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

WHO: The Office of the Federal Register.

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

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: March 16 at 9:00 am
WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

TUCSON, AZ

WHEN: March 23 at 9:00 am
WHERE: University of Arizona Medical School, DuVal Auditorium, 1501 N. Campbell Avenue, Tucson, AZ
RESERVATIONS: Federal Information Center 1–800–359–3997 or in the Tucson area, call 602–290–1616

OAKLAND, CA

WHEN: March 30 at 9:00 am
WHERE: Oakland Federal Building, 1301 Clay Street, Conference Rooms A, B, and C, 2nd Floor, Oakland, CA
RESERVATIONS: Federal Information Center 1–800–726–4995

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

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers and **Federal Register** finding aids is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
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Wednesday, March 2, 1994

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 319 and 321

[Docket No. 93-021-3]

RIN 0579-AA60

Importation of Potatoes From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are removing the foreign quarantine notices and the regulations concerning the importation of potato plants and tubers from Canada that were established to prevent the introduction of the necrotic strain of potato virus Y (PVY^n) into the United States. The United States and Canada have agreed upon a PVY^n management plan that relies on seed potato testing and certification. It is our judgment that implementation of the Canada/United States PVY^n Management Plan will protect U.S agriculture from potential risks imposed by PVY^n, and that Federal regulations that apply to potatoes from Canada with respect to PVY^n are no longer necessary. This final rule relieves unnecessary and burdensome restrictions on the importation of potatoes from Canada.

EFFECTIVE DATE: March 2, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. James Petit de Mange, Operations Officer, Port Operations Staff, Plant Protection and Quarantine, APHIS, USDA, room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8645.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.37, "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (referred to below as the nursery stock regulations) govern the importation of living plants, plant parts, and seeds for or capable of propagation, and related articles.

The regulations in 7 CFR part 321 (referred to below as the regulations) restrict the importation of potatoes from foreign countries to prevent the introduction into the United States of injurious potato diseases and insect pests.

On December 20, 1993, we published in the **Federal Register** (58 FR 66305-66307, Docket No. 93-021-2) a proposal to amend the regulations by removing the foreign quarantine notices and the regulations concerning the importation of potato plants and tubers from Canada that were established to prevent the introduction of the necrotic strain of potato virus Y (PVY^n) into the United States. We explained in the proposal that protection against PVY^n would be provided through the implementation of the Canada/United States PVY^n Management Plan (referred to below as the management plan), which relies on seed potato testing and certification as an alternative to the current quarantine notices and regulations involving the importation of potatoes from Canada.

We solicited comments concerning our proposal for a 30-day comment period ending January 19, 1994. We received 7 comments by that date. They were from a farmers exchange, tobacco cooperative, and representatives of State and foreign governments. All responses fully supported the management plan and removing the current quarantine notices and regulations. Commenters stated they feel the provisions of the management plan are sufficient to protect the seed potato and tobacco industries from infection with PVY^n and will not be burdensome to U.S. producers. In addition, they requested that the change be made effective as quickly as possible now that the shipping season for potatoes from Canada is in progress. This will avoid the unnecessary burden of the need for import permits and phytosanitary certificates.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule.

This final rule does not affect other restrictions on the importation into the United States of potatoes grown in Canada.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. The shipping season for potatoes from Canada is in progress. Making this rule effective immediately will allow interested producers and others in the marketing chain to benefit during this year's shipping season. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866.

Canadian imports of potatoes to the United States vary from year to year depending upon market conditions in both countries. Canadian potato-producing provinces produced only approximately 8.5 percent as many potatoes as were produced in the United States in 1992, prior to the imposition of our March 2, 1993, interim rule, which relaxed earlier restrictions by requiring certification of certain potatoes imported into the United States from Canada based on surveys performed by Agriculture Canada. Canada is also a major export market for U.S. potatoes.

U.S. imports of Canadian potatoes declined between 1990 and 1992. This decline in imports did not result in increased prices of these products in the United States. Domestic prices are influenced more by the volume of U.S. production. Statistics indicate that a slight increase or decrease in imports would have very little or no effect on domestic prices since the volume of imports is small compared to U.S. production. In addition, potato demand and supply are not highly responsive to price changes.

Although the effects would be minimal, the entities that may be most affected by this rule include U.S. potato producers, importers, and processing

plants. Although it is not possible to determine the total number of entities within these categories which can be classified as small entities, over 64 percent of all potato growers and 94 percent of U.S. fruit and vegetable processing firms could be considered small by Small Business Administration guidelines. The negative impact on U.S. producers due to increased imports is likely to be small since U.S. prices are more influenced by domestic production and market conditions than by imports. Any negative impact is likely to be offset by a positive impact upon importers, exporters, potato processing firms, and consumers. The increased availability of Canadian potatoes will benefit potato farmers, shippers, importers, wholesalers, and retailers as well as potato processing firms. Consumers will be positively affected by slightly lowered prices.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule allows potatoes to be imported into the United States from Canada. State and local laws and regulations regarding potatoes imported under this rule will be preempted while the vegetable is in foreign commerce. Fresh potatoes are generally imported for immediate distribution and sale to the consuming public, and will remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule; and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

7 CFR Part 321

Imports, Plant diseases and pests, Potatoes, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 319 and 321 are amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 319.37–2, paragraph (a), the table, the first entry for "Solanum spp." is revised to read as follows:

§ 319.37–2 Prohibited articles.

(a) * * *

Prohibited article (except seeds unless specifically mentioned)	Foreign country(ies) or locality(ies) from which prohibited	Tree, plant, or fruit disease, or injurious insect, or other plant pest determined as existing in the places named and capable of being transported with the prohibited article
* * *	* * *	* * *
Solanum spp. (potato) (tuber bearing species only—Section Tuberarium) (excluding potato tubers which are subject to 7 CFR part 321).	All except Canada.	
* * *	* * *	* * *

PART 321—RESTRICTED ENTRY ORDERS

3. The authority citation for part 321 is revised to read as follows:

Authority: 7 U.S.C. 136, 136a, 154, 159, and 162; 44 U.S.C. 35; 7 CFR 2.17, 2.51, and 371.2(c).

§ 321.2 [Amended]

4. Section 321.2 is revised by removing the definitions for *Processing potato, Seed lot, Seed potato, Sibling potatoes,* and *Table stock.*

5. The section heading for § 321.8 is revised to read "§ 321.8 *Importation of potatoes from Bermuda.*"

6. Section 321.9 is revised to read as follows:

§ 321.9 Importation of potatoes from Canada.

Potatoes grown in Canada may be imported from Canada into the United States free of restrictions, except that potatoes grown in Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia may not be imported.

Done in Washington, DC, this 23rd day of February 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–4725 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–34–P

Commodity Credit Corporation

7 CFR Part 1475

RIN 0560–AD49

Emergency Livestock Assistance

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On November 29, 1993, the Commodity Credit Corporation (CCC) issued an interim rule to the regulations for the livestock emergency programs, which are authorized by the Agricultural Act of 1949 as amended, and the CCC Charter Act. The interim rule, provided an amended and simplified method for determining the value of livestock feed needs. Other minor changes to update the regulations included changes in weight ranges and an appropriate amount of energy required to provide the daily maintenance needs for dairy goats; determining pasture value; applying the $50,000 payment limitation to crop year rather than calendar year; and calculating interest on refunds due CCC. This rule adopts as final the interim rule published on November 29, 1993.

EFFECTIVE DATE: March 2, 1994.

FOR FURTHER INFORMATION CONTACT: James C. Williams, Program Specialist, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013–2415, telephone 202–690–1324.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. Based on information complied by the Department, it has been determined that this final rule:

(1) Would have an annual effect on the economy of less than $100 million;

(2) Would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency:

(4) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(5) Would not raise novel, legal, or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the 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 these determinations.

Environmental Evaluation

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.

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: Commodity Loans and Purchases—10.051.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of the final rule do not preempt State laws and are not retroactive to 1992 and prior crop years. Before any judicial action may be brought regarding the provisions of this regulation, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 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 1475 set forth in this final rule will not result in any change in the public reporting burden.

Background

An interim rule was published in the **Federal Register** on November 29, 1993, at 58 FR 62510 which amended 7 CFR part 1475 to provide for administering CCC's livestock emergency programs.

The interim rule amended § 1475.3 to modify the definition for dairy cow "weight ranges" and to add a weight range for dairy goats in the table.

The interim rule amended § 1475.6:

(1) Paragraph (c), to change the reference from CCC–653 to CCC–651;

(2) Paragraph (e)(4), to clarify the manner in which pasture value is actually calculated for 1991 and subsequent crop years;

(3) Paragraph (i)(1)(i)(A), to change the method for determining the value of livestock feed needs; and

(4) Paragraph (i)(2)(iii), to correct a misprint in the **Federal Register**.

The interim rule amended § 1475.10(b) to clarify when the emergency livestock feed program may be suspended or terminated in a contiguous county.

The interim rule amended § 1475.17(a), (c), and (g) to clarify what type of interest will be charged on refunds to CCC.

The interim rule amended § 1475.22 to change the payment limitation from "calendar" year to "crop" year.

The interim rule provided for a 30-day public comment period which ended on December 29, 1993. No comments were received during the comment period.

Accordingly, under the authority of 7 U.S.C. 1427, and 1471–1471j and 15 U.S.C. 7146 and 714c, the interim rule amending 7 CFR part 1475, which was published at 58 FR 62510 on November 29, 1993, is adopted as a final rule without change.

Signed at Washington, DC, on February 24, 1994.

Bruce R. Weber,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 94–4673 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–AWA–1]

Alteration of Jet Route J–29

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action realigns Jet Route J–29 from the Bangor, ME, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) facility to the Halifax, Canada, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME). This action was requested by the Canadian government to improve operations and expedite the flow of air traffic transiting to the Halifax area.

EFFECTIVE DATE: 0901 u.t.c. April 28, 1994.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

On September 10, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign J–29 from the Bangor, ME, VORTAC (BGR), to the Halifax, Canada, VOR/DME (YHZ) (58 FR 47680). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as

that proposed in the notice. Jet Routes are published in paragraph 2004 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The jet route listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations realigns J–29 from the Bangor, ME, VORTAC, to the Halifax, Canada, VOR/DME. Realigning J–29 will improve operations and expedite the flow of air traffic to the Canadian airspace.

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 "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–29 [Revised]

From the INT of the United States/Mexican Border and the Corpus Christi, TX, 229° radial, via Corpus Christi; Palacios, TX; Humble, TX; Lufkin, TX; Elm Grove, LA; El Dorado, AR; Memphis, TN; Pocket City, IN; INT Pocket City 051° and Rosewood, OH, 230° radials; Rosewood; Dryer, OH; Jamestown, NY; Syracuse, NY; Plattsburgh, NY; Bangor, ME; to Halifax, Canada; excluding the portions within Mexico and Canada.

* * * * *

Issued in Washington, DC, on February 22, 1994.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 94–4715 Filed 3–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ANM–6]

Modification of Class E Airspace, Hayden, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action modifies the Class E Airspace at Yampa Valley Airport, Hayden, Colorado. The airspace was described incorrectly, using a magnetic radial instead of a true radial, and cited the Yampa Valley Airport instead of the Craig Moffat Airport. Therefore, controlled airspace as depicted on aeronautical charts does not currently encompass the instrument approach procedure at the Craig Moffat Airport. Airspace reclassification, in effect as of September 16, 1993, has discontinued use of the term "transition area" replacing it with the designation "Class E airspace."

DATES: *Effective date:* March 2, 1994.

Comment date: Comments must be received before March 31, 1994.

ADDRESSES: Send comments on the rule to: Manager, Airspace & Procedures Branch, ANM–530, FAA Docket 94–ANM–6, Federal Aviation Administration, 1601 Lind Ave., SW., Renton, WA 98055–4056.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM–536, FAA Docket No. 94–ANM–6, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2536.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, and was not preceded by notice and public procedure, comments are invited on the rule. The FAA will use the comments submitted, together with other available information to review the regulation. If the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule which might suggest the need to modify the rule.

History

The Hayden, Colorado, Class E airspace was designated to contain an instrument approach procedure in controlled airspace from 700 feet or more above the surface of the earth at Craig Moffat Airport. It was incorrectly published under the Yampa Valley Airport title, and the airspace information incorrectly lists a magnetic radial instead of a "true" radial. Accordingly, neither the airspace designation nor the aeronautical chart depiction reflect the controlled airspace. Currently, IFR pilots are not afforded controlled airspace in which to conduct instrument flight rules procedures to the Craig Moffat Airport. Similarly, VFR pilots do not have correct references for controlled airspace.

Any matter which adversely affects aeronautical safety requires immediate corrective action in the interest of flight safety. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to public interest, and the FAA finds good cause, pursuant to 5 U.S.C., 553(d) for making this amendment effective in less than 30 days to promote the safe and efficient handling of air traffic in the area.

Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term "transition area," and airspace areas extending upward from 700 feet or more above the surface of the earth is now Class E airspace. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class E airspace designation listed in this document will be published subsequently in the order.

The Rule

This amendment of part 71 of the Federal Aviation Regulations amends the Hayden, Colorado, Class E airspace, which was designed to provide controlled airspace for an instrument approach procedure at Craig Moffat Airport. 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. Therefore, this regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71, in effect as of September 16, 1993, as follows:

PART 71—[Amended]

1. The authority citation for part 71 continues to read as follows:

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

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designation and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above surface of the earth.

* * * * *

ANM CO E5 Hayden, CO [Amended]

Hayden, Craig Moffat Airport, CO
(lat. 40°29'43" N., long. 107°31'18" W
Hayden VOR/DME
(lat. 40°31'13" N., long. 107°18'17" W)
That airspace extending upward from 700 feet above the surface within 4.3 miles each side of the Hayden VOR/DME 262° radial extending from the VOR/DME to 15.7 miles southwest of the VOR/DME.

* * * * *

Issued in Seattle, Washington, February 3, 1994.

Richard E. Prang,

Acting Manager, Air Traffic Division.

[FR Doc. 94–4716 Filed 3–1–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 946

[Docket No. 931221–3321]

RIN 0648–AF72

Weather Service Modernization Criteria

AGENCY: National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule establishes NWS criteria for taking certain modernization actions such as commissioning new weather observation systems, decommissioning outdated NWS radars and evaluating staffing needs for field offices in an affected area; and its criteria for certifying that closing, consolidating, automating, or relocating a field office will not degrade service to the affected area. A notice of proposed rulemaking (published December 6, 1993, 58 FR 64202) set forth the proposed criteria for those actions except for automating and closing field offices. The criteria for those two actions require further development and, after notice, public comments, and consultation with the Committee and NRC will be published in final form before either of these actions take place. All final criteria will be set forth as Appendix A to the basic modernization regulations at 15 CFR part 946 promulgated at 58 FR 64088.

