name and telephone number of a contact person for the project operator;

2. Planned beginning and ending dates of the project—

Note: The planned beginning date should be no earlier than 30 days from the date of submittal of the application, to allow time for the application to be reviewed and fundability to be determined.

3. The total amount of DDP national reserve funds requested;

4. The project locations (cities, counties, and States);

5. The name(s) of the company(ies) or facilities from which the affected workers have been dislocated. If workers are being dislocated from a defense contractor, the specific contract and/or subcontract numbers of the projects on which the workers were employed must be included;

6. The date(s) of employment termination and the number of workers affected. If workers are to be terminated in phases, give planned dates and numbers of workers for each actual and planned layoff;

7. The names of the States, counties, and cities in which the affected workers reside;

8. The total number of participants planned;

9. The total number of entered employments planned;

10. The planned entered employment rate;

11. The planned average wage at entered employment;

12. The planned cost per participant; and

13. The planned cost per entered employment.

E. Project Narrative

The narrative portion of the application, excluding attachments, should not exceed thirty (30) double-spaced pages, typewritten on one side of the paper only, and paginated. The narrative must specifically address each of the elements listed below. Use of tables and charts to summarize relevant data and information is strongly encouraged. However, the applicant must provide sufficient narrative interpretations of data summarized in any tables and charts to support the need for the project and the effectiveness of the planned service strategy.

The project narrative shall include:

1. A description of the need for the project. The description must include information that demonstrates that the employment losses are the result of reductions in Department of Defense expenditures. Specific information must be provided regarding the defense expenditure reductions which occurred or will occur, including identification of military bases or facilities which are scheduled for closure or realignment, contracts which have been terminated or reduced, and/or projects which have been canceled. If the dislocations are the result of the cancellation of a subcontract, the description must identify both the subcontract and the prime contract.

If the proposed target group includes workers dislocated as a result of the relocation of a company plant, the city and State to which the plant will be relocated should be identified.

2. A description of how the number of affected workers which are planned to participate in the program was determined. The description should use information collected through the worker survey described under the required services in section II.D.3 of these guidelines. The description must include an identification of the total number of affected workers, the number likely to retire, the number likely to be transferred, the number likely to be recalled, and the number with locally transferrable skills who will require limited or no assistance under DDP to find a new job. The description shall identify the workers by position/occupation. If this data is not available at the time of submission of the initial application, the applicant should describe why the data is not yet available. If the application is funded, the applicant will be expected to

provide this information when it is available. Submission of this information will be one of the criteria for determining satisfactory implementation of the project for the purpose of releasing the retained portion of the grant award, as described in section IV.D. of these guidelines.

Where layoffs have occurred more than 4 months prior to the submittal of the application, the application shall include information indicating how the number of affected workers who remain unemployed and in need of services has been determined.

3. A description of existing resources which will be used to provide services to project participants, including:

a. An identification of the State and substate Title III funds and services that have been or will be provided to the affected workers.

b. A description of the nature and duration of any contractual obligation of, or any voluntary arrangements by, the employer(s) or union(s) to provide readjustment and/or training-related services to terminated employees. When applicable, severance pay arrangements shall be described.

c. Coordination with Trade Adjustment Assistance resources provided under the Trade Act.—

(i) Identification of whether an application has been made for Trade Adjustment Assistance (TAA) for some or all of the affected workers. If certification has already been issued, identification of the petition number.

(ii) When some or all of the target group is certified as eligible to receive TAA assistance, including Trade Readjustment Allowances (TRA), national reserve funds may still be needed for those services not allowable under TAA (e.g., assessment, job search assistance including job clubs, transportation assistance within the commuting area, counseling, child care and training that does not meet TAA training criteria). In such instances, the applicant may request a waiver of the requirement that 50 percent of the total grant funds must be expended for retraining.

(iii) Where a TAA certification has been issued for some or all of the affected workers, the application shall include an estimate of the number of workers to receive TAA-funded training and the cost of such training. The application shall also describe the coordination procedures established to track the project participants receiving TAA-funded training.

4. A local labor market analysis which identifies the occupations which are priority opportunities for training and placement of participants, the sources of information used to identify the target occupations, the rationale for selection of the occupations (e.g., current or projected demand for workers, wage levels, relevance to experience of workers to be served), and the primary skill requirements associated with employment in each occupation. The analysis must also include an identification of the most current information regarding the unemployment rate and the percent of the population in the area with incomes below the poverty level. The analysis must be provided for the local labor market, plus any other job markets in which job placement is an appropriate option for the affected workers.

5. A general assessment of basic skills, career interests, and income needs of the workers who comprise the eligible target group for the proposed project. Where the targeted workers differ according to positions, income levels and/or work experience or job skills, the assessment must identify the basic skills, career interests and income need by category of worker.

6. A description of the service strategies necessary for effective training and job placement of the population to be served.

a. *Intake.* A description of the procedures to recruit participants into the program, including the identification of the primary entities responsible for the outreach and recruitment effort, and of the entity(ies) responsible for ensuring the eligibility of each participant.

b. *Basic readjustment services.* A description of the types of participant assessment and counseling provided and the methods used; and the types of assistance provided to participants in job search skills and job placement.

c. *Retraining services.* A description of the specific types of retraining to be provided. The description must separately identify each type of retraining (i.e., basic skills/GED, English-as-a-Second Language, classroom skill training, on-the-job training, entrepreneurial training), and, for each type, estimates of the average duration and cost per participant.

Note: Funds provided for DDP projects cannot substitute for activities related to the employer's traditional training responsibility associated with product model changes, the introduction of new products, general employee upgrading, and other such changes, except as provided for under paragraphs 7.d. and 7.e. below.]

d. *Supportive services.* A description of specific supportive services to be provided and an identification of the criteria for receipt of each such service.

e. *Needs-related payments.* A description of the basis for developing an estimate of the amount of funds required for needs-related payments to the participants to be served through the project. This description shall specifically identify the assumptions used to develop the estimate regarding factors such as: number of participants to receive classroom skills training; length of training; percent of participants with family incomes below lower living standard, etc.

f. *Relocaton and out-of-area job search assistance.* If relocation and/or out-of-area job search assistance are to be provided, a description of the circumstances that make these appropriate services for the target group.

7. Where appropriate—

a. A preliminary outline of a program to convert the affected defense base or facility;

b. Preliminary plant or military base conversion proposals, and proposals for the effective use or conversion of surplus Federal property;

c. A description of efforts to coordinate the activities and services provided under the grant with the Department of Defense's Office of Economic Adjustment and other relevant agencies;

d. A description of any skills upgrading which includes an identification of the employer(s), the specific positions and number of workers to be included, and a description of the specific skills to be covered in the training;

e. A description of the specific employers/facilities and of the specific objectives and activities to be completed regarding development and introduction of high performance workplace systems, employee and participative management systems, and workforce participation in the evaluation, selection, and implementation of new production technologies. The description should also include an identification of employer and other resources being committed in support of these activities.

These descriptions must include an identification of how DDP funds will be specifically used in support of each applicable activity.

8. A description of the specific actions which have been completed by the State Dislocated Worker Unit regarding the activities and services described in section II.D of these guidelines.

F. Implementation Plan

The application shall include the following implementation information:

1. A description of initial actions to be taken to support timely implementation of program activities upon receipt of

grant funds. Enrollment of participants normally should occur no later than 90 days following the Grant Officer's authorization to incur costs against the funds awarded. If such a time schedule cannot be met or is inappropriate, an explanation of appropriateness of the implementation schedule to the dislocation circumstances must be included.

2. A quarterly implementation schedule showing projected cumulative goals by program year quarter for the following:

a. Total participants;

b. Total terminations; and

c. Total entered employments.

3. End-of-project totals for the following:

a. Total participants for: total project, assessment, job search assistance, basic skills/GED, each occupational area of classroom skills training, OJT, entrepreneurial training, upgrading training, other training;

b. Total terminations;

c. Total entered employments for: total project, received basic readjustment services only, classroom skills training total, OJT, other training;

d. Number of participants receiving relocation assistance; and

e. Number of participants receiving out-of-area job search assistance.

If there are subprojects, a quarterly and end-of-project implementation schedule must be submitted for the total project and for each subproject.

G. Project Budget

1. Costs must be allocated under the following cost categories: Administration, Basic Readjustment Services, Retraining, Supportive Services and Needs-Related Payments, and Rapid Response as defined in 20 CFR 631.13, and high performance workplace systems and conversion activities, as described in these guidelines. If the applicant desires adjustments or waivers to the cost limitations, as described in section II.F.2. of these guidelines, the application must include an identification of the specific waivers requested and a description of the project-specific factors or circumstances which make such waivers appropriate.

2. The application must include the following budget information:

a. Where DDP national reserve funds will be combined with funds from other sources (e.g., State or substate JTPA funds, employer or union training funds, State formula-allotted funds, State vocational education or economic development funds), a line item breakout of total project costs, identified by funding source (refer to Budget Template 1);

(i) When grant funds are used for skills upgrading, projected expenditures from all other sources for skills upgrading are to be included in the budget. The application must also include an identification of funds expended by each applicable employer for employee skills upgrading during the period October 1, 1991 to September 30, 1992.

(ii) Where grant funds are used for conversion planning activities, the development and introduction of high performance workplace systems, employee and participative management systems, or workforce participation in the evaluation, selection, and implementation of new production technologies, the projected expenditures from all other sources for that activity are to be shown in the budget.

b. A line item breakout of total planned grant costs, by cost category (refer to Budget Template 2).

Note: Where subcontracts for services other than tuition payments and OJT are proposed, a separate Budget Template 2 must be completed for each subcontract whose value is 10% or greater of the total project budget, excluding funds to be expended for needs-related payments.

c. Projected expenditures by cost category for each quarter during the period of the grant for the overall grant and for each sub-project (refer to Budget Template 3).

d. Only expenses related to the provision of the services described in subsection E.8. of this part shall be charged to the "rapid response" category. It is expected that in preparing the application and budget, the applicant will work with the State's Dislocated Worker Unit to develop an estimate of the cost of such services.

3. The following limitations shall apply in budgeting funds to be provided through the national reserve grant:

a. For a "pass-through" grant project, where the State is the applicant but an eligible applicant will be the project operator, the State may reserve 1 and ½ percent (.015) of the total grant award or $15,000, whichever is less, for costs associated with the administration of the grant (e.g., reporting activities and project oversight). This cost is to be charged to the Administration cost category in the project budget. A State requesting administrative costs that exceed this amount must provide a justification including the projected person-hours and functions to be performed.

b. Any costs that are subcontracted (excluding tuition-based contracts to training providers and OJT contracts to employers) shall be identified by the name of the contractor and the functions/activities to be performed. Applicants should note that procurements are to be conducted in accordance with the provisions of the JTPA regulations at 20 CFR part 27 (57 FR 62004 and 58 FR 31471).

c. Each equipment purchase or lease with a unit cost of $2500 or more must be specifically listed and justified.

d. No direct costs shall be charged for any activity that is included in the indirect cost line item.

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BUDGET TEMPLATE 1: PROJECT LINE ITEM BUDGET BY SOURCE OF FUNDING

EXPENSE ITEM	SOURCE OF FUNDS					TOTAL
	Requested in this Application	Substate Formula	State Reserve	Other Public	Other Non-Public (attach list of sources & amounts)	
Staff Salaries						
Fringe Benefits						
Staff Travel						
Communications						
Facilities						
Consumable Office Supplies						
Consumable Instructional and Testing Materials						
Equipment						
Tuition Payments						
OJT Reimbursements						
Relocation Assistance						
Out-of-Area Job Search Asst.						
Supportive Services						
Needs-related Payments						
Other*						
TOTAL						

* Attach a description of the types of expenses and services included in this line item.

BUDGET TEMPLATE 2: GRANT LINE ITEM BUDGET

EXPENSE ITEM	COST CATEGORY						TOTAL
	Administration	Rapid Response	Basic Readjustment	Retraining	Supportive Svs. & Needs-Related Payments	High Perf. Workplace Systems & Conversion Activities	
Staff Salaries*							
Fringe Benefits**							
Staff Travel . Miles = _____ . Rate = _____ per _____							
Communications							
Facilities - Total . Rent = _____ per _____ . Utilities = _____ . Maintenance/Other = _____							
Consumable Office Supplies							
Consumable Instructional and Testing Materials							
Equipment - Total*** . Purchase = _____ . Lease = _____							

* Attach a listing of all staff positions, and for each the salary and % of time charged to the grant.

** Attach a description of components of fringe benefits, and the % and base which is used to expense fringe benefits.

*** Attach a list of each item, and its cost, with a per unit purchase or lease price ≥ $2500.

BUDGET TEMPLATE 2: GRANT LINE ITEM BUDGET

EXPENSE ITEM	COST CATEGORY						TOTAL
	Administration	Rapid Response	Basic Readjustment	Retraining	Supportive Svs. & Needs-Related Payments	High Perf. Workplace Systems & Conversion Activities	
Tuition Payments							
OJT Reimbursements							
Relocation Assistance							
Out-of-Area Job Search Asst.							
Supportive Services - Total . Child Care = _____ . Transportation = _____ . Other = _____							
Needs-Related Payments							
Other****							
TOTAL							

**** Attach a description of the types of expenses and services included in this line item.

BUDGET TEMPLATE 3: GRANT CUMULATIVE QUARTERLY EXPENDITURES BY COST CATEGORY

COST CATEGORY	QUARTER (BEGINNING AND ENDING DATES)					
Total Expenditures						
Administration						
Rapid Response						
Basic Readjustment						
Retraining						
Supportive Services						
Needs-related Payments						
High Performance Workplace Systems and Conversion Activities						

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H. Coordination and Linkages

1. GOVERNORS AND SUBSTATE GRANTEES. The application must include letters from the Governor (or his/her designated signatory official for JTPA) and each appropriate JTPA Title III substate grantee indicating that they have been provided an opportunity to review and comment on the application. Each letter should provide a description of funding, services and/or assistance to be provided to the project.

2. PRIVATE INDUSTRY COUNCIL (PIC)/LOCAL ELECTED OFFICIAL (LEO). Each application must provide evidence that the appropriate PICs and LEOs have been given an opportunity for review and comment.

3. LABOR MANAGEMENT COMMITTEE. Each application must describe the consultation with and participation of the labor management committee or other employer-employee entity established pursuant to paragraph II.D.2. in the development of the application and project design.

4. LABOR ORGANIZATIONS. Each application where a substantial number (at least 20%) of the affected workers are represented by a labor organization(s) must provide documentation of full consultation with the appropriate local labor organization in the development of the project design. Documentation of such consultation is required for each labor organization representing at least 20% of the affected workers.

5. OTHER. Each application must describe how the project will coordinate with other State and local agencies and related programs, including: DoD Readjustment Program, Veterans' programs (including JTPA Title IV–C) available in the area, Disabled Veterans Outreach Program (DVOP) and Local Veterans Employment Representatives (LVERs), the Unemployment Compensation system, the State Employment Service, the Pell Grant program, and if applicable the Trade Adjustment Assistance program and Defense Conversion Assistance (DCA) grant projects.

I. Financial and management capability. Except where the actual project operator will be the State or JTPA Title III substate grantee, the application must include a description (2 pages or less) of the prospective project operator's financial and management capabilities. The description must include:

1. an organizational and staffing chart indicating how project responsibilities will be assigned and performed;

2. a description of current or previous relevant experience in providing services to dislocated workers or in administering training and employment programs, including size of project(s) and outcomes; and

3. a description of the project operator's capability to ensure the integrity of funds awarded under DDP and to maintain and report required fiscal and participant information.

Part IV. Grant Selection, Award and Modification

A. Selection Criteria

1. OVERALL CONSIDERATIONS. To be considered, the application must demonstrate that the proposed project meets the purpose of and is consistent with the Act and regulations; and provides all the information required by these guidelines. Grant applications will be evaluated and considered for funding where the Department of Defense has concurred that the dislocated workers to be served by the proposed project shall be or were dislocated as a result of reductions in DoD expenditures and/or the closure or realignment of military facilities; and where the application adequately demonstrates that sufficient funds have been budgeted for needs-related payments. These determinations will be based on information submitted by the applicant, as requested in sections III.E.1. and III.E.6.e. of these guidelines.

2. SPECIFIC EVALUATION CRITERIA. The following specific criteria shall apply to the evaluation of responsive applications and to the selection of grantees for DDP national reserve dislocated worker projects:

a. SEVERITY OF NEED. Consideration will be given to the severity of the circumstances and need, as described in the grant application (e.g., the total impact of the dislocation on the area as a result of the reduction in defense expenditures and base closures, the local unemployment rates, the percent of the local populations with incomes below the poverty level, the ratio of eligible individuals in the affected community to the population of such community, the immediacy of the schedule for layoffs of workers).

b. TARGET GROUP. Consideration will be given to the extent to which the project is focused on those affected workers actually requiring retraining services to remain in the labor force, as shown by the analysis of the characteristics of the affected workers and of the available employment opportunities in the local labor market.

c. SERVICES. Consideration will be given to the services to be provided and the service mix, including the degree to which the services appear to meet the needs of the target population and the extent to which retraining and related services are linked to job placement in demand occupations in the area. No application will be approved unless it contains assurances that the applicant will use amounts from the grant to provide needs-related payments in accordance with section 325A(i) of the Act.

d. UTILIZATION OF RESOURCES. Consideration will be given to the extent to which the applicant has demonstrated that the project will be integrated with other existing program and community resources.

e. COST EFFECTIVENESS. Consideration will be given to the cost effectiveness of the project (e.g., cost per participant, cost per placement, and cost per activity in relation to services provided and the outcomes projected, including expected wage levels); the level of funding designated for client services as opposed to staff support and administration; and whether sufficient provision has been made for needs-related payments. All proposed costs will be evaluated to determine whether they are necessary, reasonable, and properly allocable to the grant.

f. MANAGEMENT CAPABILITY. Consideration will be given to the project operator's fiscal and program management capabilities to administer the proposed project and the project operator's demonstrated ability to begin program operations expeditiously and implement program activities and services in a timely manner.

g. OTHER CONSIDERATIONS. The Grant Officer will consider the overall effectiveness and efficiency of the proposal itself as compared to other proposals received. The Grant Officer will consider written comments regarding the application submitted by the Governor or other interested parties.