EFFECTIVE DATE: March 2, 1994.

ADDRESSES: Requests for copies of documents should be sent to Julie Scanlon, NOAA/GCW, 1325 East-West Highway, #18111, Silver Spring, MD 20910, 301–713–0053.

FOR FURTHER INFORMATION CONTACT: Julie Scanlon, 301–713–0053.

SUPPLEMENTARY INFORMATION: Section 704 of the NOAA Authorization Act of 1992 (Act) requires the NWS to contract with the National Research Council (NRC) for a review of the scientific and technical modernization criteria by which the NWS proposes to certify, under section 706 of the Act, actions to close, consolidate, automate, or relocate a field office and the preparation and submission of a report assessing these criteria. The NRC prepared this report and submitted it to the Secretary of Commerce on July 28, 1993. The NRC endorsed the criteria proposed, with certain reservations about some of the criteria that relate to the commissioning of Automated Surface Observing System (ASOS) and automation certification.

Section 704(b) of the Act requires the NWS to publish the final criteria in the **Federal Register**, based on the NRC report, after providing an opportunity for public comment, and after consulting with the NRC and the Modernization Transition Committee (the Committee). The public comment period closed January 5, 1994. There was one comment received. This was submitted by the National Weather Service Employees Organization (NWSEO). Consultation with the Committee was completed on January 13, 1994. The Committee reviewed the public comment and offered one recommendation to be added to the criteria. Consultation with the NRC was completed on February 23, 1994.

The major comments were as follows

Comment 1—NWSEO stated that the criteria do not contain "statistical and analytical measures" for determining that there will be no degradation of service but rather are merely "process criteria."

Response—The commentor is incorrect in stating that the criteria are merely process criteria. The criteria for each action contain the necessary analytical and performance measures. The criteria for consolidation contain measures for evaluating each of its component and subcomponent elements, often in exhaustive detail. These include measures to ensure that the new radar is commissionable, e.g., adequate operations and maintenance personnel, adequate backup capability, system availability of at least 96 percent; and that the old radar can be decommissioned. The criteria for relocation include a checklist to ensure that each element of the move will be considered in advance and can be completed without degrading services. The NRC found these criteria to be adequate to determine that no degradation would result from these actions.

The commentor advocates use of *post hoc* statistical verification measures for every type of certifiable action. Such a regime is impractical. For example, in the case of a relocation, it is impossible to collect statistical data from the new

office location until the old office has been relocated there, and the office relocation can not legally occur until a relocation certification has been approved; yet the certification would be dependent on the statistical data.

As contemplated by NWSEO, such a regime would impose extensive delays and costs on the modernization and clearly would be unreasonable. Statistical data must be collected over a long period of time after the restructuring actively has taken place to be statistically valid. The minimum time period that would be acceptable would be 1 year after the certifiable event.

Comment 2—The NWSEO contends that any relocation also constitutes a closure and, therefore, the criteria should be the same.

Response—Congress specifically listed four separate types of actions that are to be certified and clearly stated that one, closures, could not take place until 1996. This scheme is clearly understandable. The proposed interpretation of NWSEO would effectively eliminate a "relocation" as a separate category of certifiable action. Relocation of an office is distinctly different from closure of an office. In the case of relocation, the same office continues to exist, albeit in a different location. The office continues to provide the same products and services to the same users in the same service area. In the case of a closure, the office ceases to exist as an entity; the responsibility for providing products and services and the service area is reassigned to another office, or split up among several other offices. Also, as the commentor notes, this interpretation would preclude the NWS from relocating any office until 1996. The legislative history of Public Laws 100–685 and 102–567 make it clear that one of Congress' overriding concerns was with the closure of offices as the NWS field office structure shrinks from 250 to 116. Before the new Weather Forecast Office (WFO) takes on full responsibility for its new larger area, statistical verification is appropriate. In the case of a relocation, no such considerations are present.

Comment 3—NWSEO comment states that the evidence from previous office moves is not an appropriate basis for certifying that relocating the Redwood City office will not lead to any degradation of service.

Response—In essence, this comment repeats the arguments discussed above—the NWS cannot relocate this office until it has statistical verification and not until at least 1996 after AWIPS is installed. The NWS disagrees for the reasons stated.

The NWS agrees that it is important to identify those analogous previous office moves that will be relied upon for evidence. Primarily, these are the offices that were moved in their entirety, although experience in moving other offices in stages may be useful with respect to certain aspects of the relocation and, therefore, that evidence may be relevant. Offices that have been moved in their entirety were: The Washington WSFO, which was moved from Camp Springs, MD, to Sterling, VA; the Philadelphia WSFO which was moved from Philadelphia, PA, to Mount Holly, NJ; and the Ann Arbor WSFO, which was moved from Ann Arbor, MI to White Lake, MI. The evidence from these moves will be considered as part of the relocation certification.

The comment that these moves are within a "local commuting area" (a concept that was not even in existence at the time of one of these moves) and may involve different climatological conditions completely misses the point—there simply is no difference between the existing office and the relocated office in terms of the data that is received, the equipment and staff that processes it, the products and services that are disseminated, and the way they are disseminated, except perhaps where the telecommunications services are obtained from a different company. The evidence from these previous moves demonstrates that the NWS is capable of making the necessary technical changes so that the relocated office will operate identically and provide identical services.

Comment 4—The NWSEO states "no new technology is involved in relocation actions".

Response—At the time of the actual relocation from Redwood City, CA, to Monterey, CA, no new technology will be involved. The Redwood City office will be moved in its entirety, including all existing equipment, to Monterey. The commentor is correct however, that "the new facility at Monterey will have NEXRAD and eventually AWIPS", since Monterey will become a WFO. These later steps could involve a consolidation or closure. This illustrates that a relocation is a distinctly different action than a consolidation or closure, which will involve new technology. Certifications of such consolidation or closures will include evidence based on the use of the new technology.

Comment 5—The NWSEO commented that "the criteria proposed by the NWS contains no measure of service quality, nor any indication that service quality will be measured as part of the certification process."

Resonse—For a consolidation certification, criteria 2, User Confirmation of Services, measures service quality from the user perspective. After services have been transferred to the NEXRAD office, but prior to the consolidation action, confirmation that services have not been degraded is obtained from users in the affected service area. Since this is impractical for relocation certification, evidence from other completed office moves is used as a measure of service quality.

Comment 6—The Committee recommended that section IIA3 be amended to include that there would be no degradation of service.

Response—the NWS agrees and has changed that section accordingly.

A. Classification Under Executive Order 12866

This rule is not subject to review under E.O. 12866.

B. Regulatory Flexibility Act Analysis

These regulations set forth the criteria for certain modernization actions such as commissioning new weather observation systems, decommissioning outdated NWS radars, and evaluating staff needs at a field office and the criteria for certifying certain modernization actions such as consolidating and relocating a field office, will not result in a degradation of service to the affected area. These criteria will be appended to the Weather Service Modernization regulations. The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when these criteria were proposed, that this action will not have a significant economic impact on a substantial number of small entities. These final criteria are intended for internal agency use, and the impact on small business entities will be negligible. The final criteria does not directly affect "small government jurisdictions" as defined by Public Law 96–354, the Regulatory Flexibility Act.

C. Paperwork Reduction Act of 1980

These regulations will impose no information collection requirements of the type covered by Public Law 96–511, the Paperwork Reduction Act of 1980.

D. E.O. 12612

This rule does not contain policies with sufficient Federalism implications to warrant preparation of a Federalism assessment under Executive Order 12612.

E. National Environmental Policy Act

NOAA has concluded that publication of the final rule does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required. A programmatic Environmental Impact Statement (EIS) regarding NEXRAD was prepared in November 1984, and an Environmental Assessment to update the portion of the EIS dealing with the bioeffects of NEXRAD non-ionizing radiation is being reviewed.

List of Subjects in 15 CFR Part 946

Administrative practice and procedure, Certification, Commissioning, Decommissioning, National Weather Service, Weather service modernization.

Dated: February 23, 1994.

Elbert W. Friday, Jr.,

Assistant Administrator for Weather Services.

For the reasons set out in the preamble, 15 CFR part 946 is amended as follows:

PART 946—MODERNIZATION OF THE NATIONAL WEATHER SERVICE

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

Authority: Title VII of Pub. L. 102–567, 106 Stat. 4303 (15 U.S.C. 313 note).

2. An Appendix A is added at the end of part 946 to read as follows:

Appendix A to Part 946—National Weather Service Modernization Criteria

I. Modernization Criteria for Actions Not Requiring Certification

(A) Commissioning of New Weather Observation Systems

(1) Automated Surface Observation Systems (ASOS)

Purpose: Successful commissioning for full operational use requires a demonstration, by tests and other means, that the ASOS equipment, as installed in the field office, meets its technical requirements; that the prescribed operating, maintenance, and logistic support elements are in place; that operations have been properly staffed with trained personnel and that the equipment can be operated with all other installed mating elements of the modernized NWS system.

Note: It may be necessary to incorporate work-arounds to complete some of the items listed below in a timely and cost-effective manner. A work-around provides for an alternative method of meeting a commissioning criteria through the application of a pre-approved operational procedure implemented on a temporary basis, for example, by human augmentation of the observation for the occurrence of freezing rain, until such time as a freezing rain sensor has been accepted for operational use with ASOS. The ASOS Plan referenced below includes a process for recommending, approving, and documenting work arounds and requires that they be tracked as open items until they can be eliminated by implementation of the originally intended capability.

References: The criteria and evaluation elements for commissioning are set forth and further detailed in the NWS-Sponsored Automated Surface Observing System (ASOS) Site Component Commissioning Plan (the ASOS Plan), more specifically in Addendum I, Appendix D of the ASOS Site Component Commissioning Evaluation Package (the ASOS Package).

Criteria: a. ASOS Acceptance Test: The site component acceptance test, which includes objective tests to demonstrate that the ASOS, as installed at the given site, meets its technical specifications, has been successfully completed in accordance with item 1a, p. D–2 of Appendix D of the ASOS Package.

b. Sensor Siting: Sensor sitings provide representative observations in accordance with Appendix C of the ASOS Package, Guidance for Evaluating Representativeness of ASOS Observations and item 1b, p. D–2 of Appendix D of the ASOS Package.

c. Initialization Parameters: Initialization parameters are in agreement with source information provided by the ASOS Program Office, in accordance with item 1c, pp. D–2 & D–3 of Appendix D of the ASOS Package.

d. Sensor Performance Verification: Sensor performance has been verified in accordance with the requirements stated in the ASOS Site Technical Manual and item 1d, p. D–3 of the ASOS Package.

e. Field Modification Kits/Firmware Installed: All critical field modification kits and firmware for the site as required by attachments 3a & b (pp. D–45 & D–46) or memorandum issued to the regions, have been installed on the ASOS in accordance with item 1e, p. D–4 of Appendix of the ASOS Package.

f. Operations and Maintenance Documentation: A full set of operations and maintenance documentation is available in accordance with items 2a–h, pp. D–5 & D–6 of Appendix D of the ASOS Package.

g. Notification of and Technical Coordination with Users: All affected users have been notified of the initial date for ASOS operations and have received a technical coordination package in accordance with item 2i, pp. D–6 & D–7 of Appendix D of the ASOS Package.

h. Availability of Trained Operations Personnel: Adequate operations staff are available, training materials are available, and required training has been completed, per section 3.2.3.1 of the ASOS Plan, in accordance with items 3a–c, p. D–8 of Appendix D of the ASOS package.

i. Maintenance Capability: Proper maintenance personnel and support systems and arrangements are available in accordance with items 4a–e, pp. D–9 & D–10 of Appendix D of the ASOS Package.

j. Performance of Site Interfaces: The equipment can be operated in all of its required modes and in conjunction with all of its interfacing equipment per the detailed checklists of items 5a–b, pp. D–11 & D–19 of Appendix D of the ASOS Package.

k. Support of Associated NWS Forecasting and Warning Services: The equipment provides proper support of NWS forecasting and warning services and archiving, including operation of all specified automatic and manually augmented modes per the checklist, items 6a–e, pp. D–20 to D–29, of Appendix D of the ASOS Package.

l. Service Backup Capabilities: Personnel, equipment, and supporting services are available and capable of providing required backup readings and services in support of operations when primary equipment is inoperable in accordance with items 7a–g, pp. D–30 to D–32, of Appendix D of the ASOS Package.

m. Augmentation Capabilities: Personnel are available and trained to provide augmentation of ASOS observations in accordance with augmentation procedures, items 8a–c, p. D–33 of Appendix D of the ASOS Package.

n. Representativeness of Observations: Observations are representative of the hydrometeorological conditions of the observing location as determined by a period of observation of at least 60 days prior to commissioning in accordance with Appendix C and item 6e, pp. D–27 to D–29 of Appendix D of the ASOS Package.

(2) WSR–88D Radar System

Purpose: Successful commissioning for full operational use requires a demonstration, by tests and other means, that the WSR–88D radar system, as installed in the field office, meets its technical requirements; that the prescribed operating, maintenance, and logistic support elements are in place; that operations have been properly staffed with trained personnel; and that the equipment can be operated with all other installed mating elements of the modernized NWS system.

Note: It may be necessary to incorporate work-arounds to complete some of the items listed below in a timely and cost-effective manner. A work-around provides for an alternative method of meeting a commissioning criteria through the application for a pre-approved operational procedure implemented on a temporary basis. The WSR–88D Plan referenced below includes a process for recommending, approving, and documenting work arounds and requires that they be tracked as open items until they can be eliminated by implementation of the originally intended capability.

Reference: The criteria and evaluation elements for commissioning are set forth and further detailed in the NWS-Sponsored WSR–88D Site Component Commissioning Plan (the 88D Plan) and an Attachment to that Plan, called the WSR–88D Site Component Commissioning Evaluation Package (the WSR–88D Package).

Criteria: a. WSR–88D Radar Acceptance Test: The site component acceptance test, which includes objective tests to demonstrate that the WSR–88D radar, as installed at the given site, meets its technical specifications,

has been successfully completed in accordance with items 1a–f, p. A–2 of Appendix A of the WSR–88D Package.

b. Availability of Trained Operations and Maintenance Personnel: Adequate operations and maintenance staffs are available, training materials are available, and required training has been completed in accordance with items 2a–h, pp. A–3 & A–4 of Appendix A of the WSR–88D Package.

c. Satisfactory Operation of System Interfaces: The system can be operated in all of its required modes and in conjunction with all of its interfacing equipment in accordance with items 3a–e, p. A–5 of Appendix A of the WSR–88D Package.

d. Satisfactory Support of Associated NWS Forecasting and Warning Services: The system provides proper support of NWS forecasting and warning services, including at least 96 percent availability of the radar coded message for a period of 30 consecutive days prior to commissioning in accordance with items 4a–kk, pp. A–6 to A–17 of Appendix A of the WSR–88D Package.

e. Service Backup Capabilities: Service backup capabilities function properly when the primary system is inoperable in accordance with items 5a–e, p. A–18 of Appendix A of the WSR–88D Package.

f. Documentation for Operations and Maintenance: A full set of operations and maintenance documentation is available in accordance with items 6a–n, pp. A–19 to A–25 of Appendix A of the WSR–88D Package.

g. Spare Parts and Test Equipment: A full complement of spare parts and test equipment is available on site in accordance with items 7a–e, p. A–26, of Appendix A of the WSR–88D Package.

(B) Decommissioning an Outdated NWS Radar

Purpose: Successful decomissioning of an old radar requires assurance that the existing radar is no longer needed to support delivery of services and products and local office operations.

References: The criteria and evaluation elements for decommissioning are set forth and further detailed in the NWS-Sponsored Network and Local Warning Radars (Including Adjunct Equipment) Site Component Decommissioning Plan (the Plan), more specifically in Appendix B to that Plan, called the Site Component Decommissioning Evaluating Package, and in Section 3.3 of the Internal and External Communication and Coordination Plan for the Modernization and Associated Restructuring of the Weather Service.

Criteria: a. Replacing WSR–88D(s) Commissioning/User Service Confirmation: The replacing WSR–88D(s) have been commissioned and user confirmation of services has been successfully completed, *i.e.*, all valid user complaints related to actual system performance have been satisfactorily resolved, in accordance with items 1a–c, p. B–10 of Appendix B of the Plan.

b. Operation Not Dependent on Existing Radar: The outdated radar is not required for service coverage, in accordance with items 2a–c, p. B–11 of Appendix B of the Plan.

c. Notification of Users: Adequate notification of users has been provided, in accordance with items 3a–f, pp. B–12 & B–13 of Appendix B of the Plan.

d. Disposal of Existing Radar: Preparations for disposal of the old existing radar have been completed, in accordance with items 4a–d, pp. B–14 & B–15 of Appendix B of the Plan.

(C) Evaluating Staffing Needs for Field Offices in Affected Areas

References: The criteria and evaluation elements are set forth and further detailed in the ASOS and WSR–88D Evaluation Packages and in the Human Resources and Position Management Plan for the National Weather Service Modernization and Associated Restructuring (the Human Resources Plan).

Criteria: 1. Availability of Trained Operations and Maintenance Personnel at a NEXRAD Weather Service Forecast Office or NEXRAD Weather Service Office: Adequate operations and maintenance staffs are available to commission a WSR–88D, specifically criterion b. set forth in section I.A.2. of this Appendix which includes meeting the Stage 1 staffing levels set forth in chapter 3 of the Human Resources Plan.

2. Availability of Trained Operations and Maintenance Personnel at any field office receiving an ASOS: Adequate operations and maintenance staff are available to meet the requirements for commissioning an ASOS, specifically criteria h and i set forth in section I.A.1 of this Appendix.

II. Criteria for Modernization Actions Requiring Certification

(A) Modernization Criteria Common to all Types of Certifications (Except as Noted)

1. Notification: Advanced notification and the expected date of the proposed certification have been provided in the National Implementation Plan.

2. Local Weather Characteristics and Weather Related Concerns: A description of local weather characteristics and weather related concerns which affect the weather services provided to the affected service area is provided.

3. Comparison of Services: A comparison of services before and after the proposed action demonstrates that all services currently provided to the affected service area will continue to be provided with no degradation of services.

4. Recent or Excepted Modernization of NWS Operations in the Affected Service Area: A description of recent or expected modernization of NWS operations in the affected service area is provided.

5. NEXRAD Network Coverage: NEXRAD network coverage or gaps in coverage at 10,000 feet over the affected service area are identified.

6. Air Safety Appraisal (applies only to relocation and closure of field offices at an airport): Verification that there will be no degradation of service that affects aircraft safety has been made by conducting an air safety appraisal in consultation with the Federal Aviation Administration.

7. Evaluation of Services to In-state Users (applies only to relocation and closure of the only field office in a state): Verification that there will be no degradation of weather services provided to the state has been made by evaluating the effect on weather services provided to in-State users.

8. Liaison Officer: Arrangements have been made to retain a Liaison Officer in the affected service area for at least two years to provide timely information regarding the activities of the NWS which may affect service to the community, including modernization and restructuring; and to work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.

9. Meteorologist-In-Charge's (MIC) Recommendation to Certify: The MIC of the future WFO that will have responsibility for the affected service area has recommended certification in accordance with 15 CFR 946.7(a).

10. Regional Director's Certification: The cognizant Regional Director has approved the MIC's recommended certification of no degradation of service to the affected service area in accordance with 15 CFR 946.8.

(B) Modernization Criteria Unique to Consolidation Certifications

1. WSR–88D Commissioning: All necessary WSR–88D radars have been successfully commissioned in accordance with the criteria set forth in section I.A.2. of this Appendix.

2. User Confirmation of Services: All valid user complaints related to actual system performance have been satisfactorily resolved in accordance with section 3.3 of the Internal and External Communication and Coordination Plan for the Modernization and Associated Restructuring of the National Weather Service.

3. Decommissioning of Existing Radar: The existing radar, if any, has been successfully decommissioned in accordance with the criteria set forth in section I.B. of this Appendix.

(C) Modernization Criteria Unique to Relocation Certifications

1. Approval of Proposed Relocation Checklist: The cognizant regional director has approved a proposed relocation checklist setting forth the necessary elements in the relocation process to assure that all affected users will be given advanced notification of the relocation, that delivery of NWS services and products will not be interrupted during the office relocation, and that the office to be relocated will resume full operation at the new facility expeditiously so as to minimize the service backup period.

Specific Elements: a. Notification of and Technical Coordination with Users: The proposed relocation checklist provides for the notification of and technical coordination with all affected users.

b. Identification and Preparation of Backup Sites: The proposed relocation checklist identifies the necessary backup sites and the steps necessary to prepare to use backup sites to ensure service coverage during the move and checkout period.

c. Start of Service Backup: The proposed relocation checklist provides for invocation of service backup by designated sites prior to office relocation.

d. Systems, Furniture and Communications: The proposed relocation

checklist identifies the steps necessary to move all systems and furniture to the new facility and to install communications at the new facility.

e. Installation and Checkout: The proposed relocation checklist identifies all steps to install and checkout systems and furniture and to connect to communications at the new facility.

f. Validation of Systems Operability and Service Delivery: The proposed relocation checklist provides for validation of system operability and service delivery from the new facility.

2. Publishing of the Proposed Relocation Checklist and Evidence form Completed Moves: The proposed relocation checklist and the evidence from other similar office moves that have been completed, have been published in the **Federal Register** for public comment. The evidence from the other office moves indicates that they have been successfully completed.

3. Resolution of Public Comments Received: All responsive public comments received from publication, in the **Federal Register**, of the checklists and of the evidence from completed moves are satisfactorily answered.

[FR Doc. 94–4659 Filed 3–1–94; 8:45 am]
BILLING CODE 3510–12–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 92F–0100]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of the polymeric reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as a food-contact layer of reverse osmosis membranes. This action responds to a petition filed by PCI Membrane Systems, Ltd.

DATES: Effective March 2, 1994; written objections and requests for a hearing by April 1, 1994.

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

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9500.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 23, 1992 (57 FR 10028), FDA announced that a food additive petition (FAP 9B4157) had been filed by PCI Membrane Systems, Ltd., Laverstoke Mill, Whitechurch, Hampshire RG28 7NR, England. The petition proposed that the food additive regulations be amended to provide for the safe use of the reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as a food-contact layer of reverse osmosis membranes.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use for the polymeric reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as the food-contact layer of reverse osmosis membranes is safe. Based on this information, the agency has also concluded that the additive will have the intended technical effect and therefore, § 177.2550 (21 CFR 177.2550) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 1, 1994, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 177.2550 is amended by adding new paragraph (a)(5) and by revising paragraph (d)(1) to read as follows:

§ 177.2550 Reverse osmosis membranes.

* * * * *

(a) * * *

(5) A polyamide reaction product of 1,3,5-benzenetricarbonyl trichloride polymer (CAS Reg. No. 4422–95–1) with piperazine (CAS Reg. No. 110–85–0) and 1,2-diaminoethane (CAS Reg. No. 107–15–3). The membrane is the food-contact layer and may be applied as a film on a suitable support. Its maximum weight is 15 milligrams per square decimeter (1 milligram per square inch).

* * * * *

(d) *Conditions of use*—(1) Reverse osmosis membranes described in paragraphs (a)(1), (a)(2), (a)(3), and (a)(5) of this section may be used in contact with all types of liquid food at temperatures up to 80 °C (176 °F).

* * * * *

Dated: February 16, 1994.

Janice F. Oliver,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–4661 Filed 3–1–94; 8:45 am]

BILLING CODE 4160–01–F

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2647

RIN 1212–AA38

Reduction or Waiver of Complete Withdrawal Liability

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the Pension Benefit Guaranty Corporation's regulation on Reduction or Waiver of Complete Withdrawal Liability (29 CFR part 2647) establishes procedures under which covered multiemployer pension plans may adopt rules, subject to PBGC approval, for the reduction or waiver of complete withdrawal liability, and establishes standards for PBGC approval of such rules. The Employee Retirement Income Security Act of 1974 directs the PBGC to prescribe such procedures and standards. The amendment allows covered multiemployer pension plans to develop their own rules for the reduction or waiver of complete withdrawal liability, and also provides less restrictive time limits on employer' applications to plans for abatement of complete withdrawal liability.

EFFECTIVE DATE: April 1, 1994.

FOR FURTHER INFORMATION CONTACT: Ralph L. Landy, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; (202) 326–4127 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 4203 of the Employee Retirement Income Security Act of 1974, as amended ("ERISA" or "the Act"), sets forth the circumstances under which an employer is deemed to have completely withdrawn from a covered multiemployer pension plan. The amount of complete withdrawal liability is calculated under section 4211. Section 4207(a) requires the PBGC to provide by regulation for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent that the PBGC determines that reduction or waiver of complete withdrawal liability is consistent with the purposes of ERISA. Section 4207(b) requires the PBGC to prescribe by regulation a procedure and standards for the amendment of plans to provide alternative rules for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent such rules are consistent with the purposes of ERISA.

The PBGC's regulation on Reduction or Waiver of Complete Withdrawal Liability (29 CFR part 2647; see also 29 CFR 2640.6) provides rules requiring pension plans to reduce or waive complete withdrawal liability under ERISA section 4207(a). However, the regulation has not heretofore provided a procedure for pension plans to adopt alternative rules for reduction or waiver of complete withdrawal liability under ERISA section 4207(b).

When the PBGC originally proposed the regulation on Reduction or Waiver of Complete Withdrawal Liability, the PBGC was not prepared to propose rules under section 4207(b). The PBGC believed at that time, however, that "it is important to provide the relief contemplated under section 4207(a)." (49 FR 8036.) Consequently, the PBGC decided to propose and issue rules under section 4207(a) at that time and to promulgate rules under section 4207(b) at a later date.

On October 23, 1992, the PBGC published (at 57 FR 48348) a proposed amendment to the regulation on Reduction or Waiver Of Complete Withdrawal Liability. The provisions of the proposed amendment included a procedure for pension plans to adopt alternative rules for reduction or waiver of complete withdrawal liability, requirements for a plan sponsor to submit a written request for PBGC approval of a plan amendment adopting rules for the reduction or waiver of complete withdrawal liability, a description of the information to be submitted to the PBGC for its review of the request, the standards for PBGC approval of the request, a safe harbor period of at least fifteen days from the date of resuming covered operations for an employer resuming covered operations to file its application for abatement of complete withdrawal liability, and an editorial change to expand the purpose of part 2647 to cover both section 4207(a) and section 4207(b) of ERISA. All of these provisions were discussed in the preamble to the proposed amendment. No written comments were received on the proposal, and the PBGC is adopting the amendment as proposed.

Compliance With Rulemaking Guidelines

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866 because it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Under section 605(b) of the Regulatory Flexibility Act, the PBGC certifies that this rule will not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. This rule affects only multiemployer plans covered by the PBGC. Defining "small plans" as those with under 100 participants, they represent less than 6 percent of all multiemployer plans covered by the PBGC (118 out of 2000). Approximately 500,000 employers contribute to multiemployer plans, most of them small employers (under 100 employees). The PBGC estimates that fewer than 10,000 (2 percent) of these employers are required to pay complete withdrawal liability in any year, and an even smaller percentage subsequently resume their participation under a plan and thereby become subject to these rules. Therefore, the PBGC waives compliance with sections 603 and 604 of the Regulatory Flexibility Act.

Paperwork Reduction Act

The collection of information requirements contained in this rule (viz., in § 2647.9) have been reviewed and approved by the Office of Management and Budget under section 3504(h) of the Paperwork Reduction Act of 1980 under control number 1212–0044. The PBGC estimates that not more

than ten plans per year will make submissions under § 2647.9 and that each submission will take one-quarter hour to prepare and submit. The total estimated annual burden resulting from this collection of information is thus not more than two and one-half hours. Comments concerning the accuracy of this burden estimate and any suggestions for reducing the burden should be directed to the Office of the General Counsel of the Pension Benefit Guaranty Corporation at the address set forth above and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503.

List of Subjects in 29 CFR Part 2647

Employee benefit plans, Pension Benefit Guaranty Corporation, Reporting and recordkeeping requirements.

In consideration of the foregoing, the PBGC amends 29 CFR part 2647 as follows:

PART 2647—REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

1. The authority for part 2647 is revised to read as follows:

Authority: 29 U.S.C. 1302(b)(3) and 1387.

2. Section 2647.1 is amended by adding a sentence to the end of paragraph (a) to read as follows:

§ 2647.1 Purpose and scope.

(a) *Purpose.* * * * This part also provides procedures, pursuant to section 4207(b) of the Act, for plan sponsors of multiemployer plans to apply to PBGC for approval of plan amendments that provide for the reduction or waiver of complete withdrawal liability under conditions other than those specified in section 4207(a) of the Act and this part.

* * * * *

3. Section 2647.2 is amended by revising the second and fourth sentences of paragraph (a) to read as follows:

§ 2647.2 Abatement.

(a) *General.* * * * Applications shall be filed by the date of the first scheduled withdrawal liability payment falling due after the employer resumes covered operations or, if later, the fifteenth calendar day after the employer resumes covered operations. * * * Upon receiving an application for abatement, the plan sponsor shall determine, in accordance with paragraph (b) of this section, whether the employer satisfies the requirements for abatement of its complete withdrawal liability under § 2647.4, § 2647.8, or a plan amendment which has been approved by PBGC pursuant to § 2647.9.