3. PRIORITY. When reviewing applications for grants under DDP, priority will be given to the following:

a. Applications received for projects to be operated by JTPA Title III substate grantees;

b. Applications received from any applicant on behalf of affected employers in a similar defense-related industry or on behalf of a single employer with multiple bases or plants within a State; and

c. Applications demonstrating employer-employee cooperation, including the participation of labor-management committees or other employer-employee entities.

The Department of Labor encourages eligible applicants to make application through the State JTPA Title III grantee entity to facilitate timely funding and implementation of projects.

B. Application Review Process

1. Except where the applicant is a State, the application must be developed in consultation with the State, and, where appropriate, in consultation with the labor management committee or other employer-employee entity at the affected facility; and with representatives from the Department of Defense.

2. Prior to submission of an application to the Secretary, the applicant must submit the application to the State JTPA agency for review (see Appendix J for a list of the JTPA liaisons in each State). The State's review shall include a verification of the descriptive information regarding the financial and management capabilities of the applicant and project operator, and of the adequacy of coordination with related programs and State and local agencies. The State will have a maximum of 30 calendar days to review the application. The applicant may submit the application to the Secretary after the date on which the State completes its review of the application or upon expiration of the 30 calendar days, whichever occurs first. This review by the State will satisfy the requirements for intergovernmental review of Department of Labor programs and activities under 29 CFR subtitle A, part 17.

3. An application will be reviewed and fundability determined based upon the overall responsiveness of the application's content to the submission requirements and to these selection criteria, taking into account the extent to which funds are available. DOL will make a decision regarding the application within 30 calendar days after the date on which the application is received by DOL. DOL will provide written notification to the applicant if the applicant has not satisfied the application requirements described in part III of these guidelines.

4. An application will be rejected for funding under DDP when:

a. The application proposes to assist workers who are not dislocated as a consequence of reductions in DoD expenditures and/or closures or realignments of military facilities;

b. The application is not consistent with statutory and/or regulatory requirements;

c. The application does not meet the standards established by these guidelines; or

d. The information required is not provided in sufficient detail to permit an adequate assessment of the responsiveness of the application.

5. An application may be rejected if other available applications appear to be more effective in achieving the goals of this program, taking into account the extent to which funds are available.

C. Approval and Award Procedure

1. In the case of an award to the State JTPA agency, the Grant Officer will issue an award letter and Notice of Obligation (NOO) pursuant to the JTPA Grant Agreement, "block grant". The State and/or local program may be required to submit additional information to satisfy requirements in these guidelines. In such circumstances, the Department may or may not allow the incurring of costs prior to submission of the additional information depending on the nature and the seriousness of the issues identified. The Grant Officer's approval letter will contain the Department's decision on this issue.

2. Applications not funded pursuant to the Governor-Secretary and JTPA Grant Agreements will be subject to the following grant award procedures:

a. Once a preliminary decision is made by DOL to approve a proposal, the applicant will be instructed to negotiate and resolve any issues identified in the proposal and to develop a revised submission to be incorporated into a grant package to be executed by the Department of Labor. A letter announcing this process will be forwarded to the applicant from the Grant Officer. If the identified issues are not resolved to the satisfaction of the Department of Labor, the application will not be finally approved for funding.

b. A grant document will be prepared in triplicate and forwarded to the applicant for signature. The applicant must sign three originals of the grant document and return them to the Grant Officer for final execution.

c. The Grant Officer will execute the grant documents, and forward one signed original to the applicant. The grant document and the transmittal letter will instruct the grantee as to the date that the grantee may commence to incur costs against the executed grant.

D. Retention of Portion of Grant Amount by the Department of Labor

1. PORTION RELATING TO GENERAL APPLICATION REQUIREMENTS. Subject to paragraph b., DOL will retain 25 percent of the amount of the grant award, to be disbursed within 90 days after the date on which the Secretary determines that the applicant is satisfactorily implementing the plans and strategies described in the approved application. Satisfactory implementation shall be based on the following criteria: all planned contracts and/or subagreements for participant services have been executed, the Project Director and at least 75% of the planned staff positions have been filled, a minimum of 50% of total planned participants have been enrolled, and the information on the profile of affected workers by position/occupation has been submitted. The determination will be based on reports and information submitted by the grantee, as verified by DOL staff.

2. PORTION RELATING TO STATE DISLOCATED WORKER UNIT SERVICES. DOL will retain up to 20 percent of the amount retained under paragraph a., or 5 percent of the total grant award (not to exceed $50,000), for disbursement to the State Dislocated Worker Unit (DWU) within 90 days after the date on which the project operator verifies that such unit has satisfactorily provided the activities and services described in subsection D.1. of part II of these guidelines. The amount disbursed under the preceding sentence will be used to reimburse such DWU for actual expenses incurred in providing such activities and services. The disbursement will be made on the basis of cost documentation submitted by the DWU to the Grant Officer. Disbursements will be made directly to the DWU by the Department of Labor.

E. Grant Modification Process

The Department recognized that circumstances will arise where grant modifications will be necessary, and that those circumstances will be, in some cases, beyond the control of the grantee. Following are guidelines governing the submission and review of grant modification requests.

1. CIRCUMSTANCES REQUIRING A GRANT MODIFICATION REQUEST. Grantees are responsible for monitoring the implementation and progress of these grant projects and for identifying any circumstances that would require a grant modification request. All requests for grant modifications must be accompanied by a synopsis of the proposed changes to the grant and an explanation of the reasons for proposing such a change(s) to the originally approved project plan. There are several valid reasons for grant amendments.

Following are types of reasons, and the information or possible changes required related to each reason:

a. GRANT MODIFICATION REQUESTS REQUIRED DUE TO CHANGES IN CIRCUMSTANCES AFTER THE GRANT AWARD, such as, but not limited to, a delay in layoff or plant closure date, the recall of a number of the project participants, certification of worker eligibility for Trade Adjustment Assistance, or

recruitment difficulty resulting in enrollments significantly below the planned level. These and other circumstances could require an extension of the project end date and a revised implementation schedule.

b. GRANT MODIFICATION REQUESTS REQUIRED DUE TO BUDGET CHANGES. The following budget changes will require a grant amendment request. In each case, an explanation of the circumstances requiring the change, a revised overall grant budget, and a synopsis of the proposed changes (i.e., current vs. proposed levels) must accompany the request. Any other parts of the approved grant impacted by such changes must also be submitted for approval.

—Any proposed increase to the approved budget for Administration;
—A proposed increase or decrease of 15 percent or more in the approved project budget for Retraining;
—In the case of any budget change that would result in a decrease in the Retraining cost category line item below the required 50 percent expenditure rate for retraining, or requiring a change in an expenditure rate previously waived by the Secretary, a grant amendment request must be submitted. If the budget change would result in a retraining expenditure rate below the required 50 percent level, a request for waiver including justification must accompany the amendment request.
—A proposed increase or decrease of 15 percent or more in the approved project budget for Supportive Services and Needs-Related Payments. The resulting increase may not exceed the 25 percent cost limitation for this cost category, unless specifically justified and approved by the Grant Officer.

c. GRANT MODIFICATION REQUESTS REQUIRED DUE TO CHANGES IN PROJECT PARTICIPANT ACTIVITY LEVELS, such as any increase or decrease of more than 15 percent in the total number of participants to be served or in the number of participants to receive retraining services including classroom training, occupational skill training, on-the-job training, entrepreneurial training, remedial education, or other proposed training activity serving more than 10 participants. Requests must include a synopsis of proposed changes in service levels.

d. GRANT MODIFICATION REQUESTS REQUIRED DUE TO A CHANGE IN THE TARGETED DISLOCATED WORKERS TO BE SERVED BY THE GRANT.

e. GRANT MODIFICATION REQUESTS REQUIRED WHEN IT IS PROJECTED THAT DDP GRANT FUNDS WILL REMAIN UNEXPENDED.

2. SUBMISSION OF GRANT MODIFICATION REQUESTS. All grant modification requests must be submitted to the Grant Officer by the authorized signatory citing the number of the Notice of Obligation transmitting the grant funds to the State or, in the case of a grantee who is not subject to the JTPA Governor/Secretary Agreement, the grant number.

3. REVIEW AND APPROVAL OF GRANT MODIFICATION REQUESTS. Requests for grant modifications will be considered in light of the general purposes of the DDP national reserve account, the selection criteria for DDP national reserve projects published by the Employment and Training Administration in the **Federal Register**, and the purposes of the original grant award. Modifications which request significant changes in the target group to be served will be reviewed on the same basis as a new proposal.

The Grant Officer will advise the State or national reserve grantee in writing of any approval or disapproval of the requested grant modifications, generally within 30 days of receipt of the grant modification request.

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APPENDIX A

Standard Form (SF 424)

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State; B. County; C. Municipal; D. Township; E. Interstate; F. Intermunicipal; G. Special District; H. Independent School Dist.; I. State Controlled Institution of Higher Learning; J. Private University; K. Indian Tribe; L. Individual; M. Profit Organization; N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4510-30-C

Appendix B—Required Programmatic Assurances

1. The grantee assures that funds provided by this grant will be administered by the grantee in a manner consistent with the JTPA, the JTPA regulations, the requirements contained in the grant application guidelines, and in accordance with the provisions specified in the proposal and amendments approved by the Grant Officer, if any, pursuant to the grant document signed by the Department of Labor Grant Officer transmitting the grant award.

2. The grantee agrees to compile and maintain information on project implementation, performance and expenditures. The information will, at a minimum, be consistent with the activities and cost categories contained in the project application and will be available to the grantor as requested.

3. The grantee assures that the information provided in the proposal is correct and the activities proposed conform to the Act and Federal regulations for JTPA Title III activities, and the DDP grant application guidelines.

4. The grantee will commence project operations within 30 days from receipt of the grant award, or if unable to commence operations within 30 days, will notify the Grant Officer of the projected date on which project operations will begin and will provide any requested information explaining the projected implementation date.

5. The grantee agrees to review expenditures and enrollment data against the planned levels for the project and notify the Department expeditiously of any potential under-expenditure of funds.

6. The grantee assures that needs-related payments will be made to each project participant who is eligible for such payments, in accordance with these application guidelines.

7. The grantee assures that skills training will only be conducted in occupational or job skill areas in which the demand for workers exceeds the available supply in the labor market(s) in which eligible workers reside or to which they are willing to commute or relocate.

8. The grantee will not fund any OJT contract of less than six weeks duration with funds under this grant.

9. The grantee assures that all OJT contracts supported with funds under this grant will contain a "hire first" provision.

10. The grantee assures that each employer with employees who will be provided skills upgrading through this grant will maintain its expenditures from all other sources for skills upgrading at or above the average level of such expenditures during the period October 1, 1991 to September 30, 1992.

Signature of Authorized Certifying Official
Title
Applicant Organization
Date Submitted

Appendix C—Certification Regarding Drug-Free Workplace Requirements

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1.;

(d) Notifying the employee in the statement required by paragraph 1. that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4.b. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4.b., with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee must insert in the space provided below the sites(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code):

Check [ ] if there are workplaces on file that are not identified here.

Signature of Authorized Certifying Official
Title
Applicant Organization
Date Submitted

Appendix D—Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR part 98, Section 98.510, Participants' Responsibilities.

(BEFORE SIGNING CERTIFICATION, READ ATTACHED INSTRUCTIONS WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any one of more of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature of Authorized Certifying Official
Title
Applicant Organization
Date Submitted

Appendix E—Certification Regarding Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal

loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature of Authorized Certifying Official
Title
Applicant Organization
Date Submitted

Appendix F—Nondiscrimination and Equal Opportunity Requirements of JTPA

29 CFR Part 34

(Non-State Grantees Only)

ASSURANCE

(1) As a condition to the award of financial assistance under JTPA from the Department of Labor, the grant applicant assures, with respect to operation of the JTPA-funded program or activity and all agreements or arrangements to carry out the JTPA-funded program or activity, that it will comply fully with the nondiscrimination and equal opportunity provisions of the Job Training Partnership Act of 1982, as amended (JTPA), including the Nontraditional Employment for Women Act of 1991 (where applicable); title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 34. The United States has the right to seek judicial enforcement of this assurance.

(2) The grant applicant is attaching information pursuant to 29 CFR 34.24(a)(3)(ii) where applicable, including the name of any Federal agency other than the Department of Labor's Directorate of Civil Rights that conducted a civil rights compliance review or complaint investigation during the two preceding years in which the grant applicant was found to be in noncompliance; and shall identify the parties to, the forum of and case numbers pertaining to, any administrative enforcement actions or lawsuits filed against it during the two years prior to its application which allege discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or participation in JTPA.

Note:

☐ No findings of noncompliance in the last two years.

☐ See attached information.

Signature of Authorized Certifying Official
Title
Applicant Organization
Date Submitted

Nondiscrimination and Equal Opportunity Requirements of JTPA

29 CFR Part 34

(State Grantees Only)

ASSURANCE

(1) As a condition to the award of financial assistance under JTPA from the Department of Labor, the grant applicant assures, with respect to operation of the JTPA-funded program or activity and all agreements or arrangements to carry out the JTPA-funded program or activity, that it will comply fully with the nondiscrimination and equal opportunity provisions of the Job Training Partnership Act of 1982, as amended (JTPA), including the Nontraditional Employment for Women Act of 1991 (where applicable); title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 34. The United States has the right to seek judicial enforcement of this assurance.

(2) The grant applicant certifies that it has developed and maintains (or will develop by August 14, 1993, and thereafter will maintain) a "Methods of Administration" pursuant to 29 CFR 34.33.

(3) The grant applicant is attaching information pursuant to 29 CFR 34.24(a)(3)(ii) where applicable, including the name of any Federal agency other than the Department of Labor's Directorate of Civil Rights that conducted a civil rights compliance review or complaint investigation during the two preceding years in which the grant applicant was found to be in noncompliance; and shall identify the parties to, the forum of and case numbers pertaining to, any administrative enforcement actions or lawsuits filed against it during the two years prior to its application which allege discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or participation in JTPA.

Note:

☐ No findings of noncompliance in the last two years.

☐ See attached information.

Signature of Authorized Certifying Official
Title
Applicant Organization
Date Submitted

Appendix G

SF 424–B

ASSURANCES—NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish and maintain a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish and maintain safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, and/or personal gain.

4. Will initiate and complete the work within the applicable timeframe after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728–4763) relating to prescribed standards for merit systems for programs funded under one or more of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) which prohibits discrimination on the basis of race, color, national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972

(Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C., *et seq.*), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application and/or grant.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in the purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501–08 and 7324–28) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a–1 to –7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–33), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (Pub. L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, *et seq.*); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401, *et seq.*); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (Pub. L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (Pub. L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271, *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1, *et seq.*).

14. Will comply with Pub. L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. 89–544, as amended, 7 U.S.C. 2131, *et seq.*) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801, *et seq.*) which prohibits the use of lead based paint in construction or rehabilitation of residential structures.

17. Will cause to be performed the required financial and compliance audits in accordance with Single Audit Act of 1984.

18. Will comply with applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official
Title
Applicant Organization
Date Submitted

Appendix H—Definitions

1. "Defense contractor" means a private person or party producing goods or services pursuant to—

► One or more defense contracts which have a total amount of not less than $500,000 entered into with the Department of Defense; or

► One or more subcontracts entered into in connection with a defense contract and which have a total amount not less than $500,000.

2. "Enrolled in a training or education program" means that the worker's application for training has been approved and the training institution has furnished written notice that the worker has been accepted in the approved training program beginning within 30 calendar days.

3. "Family", for purposes of establishing eligibility for needs-related payments, means spouses and dependent children residing in the same domicile.

4. "Family income" means all income actually received from all sources by all members of the family for the six-month period prior to application, annualized. When computing family income, income of a spouse and other family members is counted for the portion of the six-month period, prior to application that the person was actually a member of the family.

► Family income includes:

—Gross wages, including wages from community service employment (CSE), work experience, and on-the-job training (OJT), and salaries (before deductions);
—Net self-employment income (gross receipts minus operating expenses); and
—Other cash income received from sources such as interest, net rents, OASI (Old Age and Survivors Insurance) social security benefits, pensions, alimony, and periodic income from insurance policy annuities, and other sources of income.

► Family income does not include:

—Non-cash income such as food stamps or compensation received in the form of food or housing;
—Imputed value of owner-occupied property, i.e., rental value;
—Public assistance payments;
—Cash payments received pursuant to a State plan approved under titles I, IV, X, or XVI of the Social Security Act, or disability insurance payments received under Title II of the Social Security Act;
—Federal, State, or local unemployment insurance benefits;
—Capital gains and losses;
—One-time unearned income, such as, but not limited to:

> Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;

> One-time or fixed-term scholarship or fellowship grants;

> Accident, health, and casualty insurance proceeds;

> Disability and death payments, including fixed-term (but not lifetime) life insurance annuities and death benefits;

> One-time awards and gifts;

> Inheritance, including fixed-term annuities;

> Fixed-term workers' compensation awards;

> Soil bank payments; and

> Agricultural crop stabilization payments;

—Pay or allowances that were previously received by any veteran while serving on active duty in the Armed Forces;
—Educational assistance and compensation payments to veterans and other eligible persons under 38 U.S.C. chapters 11, 13, 31, 34–36;
—Payments received under the Trade Act of 1974;
—Payments received under the Black Lung Benefits Act (30 U.S.C. 901, *et seq.*);
—Any income directly or indirectly derived from, or arising out of, any property and services, compensation or funds provided by the United States in accordance with, or generated by, the exercise of any right guaranteed or protected by treaty; and any property distributed or income derived therefrom, or any amounts paid to or for the legatees or next of kin of any member, derived from or arising out of the settlement of an Indian claim; and
—Child support payments.