* * *

* * * * *

4. Section 2647.9 is added to read as follows:

§ 2647.9 Plan rules for abatement.

(a) *General rule.* Subject to the approval of the PBGC, a plan may, by amendment, adopt rules for the reduction or waiver of complete withdrawal liability under conditions other than those specified in §§ 2647.4 and 2647.8(c) and (d), provided that such conditions relate to events occurring or factors existing subsequent to a complete withdrawal year. The request for PBGC approval shall be filed after the amendment is adopted. A plan amendment under this section may not be put into effect until it is approved by the PBGC. However, an amendment that is approved by the PBGC may apply retroactively to the date of the adoption of the amendment. PBGC approval shall also be required for any subsequent modification of the amendment, other than repeal of the amendment. Sections 2647.5, 2647.6, and 2647.7 shall apply to all subsequent partial withdrawals after a reduction or waiver of complete withdrawal liability under a plan amendment approved by the PBGC pursuant to this section.

(b) *Who may request.* The plan sponsor, or a duly authorized representative acting on behalf of the plan sponsor, shall sign and submit the request.

(c) *Where to file.* The request shall be addressed to the Case Operations and Compliance Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

(d) *Information.* Each request shall contain the following information:

(1) The name and address of the plan for which the plan amendment is being submitted and the telephone number of the plan sponsor or its duly authorized representative.

(2) The nine-digit Employer Identification Number (EIN) assigned to the plan sponsor by the Internal Revenue Service and the three-digit Plan Identification Number (PN) assigned to the plan by the plan sponsor, and, if different, the EIN and PN last filed with the PBGC. If no EIN or PN has been assigned, that should be indicated.

(3) A copy of the executed amendment, including—

(i) The date on which the amendment was adopted;

(ii) The proposed effective date; and

(iii) The full text of the rules on the reduction or waiver of complete withdrawal liability.

(4) A copy of the most recent actuarial valuation report of the plan.

(5) A statement certifying that notice of the adoption of the amendment and of the request for approval filed under this section has been given to all employers that have an obligation to contribute under the plan and to all employee organizations representing employees covered under the plan.

(e) *Supplemental information.* In addition to the information described in paragraph (d) of this section, a plan may submit any other information that it believes it pertinent to its request. The PBGC may require the plan sponsor to submit any other information that the PBGC determines it needs to review a request under this section.

(f) *Criteria for PBGC approval.* The PBGC shall approve a plan amendment authorized by paragraph (a) of this section if it determines that the rules therein are consistent with the purposes of the Act. An abatement rule is not consistent with the purposes of the Act if—

(1) Implementation of the rule would be adverse to the interest of plan participants and beneficiaries; or

(2) The rule would increase the PBGC's risk of loss with respect to the plan.

Issued at Washington, DC, on this 17th day of February 1994.

Robert B. Reich,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors approving, and authorizing its chairman to issue, this final rule.

Carol Connor Flowe,

Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 94–4692 Filed 3–1–94; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[Secretary of the Navy Instruction 5211.5]

Department of the Navy Privacy (PA) Program

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This is an administrative change. Within the Department of the

Navy, the Naval Intelligence Command will now be called the Office of Naval Intelligence. Therefore, this rule reflects the correct Navy organization responsible for the exempt system of records N03834–1, entitled Special Intelligence Personnel Access File. The exempt system of records is subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

EFFECTIVE DATE: March 2, 1994.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614–2004.

SUPPLEMENTARY INFORMATION: Executive Order 12866. The Director, Administration and Management, Office of the Secretary of Defense has determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

Regulatory Flexibility Act of 1980. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

The Department of the Navy is amending 32 CFR part 701, subpart G, paragraph (f) by revising the Navy organization name. This is an administrative change.

List of Subjects in 32 CFR Part 701

Privacy.

For reasons set forth in the preamble, 32 CFR part 701, subpart G is amended as follows:

1. The authority citation for part 701, subpart G, continues to read as follows:

Authority: Pub.L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

2. In subpart G, § 701.119, paragraph (f), introductory text, is revised as follows:

* * * * *

Subpart G – Privacy Act Exemptions

* * * * *

§ 701.119 Exempt Navy record systems.

* * * * *

(f) *Office of Naval Intelligence –*

* * * * *

Dated: February 22, 1994.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–4719 Filed 3–1–94; 8:45am]

BILLING CODE 5000–04–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300309A; FRL–4747–5]

RIN 2070–AB78

Acrylonitrile-Styrene-Hydroxypropyl Methacrylate Copolymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of acrylonitrile-styrene-hydroxypropyl methacrylate copolymer when used as an inert ingredient (pigment carrier) in pesticide formulations applied to growing crops only. This regulation was requested by Day-Glo Color Corp.

EFFECTIVE DATE: This regulation becomes effective March 2, 1994.

ADDRESSES: Written objections, identified by the document control number, [OPP-300309A], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8320.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 24, 1993 (58 FR 62070), EPA issued a proposed rule that gave notice that Day-Glo Color Corp., 4515 St. Clair Ave., Cleveland, OH 44103, had submitted pesticide petition (PP) 3E04181 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of acrylonitrile-styrene-hydroxypropyl methacrylate copolymer when used as an inert ingredient (pigment carrier) in pesticide formulations applied to growing crops only.

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

One comment was received in response to the proposed rule. The comment addressed the use of the inert in pesticide formulations. The commenter requested that the Agency amend the use statement to read "dye, coloring agent" instead of "pigment carrier." Because this chemical is not a dye but rather a polymeric resin which can be used as a pigment carrier, the Agency denied the request and the

proposed use statement will remain as is.

The data submitted relevant to the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.

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

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: February 17, 1994.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.1001(d) is amended by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* *
Acrylonitrile-styrene-hydroxypropyl methacrylate copolymer; minimum number-average molecular weight 447,000.	.....	Pigment carrier
* * *	* * *	* *

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[FR Doc. 94-4644 Filed 3-1-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 0F3851/R2042; FRL-4759-7]

RIN 2070-AB78

Exemption From the Requirement of a Pesticide Tolerance for the Insect Pheromone Codlure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is establishing an exemption from the requirement of a pesticide tolerance on all raw agricultural commodities for the insect pheromone codlure, [(E,E)-8,10-dodecadien-1-ol], in accordance with certain prescribed conditions. Consep Membranes, Inc., requested this tolerance exemption regulation.

EFFECTIVE DATE: Effective on March 2, 1994.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 0F3851/R2042], may be submitted to: Hearing Clerk, Environmental Protection

Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should also be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver objections and hearing requests filed with the Hearing Clerk to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: Environmental Protection Agency, Headquarters Accounting Operations Branch, Office of Pesticide Programs (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: Philip O. Hutton, Product Manager (PM) 18, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 213, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7690.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 29, 1990 (55 FR 26752), EPA issued a notice which announced that Consep Membranes, Inc., of Bend, OR, had submitted a pesticide petition (PP OF3851) to EPA proposing to amend 40 CFR part 180 by establishing a regulation for exemption from the requirement of a tolerance (under section 408 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346(a)), for codlure, [(E,E)-8,10-dodecadien-1-ol], in or on all raw agricultural commodities.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing. The scientific data submitted in the petition and other relevant material have been evaluated.

The mammalian toxicological data considered in support of the exemption from the requirement of a tolerance include an acute oral toxicity study in rats, an acute dermal toxicity study in rats, an acute intratracheal toxicity study in rats, a primary eye irritation study in rabbits, a primary dermal irritation study in rabbits, a dermal sensitization study in guinea pigs, and an Ames mutagenicity assay.

The results of these studies showed no significant toxic effects. When male and female rats were dosed orally at 5,050 mg/kg, minor effects including piloerection, diarrhea, salivation, nasal discharge, epistaxis, and polyuria occurring immediately following dosing were observed. All symptoms disappeared within 3 days after dosing. (Toxicity Category IV). When male and female rats were dosed dermally at 2,020 mg/kg in a single application, one of the females showed decreased defecation and diarrhea, whereas males showed no effects. No deaths occurred and no gross pathological findings were reported for any animals (Toxicity Category III). Male and female rats exposed to 2.5 mL/kg codlure via the intratracheal route gained weight during the course of the study. Only minor clinical signs of toxicity were observed, i.e., decreased activity, chromodacryorrhea, constricted pupils, epistaxis, nasal discharge, salivation, and respiratory gurgle. No deaths were reported and upon necropsy, no compound-related findings were observed (Toxicity Category III). The primary eye irritation study demonstrated resolution of conjunctival redness by day 7 and resolution of chemosis and conjunctival discharge by 72 hours in rabbits (Toxicity Category III). The primary dermal irritation study in rabbits resulted in primary dermal irritation scores of 2.5 (mildly irritating) and 3.3 (moderately irritating) at 72 and 96 hours, respectively (Toxicity Category III). The dermal sensitization study (Buehler) indicated that the codlure pheromone is not a dermal sensitizer. The Ames mutagenicity assay indicated up to cytotoxic levels that in the presence or absence of S9 activation, codlure showed no evidence of mutagenic activity in *Salmonella typhimurium*.

Reference Dose (RfD) and maximum permissible intake (MPI) considerations are not relevant to this petition because the data submitted demonstrate that this insect pheromone showed no significant adverse effect to laboratory animals in any test. Because no tolerance level is set for this insect pheromone, the requirement for an analytical method for enforcement purposes is not applicable to this exemption from the requirement of a tolerance.

Based on the information cited above, the Agency has determined that the establishment of a tolerance is not necessary to protect the public health. Therefore, the permanent exemption from the requirement of a tolerance is established with the following conditions:

a. Application shall be limited solely to codlure dispensers that conform to the following specifications:

1. Commodity exposure must be limited to inadvertent physical contact. The design of the dispenser must be such as to preclude any exposure of its components to the raw agricultural commodity (RAC) or processed foods/feeds derived from the commodity due to its proximity to the RAC or as a result of its physical size. Dispensers must be of such size and construction that they are readily recognized post-application.

2. The dispensers must be applied discretely, i.e., placed in the field in easily perceived distinct locations in a manner that does not prevent later retrieval. This exemption does not apply to codlure applied in a broadcast manner either to a crop field plot or to individual plants.

b. A codlure dispenser is a single-enclosed or semi-enclosed unit that releases codlure into the surrounding atmosphere via volatilization and is applied in a manner to provide discrete application, i.e., in easily perceived distinct locations in a manner that does not prevent later retrieval of the codlure into the environment.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this document in the Federal Register, file written objections and/or a request for a hearing with the Hearing Clerk at the address given above. 40 CFR 178.20. A copy of the objections and hearing requests filed withthe Hearing Clerk should also be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: there is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis,

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: February 17, 1994.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. By adding new § 180.1126 to subpart D, to read as follows:

§ 180.1126 Codlure, (E,E)-8,10-Dodecadien-1-ol; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for the insect pheromone codlure, (E,E)-8,10-dodecadien-1-ol, on all raw agricultural commodities in accordance with the following prescribed conditions:

(a) Application shall be limited solely to codlure dispensers that conform to the following specifications:

(1) Commodity exposure must be limited to inadvertent physical contact. The design of the dispenser must be such as to preclude any exposure of its components to the raw agricultural commodity (RAC) or processed foods/feeds derived from the commodity due to its proximity to the RAC or as a result of its physical size. Dispensers must be of such size and construction that they are readily recognized post-application.

(2) The dispensers must be applied discretely, i.e., placed in the field in easily perceived distinct locations in a manner that does not prevent later retrieval. This exemption does not apply to codlure applied in a broadcast manner either to a crop field plot or to individual plants.

(b) A codlure dispenser is a single enclosed or semi-enclosed unit that releases codlure into the surrounding atmosphere via volatilization and is applied in a manner to provide discrete application (i.e., in easily perceived distinct locations in a manner that does not prevent later retrieval) of the codlure into the environment.

[FR Doc. 94–4645 Filed 3–1–94; 8:45 am]
BILLING CODE 6560–50–F

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40 CFR Part 180

[PP 1F4016 and PP 2F4053/R2039; FRL–4756–8]

RIN 2070–AB78

Pesticide Tolerances for Cyromazine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insect growth regulator cyromazine (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) and its metabolite melamine (1,3,5-triazine-2,4,6-triamine), calculated as cyromazine, in or on leafy vegetables (except Brassica) at 10.0 ppm and in or on cucurbits vegetables at 2.0 ppm. This regulation to establish maximum permissible levels for residues of the insecticide was requested pursuant to petitions submitted by Ciba-Geigy Corp.

EFFECTIVE DATE: This regulation becomes effective March 2, 1994.

ADDRESSES: Written objections, identified by the document control number, [PP 1F4016 and PP 2F4053/R2039], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Phillip O. Hutton, Product Manager (PM 18), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 202, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, 703-557-2386.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 11, 1992 (57 FR 8658 -8659), EPA issued notices which announced that Ciba-Geigy Corp., P.O. box 18300, Greensboro, NC 27419, had submitted pesticide petitions (PP 1F4016 and PP 2F4039) to EPA proposing to amend 40 CFR 180.414 by establishing tolerances, under section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a, for residues of the insecticide cyromazine (*N*-cyclo-propyl-1,3,5-triazine-2,4,6-triamine) plus its major metabolite melamine (1,3,5-triazine-2,4,6-triamine) in or on the raw agricultural commodities leafy vegetables crop group at 10.0 ppm and cucurbit vegetables crop group at 2.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to these notices of filing. The scientific data submitted in the petition and other relevant material have been evaluated. A discussion of the toxicological data considered in support of the tolerance as well as a discussion of the risk of cyromazine and its metabolite melamine can be found in a rule (FAP 2H5355/P344) published in the **Federal Register** of April 27, 1984 (49 FR 18120); in the Notice of Conditional Registration for Larvadex 0.3% Premix, published in the **Federal Register** of May 15, 1985 (50 FR 20373) and in the proposed rule regarding the

establishment of a tolerance for residues of cyromazine and its metabolite melamine, calculated as cyromazine, in or on mushrooms at 10.0 ppm in the Federal Register of June 30, 1993 (58 FR 34972).

A chronic dietary exposure/risk assessment for the proposed use on cucurbit vegetables and leafy vegetables (except Brassica) based on tolerance residue levels of 2.0 ppm and 10.0 ppm, respectively, was performed. This chronic analysis compared exposure estimates to a Reference Dose (RfD) of 0.0075 mg/kg/ body weight/day based on a no-observable-effects level (NOEL) of 0.75 mg/kg body weight/day and an uncertainty factor of 100. The NOEL is based on a 6-month dog feeding study which demonstrated decreased hematocrit and hemoglobin levels. The Theoretical Maximum Residue Contribution (TMRC) from established tolerances for cyromazine utilizes 30% of the RfD for the overall U.S. population. With the inclusion of leafy vegetables (except Brassica) and cucurbit vegetables, dietary risk is raised to 60 percent of the RfD. Therefore, the contribution of the leafy vegetables (except Brassica) and cucurbit vegetables tolerances takes up an additional 30 percent of the RfD. Further, with the inclusion of the leafy vegetables (except Brassica) and cucurbit vegetables, the estimates for the total percent RfD occupied for infants aged less than 1 year and children 1 through 6 years of age become 44% and 66%, respectively. Since the exposure estimates are based on theoretically maximum residues, and are typically overestimates of actual exposure, and since they do not exceed the Reference Dose, the chronic dietary risk of cyromazine does not appear to be of concern.