5. "Labor management committee" has the same meaning as in section 301(b)(1) of the JTPA; and includes a committee established at a military installation to assist members of the Armed Forces who are being separated and civilian employees of the Department of Defense and the Department of Energy who are being terminated.

6. "Obsolete skills", for purposes of establishing eligibility for skills upgrading, means skills or skill levels that would not allow the individual worker to meet current hiring requirements for the occupation in the local labor market, or a labor market to which the individual is willing to relocate. Examples of reasons for "obsolete skills" include: Skills that are based on individual employer requirements and are not transferrable to other workplaces; skills that are military or defense-specific and not transferrable to non-defense applications; skills that are satisfactory in low technology work environments, but are inadequate to meet hiring criteria or for successful job performance in similar occupations within the current local labor market.

7. "Realignments" mean actions taken by the Department of Defense to substantially change the mission of individual military facilities. The facilities which qualify for assistance under this definition are identified by the Secretary of Defense under provisions of the Defense Base Closure and Realignment Act of 1990 and the Defense Authorization Amendments and Base Closure and Realignment Act passed in 1988.

8. "Retainer pay" is the same as retirement pay; it is a term that has been used by some of the Armed Forces to refer to retirement pay.

9. "Retired or retainer pay incident to that separation" means eligible to receive retirement pay benefits. Anyone who is eligible to receive retirement benefits upon separation or termination is not eligible for assistance under DDP.

10. "State", for the purposes of these grant application guidelines, shall mean the 50 States of the United States and the following grant eligible territories and legal jurisdictions: District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, Commonwealth of Northern Marianas, Republic of the Marshall Islands, Federated States of Micronesia, and Republic of Palau, as represented by the State JTPA agency under the Governor/Secretary and the JTPA Grant Agreements, "block grant".

11. "Substate area" means that geographic area in a State designated by the Governor pursuant to his/her authority under section 312 of JTPA.

12. "Substate grantee" means that agency or organization selected to administer programs under agreement among the Governor, the local elected official or officials of the applicable substate area, and the private industry council or councils of such area, as provided in section 312 of JTPA.

13. "Wage replacement rate for entered employments" is the number equal to the sum of the wage at placement for all individuals who reported as entered employments divided by the sum of the pre-dislocation wage for all such individuals.

Appendix I—Activities Related to High Performance Workplace Systems, Employee and Participative Management Systems, and Workforce Participation in the Evaluation, Selection and Implementation of New Production Technologies

Sample Activities in DDP Context

- Analyze and restructure ("reengineer") work processes to strip down processes and work procedures to the most essential parts.
- Acquisition and installation of flexible, multi-purpose, usually computer-based equipment.
- Development and installation of self-control performance management procedures.
- Worker participation in designing new work procedures and methods, including evaluation and selection of new technologies and equipment to be used in the workplace.

Development of worker skills in self-control systems and procedures, decision-making, working in team-based environment.

Development of worker competence in using new technologies, including an active role by worker representatives in evaluating and selecting training methodologies and materials.

Appendix J—List of State JTPA Liaisons

Governors/State JTPA Liaisons

May 26, 1993.

Alabama

Governor Jim Folsom, Jr.

Ms. Alice McKinney, Acting Director, Alabama Department of Economic and Community Affairs, Job Training Division, 401 Adams Avenue, P.O. Box 5690, Montgomery, Alabama 36103–5690, Telephone: 205–242–5846, FAX: 205–242–5515

Alaska

Governor Walter J. Hickel

Mr. William Mailer, Rural Development Division, Department of Community and Regional Affairs, 333 West 4th Avenue, suite 220, Anchorage, Alaska 99501–2341, Telephone: 907–269–4659, FAX: 907–269–4520

Arizona

Governor J. Fife Symington

Mr. James B. Griffith, Acting Assistant Director, Division of Employment and Rehabilitation Services, 1789 West Jefferson, P.O. Box 6123, suite 901A, Phoenix, Arizona 85005, Telephone: 602–542–4910, FAX: 602–542–2273

Arkansas

Governor Jim G. Tucker

Mr. William D. Gaddy, Administrator, Arkansas Employment Security Division, 201 Capitol Mall, room 506, Little Rock, Arkansas 72203, Telephone: 501–682–2121, FAX: 501–682–3713

California

Governor Pete Wilson

Mr. Thomas Nagle, Director, Employment Development Department, 800 Capitol Mall, MIC 83, Sacramento, California 95814, Telephone: 916–654–8210, FAX: 916–657–5294

cc: Chief, Job Training Partnership Division, MIC 69, Employment Development Department, P.O. Box 826880, Sacramento, California 94280–0001

Colorado

Governor Roy Romer

Mr. Leslie S. Franklin, Executive Director, Governor's Job Training Office, suite 500, 720 South Colorado Boulevard, Denver, Colorado 80222, Telephone: 303–758–5020, FAX: 303–758–5578

Connecticut

Governor Lowell P. Weicker, Jr.

Mr. John E. Saunders, Deputy Commissioner, Connecticut State Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109, Telephone: 203–566–4280, FAX: 203–566–1520

Delaware

Governor Tom Carper

Mr. Louis A. Masci, Director, Delaware Department of Labor, Division of Employment and Training, University Plaza, P.O. Box 9499, Newark, Delaware 19714–9499, Telephone: 302–368–6810, FAX: 302–368–6995

FLORIDA

Governor Lawton Chiles

Ms. Shirley Gooding, Secretary, Department of Labor and Employment Security, 2012 Capital Circle, Southeast, suite 303, Hartman Building, Tallahassee, Florida 32399–2152, Telephone: 904–922–7021, FAX: 904–488–8930

GEORGIA

Governor Zell Miller

Mr. David B. Poythress, Commissioner, Georgia Department of Labor, Sussex Place, 148 International Boulevard, NE., Room 600, Atlanta, Georgia 30303, Telephone: 404–656–3011, FAX: 404–656–2683

cc: Mr. Andrea Harper, Assistant Commissioner, JTPA Division, Georgia Department of Labor, Sussex Place, 148 International Boulevard, NE., Room 650, Atlanta, Georgia 30303, Telephone: 404–656–7392, FAX: 401–651–9377

HAWAII

Governor John Waihee III

Mr. Keith W. Ahue, Director, Department of Labor and Industrial Relations, 830 Punchbowl Street, room 320, Honolulu, Hawaii 96813, Telephone: 808–586–9067, FAX: 808–586–9099

IDAHO

Governor Cecil D. Andrus

Ms. Connie Ryals, Director, Idaho Department of Employment, 317 Maine Street, Boise, Idaho 83735–0001, Telephone: 208–334–6110, FAX: 208–334–6430

ILLINOIS

Governor Jim Edgar

Mr. Herbert D. Dennis, Manager, JTPA Programs Division, Department of Commerce and Community Affairs, 620 East Adams, 6th Floor, Springfield, Illinois 62701, Telephone: 217–785–6006, FAX: 217–785–6454

INDIANA

Governor B. Evan Bayh III

Mr. Jack A. Cruse, Executive Director, Indiana Department of Employment and Training Services, 10 North Senate Avenue, room 331, Indianapolis, Indiana 46204, Telephone: 317–232–3270, FAX: 317–233–4793

IOWA

Governor Terry E. Branstad

Mr. Jeff Nall, Administrator, Division of Job Training, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: 515–242–4779, FAX: 515–242–4859

KANSAS

Governor Joan Finney

Mr. Joe Dick, Secretary, Kansas Department of Human Resources, 401 Topeka Boulevard, Topeks, Kansas 66603, Telephone: 913–296–7474, FAX: 913–296–0179

KENTUCKY

Governor Brereton C. Jones

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federal register

Monday
July 19, 1993

Part III

Office of Management and Budget

Budget Rescissions and Deferrals; Cumulative Report; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

July 1, 1993.

This report is submitted in fulfillment of the requirement of section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) requires a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to Congress.

This report gives the status of seven rescission proposals and 12 deferrals contained in six special messages for FY 1993. These messages were transmitted to Congress on October 1, and December 30, 1992, and on February 26, March 16, April 20, and June 4, 1993.

Rescissions (Attachments A and C)

As of July 1, 1993, seven rescission proposals totaling $356.0 million were pending before Congress. Of the total amount proposed for rescission, $180.0 million had been pending before the Congress for more than 45 days. The funds associated with this proposed rescission were never withheld from obligation. Attachment C shows the status of the FY 1993 rescission proposals.

Deferrals (Attachments B and D)

As of July 1, 1993, $3,395.9 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1993.

Information from Special Messages

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the **Federal Register** cited below:

57 FR 46730, Friday, October 9, 1992
58 FR 3368, Friday, January 8, 1993
58 FR 16324, Thursday, March 25, 1993
58 FR 17298, Thursday, April 1, 1993
58 FR 27192, Thursday, May 6, 1993
58 FR 33164, Tuesday, June 15, 1993

Leon E. Panetta,

Director.

BILLING CODE 3110–01–M

ATTACHMENT A

STATUS OF FY 1993 RESCISSIONS

	Amounts (In millions of dollars)
Rescissions proposed by the President.....	356.0
Rejected by the Congress.....	---
Pending before the Congress for more than 45 days (Funding never withheld).....	-180.0
Currently before the Congress.....	176.0

ATTACHMENT B

STATUS OF FY 1993 DEFERRALS

	Amounts (In millions of dollars)
Deferrals proposed by the President.....	4,467.5
Routine Executive releases through July 1, 1993....	-1,171.6
Overturned by the Congress.....	---
Currently before the Congress.....	3,295.9

ATTACHMENT C
Status of FY 1993 Rescission Proposals – As of July 1, 1993
(Amounts in thousands of dollars)

Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Amount Previously Withheld and Made Available	Date Made Available	Amount Rescinded	Congressional Action
INDEPENDENT AGENCIES:								
Board for International Broadcasting								
Israel relay station	R93–1		180,000	4–20–93	1/			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Annual contributions for assisted housing	R93–2	13,000		6–4–93				
Homeownership and opportunity for people everywhere grants	R93–3	100,000		6–4–93				
DEPARTMENT OF JUSTICE								
Legal Activities								
Assets forfeiture fund	R93–4	20,000		6–4–93				
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration								
Operations	R93–5	3,100		6–4–93				
Grants–in–aid for airports	R93–6	36,750		6–4–93				
Coast Guard								
Operating expenses	R93–7	3,150		6–4–93				
TOTAL RESCISSIONS		**176,000**	**180,000**		**0**		**0**	

1/ Funds were never withheld from obligation.

ATTACHMENT D
Status of FY 1993 Deferrals – As of July 1, 1993
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(–): Cumulative OMB/ Agency	Releases(–): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 7–1–93
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund	D93–1	492,736		10–1–92					
	D93–1A		1,492,774	12–30–92	822,376				1,163,135
Foreign military financing grants	D93–8	1,487,000		12–30–92	89,400				1,397,600
Foreign military financing program	D93–9	149,200		12–30–92	141,946				7,254
Agency for International Development									
Demobilization and transition fund	D93–2	13,750		10–1–92	5,750				8,000
International disaster assistance, executive	D93–10	63,823		2–26–93	7,068				56,755
Sub–Saharan Africa assistance, executive	D93–11	67,188		2–26–93	14,000				53,188
DEPARTMENT OF AGRICULTURE									
Forest Service									
Cooperative work	D93–3	364,582		10–1–92	33,151				331,431
Expenses, brush disposal	D93–4	40,241		10–1–92					
	D93–4A		5,835	12–30–92					
	D93–4B		8	3–16–93					46,084
Timber salvage sales	D93–12	222,994		2–26–93	20,000				202,994
DEPARTMENT OF DEFENSE – CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense	D93–5	2,175		10–1–92	955				1,220

ATTACHMENT D
Status of FY 1993 Deferrals – As of July 1, 1993
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(–): Cumulative OMB/ Agency	Releases(–): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 7–1–93
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Social Security Administration									
Limitation on administrative expenses	D93–6	7,267		10–1–92					
	D93–6A		50	4–20–93					7,317
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund	D93–7	10,123		10–1–92					
	D93–7A		47,761	12–30–92	37,000				20,884
TOTAL, DEFERRALS		2,921,080	1,546,428		1,171,647	0		0	3,295,861

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federal register

Monday
July 19, 1993

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 23

Airworthiness Standards; Small Airplanes With Stall Speed Greater Than 61 Knots; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 23746; Amendment No. 23–44]

RIN 2120–AD48

Airworthiness Standards; Small Airplanes With Stall Speed Greater Than 61 Knots

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the stalling speed requirements applicable to single-engine airplanes and to certain multiengine small airplanes of less than 6,000 pounds maximum weight. The rule permits those airplanes to have a stall speed greater than 61 knots, provided they meet certain additional occupant protection standards. These changes are needed to permit the design and type certification of higher performance airplanes with increased cruise speeds and better specific fuel consumption. The amendments are intended to achieve the benefits of certificating higher performance airplanes while affording their occupants the same level of protection in an emergency landing that is presently provided by airplanes with a 61-knot stall speed.

EFFECTIVE DATE: August 18, 1993.

FOR FURTHER INFORMATION CONTACT: Mike Downs, Standards Office (ACE–112), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–6941.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking (NPRM) No. 91–12, which was published on May 13, 1991, (56 FR 22070). Comments to the NPRM were requested with a closing date of September 10, 1991. All comments received in response to Notice No. 91–12 have been considered in adopting this amendment.

Discussion of Comments

General

Ten commenters submitted responses to Notice No. 91–12. One commenter objects to a statement made by the FAA in the background material of the notice. Five commenters favor the proposal and four commenters oppose the proposal.

One commenter objects to a statement in the background material of the notice and indicates that the FAA erred in stating that airplanes with a V_{so} less than 61 knots and high wing loading would require complex high lift systems that may result in a reduction of low speed flying qualities and lessen the level of safety of both normal and emergency operations in approach and landing conditions. The commenter adds that complex high lift devices have been around since the late 1920's and many of the devices used at that time maintained excellent control down to and through stall speeds lower than 40 mph. The FAA is aware of these devices and some of the airplanes on which they are installed. The use of these devices may result in a reduction of the low speed flying qualities of the airplane. The pilot of an airplane equipped with a more complex high lift system may choose to land at a higher speed in normal operation to reduce piloting tasks. Another pilot may choose to land at a higher speed in an emergency situation in order to ensure ground impact under controlled conditions. At a higher approach speed, an airplane is less responsive to gusts, and the control of the airplane about all three axes is improved. In short, the handling qualities of an airplane are also dependent on the type and design of the high lift devices, and on the controls employed and the skill required to operate them.

One commenter argues that the current 61-knot stall rule does not account for advancements made in airplane engine reliability. The commenter states that, due to the increased reliability of airplane engines, the 61-knot stall requirement should be deleted. Another commenter indicates that the excellent airplane engine reliability record cannot be improved, and that a change in stall speed is not warranted. The FAA agrees that even though the probability of a powerplant failure may decrease with increased powerplant reliability, the probability of an emergency forced landing condition may remain constant or be minimally affected. As pointed out by the Small Aircraft Stall Speed Study Group, the predominant cause of emergency forced landings is fuel starvation caused by poor management or handling of the fuel system by the pilot. Since increased powerplant reliability has little effect on the number of emergency forced landings, the occupants of airplanes having a stall speed greater than 61 knots must be afforded the benefits of the same structural crashworthiness as those occupants in airplanes having a stall speed of 61 knots.

The commenter mentions that estimates for the cost and weight penalty for staying within the current 61-knot stall requirement using high lift devices should be investigated, as should the cost and weight penalty for providing equivalent occupant protection for airplanes having a stall speed greater than 61 knots. The commenter adds that insurance rates and liability implications should also be investigated for those new airplanes that will have a stall speed greater than 61 knots. The FAA disagrees. This rule will allow the applicant to select the combination of stall speed and occupant protection requirements that will be most cost beneficial and appropriate to the airplane design. Since specific estimates of potential structure and weight penalty costs are design specific, this information is unavailable at this time.

One commenter feels that this amendment and the 61 knot limitation have no relevance to commuter category aircraft and the contemplated value of peak acceleration level (32g) that the commenter believes is being considered for commuter category aircraft. The FAA agrees that this amendment has no relationship with the contemplated commuter category airplane NPRM for seats. The rationale used to provide an alternative to the 61-knot stall speed limitation is based partly on a methodology found in the U.S. Army's Aircraft Crash Survival Design Guide and in the comprehensive FAA/NASA full scale general aviation airplane impact test data base. The alternative to the 61-knot stall speed limitation is also consistent with the two analytical methodologies considered by the Simpson Crashworthiness Subcommittee. They emphasize and address crash and occupant inertia load attenuation.

This amendment adjusts the current combined vertical/longitudinal design standard found in the emergency landing dynamic conditions to require an increase in seat/occupant impact load attenuation that is consistent with the potential increase in impact acceleration level. The impact acceleration levels determined by the methods specified in this amendment are also consistent with the results of the full scale general aviation airplane impact test program.

The maximum acceleration levels found in this amendment are well within the survivability envelope for small airplanes found in the National Transportation Safety Board (NTSB) Phase III, General Aviation Crashworthiness Project Safety Report. The NTSB concludes that "Acceleration levels and velocity changes of 23 to 30g and 50 to 60 feet per second in the

vertical direction are generally survivable but the loads experienced by the occupants must be limited to a lower level to prevent crippling injuries to the back and neck". This amendment is consistent with that conclusion and it should reduce or minimize spinal injuries since the amendment addresses crash and occupant inertia load attenuation.

One commenter suggests that a number of additional risks may be associated with the emergency landing. These risks should be addressed in this amendment and include the following: failure to avoid obstacles (aircraft maneuverability), failure of occupant restraints, failure of structure, failure of the pilot to execute the landing successfully (skill and training), and post impact fire.

Prior to issuing Notice No. 91–12, the FAA studied a recommendation to require additional flight instruction for pilots of single-engine airplanes with a power-off stall speed in the landing configuration of more than 61 knots. The FAA concluded that adequate flight instruction was already included in the normal flight training curriculum, though it did not relate specifically to an increase in stall speed. Pilot skill and training, including the ability to avoid obstacles, are covered adequately by the current flight training requirements.

The commenter does not provide supportive data or specific recommendations regarding failure of occupant restraints. However, occupant restraint and occupant impact load attenuation are addressed adequately by this amendment and by amendment 23–36 on emergency landing conditions (53 FR 30802, Aug. 15, 1988).

The commenter does not cite a rationale or justify a need to address failure of structure. The FAA has no reason to extend this amendment to include enhancements to airframe structure. The airframe structures of all part 23 airplanes, including those that currently exceed the 61-knot stall speed limitation, are similar. There is no evidence to justify amending the airframe structure design standards at this time.

Finally, the JAA mentions their concern over the risks associated with post impact fire. The nature of post crash fires is difficult to define in terms of precisely where the fire starts and how it spreads. Clearly a prerequisite is the spillage of fuel followed by a source of ignition. Studies conducted by the General Aviation Safety Panel (GASP) indicate that existing data fails to identify precisely what advantages would accrue from increasing the crashworthiness of fuel systems in small general aviation airplanes. The purpose of improving the crashworthiness of a fuel system is to prevent considerable spillage in a survivable accident and delay the onset of rapid propagation of post crash fire in order to increase the time available for the pilot and passengers to remove themselves from the airplane. These improvements in crashworthiness may not in all cases prevent a post crash fire. GASP contends that the means for increasing the time available for extrication in a survivable accident by preventing large quantities of fuel spillage near obvious ignition sources needs to be considered for each design individually. It is not practical to develop a universal specification for the design of crash resistant fuel systems that would be applicable to all airplanes. It is for these reasons that this final rule does not specifically address crashworthiness of fuel systems. However, this final rule does require applicants for type certification of designs with a stall speed greater than 61 knots to provide the crashworthiness in terms of airframe and occupant protection equivalent to those airplanes with a stall speed less than 61 knots. The FAA continues to explore ways of dealing with post crash fires and, at this time, is preparing a supplemental notice of proposed rulemaking for crash resistant fuel systems.

Discussion of Comments to Specific Sections of Part 23

Section 23.49. This proposes to amend part 23 of the Federal Aviation Regulations to permit type certification of both single and multiengine airplanes with stall speeds greater than 61 knots, provided they incorporate additional occupant protection provisions to compensate for the increased kinetic energy dissipated during a forced landing. This would be accomplished by amending § 23.49 to require compliance with certain additional occupant protection requirements included in this proposal.

Two comments were received on this proposal.

One commenter refers to the conclusion reached by the Small Aircraft Stall Speed Study Group. The study group found that it was impossible to conclude, based on the accident record, that the retention of the 61-knot stall limitation in part 23 for single-engine airplanes has provided any degree of crash protection to occupants. The commenter believes that this conclusion was made because the data related to airplanes that meet the present airworthiness standards.

The FAA notes that the Crashworthiness Subcommittee of the Small Aircraft Stall Speed Study Group found that "Increasing the stall speed, with no other stipulations, would increase the potential range of ground contact speeds in controlled emergency situations and would, therefore, increase the probability for serious injury." This subcommittee saw no valid reason for maintaining 61 knots or any other specified stall speed in part 23. The subcommittee concluded that if the 61-knot stall limitation is removed, a means should be incorporated to maintain a controlled emergency landing speed range. Since the ultimate concern should be to provide the airplane occupants with a reasonable probability of surviving a controlled crash situation, the subcommittee proposed crashworthiness criteria that would provide the level of safety previously achieved by the 61-knot stall speed limitation. The crashworthiness subcommittee examined two methodologies that address occupant crashworthiness protection. The methodologies used were based on an equivalent safety and occupant survivability approach, and emphasized crash and occupant inertia load attenuation. However, the crashworthiness subcommittee did not pursue either of its approaches to a methodology that addressed occupant impact protection for an airplane that exceeds the 61-knot stall speed limitation. The subcommittee noted that definitive crash dynamic design standards for small airplanes did not exist at that time. Since the publication of the Small Aircraft Stall Speed Study Group report, emergency landing dynamic conditions have been adopted into FAR part 23, by amendment 23–36. This final rule extends the current emergency landing dynamic conditions specified in § 23.562 to small airplanes that exceed the 61-knot stall speed limitation. In provides crashworthiness criteria that addresses crash and occupant loan attenuation.

One commenter indicates that airplanes having lower stalling speeds have lower fatal accident rates and points to recent statistics in the June 1, 1991, and June 15, 1991, edition of "Aviation Consumer," which indicates that the Cessna 172 and the Cessna 206/207 have the lowest fatal accident rate for four and six place single-engine airplanes. The commenter also indicates that there is a higher percentage of fatal emergency landing accidents for light multiengine airplanes compared to single-engine airplanes. This may support the conclusion that airplanes

with higher stalling speeds also have higher fatal accident rates because typical multiengine airplanes usually have a higher stalling speed than typical light single-engine airplanes.

The Small Aircraft Stall Speed Study Group reviewed data consisting of 37,530 reports for the 6-year period from 1976 to 1981, which revealed the following: Emergency forced landings accounted for 14.7 percent of all accidents, representing 16.6 percent of single-engine airplane accidents and 7.2 percent of multiengine airplane accidents. Fatalities resulted from 2.6 percent of controlled emergency forced landings and 17 percent of uncontrolled emergency forced landings. For single-engine airplanes, these values were 2.1 percent and 13.4 percent, respectively, while for multiengine airplanes, these percentages were 8.5 and 34.2 percent, respectively. Therefore, the chances for a fatal emergency forced landing are much higher for a multiengine airplane than for a single-engine airplane. However, a single-engine airplane is twice as likely to have an emergency forced landing as a multiengine airplane. Overall, the percentage of fatal emergency landing accidents where the pilot retained control until the crash was 2.7 percent for single-engine airplanes and 3.5 percent for multiengine airplanes.

One multiengine airplane with the highest stall speed of 76 knots had the lowest survivability ratio (one minus the number of fatalities/number of accidents), of 84 percent. This value matched the survivability ratio of a single-engine airplane whose stall speed was 55 knots. There were two multiengine airplanes that had 100 percent survivability; one had a stall speed of 60 knots, the other had a stall speed of 74 knots. Furthermore, survivability values for multiengine airplanes above 70 knots did not appear different from values for airplanes below 60 knots. Statistical data like these resulted in two conclusions. Survivability of controlled emergency forced landings is not dependent upon landing stall speed and a clear correlation between safety and landing stall speed cannot be found. This proposal is adopted as proposed.

Section 23.67. This proposal would clarify the change made to § 23.67 by amendment 23–42 (56 FR 344, January 3, 1991). The provisions of § 23.67(b)(1) require that all reciprocating engine-powered multiengine airplanes with a stall speed of more than 61 knots meet the one-engine-inoperative climb gradient requirements. A change to § 23.67, paragraphs (b)(1) and (b)(2), is required to clarify that multiengine airplanes of less than 6,000 pounds maximum weight that meet the improved occupant protection requirements prescribed in § 23.562(d) and have a stall speed greater than 61 knots would comply only with the climb gradient determination requirements of § 23.67(b)(2)(i). This proposal does not change the one-engine-inoperative climb requirements.

No comments were received on this proposal and it is adopted as proposed.

Section 23.562. The supporting technical data used in the development of § 23.562 was obtained from small airplanes whose stall speeds were not greater than 61 knots. Airplane occupants were not exposed to increased levels of kinetic impact energy. The increase in kinetic impact energy, above the 61 knot stall speed baseline, is proportional to the square of the stall speed of the airplane in the landing configuration. To compensate for increased energy levels, additional occupant protection requirements beyond those stated in § 23.562 are included in this final rule. The emergency landing dynamic conditions express the impact energy level in terms of an impact velocity. The increased occupant protection requirement in this proposal is obtained by multiplying the ultimate load factors of § 23.561(b) and the peak deceleration of the seat/restraint system test of § 23.562(b)(1) by the square of the ratio of the increased stall speed to the stall speed of 61 knots. The use of the velocity ratio squared to obtain the increased occupant protection requirement is consistent with an analytical methodology found in the U.S. Army's Aircraft Crash Survival Design Guide, USARTL–TR–79–22C, Volume III—Aircraft Structural Crashworthiness, which addresses the conservation of momentum associated with an aircraft impact that has earth plowing.

The FAA is limiting the maximum deceleration for the seat/restraint system dynamic test to 32g, which is the value that the FAA is considering proposing in a separate NPRM being developed for commuter category airplanes. The 32g limitation will be reached at a stall speed (V_{so}) of 79 knots. At a higher stall speed, this maximum deceleration remains constant at 32g.

In addition, the static upward ultimate load factor for acrobatic category airplanes will be limited to a value of 5.0g. Because of the maneuvers they perform, acrobatic category airplanes are designed to higher maneuvering limit load factors, both positive and negative, than normal and utility category airplanes. The maximum upward value required in this rule for normal and utility category airplanes is 5.0g. Under emergency landing conditions, all categories of small airplanes would experience similar forces; therefore, requiring acrobatic airplane seats to be designed to higher load factors would not be warranted.

A total of five comments were received on this proposal.

One commenter expresses doubt that occupant safety levels can be engineered to remain at current levels and any engineering reports that claim 15g survivability at 70–75 knots are seriously in question. The maximum acceleration found in this amendment is well within the survivability envelope for small airplanes found in the NTSB Phase III, General Aviation Crashworthiness Project Safety Report. The NTSB concluded in its safety report that survival from crashes where longitudinal loads ranged from 30 to 35g, with a velocity change of 60 to 70 feet per second and vertical loads ranging from 25 to 30g, with a velocity change of 50 to 60 feet per second, could be expected. The commenter suggests that the FAA review the NTSB's statistics on rates for light multiengine airplanes after ground impact. The commenter does not indicate what NTSB report is being referenced and what light multiengine rates are being reported. The commenter adds that existing light multiengine airplanes are already marginal performers and that increasing wing loading and speeds for the most critical segments of flight would be counterproductive. The commenter further indicates that high horsepower, high wing loading, and high stall speed, are qualities of low technology and that most airplane manufacturers incorporate advanced aerodynamics to allow slow speeds during approach/takeoff and high performance cruise. The commenter does not clearly define what is meat by marginal performers. Furthermore, the commenter mentions high horsepower, high wing loading, and high stall speed as examples of low technology. Apparently, the commenter does not realize that these parameters are suitable for describing modern transport category airplanes, which are not examples of low technology airplanes.

One commenter indicates that there has not been any improvement in crashworthiness for airplanes weighing less than 6,000 pounds during the last 50 years; therefore, if stall speed requirements are relaxed, more fatalities and injuries to occupants will result because the occupants will absorb the additional energy generated by the

increased speed. This is partially correct. It other conditions are unchanged, an increase in stall speed will probably result in airframes and occupants absorbing more energy on impact. However, with the development and adoption of emergency landing dynamic conditions into § 23.562 of the FAR by amendment 23–36, the current emergency landing dynamic conditions will be extended to those applicants who choose to design new airplanes with a stall speed greater than 61 knots. The extension of the current emergency landing dynamic requirements will provide crashworthiness standards that address load attenuation to the occupant. Furthermore, the results of the study conducted by the Small Aircraft Stall Speed Study Group, which consisted of the analysis of 37,530 accident reports over a 6-year period, failed to show a clear correlation between occupant survivability and landing stall speed. The commenter adds that airplane performance has not changed sufficiently in the last 50 years to warrant the proposed change. The commenter supports this with the commenter's own experience. The commenter then indicates that operator error is still the leading cause of aviation accidents and, since aircraft operators will continue to make mistakes, the existing stall speed requirement should remain, thereby protecting operators from themselves.

The commenter is correct that operator error is the leading cause of accidents. However, operator error and the need for improved pilot training are not airplane certification issues, and are beyond the scope of this rulemaking.

One commenter feels that the FAA was in error to assume that the NTSB data used to develop the emergency landing dynamic conditions for small airplanes was connected to the 61–knot stall speed. The commenter further asserts that most of the data in the NTSB data base were derived from airplanes that crashed under control at speeds in excess of 61 knots. The FAA disagrees. The conclusions found in the NTSB Safety Report "GENERAL AVIATION CRASHWORTHINESS PROJECT: PHASE III—ACCELERATION LOADS AND VELOCITY CHANGES OF SURVIVABLE GENERAL AVIATION ACCIDENTS, NTSB/SR–85/02" are contrary to those comments. In its analyses of airplane accidents, the NTSB relates the airplane impact speeds and respective acceleration levels to the stall speed of the airplanes. All but one of the thirty-nine small airplane accidents analyzed in the report were found to have a stall speed less than 61 knots.

Recent discussions with the NTSB personnel who compiled and analyzed all of the data in the three phase general aviation crashworthiness project also confirmed that, with few exceptions, all of the airplanes included in those studies had stall speeds that did not exceed 61 knots.

One commenter indicates that this amendment would require the means of retention of cabin mass items to be dynamically tested. The commenter also questions the different static ultimate design load factors for cabin mass items found in the emergency landing conditions for part 23 and part 25 airplanes. The FAA does not intend to require dynamic design or test standards for the retention of items of mass within the cabin. The ultimate design load factors for cabin mass items do indeed differ between part 23 and part 25 airplanes. They are representative of the expected emergency landing inertia load factors considering the respective airframe energy absorption characteristics and mass of those different category airplanes. Those differences were recognized and justified when the emergency landing dynamic conditions and respective amendments were adopted. Discussion and justification of those existing regulatory standards are not within the scope of this amendment.

One commenter proposes that the FAA limit the maximum stall speed to 70 knots, limit all the deceleration vectors according to the (stall speed/61 knots) ratio squared, multiply the impact velocity by the factor (V_{so}/61), and amend § 23.787(c) regarding the forward ultimate load factor (9g) for luggage and cargo. This amendment addresses and satisfies the intent of these comments. The amendment increases the occupant impact protection level for those single-engine airplanes and certain multiengine airplanes with a stall speed that exceeds the 61 knot limitation.

The design standards found in this amendment remain within the limits of the small airplane impact survivability envelope. The commenter's proposal, however, could provide design standards that would be outside the small airplane's impact survivability envelope. Furthermore, the applicability and the feasibility of the FAA's increased standard have been demonstrated by both seat dynamic and full scale airplane impact tests.

The commenter provides no rationale to limit the stall speed to 70 knots. This amendment does not limit the stall speed, but it does increase the deceleration vectors, as suggested by the commenter, for the combined vertical/longitudinal emergency landing dynamic impact condition. The new regulation represents the current limit of the impact survivability envelope for small airplanes. This limit has been defined by crash dynamics research and NTSB accident data, and it is consistent with the results of full scale impact tests of small airplanes.

The FAA has not elected to increase the impact velocity, as suggested by the commenter, since the current velocity changes found in the emergency landing dynamic conditions are consistent with the survivability envelopes for small airplanes.

In addition, the commenter provides no justification to increase the inertia load requirements found in § 23.787(c). The commenter's proposal is considered beyond the scope of this amendment. However, the FAA is increasing the static design requirements for items of mass within the cabin, which include luggage and cargo, when the emergency landing dynamic conditions are adopted. Amendment 23–36 should meet the intent of the commenter's proposal. This proposal is adopted as proposed.

Paperwork Reduction Act

There are no reporting and recordkeeping requirements associated with this final rule.

Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State, and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual increase in consumer costs, a significant adverse effect on the economy of $100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA has determined that this rule is not "major" as defined in the executive order; therefore, a full regulatory analysis, which includes the

identification and evaluation of cost-reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains the regulatory flexibility determination required by the Regulatory Flexibility Act (RFA) and an International Trade Impact assessment. If more detailed economic information is desired, the reader may refer to the full regulatory evaluation contained in the docket.

Two comments were received concerning the economic aspects of this rulemaking. These comments were considered and no changes were made to the economic evaluation as a result of the comments. The reader is referred to the "Discussion of Comments" section above for more complete information.

Economic Evaluation

The FAA has determined that significantly more efficient airplanes could be developed by employing the advantages of higher wing loadings if the affected airplanes were not limited to a stall speed of 61 knots. The potential benefits of removing the stall speed limit will vary with the mission of individual airplane designs, but case specific analysis has shown that a 20 percent gain in specific fuel consumption could be achieved. Evidence suggests that these high-wing-loading efficiencies could also be accomplished by incorporating a very high-lift flap system (wide-span trailing edge flaps and leading edge Kruger flaps) and still remain within the 61-knot limit. However, if higher wing loadings were combined with larger and more complex high-lift flap systems in order to meet the 61-knot requirement, there would be accompanying penalties in low speed handling qualities. These penalties would have a detrimental effect on both normal and emergency operations in approach and landing conditions.