The nature of the residue in plants is adequately understood for the purposes of these tolerances. An adequate analytical method, high-pressure liquid chromatograph with UV detection, is available for enforcement purposes in the Pesticide Analytical Manual, Vol. II (PAM II).

There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat of livestock and poultry since there are no livestock or poultry feed items asssociated with this action.

Based on the information cited above, the Agency has determined that the establishment of the tolerance by amending 40 CFR part 180 will protect the public health. The pesticide is considered useful for the purposes for which the tolerances are sought and capable of achieving the intended physical or technical effect. Therefore, the tolerance is established as set forth below.

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

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: February 22, 1994.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. In part 180:

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

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

b. By amending § 180.414(e) in the table therein by adding and alphabetically inserting the following entries, to read as follows:

§ 180.414 Cyromazine; tolerances for residues.

* * * * *

(e) * * *

Commodity	Parts per million
* * * * *	
Cucurbit vegetables	2.0
Leafy vegetables (except Brassica)	10.0
* * * * *	

[FR Doc. 94-4750 Filed 3-1-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 233

[FRL–4834–2]

New Jersey Department of Environmental Protection and Energy Section 404 Permit Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Final rule; approval of State program.

SUMMARY: The State of New Jersey has submitted an application under section 404(g) of the Clean Water Act for the approval of a program to regulate the discharge of dredged or fill material into certain waters of the United States within the State. After careful review of the application and comments received from the public, the Agency has determined that the State's program to regulate discharges of dredged or fill material meets the requirements of section 404(h) of the Act. Therefore, this application is approved.

EFFECTIVE DATE: This approval will become effective at 1 p.m. eastern daylight time on March 2, 1994. The incorporation by reference of certain publications listed in this approval is approved by the Director of the Federal Register, as of 1 p.m. on March 2, 1994, in accordance with 5 U.S.C. 552(a).

FOR FURTHER INFORMATION CONTACT: Mario Del Vicario, Chief, Marine & Wetlands Protection Branch, Water Management Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, NY 10278 or by telephone at (212) 264–5170. Copies of EPA's responsiveness summary are available from the above address.

SUPPLEMENTARY INFORMATION: The Federal Clean Water Act (33 U.S.C. 1251 et seq., hereinafter the "CWA") established the section 404 Permit Program, under which the Secretary of the Army, acting through the Chief of Engineers of the U.S. Army Corps of Engineers (Corps), may issue permits for the discharge of dredged or fill material into waters of the United States at specified disposal sites. Section 404(g) of the CWA provides that the Governor of any state desiring to administer its own individual and general permit program for the discharge of dredged or fill material into waters of the United States (other than those waters which are presently used, or are susceptible for use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to the ordinary high water mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark, or mean higher high water mark on the west coast, including wetlands adjacent thereto) within its jurisdiction may submit to the Administrator of the USEPA a full and complete description of the program it proposes to establish and administer under State law, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve such submitted program unless the program does not meet the requirements of Section 404(h) of the CWA. Among other authorities, the State must have:

(1) Adequate authority to issue permits which comply with all pertinent requirements of the CWA, including the guidelines developed under section 404(b)(1); (2) adequate authority, including civil and criminal penalties, to abate violations of the permit or the permit program; and (3) authority to ensure that the Administrator, the public, any other affected State, and other affected agencies, are given notice of each application for permit and are provided an opportunity for a public hearing before a ruling on each such application. The regulations establishing the requirements for the approval of the 404 Permit Programs were published at 53 FR 20764 on June 6, 1988 (40 CFR parts 232 and 233).

On June 15, 1993 the State of New Jersey completed the submission of an application under section 404(g) for EPA approval of a program administered by the New Jersey Department of Environmental Protection and Energy (NJDEPE) to regulate the discharge of dredged or fill material into waters of the United States within the State. On July 9, 1993 EPA published notice of its receipt of the application, requested public comments, and scheduled three public hearings on the State's submission (FR Doc. 93–16307). The public hearings were held throughout the state on August 10, 11, and 12, 1993.

After careful review of this application, I have determined that the State of New Jersey's Program submitted by the NJDEPE to regulate discharges of dredged or fill material meets the requirements of section 404(h) of the CWA, and hereby approve it. The effect of this approval is to establish this program as the applicable regulatory program under the CWA for discharges of dredged or fill material into waters of the United States in New Jersey that are not presently used, or susceptible for use in their natural condition or by reasonable improvement as a means to transport commerce shoreward to the ordinary high water mark, including wetlands adjacent thereto.

Since this approval, in large part, simply ratifies State regulations and requirements already in effect under State law, EPA is publishing this approval, effective immediately. This will enable New Jersey to begin immediately regulating discharges of dredged or fill material under the Federally approved program.

List of Subjects in 40 CFR Part 233

Environmental protection, Administrative practice and procedure, Incorporation by reference, Intergovernmental relations, Water pollution control.

Dated: January 25, 1994.

William J. Muszynski,

Acting Regional Administrator.

For the reasons set forth in the preamble, chpater I, title 40 of the Code of Federal Regulations is amended as follows:

PART 233—404 STATE PROGRAM REGULATIONS

1. The authority citation for part 233 is revised to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

Subpart H—Approved State Programs

2. Part 233 is amended by adding § 233.71 to subpart H to read as follows:

§ 233.71 New Jersey.

The applicable regulatory program for discharges of dredged or fill material into waters of the United States in New Jersey that are not presently used, or susceptible for use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to the ordinary high water mark, including wetlands adjacent thereto, except those on Indian lands, is the program administered by the New Jersey Department of Environmental Protection and Energy, approved by EPA, pursuant to section 404 of the CWA. The program becomes effective March 2, 1994. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in paragraph (b) of this section are hereby incorporated by reference and made a part of the applicable 404 Program under the CWA for the State of New Jersey, for incorporation by reference by the Director of the Federal Register in accordance with 552(a) and 1 CFR part

51. Material is incorporated as it exists at 1 p.m. on March 2, 1994 and notice of any change in the material will be published in the **Federal Register**.

(b) Copies of materials incorporated by reference may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. Copies of materials incorporated by reference may be obtained or inspected at the EPA OUST Docket, 401 M Street, SW., Washington, DC 20460, and at the Library of the Region 2 Regional Office, Federal Office Building, 26 Federal Plaza, New York, NY 10278.

(1) New Jersey Statutory Requirements Applicable to the Freshwater Wetlands Program, 1994.

(2) New Jersey Regulatory Requirements Applicable to the Freshwater Wetlands Program, 1994.

(c) *Other laws.* The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:

(1) Administrative Procedure Act, N.J.S.A. 52:14B–1 *et. seq.*

(2) New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1–1.1 *et. seq.*

(3) Open Public Meetings Act, N.J.S.A. 10:4–6 *et. seq.*

(4) Examination and Copies of Public Records, N.J.S.A. 47:1A–1 *et. seq.*

(5) Environmental Rights Act, N.J.S.A. 2A:35A–1 *et. seq.*

(6) Department of Environmental Protection (and Energy), N.J.S.A. 13:1D–1 *et. seq.*

(7) Water Pollution Control Act, N.J.S.A. 58:10A–1 *et. seq.*

(d) *Memoranda of agreement.* The following memoranda of agreement, although not incorporated by reference also are part of the approved State administered program:

(1) The Memorandum of Agreement between EPA Region II and the New Jersey Department of Environmental Protection and Energy, signed by the EPA Region II Acting Regional Administrator on June 15, 1993.

(2) The Memorandum of Agreement between the U.S. Army Corps of Engineers and the New Jersey Department of Environmental Protection and Energy, signed by the Division Engineer on March 4, 1993.

(3) The Memorandum of Agreement between EPA Region II, the New Jersey Department of Environmental Protection and Energy, and the U.S. Fish and Wildlife Service, signed by all parties on December 22, 1993.

(e) *Statement of legal authority.* The following documents, although not incorporated by reference, also are part of the approved State administered program:

(1) Attorney General's Statement, signed by the Attorney General of New Jersey, as submitted with the request for approval of The State of New Jersey's 404 Program.

(2) The program description and any other materials submitted as part of the original application or supplements thereto.

[FR Doc. 94–4651 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket No. 92–265; DA 94–164]

Cable Services; Cable Television Act

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction of effective date.

SUMMARY: The Commission corrects the January 10, 1994, effective date for adoption of its rules regarding carriage agreements between multichannel video programming distributors and video programming vendors (47 CFR 76.1300–76.1302). The effective date for this rule adoption is now January 26, 1994. The rule adoption was published on Tuesday, November 16, 1993 (58 FR 60390).

EFFECTIVE DATE: January 26, 1994.

FOR FURTHER INFORMATION CONTACT: Diane Hofbauer, 202–416–0807.

SUPPLEMENTARY INFORMATION: The Commission, issued a Second Report and Order in MM Docket 92–265, which, in response to the Cable Television Consumer Protection and Competition Act of 1992 prescribed regulations governing carriage agreements between multichannel video programming distributors and video programming vendors. As part of this action, the Commission adopted 47 CFR 76.1300–76.1302. These regulations included adoption of complaint procedures requiring approval by the Office of Management and Budget. That approval was received on January 26, 1994. Accordingly, the January 10, 1994, effective date for the adoption of 47 CFR 76.1300–76.1302 as published in FR Doc. 93–27880, on November 16, 1993 (page 60390, column 2) is corrected to be January 26, 1994.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–4458 Filed 3–1–94; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 76

[MM Docket No. 92–264; DA 94–160]

Cable Services; Cable Television Act

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction of effective date.

SUMMARY: The Commission corrects the January 10, 1994, effective date for an amendment to its rules regarding limits on the carriage of vertically integrated cable programming (47 CFR 76.504). The effective date for this amendment is now January 26, 1994. The rule amendment was published on Monday, November 15, 1993 (58 FR 60135).

EFFECTIVE DATE: Section 76.504 is effective January 26, 1994.

FOR FURTHER INFORMATION CONTACT: Rita McDonald, 202–632–5414.

SUPPLEMENTARY INFORMATION: The Commission, issued a Second Report and Order in MM Docket 92–264, which, in response to the Cable Television Consumer Protection and Competition Act of 1992 prescribed national subscriber limits and limits on the number of channels that can be occupied on a cable system by a video programmer in which the cable operator has an attributable interest. As part of this action, the Commission added 47 CFR 76.504. This addition included a recordkeeping obligation requiring approval by the Office of Management and Budget. That approval was received on January 26, 1994. Accordingly, the January 10, 1994, effective date for the addition of 47 CFR 76.504 as published in FR Doc. 93–27630, on November 15, 1993 (page 60135, column 1) is corrected to be January 26, 1994.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–4457 Filed 3–1–94; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB75

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Plant Auerodendron Pauciflorum

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Auerodendron pauciflorum* (no common name) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. This evergreen shrub is endemic to Puerto Rico, where only 10 individuals are known to exist in the limestone hills of Isabela in the northwestern part of the island. The primary threat to the species is habitat destruction from development. This final rule will implement the Act's protection and recovery provisions for *Auerodendron pauciflorum*.

EFFECTIVE DATE: April 1, 1994.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours, at the Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622; and at the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851–7297) or Mr. Dave Flemming at the Atlanta Regional Office address (404/679–7096).

SUPPLEMENTARY INFORMATION:

Background

Auerodendron pauciflorum was first discovered by Mr. Roy Woodbury in 1976 in the limestone hills of Isabela in northwestern Puerto Rico. It was later described by Alain Liogier in 1982. This was also the first record of this genus in Puerto Rico.

Auerodendron pauciflorum is an evergreen shrub or small tree which may reach up to 5 meters in height. The leaves are opposite or subopposite, ovate to ovate-elliptic, 6 to 15 centimeters long and 3.5 to 6 centimeters wide, glabrous, and with minute black glandular dots. Paired ovate-triangular, ciliate stipules, 1.5 millimeters long, are present at the base of the petiole. The peduncles vary from 5 to 7 millimeters in length. Two to three flowers are borne in the leaf axils. The calyx tube is broadly campanulate, 2 millimeters long and 3 millimeters wide. The fruit is unknown at the present time (Proctor 1991).

Auerodendron pauciflorum is restricted to the semi-evergreen forests (subtropical moist forest life zone) of the limestone hills of Isabela in northwestern Puerto Rico at elevations of less than 100 meters. Only 10 individual plants are known from the edges of these limestone cliffs (Proctor 1991). Hills in the area were destroyed for the construction of the existing Highway 2. The area is privately owned and presently under intense pressure for rural, urban and tourist development. The construction of a resort development, including 7 hotels, 5 golf courses, 36 tennis courts and 1,300 housing units is proposed for the area.

Auerodendron pauciflorum was included as a Category 1 species (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in the February 21, 1990 (55 FR 6184) notice of review. A proposal to list *Auerodendron pauciflorum* as endangered was published on March 18, 1993 (58 FR 14541).

Summary of Comments and Recommendations

In the March 18, 1993, proposed rule and associated notifications, all interested parties' were requested to submit factual reports of information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, universities and other interested parties were contacted and requested to comment. A newspaper notice inviting general public comment was published in the San Juan Star on April 4, 1993. Two letters of comment were received and are discussed below. A public hearing was neither requested nor held.

The Puerto Rico Department of Natural Resources supported the listing of *Auerodendron pauciflorum* as an endangered species. It stated that the species is only known from one site, the type locality, and is a member of a genus which consists of only seven species endemic to the West Indies.

Dr. Duane Kolterman and Dr. Gary Breckon, of the University of Puerto Rico at Mayaguez, also supported the listing of the species as endangered. They stated that the species is one of the rarest plants in Puerto Rico and that an additional threat is the construction of transmission towers for the cellular telephone industry.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Auerodendron pauciflorum* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Auerodendron pauciflorum* Alain are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Auerodendron pauciflorum is found on privately owned land currently subject to intense pressure for rural, urban and tourist development. Hills in this area were destroyed for the construction of Highway 2. A large resort complex is currently proposed for the area and many hills are being utilized for the construction of transmission towers. Limestone hills are continuously being leveled for the production of construction material. These factors, as well as random cutting and the harvesting of yams, have contributed to the decline of the species and continue to threaten the remaining individuals.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Taking for these purposes has not been a documented factor in the decline of this species.