In order to retain the current level of airplane occupant protection, this rule requires additional occupant protection for the airplanes that the rule allows to be certificated with stall speeds above 61 knots. Specific estimates of the potential structural and weight penalty costs that could be incurred are design specific and are not available for this evaluation. Three petitions for exemption from the 61-knot stall speed requirement have been granted during the past ten years. None of these exemptions can be used to assist in the estimation of costs that would be incurred to exercise the option afforded by this rule. The concept design for one of the three airplane models was never pursued. The physical structures of the other two airplanes (a fire-fighting tanker and a high performance, fully aerobatic airplane) already substantially met the conditions and limitations necessary for the exemptions prior to their petitions.

The additional crashworthiness and occupant protection of the aerobatic airplane was necessitated by the loads that would be sustained in achieving its high-performance mission. Similarly, the occupant protection and crashworthiness features of the fire tanker were necessary for the airplane's intended high-risk operating environment and by the additional structure required to support and deliver a large volume of liquid.

None of the petitions isolated the costs that would be incurred to meet the conditions attendant to their exemptions. Conversely, one applicant did estimate that the cost necessary to build an airplane with the same design mission without the exemption would be approximately 50 percent higher per unit.

The provisions afforded by the rule are optional and constitute an alternative to the existing requirement. By definition, this alternative, including any associated costs, will be exercised only by those applicants who have determined that it would be in their own best interests to do so. The rule provides the option of selecting the combination of stall speed and occupant protection enhancement that the applicant has determined would be most cost beneficial and best suited for its particular airplane design. Therefore, the FAA finds that the potential benefits of this rule will exceed the expected costs.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes threshold cost values and small entity size standards for complying with RFA review requirements in FAA rulemaking actions. The FAA has determined that this amendment to part 23 will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The provisions of this rule will have little or no impact on trade for both U.S. firms doing business in foreign countries and foreign firms doing business in the United States. In the United States, foreign manufacturers must meet U.S. requirements, and thus they will gain no competitive advantage. In foreign countries, U.S. manufacturers are not bound by part 23 requirements and could, therefore, implement the alternative provision afforded by the rule solely on the basis of competitive considerations.

Federalism Implications

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

Conclusion

The FAA is revising the airworthiness standards to permit single-engine and certain multiengine small airplanes of less than 6,000 pounds maximum weight to exceed the present 61-knot stall speed limitation. Airplane designs exceeding this limitation will be required to incorporate additional occupant protection to compensate for the higher kinetic energy that must be dissipated during emergency landings. This retains the current level of airplane occupant protection and permits the design and type certification of higher performance, single-engine airplanes capable of attaining an increase in cruise speeds with better specific fuel consumption. This improvement in performance and operating economics cannot be achieved without substantial increased cost and complexity if these designs are constrained by the present 61-knot stall speed limitation.

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is not considered significant under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of the regulation, including a Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 23 of the Federal Aviation Regulations (14 CFR part 23) as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g).

2. Section 23.49 is amended by revising paragraph (b) introductory text; by redesignating paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), respectively; and by adding a new paragraph (c) to read as follows:

§ 23.49 Stalling speed.

* * * * *

(b) Except as provided in § 23.49(c), V_{SO} at maximum weight may not exceed 61 knots for—

* * * * *

(c) All single-engine airplanes, and those multiengine airplanes of 6,000 pounds or less maximum weight with a V_{SO} of more than 61 knots that do not meet the requirements of § 23.67(b)(2)(i), must comply with § 23.562(d).

* * * * *

3. Section 23.67 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 23.67 Climb: One engine inoperative.

* * * * *

(b) * * *

(1) Each airplane of more than 6,000 pounds maximum weight must be able to maintain a steady climb gradient of at least 1.5 percent at a pressure altitude of 5,000 feet at a speed not less than 1.2 V_{S1} and at standard temperature (41°F) with the airplane in the configuration prescribed in paragraph (a) of this section.

(2) For each airplane of 6,000 pounds or less maximum weight, the following apply:

(i) Each airplane that meets the requirements of § 23.562(d), or that has a V_{SO} of 61 knots or less, must have its steady climb gradient determined at a pressure altitude of 5,000 feet at a speed of not less than 1.2 V_{S1}, and at standard temperature (41°F), with the airplane in the configuration prescribed in paragraph (a) of this section.

(ii) Except for those airplanes that meet the requirements prescribed in § 23.562(d), each airplane with a V_{SO} of more than 61 knots must be able to maintain the steady climb gradient prescribed in paragraph (b)(1) of this section.

* * * * *

4. Section 23.562 is amended by revising the first sentence of the introductory text of paragraph (b), by redesignating paragraph (d) as paragraph (e), and by adding a new paragraph (d) to read as follows:

§ 23.562 Emergency landing dynamic conditions.

* * * * *

(b) Except for those seat/restraint systems that are required to meet paragraph (d) of this section, each seat/restraint system for crew or passenger occupancy in a normal, utility, or acrobatic category airplane, must successfully complete dynamic tests or be demonstrated by rational analysis supported by dynamic tests, in accordance with each of the following conditions. * * *

* * * * *

(d) For all single-engine airplanes with a V_{SO} of more than 61 knots at maximum weight, and those multiengine airplanes of 6,000 pounds or less maximum weight with a V_{SO} of more than 61 knots at maximum weight that do not comply with § 23.67(b)(2)(i):

(1) The ultimate load factors of § 23.561(b) must be increased by multiplying the load factors by the square of the ratio of the increased stall speed to 61 knots. The increased ultimate load factors need not exceed the values reached at a V_{SO} of 79 knots. The upward ultimate load factor for acrobatic category airplanes need not exceed 5.0g.

(2) The seat/restraint system test required by paragraph (b)(1) of this section must be conducted in accordance with the following criteria:

(i) The change in velocity may not be less than 31 feet per second.

(ii)(A) The peak deceleration (g_p) of 19g and 15g must be increased and multiplied by the square of the ratio of the increased stall speed to 61 knots:

$g_p = 19.0\ (V_{SO}/61)^2$ or $g_p = 15.0\ (V_{SO}/61)^2$

(B) The peak deceleration need not exceed the value reached at a V_{SO} of 79 knots.

(iii) The peak deceleration must occur in not more than time (t_r), which must be computed as follows:

$$t_r = \frac{31}{32.2(g_p)} = \frac{.96}{g_p}$$

where—

g_p=The peak deceleration calculated in accordance with paragraph (d)(2)(ii) of this section

t_r=The rise time (in seconds) to the peak deceleration.

* * * * *

Issued in Washington, DC on July 7, 1993.

Joseph M. Del Balzo,

Acting Administrator.

[FR Doc. 93–16917 Filed 7–16–93; 8:45 am]

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federal register

Monday
July 19, 1993

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Fatigue Evaluation of Structure; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 27358; Notice No. 93-9]

RIN 2120-AD42

Fatigue Evaluation of Structure

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the fatigue requirements for damage-tolerant structure on transport category airplanes to require: Full-scale fatigue testing; and inspection thresholds based on a crack growth from likely initial manufacturing defects in the structure. These proposed changes are needed to ensure continued airworthiness of structures designed to the current damage tolerance requirements. The proposals are intended to ensure that should serious fatigue damage occur within the operational life of the airplane, the remaining structure can withstand loads that are likely to occur, without failure, until the damage is detected.

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

ADDRESSES: Comments on this proposal may be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 27358, 800 Independence Avenue SW., Washington, DC 20591, or delivered in triplicate to: Room 915G, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked: Docket No. 27358. Comments may be inspected in room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Assistant Chief Counsel (ANM-7), FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments in the information docket may be inspected in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Rich Yarges, FAA, Airframe and Propulsion Branch (ANM-112), Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2143.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments, in triplicate, to the Rules Docket address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 27358." The postcard will be date stamped and returned to the commenter.

Availability of NPRM

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 Information Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future rulemaking documents should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Prior to 1978, regulations related to the fatigue evaluation of airplane structure allowed a choice between safe-life and fail-safe criteria. Safe-life design criteria require the structure to withstand repeated loads of variable magnitude expected during its service life without developing detectable cracks. This requires full-scale fatigue testing to a predetermined number of lifetimes. Fail-safe design criteria require the structure to be evaluated to assure that catastrophic failure is not probable after fatigue failure or obvious partial failure of a single, principal structural element.

Most primary structure was designed to the fail-safe criteria. The residual strength load levels for structure designed to the fail-safe criteria were 92 percent of the required design load conditions (80 percent multiplied by a 1.15 factor to account for dynamics of the failure). It was acceptable practice to show compliance with the fail-safe requirements by substantiating the structures under static loading conditions with failure or obvious partial failure of single principal structural elements. Although inspections for continued airworthiness were required for the fail-safe structure, there was no specific requirement to determine the inspection periods based on crack growth or remaining life of secondary structure in the event failure in the primary member was not immediately obvious.

In December 1978 the Federal Aviation Administration (FAA) amended the fatigue evaluation requirements for transport category airplanes (§ 25.571, as amended by Amendment 25-45; 43 FR 46238, October 5, 1978) to require damage tolerance evaluation of structure. The damage tolerance evaluation of structure is intended to ensure that, should serious fatigue, corrosion, or accidental damage occur within the operational life of the airplane, the remaining structure can withstand reasonable loads without failure or excessive structural deformation until the damage is detected. Amendment 25-45 was prompted by significant state-of-the-art developments and current industry practice in the area of fatigue and damage tolerance evaluation of transport category airplane structure. The damage tolerance evaluation was deemed necessary to more directly relate the required structural inspection program to the damage-tolerant characteristics of the airplane. A companion advisory circular (AC 25.571-1) was also issued that outlined an acceptable means of compliance. A more recent revision to § 25.571, Amendment 25-54, changed the reporting procedure for documenting the fatigue evaluation requirements, but it did not change the damage tolerance criteria of Amendment 25-45.

Section 25.571, as amended by Amendment 25-45, requires that structure be damage-tolerant, unless it can be established that damage

tolerance is impractical. The residual strength level was increased to 100 percent of limit load, and the 1.15 factor for dynamic failure was removed. The inspection program for continued airworthiness is based on crack propagation and residual strength data. Amendment 25–45 also added a requirement to consider multiple site damage. The criteria for safe-life substantiation of structure was not changed by Amendment 25–45, but the extent of applicability was limited.

Some of the principles of damage tolerance criteria, as defined in Amendment 25–45, have been applied retroactively to the existing fleet of aging transport airplanes. Supplemental Inspection Documents (SID) based on damage tolerance analyses of the principal structural elements have been developed for several models of transport airplanes. These documents were made mandatory by airworthiness directive action.

There have been several incidents of failure in flight-critical structure due to fatigue cracks progressing simultaneously in several locations in the structure, such as along rows of fastener holes in skin panels. The panels failed because the fail-safe residual strength capability, for which the airplane was originally designed, was degraded by the presence of widespread, multiple-site fatigue cracking of less than readily detectable size. This phenomenon of multiple-site cracking due to fatigue damage has been a problem in the past and is expected to continue to be a problem until measures are taken in the design and testing of structure to ensure that widespread, multiple-site cracking will not occur in service during the design lifetime of the airplane.

Discussion

The requirements for damage tolerance evaluation of structures contained in § 25.571 are written in terms of general objectives so as to allow manufacturers latitude in developing methods to demonstrate compliance. Because the requirements are stated in objective terms, manufacturers have experienced difficulty in judging the scope of the evaluation necessary for certification. For instance, the rule requires consideration of damage at multiple sites due to prior fatigue exposure where the design is such that this type of damage can be expected to occur. This is an objective requirement that provides no specific guidance on what is required for showing compliance.

Service experience has shown that widespread multiple site and other types of fatigue damage have occurred in parts of several transport category airplanes before the airplanes reached their design lifetime. Reliance on repeated detailed inspections along for continued airworthiness has not resulted in an acceptable level of safety for these parts. The more widespread the cracking problem becomes, the greater the probability that significant cracks may go undetected. Generally the overall reliability of any inspection program diminishes when time-consuming, detailed procedures required to find many small cracks increase the workload of the inspector. For this reason, it becomes impractical to inspect for safety when the damage becomes widespread. The FAA has therefore concluded that the most appropriate way to ensure continued safety in structure is to reinforce the existing damage tolerance criteria by requiring sufficient testing to demonstrate the absence of widespread multiple site and other types of fatigue cracking within the design life of the airplane. Generally, the FAA considers that, for conventional metal structure, full-scale testing for at least two design lifetimes would normally be sufficient to demonstrate that widespread multiple site cracking will not occur. Such testing would be conducted under simulated flight-by-flight operational loading spectra. Additional fatigue testing may be necessary for unconventional structure or structure made from composite materials. A detailed inspection after the full-scale testing has been completed is necessary to verify the absence of multiple-site fatigue damage. The detailed inspection could include pulling open a number of fastener holes to perform an examination, using an electron microscope, of fracture surfaces in representative areas to determine if any widespread, multiple-site damage is present. It may not be necessary to complete the fatigue testing prior to issuance of the type of certificate, provided the approval is based on a previously approved test plan and sufficient testing to establish that fatigue problems will not arise during the period required for completion of the test. If subsequent testing reveals longer term fatigue problems, they can be addressed by means of airworthiness directives or other means of ensuring continuing airworthiness. The FAA is in the process of revising Advisory Circular 25.571–1A to provide additional guidance on acceptable means of compliance with these proposed requirements.

The current regulations do not prescribe criteria for establishing thresholds for the detailed structural inspection program. In the past, initial inspections were established based on service experience on similar type airplanes; but they did not account for premature failures due to undetected manufacturing defects (rogue flaws). The primary concern in establishing thresholds for inspections is in establishing the threshold early enough to detect cracks before they result in failures. Theoretically, perfect parts that have been fatigue tested for the expected operational life of the airplane, using a conservative loading spectrum and factors, would not fail throughout the operational life of the airplane. Service history, however, shows that parts are not always perfect as installed and do fail prematurely due to initial undetected defects. The FAA therefore concludes that it is necessary to account for undetected manufacturing defects when establishing thresholds for inspections. Initial inspection thresholds should be established based on cracks growing from likely defects developed during manufacture such as machining marks, improper installation of fasteners, etc. This should be substantiated by crack growth analyses and supported by test evidence. Under the fail-safe design philosophy, heavy reliance is placed on the fact that fatigue cracks, including those resulting from rogue flaws, will become obvious before they become critical because of the required redundancy of structural load paths. This practice is not appropriate for structures designed to the current damage tolerance requirements because cracks may not necessarily become obvious before they become critical.

The proposed regulation would require that inspection thresholds be established based on crack growth data. This would prevent cracks that emanate from initial defects incurred during manufacture from reaching unsafe dimensions within the interval established for the inspection threshold.

Three minor changes to § 25.571 are also proposed in this notice. The purposes of these changes are to clarify existing rules for consistency with current interpretations to achieve consistency with the corresponding requirements of Joint Airworthiness Requirements-25 (JAR–25). (JAR–25 has been adopted by a number of European countries as an acceptable basis for type certification of transport category airplanes. It is based on part 25 of the FAR; however, it does differ from part 25 in a number of specific areas.) Because American and European manufacturers are required to meet the

standards of both part 25 and JAR–25 if they are to sell airplanes worldwide, there is an attempt within the international community to harmonize the two documents wherever possible. The following proposed changes have been requested by both the American and European manufacturers.

Section 25.571(b)(1) would be amended to clarify that all speeds up to V_c (design cruising speed) must be investigated. This is only a clarification because § 25.337, which is referenced in § 25.571(b)(1), already requires consideration of speeds up to V_c.

Section 25.571(b)(5)(ii) would be changed to specify a cabin pressure differential of 1.15 times the normal operating differential pressure in lieu of the present factor of 1.1. This change would make the sentence identical to the corresponding JAR rule. Although it would be slightly more stringent than the current FAR rule, both the domestic and foreign manufacturers support the proposed change.

Amendment 25–45 introduced a requirement in § 25.571(e)(1) that the aircraft structure must successfully withstand the impact of a four-pound bird at "likely operational speeds at altitudes up to 8,000 feet." For clarity and consistency with other bird strike standards, this section was amended by Amendment 25–72 to refer to "V_c at sea level." Since the adoption of Amendment 25–72, a manufacturer has attempted to circumvent the intent of the rule by proposing an unrealistically low V_c at sea level. In order to ensure that the intended level of safety will be maintained, § 25.571(e)(1) would be amended further to specify "V_c at sea level or 0.85 V_c at 8,000 feet, whichever is more critical." (In terms of true airspeed, 0.85 V_c at 8,000 feet is approximately equal to V_c at sea level.)

The proposed amendment would apply only to future transport category airplanes for which an application for type certificate is made after the effective date of the amendment. Although no retrofit requirement is proposed in this notice, the FAA is considering separate rulemaking action to require that certain provisions of this proposed rule be made applicable to the current fleet of aging airplanes.

Regulatory Evaluation

The FAA has conducted a draft regulatory evaluation of the proposal to amend the fatigue testing requirements for transport category airplanes to require: (1) Full-scale fatigue testing, and (2) inspection thresholds based on crack growth from likely initial manufacturing defects in an affected airplane structure.

Executive Order 12291 dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society from the regulatory change outweigh the potential costs it would impose on the industry. The order also requires the preparation of a draft regulatory impact analysis of all "major" proposals, except those responding to emergency situations or other narrowly defined exigencies. A "major" proposal is one that is likely to result in an annual affect on the economy of $100 million or more, a major increase in consumer costs, a significant adverse affect on competition or is highly controversial.

The FAA has determined that this regulatory action is not a "major" action as defined in the executive order, so a full draft regulatory impact analysis identifying and evaluating alternative proposal has not been prepared. A more concise draft regulatory evaluation has been prepared, however, that includes estimates of the economic impact of this regulation. This draft regulatory evaluation is included in the docket and quantifies, to the extent practicable, estimated costs to the private sector, to consumers, and to Federal, State, and local governments, as well as estimated anticipated economic costs.

The reader is referred to the draft regulatory evaluation for the complete detailed analysis. This section contains only a summary of the draft regulatory evaluation. This section also contains only an initial regulatory flexibility determination as required by the Regulatory Flexibility Act of 1980 and a trade impact assessment.

Costs

The proposed regulations would codify the current practices of Part 25 airplane manufactures. At present, transport airplane manufactures are voluntarily subjecting all new model airplanes to the full-scale testing equivalent of two lifetimes under simulated flight-by-flight operational loading spectra. For example, this practice has been or will be followed in the certification of the Boeing Model 757, 767, and 777; the McDonnell Douglas MD–11; and the Airbus A320, A330, and A340. The FAA is not aware of any new model transport airplanes certificated in the last ten years that have not been subjected to this practice. The proposed regulations would ensure the continuation of this practice, clarify the testing and inspection requirements, and establish a uniform minimum standard throughout the industry, both for conducting the fatigue tests and for establishing inspection procedures. Therefore little, if any, incremental costs would be incurred by the industry as a result of the proposed regulations.

Nevertheless, part 25 airplane manufacturers, as a result of the proposed rules, would be denied an option currently available to them and, thus, would no longer be able to avoid the cost of performing the proposed fatigue tests. The costs of the proposed fatigue tests are estimated to average $55 million per certification. These costs consist of $20 million for test equipment and for 400,000 man hours necessary to set up and test the airplane, and about $35 million for an airplane that would be destroyed by the tests. These costs are based on the experience of a manufacturer that recently conducted a full-scale test equivalent to two lifetimes under simulated flight-by-flight operational loading spectra on one of its new model airplanes.

Benefits

The proposed rules are necessary to ensure the continued airworthiness of future airplanes. The intent of the proposed rules is to keep fatigue failures at a minimum in future airplanes and, in instances where a future critical flight structure may suffer a fatigue failure, guarantee that the airplane will continue to fly safely until the failure is detected.

A review of National Transportation Safety Board (NTSB) accident records reveals that during the period between 1974 and 1988, a total of 34 non-engine related fatigue accidents occurred involving 2,754 passengers and crewmembers. Miraculously, only 4 persons were fatally injured and 11 sustained minor injuries. These accidents involved airplanes as large as a Boeing 747 carrying 263 passengers and crewmembers. Therefore, the accidents could have been considerably more catastrophic than they proved to be. In addition, normal inspections of airplanes during maintenance procedures have revealed countless instances of fatigue cracks that, had they gone undetected, could have resulted in catastrophic accidents.

The proposed rules would have to prevent accidents that otherwise would result in 25 fatalities per new model of airplane for the benefits of the proposed rules to outweigh the costs. This assumes a value of $1.5 million per statistical fatality avoided,[1] no non-fatal

[1] In order to provide the public and government officials with a benchmark comparison of the expected safety benefits of rulemaking actions over an extended period of time with estimated costs in dollars, the FAA currently uses a value of $1.5 million to represent a statistical human fatality avoided. This is in accordance with guidelines

injuries, and $17.5 million as an expected allowance for loss of the airplane. The FAA believes that the existing accident record, plus the results of many inspections for fatigue cracks, has clearly demonstrated that the proposed rules are necessary to assure the extended airworthiness of future transport category airplanes. The prevention of just one catastrophic accident per new airplane design would produce benefits outweighing the cost of the proposal. Therefore, the agency believes that this action would be cost beneficial.

International Trade Impact Assessment

The proposal is unlikely to have any impact on international trade. U.S. airplane manufacturers are already performing the fatigue tests on their new models of transport category airplane that would be affected by the proposed rules, as are foreign manufacturers of this category of airplane.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities." Since the Act applies to U.S. entities, only U.S. manufacturers of transport category airplanes would be affected.

In the United States, there are two manufactures that specialize in commercial transport category airplanes, The Boeing Company and McDonnell Douglas Corporation. In addition, there are a number of others that specialize in the manufacture of other transport category airplanes, such as those designed for executive transportation. These are Cessna Aircraft Corporation, Beech Aircraft Corporation, Gulfstream American Corporation and Gates Learjet Corporation.

The FAA size threshold for a determination of a small entity for U.S. airplane manufacturers is 75 employees; any manufacturer with more than 75 employees is not considered to be a small entity. None of the present U.S manufacturers of transport category airplanes can be considered a small entity; therefore, this proposed rule would not have a "significant economic impact on a substantial number of small entities," and no review is required in this regard by the RFA.

Issued by the Office of the Secretary of Transportation dated June 22, 1990.

Federalism Implications

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

Conclusion

Because the regulations proposed herein are expected to result only in negligible costs, the FAA has determined that this proposed rule is not major as defined in Executive Order 12291. This proposed rule is considered to be significant, as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), as it involves an issue on which there has been considerable public interest. In addition, since there are no small entities affected by this rulemaking, it is certified, under the criteria of the Regulatory Flexibility Act, that this proposed rule, at promulgation, would not have a significant economic impact, positive or negative, on a substantial number of small entities. A copy of the initial regulatory evaluation prepared for this proposed rule may be obtained by contacting the person identified under "**FOR FURTHER INFORMATION CONTACT.**"

List of Subject in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The Proposed Amendment

Accordingly, the Federal Aviation Administration (FAA) proposes to amend 14 CFR part 25 of the Federal Aviation Regulations (FAR) as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. app. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g); and 49 CFR 1.47(a).

2. By amending § 25.571 by revising the introductory text of paragraph (a), and paragraphs (a)(3), (b) introductory text, (b)(1), (b)(5)(ii), and (e)(1) to read as follows:

§ 25.571 Damage-tolerance and fatigue evaluation of structure.

(a) *General.* An evaluation of the strength, detail design, and fabrication must show that catastrophic failure due to fatigue, corrosion, manufacturing defects, or accidental damage, will be avoided throughout the operational life of the airplane. This evaluation must be conducted in accordance with the provisions of paragraphs (b) and (e) of this section, except as specified in paragraph (c) of this section, for each part of the structure that could contribute to a catastrophic failure (such as wing, empennage, control surfaces and their systems, the fuselage, engine mounting, landing gear, and their related primary attachments). For turbojet powered airplanes, those parts that could contribute to a catastrophic failure must also be evaluated under paragraph (d) of this section. In addition, the following apply:

* * * * *

(3) Based on the evaluations required by this section, inspections or other procedures must be established, as necessary, to prevent catastrophic failure, and must be included in the Airworthiness Limitations Section of the Instructions for Continued Airworthiness required by § 25.1529. These procedures must include thresholds for inspections that are based on analyses and tests considering the damage tolerance design concept, manufacturing quality, and susceptibility to in-service damage.

(b) *Damage-tolerance (fail-safe) evaluation.* The evaluation must include a determination of the probable locations and modes of damage due to fatigue, corrosion, or accidental damage. The determination must be made by analysis supported by test evidence and (if available) service experience. Damage at multiple sites due to prior fatigue exposure must also be included where the design is such that this type of damage is expected to occur. The evaluation must include repeated loads and static analyses supported by full-scale test evidence. Sufficient full-scale testing must be accomplished to ensure that widespread multiple-site damage will not occur within the design lifetime of the airplane. The extent of damage for residual strength evaluation at any time within the operational life must be consistent with the initial detectability and subsequent growth under repeated loads. The residual strength evaluation must show that the remaining structure is able to withstand loads (considered as static ultimate loads) corresponding to the following conditions:

(1) The limit symmetrical maneuvering conditions specified in § 25.337 at all speeds up to V_c and in § 25.345.

* * * * *

(5) * * *

(ii) The maximum value of normal operating differential pressure (including the expected external aerodynamic pressures during 1g level flight) multiplied by a factor of 1.15, omitting other loads.

* * * * *

(e) * * *

(1) Impact with a 4-pound bird when the velocity of the airplane relative to the bird along the airplane's flight path is equal to V_c at sea level or $0.85V_c$ at 8,000 feet, whichever is more critical.

* * * * *

Issued in Washington, DC, on Wednesday, July 7, 1993.

Thomas E. McSweeny,

Acting Director, Aircraft Certification Service.

[FR Doc. 93–16916 Filed 7–16–93; 8:45 am]

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federal register

Monday
July 19, 1993

Part VI

Federal Maritime Commission

46 CFR Part 502

Rules of Practice and Procedure; Alternative Dispute Resolution; Final Rule; and Policy Statement; Notice

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 93–06]

Rules of Practice and Procedure; Alternative Dispute Resolution

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is amending its rules to incorporate procedures designed to implement the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. These amendments will require timely consideration of the use of alternative dispute resolution techniques to resolve disputes without resort to more costly and time-consuming litigation.

EFFECTIVE DATE: July 19, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, 202–523–5725.

SUPPLEMENTARY INFORMATION: Public Law No. 101–552, the Administrative Dispute Resolution Act ("ADRA"), and Public Law No. 101–648, the Negotiated Rulemaking Act ("Reg-Neg"), amend the Administrative Procedure Act ("APA"), 5 U.S.C. 551 et seq., to authorize and encourage administrative agencies to permit the voluntary use of consensual alternative dispute resolution ("ADR") techniques—such as settlement negotiations, negotiated rulemaking, mediation and arbitration—in order to achieve faster and procedurally less expensive results in agency adjudications, rulemakings, contract disputes and other actions.

In enacting the ADRA, Congress indicated that administrative proceedings have become too formal and lengthy, and that alternative procedures may in some instances be more efficient. Because ADR procedures are not appropriate in every case, the ADRA sets forth situations in which the agency shall consider not using such procedures. These include precedent-setting cases, those where a formal record is essential, and those where maintenance of established policies is of special importance so that variation among individual decisions is not increased.

Similarly, in enacting Reg-Neg, Congress was concerned that traditional rulemaking procedures may discourage affected parties from meeting and communicating with each other. As a result, the parties may assume extreme conflicting positions, which can result in costly and time-consuming litigation. Reg-Neg is intended as an alternative process, under which the agency may establish and administer committees under the Federal Advisory Committee Act for the development of consensus positions regarding controversial regulations and policies. Reg-Neg establishes several criteria for the use of negotiated rulemaking.

The ADRA requires agencies to adopt a policy that addresses the use of ADR and case management.[1] The ADRA also amends provisions of the APA, at 5 U.S.C. 556(c), which address the role of agency employees presiding at agency hearings. These amendments to the APA prescribe that such presiding officials may (1) hold conferences for the settlement or simplification of the issues by the use of ADR, (2) inform the parties as to the availability of one or more alternative means of dispute resolution, and encourage use of such methods, and (3) require the attendance at any conference held of at least one representative of each party who has authority to negotiate concerning resolution of issues in controversy.

The Commission, by notice of proposed rulemaking published on March 30, 1993 (58 FR 16641) proposed to further implement the ADRA and Reg-Neg by amending the FMC's Rules of Practice and Procedure to implement the above-described amendments to the APA, and generally to encourage the use of ADR at the Commission to the fullest extent compatible with the law and the agency's mission and resources. A comment supporting the proposed amendments was filed by Asia North America Eastbound Rate Agreement. A comment was also filed by Marine Mediation Service Inc. ("MMS") suggesting a modification to the proposed amendment to § 502.91(d).

Upon consideration of the proposed rule and the comments filed in response, the Commission has determined to finalize the rule as proposed with the one change suggested by MMS. The specific rule changes including the MMS suggestion are discussed below.

Scope of Rules

Section 502.1 defines the scope of the rules and indicates that they apply to proceedings under the various shipping statutes administered by the Commission. This section provides that the rules shall be construed to secure the just, speedy and inexpensive determination of every proceeding. This requirement applies essentially to all proceedings before the Commission conducted under Part 502. However, in order to emphasize the importance the Commission places on the use of ADR in appropriate circumstances, this rule will now include a reference to the mandatory consideration of the use of ADR in all proceedings.

Negotiated Rulemaking

A new § 502.56 is added indicating that the Commission, either upon petition of interested persons or upon its own motion, may establish a negotiated rulemaking committee to negotiate and develop consensus on a proposed rule, if, upon consideration of Reg-Neg Act criteria, use of such a committee is determined by the Commission to be in the public interest.

Orders Initiating Proceedings

Section 502.61 currently requires that orders instituting formal proceedings specify dates for commencement of any hearing and for issuance of the initial and final decisions. The Commission also has had a long-standing policy of including a statement in such orders that oral hearings and cross-examination will be utilized only upon a proper showing that they are necessary for the development of an adequate record. See Informal Statement of Policy, 17 S.R.R. 457 (1977). In order to emphasize this policy of avoiding trial-type hearings, § 502.61 is amended to codify the requirement of inclusion of such a statement in orders initiating proceedings. This policy is further emphasized by adding to the mandatory language a requirement that "prior to the commencement of oral hearings, consideration must be given by the parties and the presiding officer to the use of alternative forms of dispute resolution."

Opportunity for Informal Settlement

Section 502.91 currently provides parties an opportunity to submit facts, argument, and offers of settlement to the presiding officer without prejudice to their rights. This section is amended to further emphasize the availability of ADR procedures and to encourage their use. A specific provision is added regarding use of mediators and settlement judges. At the suggestion of MMS this amendment will now include a provision specifying that the presiding judge may take the initiative to suggest use of mediation or of a settlement judge in a particular case. This should meet the concern expressed by MMS that parties sometimes contemplate or consider mediation, but are reluctant to be the first to suggest it.

[1] The Federal Maritime Commission ("FMC" or "Commission"), by a separate notice is issuing a statement of Commission policy on ADR, in keeping with the requirements of the ADRA that agencies adopt such a policy.

Prehearing Conferences

Section 502.94 currently provides that a presiding officer may direct the parties to a proceeding to attend a prehearing conference to consider various matters designed to expedite the completion of proceedings, including offers of settlement and simplification of the issues. This section will now further require that, at any prehearing conference which is called, consideration be given to whether the use of ADR would be appropriate or useful.

Functions and Powers of Presiding Officers

Section 502.147 presently describes the functions and powers of presiding officers in formal proceedings. This rule is amended to indicate that the presiding officer has authority to inform the parties as to the availability of one or more alternative means of dispute resolution, to encourage use of such methods, and to require consideration of their use at an early stage of the proceeding. As indicated above, the presiding officer has authority to hold conferences for the settlement or simplification of the issues by consent of the parties. This authority to promote settlements is enhanced by inclusion in this section of a reference to the use of ADR and by including specific authority for transmittal of a request of parties for the appointment of a settlement judge or a mediator, as provided by section 502.91. The rule will further allow the presiding officer to require the attendance at any such conference, pursuant to the ADRA, of at least one representative of each party who has authority to negotiate concerning resolution of issues in controversy. Finally, the provision which allows the presiding officer to permit submissions of facts, arguments, and offers of settlement will permit the presiding officer, if the parties so request, to issue informal opinions providing tentative evaluations of the evidence submitted.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it nonetheless has reviewed the rule in terms of this Order, and has determined that this rule is not a "major rule" as defined in Executive Order 12291 because it will not result in:

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

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

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

The Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(n), that because this rule deals only with agency practice and procedure, it will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units, and small government jurisdictions.

List of Subjects in 46 CFR Part 502

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Penalties, Reporting and recordkeeping requirements.

Therefore, notice is hereby given that the Commission is amending part 502 of Title 46 CFR as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 502 is revised to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 46 U.S.C. app. 817, 820, 821, 826, 841a, 1114(b), 1705, 1707–1711, 1713–1716; E.O. 11222 of May 8, 1965 (30 FR 6469); 21 U.S.C. 853a.

2. Section 502.1 is amended by adding a new sentence to the end thereof reading as follows:

§ 502.1 Scope of the rules in this part.

* * * To this end, all persons involved in proceedings conducted under the rules of this part shall be required to consider at an early stage of the proceeding whether resort to alternative dispute resolution techniques would be appropriate or useful.

3. A new § 502.56 is added reading as follows:

§ 502.56 Negotiated rulemaking.

The Commission, either upon petition of interested persons or upon its own motion, may establish a negotiated rulemaking committee to negotiate and develop consensus on a proposed rule, if, upon consideration of the criteria of 5 U.S.C. 563, use of such a committee is determined by the Commission to be in the public interest.

4. Section 502.61 is amended by adding a new paragraph (d) reading as follows:

§ 502.61 Proceedings.

* * * * *

(d) All orders instituting a proceeding or noticing the filing of a complaint will contain language requiring that prior to the commencement of oral hearings consideration shall be given by the parties and presiding officer to the use of alternative forms of dispute resolution, and further requiring that hearings shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

5. Section 502.91 is amended by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) and by adding new paragraphs (a) and (d) reading as follows:

§ 502.91 Opportunity for informal settlement.

(a) Parties are encouraged to make use of all the procedures of this part which are designed to simplify or avoid formal litigation, and to assist the parties in reaching settlements whenever it appears that a particular procedure would be helpful.

(b) * * *

(c) * * *

(d) Any party may request, or the presiding officer may suggest, that a mediator or settlement judge be appointed to assist the parties in reaching a settlement. If such a request or suggestion is made and is not opposed, the presiding judge will advise the Chief Administrative Law Judge who may appoint a mediator or settlement judge who is acceptable to all parties. The mediator or settlement judge shall convene and preside over conferences and settlement negotiations and shall report to the Chief Administrative Law Judge, within the time prescribed by the Chief Administrative Law Judge, on the results of settlement discussions with appropriate recommendations as to future proceedings. If settlement is reached, it shall be submitted to the presiding judge who shall issue an appropriate decision or ruling.