C. Disease or Predation

Disease and predation have not been documented as factors in the decline of this species.

D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, *Auerodendron pauciflorum* is not yet on the Commonwealth list. Federal listing provides immediate protection and enhances its protection and possibilities for funding needed research.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

One of the most important factors affecting the continued survival of this species is its limited distribution.

Because so few individuals are known to occur in a limited area, the risk of extinction is extremely high. The fruit has not been described and seedlings have not been observed in the field.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Auerodendron pauciflorum* as endangered. Only 1 population consisting of 10 individuals is known to exist. Deforestation for rural, urban, and tourist development are imminent threats to the survival of the species. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for this species are discussed below in the Critical Habitat section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. The number of individuals of *Auerodendron pauciflorum* is sufficiently small that vandalism and collection could seriously affect the survival of the species. Publication of critical habitat descriptions and maps in the **Federal Register** would increase the likelihood of such activities. The Service believes that Federal involvement in the areas where these plants occur can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will also be addressed through the recovery process and through the section 7 jeopardy standard.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Auerodendron pauciflorum*, as discussed above. Federal involvement may occur through the funding of residential developments by agencies such as the Farmers Home Administration.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove it from areas under Federal jurisdiction and reduce it to possession. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any Commonwealth law or regulation, including Commonwealth criminal trespass law. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies.

The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for *Auerodendron pauciflorum* will ever be sought or issued, since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits should be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 420C, Arlington, Virginia 22203 (703/358–2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Liogier, A. 1982. *Auerodendron pauciflorum* Alain. Phytologia 50(3):164–166.

Proctor, G.R. 1991. Status report on *Auerodendron pauciflorum* Alain. Unpublished status report submitted to the U.S. Fish and Wildlife Service, Boquerón, Puerto Rico. 8 pp.

Author

The primary author of this rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851–7297).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.12(h) by adding the following, in alphabetical order under Rhamnaceae, to the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
• •		•	•	•		•
Rhamnaceae—Buckthorn family:						
Auerodendron pauciflorum.	None	U.S.A. (PR)	E	531	NA	NA
• •	•	•	•	•		•

Dated: February 15, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94–4723 Filed 3–1–94; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 93–120–1]

Official Brucellosis Tests

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the brucellosis regulations by revising standards established for the brucellosis testing of cattle and bison with the particle concentration fluorescence immunoassay test. By revising the standards for this test, we believe we would help designated epidemiologists to avoid incorrectly classifying cattle and bison as brucellosis suspects.

DATES: Consideration will be given only to comments received on or before May 2, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–120–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. John Kopec, Senior Staff Veterinarian, Cattle Diseases Staff, Veterinary Services, APHIS, USDA, room 730, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–6188.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a serious infectious and contagious disease, caused by bacteria of the genus Brucella, that affects animals and man. The Secretary of Agriculture is authorized to cooperate with the States in conducting a brucellosis eradication program and in preventing the interstate spread of brucellosis. The regulations in 9 CFR part 78 (referred to below as the regulations) govern the interstate movement of cattle, bison, and swine in order to help prevent the spread of brucellosis.

Official brucellosis tests are used to determine the brucellosis status of cattle, bison, and swine. The regulations stipulate that testing negative to an official brucellosis test is a condition for certain interstate movements. Additionally, official tests are used to determine eligibility for indemnity payments for animals destroyed because of brucellosis.

One official test is the particle concentration fluorescence immunoassay (PCFIA) test, an automated serologic test for brucellosis in cattle, bison, and swine. Results of the PCFIA test are expressed as an S/N value, which is the ratio of the test sample to a negative control. Currently, under the definition of *Official test* in § 78.1(a)(10) of the regulations, cattle and bison are considered: (1) reactors when the S/N value of their PCFIA test results is less than or equal to 0.25; (2) suspects when the S/N value is greater than or equal to 0.26, but less than or equal to 0.70; and (3) negative when the S/N value is greater than 0.70.

We believe that the spectrum of S/N ratios indicating suspect status in cattle and bison is too broad. We have determined that tested cattle and bison with S/N values between 0.60 and 0.70, and thus classified under the regulations as brucellosis suspects, almost always prove to be noninfected after supplemental testing. Moreover, we have also determined that the vast majority of tested cattle and bison with S/N values between 0.25 and 0.30, and thus classified as brucellosis suspects, prove to be brucellosis reactors in subsequent testing.

We propose, therefore, to revise the PCFIA test standards to reflect this new information. This would allow the brucellosis disease status of test-eligible cattle and bison to be more accurately determined. Under this proposal, cattle and bison tested with the PCFIA test would be considered: (1) reactors when the S/N value of their test results is less than or equal to 0.30; (2) suspects when the S/N value is greater than 0.30, and less than or equal to 0.60; and (3) negative when the S/N value is greater than 0.60.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866.

We are proposing to amend the brucellosis regulations by revising standards established for the brucellosis testing of cattle and bison with the PCFIA test. We believe that the test result standards in the current regulations which indicate the disease status of tested animals can be improved.

Incorrect brucellosis classification of cattle and bison as a result of the current PCFIA test standards creates marketing delays and unnecessary costs for farmers. Under the regulations, cattle and bison classified as brucellosis suspects must either be quarantined and retested within 30 days or sold for slaughter (usually at a loss). Consequently, farmers may unnecessarily quarantine or slaughter, at a loss, incorrectly classified cattle and bison. Therefore, we believe our proposal to revise the PCFIA test result standards would save farmers both time and money.

Though we believe that the economic impact of this proposal would be positive, we also believe it would be minimal. We anticipate that only about 7,200 cattle and bison in 560 herds (less than one thousandth of a percent of all cattle and bison in the United States) are classified incorrectly as brucellosis suspects under our current regulations. We estimate that all of the cattle and bison affected by this proposal would be owned by farms classified as small entities under Small Business Administration standards.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78, would be amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 would continue to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 78.1, the definition of *Official test*, paragraph (a)(10), the table would be revised to read as follows:

§ 78.1 Definitions.

* * * * *

Official test.

(a) * * *

(10) * * *

S/N ratio	Classification
Greater than .60	Negative.
Greater than .30 but less than or equal to .60.	Suspect.
.30 or less	Positive.

* * * * *

Done in Washington, DC, this 23rd day of February 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–4724 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–34–P

9 CFR Part 94

[Docket No. 93–172–1]

Change in Disease Status of Hungary Because of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to declare Hungary free of rinderpest and foot-and-mouth disease. As part of this proposed action, we would add Hungary to the list of countries that, although declared free of rinderpest and foot-and-mouth disease, are subject to restrictions on meat and other animal products offered for importation into the United States. We would also add Hungary to the list of countries from which the importation into the United States of llamas and alpacas is restricted. This proposed rule would remove the prohibition on the importation into the United States, from Hungary, of ruminants and fresh, chilled, and frozen meat of ruminants, although those importations would be subject to certain restrictions. This proposed rule would also relieve restrictions on the importation, from Hungary, of milk and milk products of ruminants.

DATES: Consideration will be given only to comments received on or before May 2, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–172–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Kathleen J. Akin, Senior Staff Veterinarian, Import-Export Products Staff, National Center for Import-Export, Veterinary Services, APHIS, USDA, room 755, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7830.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), bovine spongiform encephalopathy, African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all countries of the world except those listed in § 94.1(a)(2), which have been declared to be free of both diseases. We will consider declaring a country to be free of rinderpest and FMD if there have been no reported cases of either disease in that country for at least the previous 1-year period and no vaccinations for rinderpest or FMD have been administered to swine or ruminants in that country for at least the previous 1-year period.

The last outbreak of rinderpest in Europe occurred prior to 1921, and there have been no outbreaks of FMD since 1973. A limited FMD vaccination program that was conducted near the country's eastern borders was discontinued in 1989. Based on these considerations, the government of Hungary requested that the U.S. Department of Agriculture (USDA) declare Hungary to be free of rinderpest and FMD.

The Animal and Plant Health Inspection Service (APHIS) reviewed the documentation submitted by the government of Hungary in support of its request, and a team of APHIS officials traveled to Hungary in October 1993 to conduct an on-site evaluation of the country's animal health program with regard to the FMD situation in Hungary. The evaluation consisted of a review of Hungary's veterinary services, laboratory and diagnostic procedures, vaccination practices, and administration of laws and regulations intended to prevent the introduction of rinderpest and FMD into Hungary through the importation of animals, meat, or animal products. The APHIS officials conducting the on-site evaluation concluded that Hungary is free of rinderpest and FMD. (Details concerning the on-site evaluation are available, upon written request, from the person listed under **FOR FURTHER INFORMATION CONTACT.**)

Therefore, based on the information discussed above, we are proposing to amend § 94.1(a)(2) by adding Hungary to the list of countries declared to be free of both rinderpest and FMD. This proposed action would remove the prohibition on the importation, from

Hungary, of ruminants and any fresh, chilled, and frozen meat of ruminants, and would relieve restrictions on the importation, from Hungary, of milk and milk products of ruminants. However, because Hungary has not been declared free of hog cholera, the importation of pork and pork products would continue to be restricted under § 94.9 of the regulations, and the importation of swine from Hungary would continue to be prohibited under § 94.10. Similarly, for the reasons discussed below, we would make the importation of meat and other animal products of ruminants or swine from Hungary subject to the restrictions contained in § 94.11.

We are proposing to amend § 94.11(a) by adding Hungary to the list of countries that have been declared free of rinderpest and FMD but from which the importation into the United States of meat and other animal products is restricted. The countries listed in § 94.11(a) are subject to these restrictions because they: (1) Supplement their national meat supply by importing fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in § 94.1(a) as infected with rinderpest or FMD; (2) have a common land border with countries designated as infected with rinderpest or FMD; or (3) import ruminants or swine from countries designated as infected with rinderpest or FMD under conditions less restrictive than would be acceptable for importation into the United States.

Hungary supplements its national meat supply by importing fresh, chilled, and frozen meat of ruminants and swine from countries designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists. In addition, Hungary has common land borders with Slovakia, Ukraine, Romania, Yugoslavia, Croatia, and Slovenia, which are designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists. As a result, even though Hungary appears to qualify for designation as a country free of rinderpest and FMD, there is the potential for meat or other animal products produced in Hungary to be commingled with the fresh, chilled, or frozen meat of animals from a country in which rinderpest and FMD exists. This potential for commingling constitutes an undue risk of introducing rinderpest or FMD into the United States.

Therefore, we are proposing that meat and other animal products of ruminants or swine, as well as any ship's stores, airplane meals, or baggage containing such meat or other animal products, offered for importation into the United States from Hungary be subject to the restrictions specified in § 94.11 of the regulations in addition to the applicable regulations of the USDA's Food Safety and Inspection Service, which are located in 9 CFR chapter III. Section 94.11 generally requires that the meat and other animal products of ruminants or swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certification from a full-time salaried veterinary official of the national government of the exporting country, stating that the meat or other animal product has not been commingled with or exposed to meat or other animal products originating in, imported from, or transported through a country infected with rinderpest or FMD.

We are also proposing to add Hungary to a third list, this one in § 94.1(d)(1). All countries in which rinderpest or FMD has been known to exist that have been declared free of rinderpest and FMD on or after September 28, 1990, must be added to this list. Adding Hungary to this list would mean that no llama or alpaca could be imported or entered into the United States from Hungary unless in accordance with 9 CFR 92.435. We are not, however, aware of any llamas or alpacas in Hungary that are available for export.

Miscellaneous

In addition to the proposed changes set forth above, we would correct the paragraph designations used in § 94.9(b)(1)(ii) and (iii). In each of those paragraphs, italicized lowercase letters were used where normal uppercase letters are needed. Also in § 94.9, we would make several nonsubstantive editorial changes for the sake of clarity or to correct grammatical errors. Finally, in § 94.11(a), we would adjust the order in which three countries appear to restore alphabetical order to the list of countries in that paragraph.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule, if adopted, would amend the regulations in part 94 by adding Hungary to the list of countries declared to be free of rinderpest and FMD. This action would remove the prohibition on the importation into the United States, from Hungary, of ruminants and fresh, chilled, and frozen meat of ruminants, although those importations would be subject to certain restrictions. This proposed revision would also relieve restrictions on the importation, from Hungary, of milk and milk products of ruminants.

Based on available information, the Department does not anticipate a major increase in exports of ruminants and fresh, chilled, or frozen meat of ruminants from Hungary into the United States as a result of this proposed rule.

The value of total U.S. imports of cattle in 1992 was $1.24 billion, and the value of total U.S. imports of sheep in 1992 was about $2 million. The United States did not import any cattle or sheep from Hungary during 1992. In fact, with the exception of a small number of cattle imported from the former Czechoslovakia, no cattle or sheep were imported into the United States from any country in Europe during 1992 (USDA, Economic Research Service [ERS], "Foreign Agricultural Trade of the United States: Calendar Year 1992 Supplement," 1992). Clearly, Europe is not a source of ruminants for the United States, and it is unlikely that declaring Hungary free of rinderpest and FMD would have any effect on the existing trade patterns.

Due to current APHIS restrictions, the United States does not import any uncooked meat or meat products from Hungary. Total U.S. meat production in 1991 (excluding pork) was just under 10.7 million metric tons, while Hungarian meat production in 1991 reached approximately 115,000 metric tons, about 1 percent of the U.S. total (USDA, National Agricultural Statistics Service, "Agricultural Statistics, 1992," 1992). Therefore, even if Hungary exported a significant portion of its meat production exclusively to the United States, which is unlikely, the effect of those exports on U.S. domestic prices or supplies would be negligible.

As with the ruminants and meat products discussed above, the Department does not anticipate a major increase in exports of milk and milk products from Hungary into the United States as a result of this proposed rule. The importation into the United States of all dairy products, except for casein and other caseinates, is restricted by quotas. Although the importation of casein into the United States is not regulated by quotas, world prices of casein are competitively set. The United States does not produce casein, but does import more than half of the casein produced in the world. The regulations currently allow casein and other caseinates to be imported into the United States from countries where rinderpest or FMD exists if the importer

has applied for and obtained written permission from the Administrator. The United States imported about 662 metric tons of casein from Hungary in 1992 (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1992 Supplement," 1992). Declaring Hungary free of rinderpest and FMD, thus removing the requirement for written permission from the Administrator, is not expected to have any effect on the amount of casein imported into the United States from Hungary because the current restrictions do not substantially impede imports.