6. Section 502.94 is amended by adding a new paragraph (c) reading as follows:

§ 502.94 Prehearing conference.

* * * * *

(c) At any prehearing conference, consideration shall be given to whether the use of alternative means of dispute

resolution would be appropriate or useful for the disposition of the proceeding.

7. Section 502.147, *Functions and powers*, paragraph (a), is amended by revising the language which reads "hold conferences for the settlement or simplification of issues by consent of the parties;" to read "inform the parties as to the availability of one or more alternative means of dispute resolution, encourage use of such methods, and require consideration of their use at an early stage of the proceeding; hold conferences for the settlement or simplification of the issues by consent of the parties or by the use of alternative means of dispute resolution; transmit the request of parties for the appointment of a mediator or settlement judge, as provided by § 502.91 of this part; require the attendance at any such conference pursuant to 5 U.S.C. 556(c)(8), of at least one representative of each party who has authority to negotiate concerning resolution of issues in controversy;" and by adding at the end of the phrase "permit submission of facts, arguments, offers of settlement, and proposals of adjustment;" the phrase "and, if the parties so request, issue informal opinions providing tentative evaluations of the evidence submitted;".

By the Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 93-17017 Filed 7-16-93; 8:45 am]

BILLING CODE 6730-01-W

FEDERAL MARITIME COMMISSION

[Docket No. 93-07]

Alternative Dispute Resolution Policy Statement

AGENCY: Federal Maritime Commission.

ACTION: Notice of Alternative Dispute Resolution ("ADR") Policy.

SUMMARY: The Federal Maritime Commission ("Commission") has developed a statement of policy describing its implementation of the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act. The Commission's policy is designed to encourage the consensual use of ADR mechanisms to resolve disputes, in appropriate circumstances.

EFFECTIVE DATE: July 19, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Public Law No. 101-552, the Administrative Dispute Resolution Act ("ADRA"), and Public Law No. 101-648, the Negotiated Rulemaking Act ("Reg-Neg"), amend the Administrative Procedure Act, 5 U.S.C. 551 et seq., to authorize and encourage administrative agencies to permit the voluntary use of consensual ADR mechanisms—such as settlement negotiations, negotiated rulemaking, mediation and arbitration—in order to achieve faster and less expensive results in agency adjudications, rulemakings, contract disputes, and other actions. ADR procedures may not be appropriate in every case. Section 5 U.S.C. 572(b) of the ADRA sets forth situations in which the agency shall consider not using ADR, including precedent-setting cases, those where a formal record is essential, and those where maintenance of established policies is of special importance so that variation among individual decisions is not increased.

Reg-Neg is intended as an alternative to the traditional rulemaking process, under which the agency may establish and administer committees under the Federal Advisory Committee Act for the development of consensus positions regarding controversial regulations and policies. Reg-Neg establishes several criteria for the use of negotiated rulemaking, including: (1) There are a limited number of identifiable interests; (2) these can be adequately represented; (3) the parties are willing to negotiate in good faith; (4) the agency has the resources to undertake the process; and (5) the agency is committed to use the result of the negotiation in formulating a proposed rule if at all possible.

The ADRA specifically requires agencies to adopt a policy that addresses the use of alternative means of dispute resolution and case management. It also requires that a senior agency official be designated as the agency's Dispute Resolution Specialist, and that training be provided for that official and for other employees involved in implementing that agency's ADR policy.

The Secretary of the Commission has been designated as the agency's Dispute Resolution Specialist and is responsible for coordinating the Commission's ADR activities and procedures. Inquiries and suggestions regarding the Commission's ADR functions may be made to the Dispute Resolution Specialist ((202) 523-5725).

The Dispute Resolution Specialist and the Chief Administrative Law Judge have attended training on the theory and practice of ADR. Similar training is being provided to other Commission employees whose responsibilities will call for consideration of the use of ADR.

The Commission on March 30, 1993 (58 FR 16681), published an interim ADR statement of policy. Interested persons were encouraged to comment on this policy statement, and to provide suggestions for other specific uses of ADR at the Commission or other procedures to facilitate the use of ADR. A single comment fully supporting the policy statement was submitted by Asia North America Eastbound Rate Agreement. Accordingly, the Commission has determined to adopt the interim statement of policy as final. An additional section has been added which indicates that the Commission is in the process of developing an agency ADR procedures for use in Equal Employment Opportunity ("EEO") disputes. Section 1614.105(f) of Title 29 CFR encourages the use of ADR processes during the EEO pre-complaint counseling period.

ADR Policy and Procedures

It is the Commission's policy to encourage the use of ADR to the fullest extent compatible with the law and the agency's mission and resources. Commission employees and all other persons involved in disputes before the Commission are required to consider at an early stage whether the use of ADR techniques would be appropriate and useful in a particular matter. Prior to enactment of the ADRA the Commission already had in place several different alternative methods for resolving disputes without resort to formal hearings. In consultation with the Administrative Conference of the United States and the Federal Mediation and Conciliation Service, the Commission has developed additional procedures designed to enhance the use of ADR. The Commission envisions that the application of these procedures could be enlarged even further as experience is gained, and welcomes suggestions from the public in this regard.

The Commission's policy regarding the use of ADR is reflected in the following rules and procedures.

General philosophy. Rule 1 of the Commission's Rules of Practice and Procedure, which defines the scope of the rules, states that all of the Commission's rules "shall be construed to secure the just, speedy and inexpensive determination of every proceeding." 46 CFR § 502.1. This guideline thus applies to all proceedings before the agency conducted under Part 502. In order to emphasize the importance the Commission places on the use of ADR in appropriate circumstances, Rule 1 includes a reference to the mandatory consideration of the use of ADR in all proceedings. ADR concepts also can be promoted by application of Rule 10 which states that the requirements of a particular rule may be waived "to prevent undue hardship, manifest injustice, or if the expeditious conduct of business so requires." 46 CFR § 502.10.

Time limits for hearings and decisions; avoidance of oral hearings. In orders instituting a formal investigation or noticing the filing of a complaint, the Commission specifies dates for commencement of any hearing, and issuance of the initial decision and final Commission decisions. 46 CFR § 502.61. Further, it is the policy of the Commission to seek to avoid costly and time-consuming litigation by providing in all orders initiating proceedings that:

> prior to the commencement of oral hearings, consideration must be given by the parties and the presiding officer to the use of alternative forms of dispute resolution. Hearings shall include oral testimony and cross-examination, in the discretion of the presiding officer, only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Opportunity for settlements. The Commission encourages settlements of formal proceedings. Interested parties are urged to make use of all the procedures set forth in the Commission's Rules of Practice and Procedure, which are designed to simplify or avoid formal litigation and

to assist the parties in reaching settlements. Parties may submit facts, argument and offers of settlement to the presiding officer without prejudice to their rights. In addition, the rules specifically provide for the consensual use of settlement judges and mediators to assist the parties in achieving a settlement. 46 CFR § 502.91.

Prehearing conferences. Under the Commission's rules, the Commission or a presiding officer may direct the parties to a formal proceeding to attend a prehearing conference, where the following may be considered: offers of settlement; simplification of the issues; use of admissions of fact and documents that will avoid unnecessary proof; limitation on the numbers of witnesses; and consolidation of the examination of witnesses by counsel. 46 CFR § 502.94(a). This rule also provides that, at any prehearing conference, consideration be given to whether the use of ADR would be appropriate or useful. Informal conferences may be called at any time during a proceeding for similar purposes. 46 CFR § 502.94(b).

Functions and powers of presiding officers. Rule 147 of the Commission's rules describes the functions and powers of presiding officers in formal proceedings. This rule provides that the presiding officer has authority to inform the parties as to the availability of one or more alternative means of dispute resolution, to encourage use of such methods, and to require consideration of their use at an early stage of the proceeding. As indicated in paragraph (d) of this section, the presiding officer has authority to hold conferences for the settlement or simplification of the issues by consent of the parties. This authority to promote settlements is further enhanced by the inclusion in this rule of a reference to the use of ADR, and of a provision for transmittal of a request of parties for the appointment of a settlement judge or a mediator, as provided by § 502.91. The rule further allows the presiding officer to require the attendance at any such conference, pursuant to 5 U.S.C. 556(c)(8), of at least one representative of each party who has authority to negotiate concerning resolution of issues in controversy. Finally, the presiding officer is permitted, if the parties so request, to issue informal opinions providing tentative evaluations of the evidence submitted. 46 CFR 502.147.

Negotiated rulemaking. The Commission's rules dealing with rulemaking procedures specifically authorize the use of negotiated rulemaking. This rule provides that the Commission, either upon petition of interested persons or upon its own motion, may establish a negotiated rulemaking committee to negotiate and develop consensus on a proposed rule, if the Commission, upon consideration of Reg-Neg criteria, determines that use of such a committee would be in the public interest. 46 CFR 502.56.

Informal procedure for adjudication of small claims. The Commission provides an informal procedure for adjudication of claims for $10,000 or less. Similar to binding arbitration, this procedure is conducted by a settlement officer, and consists of a written factual record and argument, and decision. The decision of the settlement officer is not subject to appeal by the parties, but may be reviewed by the Commission on its own motion. 46 CFR 502.301–305.

Shortened procedure. For claims over $10,000, the Commission offers a shortened procedure whereby the parties may consent to have the complaint resolved by an administrative law judge upon a written record without oral hearing. The parties have the right to appeal the initial decision to the Commission. 46 CFR 502.181–187.

Nonadjudicatory investigations. The Commission conducts nonadjudicatory fact-finding investigations to aid it in discharging its responsibilities, and in determining whether formal rulemakings or adjudicatory investigations are necessary. Such investigatory proceedings are usually non-public and voluntary cooperation is encouraged. 46 CFR 502.281–291.

Conciliation service. The Commission provides a conciliation service under the direction of the Dispute Resolution Specialist. This procedure requires the consent of the parties to the particular dispute, and provides for the appointment of a conciliator who prepares a non-binding advisory opinion for the guidance of the parties. 46 CFR 502.401–406.

Civil penalty settlement and compromise procedures. In formal, docketed proceedings, the parties may enter into settlements whereby a civil penalty for statutory violations is agreed to. Such settlement agreements must be approved by the presiding officer and are subject to review by the Commission. As an alternative to formal adjudications, the Commission's Bureau of Hearing Counsel is authorized to conduct compromise negotiations, which may result in an agreement for the payment of a civil penalty without admission of violations of law. 46 CFR 502.601–502.605. This form of dispute resolution has been widely used at the Commission and has successfully resulted in the avoidance of many possible protracted formal adjudications.

Informal inquiries and complaints. The Commission's Office of Informal Inquiries, Complaints and Informal Dockets is available to assist shipping consumers and small businesses in resolving informal complaints, difficulties and misunderstandings with ocean carriers, terminal operators, freight forwarders, port authorities and other persons. Aggrieved persons or entities are encouraged to avail themselves of this assistance prior to or in lieu of initiating formal proceedings. The Office can be contacted at (202) 523–5807.

Use of nonattorneys. Section 9 of the ADRA requires each agency to develop a policy regarding the representation of parties by nonattorneys in ADR proceedings. The Commission's rules permit practice before the agency on behalf of others by qualified nonattorneys who have been admitted to practice before the Commission. 46 CFR 502.27–502.31. Practice before the Commission is defined very broadly to include the rendering of advice and assistance in the presentation of any matter before the Commission, not just ADR proceedings. Persons may also appear on behalf of themselves or on behalf of their employer without having been admitted to practice. 46 CFR 502.27(c). The ADRA also requires that each agency that permits nonattorneys to practice shall ensure that any rules pertaining to disqualification of attorneys also apply, as appropriate, to other persons who provide representation or assistance. The Commission's rule regarding the suspension or disbarment from practice before the Commission, has equal application to attorneys and nonattorneys. 46 CFR 502.30.

Equal Employment Opportunity Disputes. Part 1614 of Title 29 CFR contains regulations of the Equal Employment Opportunity Commission relating to Federal sector equal employment opportunity, including rules regarding agency processing of EEO complaints. Section 1614.105 thereof outlines procedures for pre-complaint processing of EEO grievances. Paragraph (f) of this section specifically encourages the use of ADR processes during the EEO pre-complaint counseling period, with the consent of the aggrieved individual. Under this provision the pre-complaint processing period can be extended up to 90 days, if an established ADR procedure is used.

The Commission's EEO Director in consultation with the Dispute Resolution Specialist is in the process of developing an agency ADR procedure for this purpose. When developed, it will be incorporated into the

Commission's internal guidelines governing processing of EEO complaints.

Contract review. The ADRA requires each agency to review its standard agreements for contracts, grants, and other assistance and to determine whether to amend such agreements to authorize and encourage the use of ADR techniques. This provision has limited application to the Commission in that the agency provides no grants or other assistance. In regard to the few contracts that the Commission utilizes, the agency in the past has included standard Federal Acquisition Regulation ("FAR") procedures regarding resolution of any contract disputes. The ADRA requires that within one year the FAR be amended, as necessary, to carry out the Act. All future Commission contracts will conform to the amended FAR in regard to provisions for the resolution of contract disputes.

Miscellaneous. Either party to a filed service contract may request permission to correct clerical or administrative errors appearing in the contract's essential terms. 46 CFR 581.7(b). The Commission oversees the obligation of carrier conferences to provide for independent neutral body policing if a conference member so requests, to provide for a shipper consultation process, and to establish procedures for promptly and fairly considering shippers' requests and complaints. 46 U.S.C. 1704(b) (4)–(6).

By the Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 93–17018 Filed 7–16–93; 8:45 am]

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federal register

Monday
July 19, 1993

Part VII

Environmental Protection Agency

National Lead Laboratory Accreditation Program; Notice of Availability of Requirements; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-00138; FRL-4590-8]

National Lead Laboratory Accreditation Program; Notice of Availability of Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the establishment of the Environmental Protection Agency National Lead Laboratory Accreditation Program (NLLAP). EPA is interested in entering into a memoranda of understanding (MOU) with qualified public or private laboratory accrediting organizations who wish to participate in the NLLAP. A model MOU, which includes the accrediting organization requirements and laboratory quality system requirements, is available from EPA. Laboratories accredited by the organizations participating in the NLLAP will be recognized by EPA as being capable of analyzing for lead in paint chips, soil, and/or dust samples.

FOR FURTHER INFORMATION CONTACT: The National Lead Information Center Clearinghouse, 1019 19th St., NW., Suite 401, Washington, DC 20036-5105, Toll free: 1-800-424-LEAD, Fax: (202) 659-1192.

SUPPLEMENTARY INFORMATION:

Electronic Availability: This document and the NLLAP MOU model are available as an electronic file on *The Federal Bulletin Board* at 9 a.m. on the date of publication in the **Federal Register**. By modem dial 202-512-1387 or call 202-512-1530 for disks or paper copies. This file is also available in Postscript, Wordperfect, and ASCII. The NLLAP MOU is available in Wordperfect and ASCII.

Under the Congressional mandate stated in section 405(b) of Title X, The Residential Lead-Based Paint Hazard Reduction Act of 1992, EPA is establishing the National Lead Laboratory Accreditation Program (NLLAP). The program is being established to assure the public that analytical laboratories, accredited by laboratory accrediting organizations recognized by EPA as participants in the NLLAP, are capable of analyzing for lead in samples consisting of paint chips, dust, and/or soil matrices. Laboratories accredited for the analysis of lead in samples of paint chips, dust, and/or soil by laboratory accrediting organizations recognized by EPA under the NLLAP will in turn be recognized by EPA under the NLLAP. A list of laboratories recognized under NLLAP will be published by EPA on a periodic basis.

The EPA Office of Pollution Prevention and Toxics is seeking private and public laboratory accrediting organizations who wish to participate in the NLLAP. These laboratory accrediting organizations would be responsible for conducting system audits, inclusive of on-site visits, of laboratories who wish to be recognized by EPA under the NLLAP. EPA will establish an MOU with laboratory accrediting organizations which wish to participate in the NLLAP and meet the program requirements. Requirements for laboratory accrediting organizations who wish to participate are contained in the model MOU for the NLLAP. Included with the requirements for laboratory accreditation organizations are the minimum quality system requirements for laboratories. These requirements are being incorporated in all MOUs between EPA and laboratory accrediting organizations participating in the NLLAP. The model MOU can be obtained from the National Lead Information Center Clearinghouse at the address and telephone number listed under **FOR FURTHER INFORMATION CONTACT.**

Dated: July 1, 1993.

Mark Greenwood,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 93-17059 Filed 7-16-93; 8:45 am]

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federal register

Monday
July 19, 1993

Part VIII

The President

Proclamation 6580—Captive Nations Week, 1993

Federal Register
Vol. 58, No. 136
Monday, July 19, 1993

Presidential Documents

Title 3—

The President

Proclamation 6580 of July 15, 1993

Captive Nations Week, 1993

By the President of the United States of America

A Proclamation

Since 1959, when the Congress designated the third week of July as "Captive Nations Week," Americans have set aside this week to remember those who suffer under the yoke of oppressive governments. Many brave people who sought freedom and liberty brought down these totalitarian regimes, and this week we recognize their sacrifices. But we must also rededicate ourselves to those who are still struggling in regions of the world where human rights and individual liberties are not upheld.

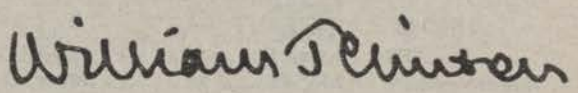
Over two centuries ago our forefathers fought for the cause of freedom and democracy, and these ideals have continued to be embraced by nations around the world. As America declared its independence, our country provided inspiration for all those who did not enjoy the rights that we held to be self-evident. We cannot abandon those we have encouraged. Our efforts in the former Soviet Union and Central and Eastern Europe have been rewarded by a wave of freedom throughout the region. Furthermore, these nations have proven their resolve and commitment to the difficult and frustrating transition to democratic, market-oriented systems that respect individual, social, political, and economic rights.

Yet today not everyone is free. There are still oppressive and authoritarian governments entrenched elsewhere in the world. Others are struggling for freedom and democracy, but need our help. Many nations in Latin America and Africa have been slower to introduce change. Tragically, even those in Europe are still threatened by atrocities fueled by ethnic hatred. For this reason, we must always remember the abuses that captive peoples have endured, continue to promote individual liberties, and call upon the nations of the world to protect human rights.

The Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week in July of each year as "Captive Nations Week."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim July 11 through July 17, 1993, as Captive Nations Week. I call upon the people of the United States to observe this week with appropriate ceremonies and activities. In doing this, I rededicate America to supporting the cause of human rights, democracy, peace, freedom, justice, and prosperity for all.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of July, 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 eighteenth.



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LIST OF PUBLIC LAWS

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Last List July 8, 1993

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-019-00001-1)	$15.00	Jan. 1, 1993
3 (1992 Compilation and Parts 100 and 101)	(869-019-00002-0)	17.00	[1] Jan. 1, 1993
4	(869-019-00003-8)	5.50	Jan. 1, 1993
5 Parts:			
1-699	(869-019-00004-6)	21.00	Jan. 1, 1993
700-1199	(869-019-00005-4)	17.00	Jan. 1, 1993
1200-End, 6 (6 Reserved)	(869-019-00006-2)	21.00	Jan. 1, 1993
7 Parts:			
0-26	(869-019-00007-1)	20.00	Jan. 1, 1993
27-45	(869-019-00008-9)	13.00	Jan. 1, 1993
46-51	(869-019-00009-7)	20.00	Jan. 1, 1993
52	(869-019-00010-1)	28.00	Jan. 1, 1993
53-209	(869-019-00011-9)	21.00	Jan. 1, 1993
210-299	(869-019-00012-7)	30.00	Jan. 1, 1993
300-399	(869-019-00013-5)	15.00	Jan. 1, 1993
400-699	(869-019-00014-3)	17.00	Jan. 1, 1993
700-899	(869-019-00015-1)	21.00	Jan. 1, 1993
900-999	(869-019-00016-0)	33.00	Jan. 1, 1993
1000-1059	(869-019-00017-8)	20.00	Jan. 1, 1993
1060-1119	(869-019-00018-6)	13.00	Jan. 1, 1993
1120-1199	(869-019-00019-4)	11.00	Jan. 1, 1993
1200-1499	(869-019-00020-8)	27.00	Jan. 1, 1993
1500-1899	(869-019-00021-6)	17.00	Jan. 1, 1993
1900-1939	(869-019-00022-4)	13.00	Jan. 1, 1993
1940-1949	(869-019-00023-2)	27.00	Jan. 1, 1993
1950-1999	(869-019-00024-1)	32.00	Jan. 1, 1993
2000-End	(869-019-00025-9)	12.00	Jan. 1, 1993
8	(869-019-00026-7)	20.00	Jan. 1, 1993
9 Parts:			
1-199	(869-019-00027-5)	27.00	Jan. 1, 1993
200-End	(869-019-00028-3)	21.00	Jan. 1, 1993
10 Parts:			
0-50	(869-019-00029-1)	29.00	Jan. 1, 1993
51-199	(869-019-00030-5)	21.00	Jan. 1, 1993
200-399	(869-019-00031-3)	15.00	Jan. 1, 1993
400-499	(869-019-00032-1)	20.00	Jan. 1, 1993
500-End	(869-019-00033-0)	33.00	Jan. 1, 1993
11	(869-019-00034-8)	13.00	Jan. 1, 1993
12 Parts:			
1-199	(869-019-00035-6)	11.00	Jan. 1, 1993
200-219	(869-019-00036-4)	15.00	Jan. 1, 1993
220-299	(869-019-00037-2)	26.00	Jan. 1, 1993
300-499	(869-019-00038-1)	21.00	Jan. 1, 1993
500-599	(869-019-00039-9)	19.00	Jan. 1, 1993
600-End	(869-019-00040-2)	28.00	Jan. 1, 1993
13	(869-019-00041-1)	28.00	Jan. 1, 1993
14 Parts:			
1-59	(869-019-00042-9)	29.00	Jan. 1, 1993
60-139	(869-019-00043-7)	26.00	Jan. 1, 1993
140-199	(869-019-00044-5)	12.00	Jan. 1, 1993
200-1199	(869-019-00045-3)	22.00	Jan. 1, 1993
1200-End	(869-019-00046-1)	16.00	Jan. 1, 1993
15 Parts:			
0-299	(869-019-00047-0)	14.00	Jan. 1, 1993
300-799	(869-019-00048-8)	25.00	Jan. 1, 1993
800-End	(869-019-00049-6)	19.00	Jan. 1, 1993
16 Parts:			
0-149	(869-019-00050-0)	7.00	Jan. 1, 1993
150-999	(869-019-00051-8)	17.00	Jan. 1, 1993
1000-End	(869-019-00052-6)	24.00	Jan. 1, 1993
17 Parts:			
1-199	(869-019-00054-2)	18.00	Apr. 1, 1993
200-239	(869-017-00055-8)	17.00	Apr. 1, 1992
240-End	(869-017-00056-6)	24.00	Apr. 1, 1992
18 Parts:			
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150-279	(869-017-00058-2)	19.00	Apr. 1, 1992
280-399	(869-019-00059-3)	15.00	Apr. 1, 1993
400-End	(869-019-00060-7)	10.00	Apr. 1, 1993
19 Parts:			
1-199	(869-019-00061-5)	35.00	Apr. 1, 1993
200-End	(869-019-00062-3)	11.00	Apr. 1, 1993
20 Parts:			
1-399	(869-019-00063-1)	19.00	Apr. 1, 1993
*400-499	(869-019-00064-0)	31.00	Apr. 1, 1993
500-End	(869-017-00065-5)	21.00	Apr. 1, 1992
21 Parts:			
1-99	(869-019-00066-6)	15.00	Apr. 1, 1993
100-169	(869-017-00067-1)	14.00	Apr. 1, 1992
*170-199	(869-019-00068-2)	20.00	Apr. 1, 1993
200-299	(869-019-00069-1)	6.00	Apr. 1, 1993
*300-499	(869-019-00070-4)	34.00	Apr. 1, 1993
*500-599	(869-019-00071-2)	21.00	Apr. 1, 1993
600-799	(869-019-00072-1)	8.00	Apr. 1, 1993
800-1299	(869-017-00073-6)	18.00	Apr. 1, 1992
1300-End	(869-019-00074-7)	12.00	Apr. 1, 1993
22 Parts:			
1-299	(869-019-00075-5)	30.00	Apr. 1, 1993
*300-End	(869-019-00076-3)	22.00	Apr. 1, 1993
*23	(869-019-00077-1)	21.00	Apr. 1, 1993
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25	(869-017-00083-3)	25.00	Apr. 1, 1992
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§§ 1.170-1.300	(869-019-00086-1)	23.00	Apr. 1, 1993
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*§§ 1.501-1.640	(869-019-00090-9)	20.00	Apr. 1, 1993
§§ 1.641-1.850	(869-017-00090-6)	19.00	Apr. 1, 1992
§§ 1.851-1.907	(869-017-00091-4)	23.00	Apr. 1, 1992
§§ 1.908-1.1000	(869-019-00093-3)	26.00	Apr. 1, 1993
*§§ 1.1001-1.1400	(869-019-00094-1)	22.00	Apr. 1, 1993
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2-29	(869-019-00096-8)	23.00	Apr. 1, 1993
*30-39	(869-019-00097-6)	18.00	Apr. 1, 1993
40-49	(869-019-00098-4)	13.00	Apr. 1, 1993
*50-299	(869-019-00099-2)	13.00	Apr. 1, 1993
300-499	(869-017-00100-0)	23.00	Apr. 1, 1993
500-599	(869-019-00101-8)	6.00	[4] Apr. 1, 1990
600-End	(869-017-00101-5)	6.50	Apr. 1, 1992

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27 Parts.			
1-199	(869-017-00102-3)	34.00	Apr. 1, 1992
200-End	(869-019-00104-2)	11.00	[5] Apr. 1, 1991
28	(869-017-00104-0)	37.00	July 1, 1992
29 Parts:			
0-99	(869-017-00105-8)	19.00	July 1, 1992
100-499	(869-013-00106-6)	9.00	July 1, 1992
500-899	(869-017-00107-4)	32.00	July 1, 1992
900-1899	(869-017-00108-2)	16.00	July 1, 1992
1900-1910 (§§ 1901.1 to 1910.999)	(869-017-00109-1)	29.00	July 1, 1992
1910 (§§ 1910.1000 to end)	(869-017-00110-4)	16.00	July 1, 1992
1911-1925	(869-017-00111-2)	9.00	[6] July 1, 1989
1926	(869-017-00112-1)	14.00	July 1, 1992
1927-End	(869-017-00113-9)	30.00	July 1, 1992
30 Parts:			
1-199	(869-017-00114-7)	25.00	July 1, 1992
200-699	(869-017-00115-5)	19.00	July 1, 1992
700-End	(869-017-00116-3)	25.00	July 1, 1992
31 Parts:			
0-199	(869-017-00117-1)	17.00	July 1, 1992
200-End	(869-017-00118-0)	25.00	July 1, 1992
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190-399	(869-017-00120-1)	33.00	July 1, 1992
400-629	(869-017-00121-0)	29.00	July 1, 1992
630-699	(869-017-00122-8)	14.00	[7] July 1, 1991
700-799	(869-017-00123-6)	20.00	July 1, 1992
800-End	(869-017-00124-4)	20.00	July 1, 1992
33 Parts:			
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125-199	(869-017-00126-1)	21.00	July 1, 1992
200-End	(869-017-00127-9)	23.00	July 1, 1992
34 Parts:			
1-299	(869-017-00128-7)	27.00	July 1, 1992
300-399	(869-017-00129-5)	19.00	July 1, 1992
400-End	(869-017-00130-9)	32.00	July 1, 1992
35	(869-017-00131-7)	12.00	July 1, 1992
36 Parts:			
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37	(869-017-00134-1)	17.00	July 1, 1992
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18-End	(869-017-00136-8)	28.00	Sept. 1, 1992
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40 Parts:			
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52	(869-017-00139-2)	33.00	July 1, 1992
53-60	(869-017-00140-6)	36.00	July 1, 1992
61-80	(869-017-00141-4)	16.00	July 1, 1992
81-85	(869-017-00142-2)	17.00	July 1, 1992
86-99	(869-017-00143-1)	33.00	July 1, 1992
100-149	(869-017-00144-9)	34.00	July 1, 1992
150-189	(869-017-00145-7)	21.00	July 1, 1992
190-259	(869-017-00146-5)	16.00	July 1, 1992
260-299	(869-017-00147-3)	36.00	July 1, 1992
300-399	(869-017-00148-1)	15.00	July 1, 1992
400-424	(869-017-00149-0)	26.00	July 1, 1992
425-699	(869-017-00150-3)	26.00	July 1, 1992
700-789	(869-017-00151-1)	23.00	July 1, 1992
790-End	(869-017-00152-0)	25.00	July 1, 1992
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1, 1-1 to 1-10		13.00	[3] July 1, 1984
1, 1-11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3-6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10-17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1-5		13.00	[3] July 1, 1984
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18, Vol. III, Parts 20-52		13.00	[3] July 1, 1984
19-100		13.00	[3] July 1, 1984
1-100	(869-017-00153-8)	9.50	July 1, 1992
101	(869-017-00154-6)	28.00	July 1, 1992
102-200	(869-017-00155-4)	11.00	[7] July 1, 1991
201-End	(869-017-00156-2)	11.00	July 1, 1992
42 Parts:			
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430-End	(869-017-00159-7)	31.00	Oct. 1, 1992
43 Parts:			
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1000-3999	(869-017-00161-9)	30.00	Oct. 1, 1992
4000-End	(869-017-00162-7)	13.00	Oct. 1, 1992
44	(869-017-00163-5)	26.00	Oct. 1, 1992
45 Parts:			
1-199	(869-017-00164-3)	20.00	Oct. 1, 1992
200-499	(869-017-00165-1)	14.00	Oct. 1, 1992
500-1199	(869-017-00166-0)	30.00	Oct. 1, 1992
1200-End	(869-017-00167-8)	20.00	Oct. 1, 1992
46 Parts:			
1-40	(869-017-00168-6)	17.00	Oct. 1, 1992
41-69	(869-017-00169-4)	16.00	Oct. 1, 1992
70-89	(869-017-00170-8)	8.00	Oct. 1, 1992
90-139	(869-017-00171-6)	14.00	Oct. 1, 1992
140-155	(869-017-00172-4)	12.00	Oct. 1, 1992
156-165	(869-017-00173-2)	14.00	[8] Oct. 1, 1991
166-199	(869-017-00174-1)	17.00	Oct. 1, 1992
200-499	(869-017-00175-9)	22.00	Oct. 1, 1992
500-End	(869-017-00176-7)	14.00	Oct. 1, 1992
47 Parts:			
0-19	(869-017-00177-5)	22.00	Oct. 1, 1992
20-39	(869-017-00178-3)	22.00	Oct. 1, 1992
40-69	(869-017-00179-1)	12.00	Oct. 1, 1992
70-79	(869-017-00180-5)	21.00	Oct. 1, 1992
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1 (Parts 1-51)	(869-017-00182-1)	34.00	Oct. 1, 1992
1 (Parts 52-99)	(869-017-00183-0)	22.00	Oct. 1, 1992
2 (Parts 201-251)	(869-017-00184-8)	15.00	Oct. 1, 1992
2 (Parts 252-299)	(869-017-00185-6)	12.00	Oct. 1, 1992
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49 Parts:			
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100-177	(869-017-00191-1)	27.00	Oct. 1, 1992
178-199	(869-017-00192-9)	19.00	Oct. 1, 1992
200-399	(869-017-00193-7)	27.00	Oct. 1, 1992
400-999	(869-017-00194-5)	31.00	Oct. 1, 1992
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1200-End	(869-017-00196-1)	21.00	Oct. 1, 1992
50 Parts:			
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200-599	(869-017-00198-8)	20.00	Oct. 1, 1992
600-End	(869-017-00199-6)	20.00	Oct. 1, 1992
CFR Index and Findings Aids	(869-019-00053-4)	36.00	Jan. 1, 1993
Complete 1993 CFR set		775.00	1993
Microfiche CFR Edition: Complete set (one-time mailing)		188.00	1990

Title	Stock Number	Price	Revision Date
Complete set (one-time mailing)		188.00	1991
Complete set (one-time mailing)		188.00	1992
Subscription (mailed as issued)		223.00	1993
Individual copies		2.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period April 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 1991 to Mar. 31, 1993. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[8] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.

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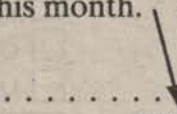

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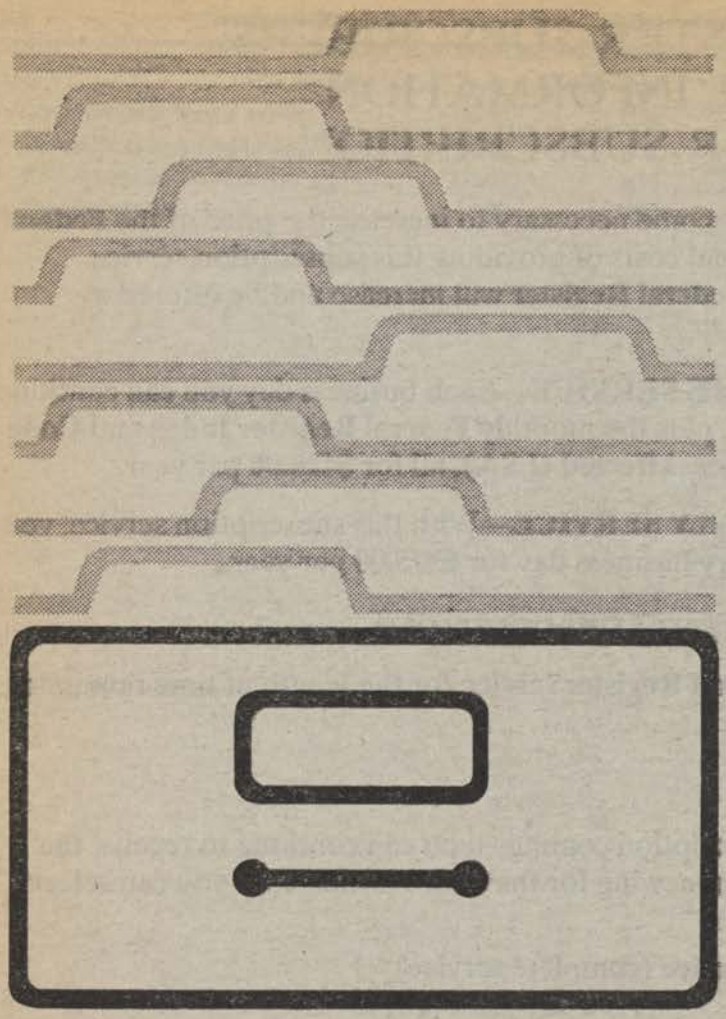

Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

SUPPLEMENT: Revised January 1, 1993

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

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