The importation of bovine semen and cattle embryos from countries affected with rinderpest and FMD is restricted under 9 CFR part 98. Although this proposed rule would have the effect of removing certain restrictions on the importation of bovine semen and cattle embryos from Hungary, the economic effect of this proposed rule on the bovine semen and cattle embryo industries is also expected to be minimal. The United States is a net exporter of bovine semen and cattle embryos. In 1992, the value of U.S. bovine semen and cattle embryo imports was $4 million and $195,000, respectively, while the value of U.S. bovine semen and cattle embryo exports was $49.3 million and $6.8 million, respectively (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1992 Supplement," 1992). Although it is likely that a few U.S. importers would be interested in importing bovine semen or cattle embryos from Hungary if this proposed rule is adopted, the amount of each that might be imported would be minimal when compared to U.S. domestic production.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0015.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) would be amended by adding "Hungary," immediately after "Honduras,".

3. In § 94.1, paragraph (d)(1) would be amended by adding "Hungary," immediately after "France,".

§ 94.9 [Amended]

4. Section 94.9 would be amended as follows:

a. Paragraphs (b)(1)(ii)(*a*) and (*b*) would be redesignated as paragraphs (b)(1)(ii)(A) and (B).

b. Paragraphs (b)(1)(iii)(*a*), (*b*), and (*c*) would be redesignated as paragraphs (b)(1)(iii)(A), (B), and (C).

c. In newly designated paragraph (b)(1)(iii)(C)(*2*), the words "paragraph (b)(1)(iii)(*c*)(*1*) of" would be removed and the words "paragraph (b)(1)(iii)(C)(*1*) of" added in their place, and the words "paragraphs (b)(1), (i), (ii), or (iii)" would be removed and the words "paragraph (b)(1)(i), (ii), or (iii)" added in their place.

d. In paragraph (b)(2), the words "under paragraphs" would be removed and the words "under paragraph" added in their place.

e. In paragraph (b)(3), the first sentence, the words "under paragraphs" would be removed and the words "under paragraph" added in their place, and the words "paragraph (b)(1)(ii) or (iii) of this section has" would be removed and the words "the provisions of paragraph (b)(1)(ii) or (iii) of this section have" added in their place.

f. In paragraph (c), the words "provisions of" would be added immediately before the reference "§ 94.12(b)(1)(iii)".

§ 94.11 [Amended]

5. In § 94.11, paragraph (a), the first sentence would be amended by adding "Hungary," immediately before "Japan," and by removing the words "Spain, Poland, Republic of Ireland," and adding, in their place, "Poland, Republic of Ireland, Spain,".

Done in Washington, DC, this 23rd day of February 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–4726 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–34–P

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9 CFR Part 94

[Docket No. 93–173–1]

Change in Disease Status of Austria Because of Rinderpest, Foot-and-Mouth Disease, and Swine Vesicular Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to declare Austria free of rinderpest, foot-and-mouth disease, and swine vesicular disease. As part of this proposed action, we would add Austria to the lists of countries that, although declared free of rinderpest, foot-and-mouth disease, and swine vesicular disease, are subject to restrictions on meat and other animal products offered for importation into the United States. We would also add Austria to the list of countries from which the importation into the United States of llamas and alpacas is restricted. Declaring Austria free of rinderpest, foot-and-mouth disease, and swine vesicular disease appears to be appropriate because the last outbreak of rinderpest in Europe occurred prior to 1921, there have been no outbreaks of foot-and-mouth disease in Austria since 1981, and there have been no outbreaks of swine vesicular disease since 1979. This proposed rule would remove the prohibition on the importation into the United States, from Austria, of ruminants and fresh, chilled, and frozen meat of ruminants, although those importations would be subject to certain restrictions. This proposed rule would also relieve restrictions on the importation, from Austria, of milk and milk products of ruminants.

DATES: Consideration will be given only to comments received on or before May 2, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–173–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Kathleen J. Akin, Senior Staff Veterinarian, Import-Export Products Staff, National Center for Import-Export, Veterinary Services, APHIS, USDA, room 755, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7830.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), bovine spongiform encephalopathy, African swine fever, hog cholera, and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all countries of the world except those listed in § 94.1(a)(2), which have been declared to be free of both diseases. Section 94.12(a) of the regulations provides that SVD is considered to exist in all countries of the world except those listed in § 94.12(a), which have been declared to be free of SVD. We will consider declaring a country to be free of rinderpest, FMD, and SVD if there have been no reported cases of the diseases in that country for at least the previous 1-year period and no vaccinations for rinderpest or FMD have been administered to swine or ruminants in that country for at least the previous 1-year period.

The last outbreak of rinderpest in Europe occurred prior to 1921. There have been no outbreaks of FMD in Austria since 1981, and there have been no vaccinations for FMD in Austria since that 1981 outbreak. There have been no outbreaks of SVD since 1979. Based on these considerations, the government of Austria has requested that the U.S. Department of Agriculture (USDA) declare Austria to be free of rinderpest, FMD, and SVD.

The Animal and Plant Health Inspection Service (APHIS) reviewed the documentation submitted by the government of Austria in support of its request, and a team of APHIS officials traveled to Austria in October 1993 to conduct an on-site evaluation of the country's animal health program with regard to the rinderpest, FMD, and SVD situation in Austria. The evaluation consisted of a review of Austria's veterinary services, laboratory and diagnostic procedures, vaccination practices, and administration of laws and regulations intended to prevent the introduction of rinderpest, FMD, and SVD into Austria through the importation of animals, meat, or animal products. The APHIS officials conducting the on-site evaluation concluded that Austria is free of rinderpest, FMD, and SVD. (Details concerning the on-site evaluation are available, upon written request, from the person listed under **FOR FURTHER INFORMATION CONTACT.**)

Therefore, based on the information discussed above, we are proposing to amend § 94.1(a)(2) by adding Austria to the list of countries declared to be free of both rinderpest and FMD. We are also proposing to amend § 94.12(a) by adding Austria to the list of countries declared to be free of SVD. These proposed actions would remove the prohibition on the importation, from Austria, of ruminants and fresh, chilled, and frozen meat of ruminants, and would relieve restrictions on the importation, from Austria, of milk and milk products of ruminants. However, because Austria has not been declared free of hog cholera, the importation into the United States, from Austria, of pork and pork products would continue to be restricted under § 94.9 of the regulations, and the importation of swine from Austria would continue to be prohibited under § 94.10. Similarly, for the reasons discussed below, we would make the importation of the meat and other animal products of ruminants or swine from Austria subject to the restrictions contained in §§ 94.11 and 94.13.

We are proposing to amend § 94.11(a) by adding Austria to the list of countries that have been declared free of rinderpest and FMD but from which the importation of meat and other animal products is restricted. Similarly, we are proposing to amend § 94.13(a) by adding Austria to the list of countries that have been declared free of SVD but from which the importation of pork and pork products is restricted. The countries listed in §§ 94.11(a) and 94.13(a) are subject to these restrictions because they: (1) Supplement their national meat supply by importing fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in § 94.1(a) as infected with rinderpest or FMD or in § 94.12 as infected with SVD; (2) have a common land border with countries designated as infected with rinderpest, FMD, or SVD; or (3) import ruminants or swine from countries designated as infected with rinderpest, FMD, or SVD under conditions less restrictive than would be acceptable for importation into the United States.

Austria supplements its national meat supply by importing fresh, chilled, and frozen meat of ruminants and swine from countries designated in §§ 94.1(a)(1) and 94.12(a) as countries in which rinderpest, FMD, or SVD exists. In addition, Austria has common land borders with the Czech Republic, Slovakia, Slovenia, Italy, Switzerland, and Liechtenstein. Those countries are designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists and, except for Switzerland, are also designated in § 94.12(a) as countries where SVD exists. As a result, even though Austria appears to qualify for designation as a country free of rinderpest, FMD, and SVD, there is the potential for meat or other animal products produced in Austria to be commingled with the fresh, chilled, or frozen meat of animals from a country in which rinderpest, FMD, or SVD exists. This potential for commingling constitutes an undue risk of introducing rinderpest, FMD, or SVD into the United States.

Therefore, we are proposing that meat and other animal products of ruminants or swine, as well as any ship's stores, airplane meals, or baggage containing such meat or other animal products, offered for importation into the United States from Austria be subject to the restrictions specified in §§ 94.11 and 94.13 of the regulations and to the applicable requirements contained in the regulations of the USDA's Food Safety and Inspection Service at 9 CFR chapter III. Sections 94.11 and 94.13 generally require that the meat and other animal products of ruminants or swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by

an additional certification from a full-time salaried veterinary official of the national government of the exporting country, stating that the meat or other animal product has not been commingled with or exposed to meat or other animal products originating in, imported from, or transported through a country infected with rinderpest, FMD, or SVD.

We are also proposing to add Austria to another list, this one in § 94.1(d)(1). All countries in which rinderpest or FMD has been known to exist that have been declared free of rinderpest and FMD on or after September 28, 1990, must be added to this list. Adding Austria to this list would mean that no llama or alpaca could be imported or entered into the United States from Austria unless in accordance with 9 CFR 92.435. We are not, however, aware of any llamas or alpacas in Austria that are available for export.

Miscellaneous

In addition to the proposed changes set forth above, we would make several nonsubstantive editorial changes in § 94.13 for the sake of clarity or to correct grammatical errors.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule, if adopted, would amend the regulations in part 94 by adding Austria to the list of countries declared to be free of rinderpest and FMD and to the list of countries declared free of SVD. This action would remove the prohibition on the importation into the United States, from Austria, of ruminants and fresh, chilled, and frozen meat of ruminants, although those importations would be subject to certain restrictions. This proposed revision would also relieve restrictions on the importation, from Austria, of milk and milk products of ruminants.

Based on available information, the Department does not anticipate a major increase in exports of ruminants and fresh, chilled, or frozen meat of ruminants from Austria into the United States as a result of this proposed rule.

The value of total U.S. imports of cattle in 1992 was $1.24 billion, and the value of total U.S. imports of sheep in 1992 was about $2.0 million. The United States did not import any cattle or sheep from Austria during 1992. In fact, with the exception of a small number of cattle imported from the former Czechoslovakia, no cattle or sheep were imported into the United States from any country in Europe during 1992 (USDA, Economic Research Service [ERS], "Foreign Agricultural Trade of the United States: Calendar Year 1992 Supplement," 1992). Clearly, Europe is not a source of ruminants for the United States, and it is unlikely that declaring Austria free of rinderpest and FMD would have any effect on the existing trade patterns.

Due to current APHIS restrictions, the United States does not import any uncooked meat or meat products from Austria. Total U.S. meat production in 1991 (excluding pork) was just under 10.7 million metric tons, while Austrian meat production in 1991 reached approximately 230,000 metric tons, about 2 percent of the U.S. total (USDA, National Agricultural Statistics Service, "Agricultural Statistics, 1992," 1992). Therefore, even if Austria exported a significant portion of its meat production exclusively to the United States, which is unlikely, the effect of those exports on U.S. domestic prices or supplies would be negligible.

As with the ruminants and meat products discussed above, the Department does not anticipate a major increase in exports of milk and milk products from Austria into the United States as a result of this proposed rule. The importation into the United States of all dairy products, except for casein and other caseinates, is restricted by quotas. Although the importation of casein into the United States is not regulated by quotas, world prices of casein are competitively set. The United States does not produce casein, but does import more than half of the casein produced in the world. The regulations currently allow casein and other caseinates to be imported into the United States from countries where rinderpest or FMD exists if the importer has applied for and obtained written permission from the Administrator. The United States did not import any casein from Austria in 1992 (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1992 Supplement," 1992). Declaring Austria free of rinderpest and FMD, thus removing the requirement for written permission from the Administrator, is not expected to have any effect on the amount of casein imported into the United States from Austria because the current restrictions do not substantially impede imports.

The importation of bovine semen and cattle embryos from countries affected with rinderpest and FMD is restricted under 9 CFR part 98. Although this proposed rule would have the effect of removing certain restrictions on the importation of bovine semen and cattle embryos from Austria, the economic effect of this proposed rule on the bovine semen and cattle embryo industries is also expected to be minimal. The United States is a net exporter of bovine semen and cattle embryos. In 1992, the value of U.S. bovine semen and cattle embryo imports was $4 million and $195,000, respectively, while the value of U.S. bovine semen and cattle embryo exports was $49.3 million and $6.8 million, respectively (USDA, ERS, "Foreign Agricultural Trade of the United States: Calendar Year 1992 Supplement," 1992). Although it is likely that a few U.S. importers would be interested in importing bovine semen or cattle embryos from Austria if this proposed rule is adopted, the amount of each that might be imported would be minimal when compared to U.S. domestic production.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0015.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.1 [Amended]

2. In § 94.1, paragraph (a)(2) would be amended by adding "Austria," immediately after "Australia,".

3. In § 94.1, paragraph (d)(1) would be amended by removing "September 28, 1990;" and by adding "September 28, 1990: Austria," in its place.

§ 94.11 [Amended]

4. In § 94.11, paragraph (a), the first sentence would be amended by adding "Austria," immediately before "The Bahamas,".

§ 94.12 [Amended]

5. In § 94.12, paragraph (a), the first sentence would be amended by adding "Austria," immediately after "Australia,".

§ 94.13 [Amended]

6. In § 94.13, in the introductory text, the first sentence would be amended by adding "Austria," immediately before "The Bahamas,"; by adding a comma immediately after "Yugoslavia"; by removing the words "§ 94.12(a); are countries which" and adding the words "§ 94.12(a), are countries that" in their place; and by removing the words "or which have a common border with such countries; or which" and adding the words "have a common border with such countries; or" in their place.

Done in Washington, DC, this 23rd day of February 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–4727 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AE60

Loan Guaranty: Acceptance of Partial Payments; Indemnification of Default

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulatory amendments.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its loan guaranty regulations to comply with certain provisions of the Veterans Home Loan Indemnity and Restructuring Act of 1989. Changes made by this law which VA proposes to incorporate into the regulations by these amendments are: The addition of a requirement that the holder provide notice to the Secretary when refusing to accept partial payment on a loan in default; and a clarification of when a veteran has liability to the Secretary for a loss due to a loan default. These changes will ensure that no veteran loses a home because a loan holder returned partial payments in violation of VA requirements and will aid VA in obtaining the cooperation of veterans in reducing loan guaranty losses by pursuing alternatives to foreclosure.

DATES: Comments must be received on or before May 2, 1994. VA proposes to make these regulations effective 30 days after publication of the final regulations.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Secretary of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments will be available for public inspection in room 170, Veterans Service Unit, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 11, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard A. Levy, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 233–3668.

SUPPLEMENTARY INFORMATION: VA is proposing to incorporate into its regulations two changes to comply with provisions of Public Law 101–237, the Veterans Home Loan Indemnity and Restructuring Act of 1989.

Sections 36.4275(f) and 36.4315(b) of 38 CFR part 36 provide that except under certain conditions described in the regulations the holder must accept from the borrower partial payment on a loan in default. Public Law 101–237 requires the holder to notify the Secretary when refusing to accept partial payment and provides that the Secretary may require certain specific information in the notice. VA proposes to amend §§ 36.4275(f) and 36.4315(b) to incorporate the requirement that the holder notify the Secretary within 10 days after refusing a partial payment. These sections will also be amended to require that the notice include the date of the tender, the amount tendered, the date the payment was returned, and the reason for the holder's refusal. This information will enable VA to verify that the lender's reason for refusal is in compliance with the regulations.

Section 36.4323(e) provides that the veteran owes a debt to the United States equal to any amount paid by the Secretary on account of the veteran's liability for the loan. Public Law 101–237 provides that an individual obtaining a guaranteed or insured loan closed after December 31, 1989, shall have no liability to the Secretary for loss resulting from a default on the loan, except: (1) In the case of fraud, misrepresentation, or bad faith by the individual in obtaining the loan or in connection with the loan default; or (2) where under 38 U.S.C. 3729(b) an individual pays a fee or is exempt from paying a fee to assume a loan; or, (3) where an individual obtains a loan for any purpose specified in 38 U.S.C. 3712, which pertains to manufactured homes. VA proposes to amend 38 CFR 36.4323 to reflect this change and to add a definition of bad faith to the loan guaranty regulations.

The proposed definition of bad faith is largely consistent with that promulgated at 58 FR 3841 on January 12, 1993 (38 CFR 1.965). There are, however, some differences. Reasons for the differences include:

1. The 38 CFR 1.965 definition is strictly for use by the Committee on Waivers and Compromises (COWC). The COWC has jurisdiction over waiver and compromise of all benefit overpayments, including Loan Guaranty debts, but within its jurisdiction the COWC only applies the definition of "bad faith" to define a condition which will bar waiver of an indebtedness which has been found to be valid. The COWC is not involved in determining whether a debt is valid.

2. The examples included with the proposed definition in 38 CFR 36.4202 and 4301 definition are strictly for use by Loan Guaranty and apply only to home loans. In Loan Guaranty "bad faith" is used in a number of contexts which are quite different from the way

in which it is used by the COWC. For example: A Loan Guaranty finding of bad faith is a basis for establishing a valid debt against a veteran on a GI loan originated after December 31, 1989; it is also the standard for deciding a veteran's appeal of such a finding.

Note: Appeal of the validity of a Loan Guaranty debt is processed by Loan Guaranty—the veteran has the right to file a subsequent Notice of Disagreement with the Board of Veterans Appeals.

For another example: A finding of bad faith on a real estate loan originated before January 1, 1990, prevents Loan Guaranty from granting a pre-foreclosure waiver of VA's right to establish and collect a veteran's liability account under 38 CFR 36.4323(e)(1).

3. Loan Guaranty debts differ from other overpayments in that the veteran often bears no direct role in their creation (i.e., foreclosure often occurs as a result of circumstances outside the veteran's control), in that the veteran has not profited personally by receiving a benefit (i.e., an overpayment) to which he or she was not entitled, and in that the amount of the debt which would ultimately be established can often be greatly reduced by the veteran cooperating with VA. Accordingly, for Loan Guaranty purposes "bad faith" must take into account the element of cooperation.

As the examples illustrate, the definition will permit a finding of lack of "bad faith" when the veteran is willing to cooperate with VA but prevented from doing so by circumstances beyond his or her control (e.g., the veteran is willing to offer a deed in lieu of foreclosure, but his or her spouse refuses to sign).

Many Loan Guaranty debts are established after foreclosure in cases where less costly alternatives could not be considered because the veteran did not respond to VA outreach efforts. This proposed regulation permits such a failure to respond to be deemed a "failure to cooperate with VA representatives in resolving an insoluble default in a manner which will minimize the amount of claim payable." "Compelling reasons" which would justify such failure would be heard by VA Loan Guaranty if offered after foreclosure inconnection with a veteran's dispute of the validity of an indebtedness. For example:

Assume a debt is established against a veteran on a loan originated after December 31, 1989, because he or she did not respond to VA outreach efforts. After foreclosure, the veteran explains and documents that he or she did not contact VA and pursue alternatives to foreclosure because, at the time, there was insufficient family income available to obtain any other housing. The veteran therefore intentionally took advantage of the time required to complete foreclosure to provide shelter for his or her family.

If the veteran questioned the validity of the debt by asserting that, under the circumstances, he or she did not show bad faith, the case would be reviewed by Loan Guaranty. (It could not be reviewed by the COWC because the COWC lacks jurisdiction over cases where the validity of debt is at issue.) Loan Guaranty could determine there were compelling reasons for the veteran's action, which would permit recission of the finding of bad faith, thereby invalidating the debt.

The examples included with the definition are considered appropriate because Loan Guaranty debts arise from substantially different circumstances than other VA liability accounts. The proposed regulation is intended to clarify the types of conduct which would be considered "bad faith" with respect to Loan Guaranty debts. Comments are specifically invited on these points.

Other changes required by Public Law 101–237 are being incorporated into the regulations through separate amendments. In addition, an amendment has been made to § 36.4275 to conform to the requirements of the Fair Housing Act of 1988, 42 U.S.C. 3601 et seq. which make it unlawful to discriminate in residential housing transactions against any person because of familial status or handicap.

Paperwork Reduction Act

Sections 36.4275 and 36.4315 of these regulations contain information collection requirements which will result in a reporting burden. The reporting burden is estimated to average 10 minutes per response for a total of 16,667 hours.

The average estimated time per response includes the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

As required by section 3504(h) of the Paperwork Reduction Act, the Department of Veterans Affairs is submitting to the Office of Management and Budget (OMB) a request that it approve this information collection requirement. Organizations and individuals desiring to submit comments for consideration by OMB on these proposed information collection requirements should address them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Joseph F. Lackey.

The Secretary hereby certifies that these proposed regulatory amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The proposed amendments update VA regulations to implement the changes made by Public Law 101–237. The clarification of when a veteran has liability due to a loan default directly affects individual veterans, not small entities. Therefore, pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program numbers are 64.114 and 64.119.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing loan programs—housing and community development, Manufactured homes, Veterans.

These amendments are proposed under Public Law 101–237 and the authority granted the Secretary by section 501(a) of title 38, United States Code.

Approved: November 23, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble 38 CFR part 36, is proposed to be amended as set forth below.

PART 36—LOAN GUARANTY

1. The authority citation for part 36, sections 36.4201 through 36.4287 continues to read as follows:

Authority: Sections 36.4201 through 36.4287 issued under 38 U.S.C. 501(a), 3712.

2. Section 36.4202 is amended by adding the term *Bad faith* to read as follows:

§ 36.4202 Definitions.

* * * * *

Bad faith. Unfair or deceptive dealing by one who seeks to gain thereby at another's expense. Conduct in connection with an obligation arising from participation in the Loan Guaranty program exhibits bad faith if such conduct, although not undertaken with actual fraudulent intent, is undertaken with intent to seek an unfair advantage, with knowledge of the likely consequences, and results in a loss to the Government. Examples of bad faith

include, but are not limited to, the following:

(1) Property abandonment;

(2) Failure to make payments on a VA-guaranteed loan, despite having the financial ability to make such payments; and,

(3) Failure to cooperate with VA representatives in resolving an insoluble default in a manner which will minimize the amount of claim payable by the Government, absent compelling reasons which would justify such failure.

* * * * *

3. Section 36.4275 is amended by removing the word "mobile" in the first sentence of paragraph (a)(1), and adding, in its place, the word "manufactured"; by adding in paragraph (c) the words "sex, handicap, familial status," after the word "religion,"; by redesignating paragraph (f)(3) as paragraph (f)(4); and by adding a newly designated paragraph (f)(3) to read as follows:

§ 36.4275 Events constituting default and acceptability of partial payments.

* * * * *

(f) * * *

(3) The holder shall give notice to the Secretary within ten days after a partial payment has been returned to the obligor. The notice shall include the date of the tender, the amount tendered, the date the payment was returned, and the reason for the holder's refusal.

* * * * *

4. The authority citation for part 36, sections 36.4300 through 36.4375 continues to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 38 U.S.C. 501(a).

5. Section 36.4301 is amended by adding the term *Bad faith* to read as follows:

§ 36.4301 Definitions.

* * * * *

Bad faith. Unfair or deceptive dealing by one who seeks to gain thereby at another's expense. Conduct in connection with an obligation arising from participation in the Loan Guaranty program exhibits bad faith if such conduct, although not undertaken with actual fraudulent intent, is undertaken with intent to seek an unfair advantage, with knowledge of the likely consequences, and results in a loss to the Government. Examples of bad faith include, but are not limited to, the following:

(1) Property abandonment;

(2) Failure to make payments on a VA-guaranteed loan, despite having the financial ability to make such payments; and,

(3) Failure to cooperate with VA representatives in resolving an insoluble default in a manner which will minimize the amount of claim payable by the Government, absent compelling reasons which would justify such failure.

6. In § 36.4315, paragraph (b)(3) is redesignated paragraph (b)(4) and a newly designated paragraph (b)(3) is added to read as follows:

§ 36.4315 Notice of default and acceptability of partial payments.

* * * * *

(b) * * *

(3) The holder shall give notice to the Secretary within ten days after a partial payment has been returned to the obligor. The notice shall include the date of the tender, the amount tendered, the date the payment was returned, and the reason for the holder's refusal.

* * * * *

7. In § 36.4323, paragraphs (e)(1), (e)(2), (e)(3), and (e)(4) are redesignated paragraphs (e)(3), (e)(4), (e)(5), and (e)(6), respectively; the introductory text in paragraph (e) is revised and newly designated paragraphs (e)(1) and (e)(2) are added to read as follows:

§ 36.4323 Subrogation and indemnity.

* * * * *

(e) Any amounts paid by the Secretary on account of a loan guaranteed for any purpose specified in section 3710 of title 38, United States Code, shall constitute a debt owing to the United States:

(1) By the veteran if:

(i) The loan closed on or before December 31, 1989; or

(ii) The loan closed after December 31, 1989, and there has been fraud, misrepresentation, or bad faith by such veteran in obtaining the loan or in connection with the loan default; or

(2) By any person who was approved to assume the loan pursuant to sections 3713 and 3714 of title 38, United States Code.

* * * * *

[FR Doc. 94–4667 Filed 3–1–94; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. 1

[FRL 4843–3]

Notice and Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

AGENCY: Environmental Protection Agency.

ACTION: FACA Committee Meeting—Negotiated Rulemaking on Small Nonroad Engine Regulations.

SUMMARY: As required by section 9 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate a rule to reduce air emissions from small nonroad engines. The meeting is open to the public without advance registration. The purpose of the meeting is to continue identification and discussion of issues, discuss interests of committee members, and hear reports from task groups.

DATES: The committee will meet on March 22, 1994 from 10 a.m. to 6 p.m.

ADDRESSES: The location of the meeting will be the Holiday Inn East, 3750 Washtenaw, Ann Arbor, MI 48104, (313) 971–2000.

FOR FURTHER INFORMATION CONTACT:

Persons needing further information on the technical and substantive matters of the rule should contact Betsy McCabe, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, Michigan 48105, (313) 668–4344. Persons needing further information on committee proceeds should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (202) 260–5495, or the Committee's facilitator, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, New Mexico, 87501, (505) 982–9805.

Dated: February 22, 1994.

Deborah Dalton,

Designated Federal Official, Deputy Director, Consensus and Dispute Resolution Program.

[FR Doc. 94–4648 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[FRL–4844–3]

Notice of Cancellation of March 3, 1994 Public Hearing Scheduled in Connection With the Proposed Imposition of Statewide Sanctions on California Under Clean Air Act Section 110(m) for Failure To Submit a Complete SIP Revision for an Enhanced Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of cancellation of public meeting.

SUMMARY: The Environmental Protection Agency (EPA) is cancelling the public hearing that had been scheduled for March 3, 1994 in Los Angeles to receive public comment on its proposed imposition of discretionary sanctions on the State of California. The sanctions had been proposed because of failure by the State to submit a complete SIP revision for an enhanced motor vehicle inspection and maintenance (I/M) program as required by the Clean Air Act for certain ozone and carbon monoxide (CO) nonattainment areas.

FOR FURTHER INFORMATION CONTACT: David Calkins, Chief, Air Planning Branch (A–2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1500.

SUPPLEMENTARY INFORMATION: On January 7, 1994 (59 FR 3534, January 24, 1994) EPA proposed a rule for the imposition of discretionary sanctions on the State of California under section 110(m) of the Clean Air Act for failure to submit a complete SIP revision for an enhanced motor vehicle I/M Program. In the proposed rule, EPA announced its intention to finalize sanctions on California on May 15, 1994 if sufficient progress had not been made by the State toward the implementation of an approvable I/M program to be operational on or before January 1, 1995. The proposed rule announced a public hearing on the proposed action on March 3, 1994 to be held in Los Angeles.

Following the January 17, 1994 earthquake in California, on January 24, 1994 EPA Administrator Carol Browner sent a letter to California Governor Pete Wilson advising him that in light of the earthquake in California and the resulting damage to the state's highway system and economy, EPA was cancelling the May 15, 1994 deadline contained in the proposed rule for finalizing sanctions on California. Based on Administrator Browner's January 24th letter, EPA is cancelling the previously scheduled public hearing of March 3, 1994. At this time EPA is not accepting public comment on this proposal.

The public hearing was scheduled to be held on March 3, 1994 in the auditorium of the Los Angeles Department of Water and Power, 111 North Hope, Los Angeles, California 90012 from 1 p.m. to 5 p.m. and from 7 p.m. to 9 p.m.

Dated: February 23, 1994.

David P. Howekamp,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 9.

[FR Doc. 94–4755 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 68

[FRL–4843–4]

List of Regulated Substances for Accidental Release Prevention Under Section 112(r) of the Clean Air Act as Amended; Risk Management Programs for Chemical Accident Release Prevention Under Section 112(r)(7) of the Clean Air Act as Amended

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice; extension of comment period.

SUMMARY: The Clean Air Act Amendments of 1990, signed into law on November 15, 1990, include provisions for chemical accident prevention. On January 31, 1994, the Environmental Protection Agency promulgated the list of regulated substances and thresholds required under section 112(r) of the Clean Air Act as Amended (59 FR 4478). The list and threshold quantities will identify facilities subject to chemical accident prevention regulations to be promulgated under section 112(r) of the Clean Air Act as Amended; a proposed regulation for such requirements was published in the **Federal Register** on October 20, 1993 (58 FR 54190). In promulgating the list, EPA deferred action on the proposed threshold quantities exemption for listed flammable substances when used solely for facility consumption as fuel (see 58 FR 5102, 5120, (January 19, 1993)). A supplemental notice was published on January 31, 1994 (59 FR 4500), requesting additional public comment on the hazards associated with flammable substances used as fuel and the appropriateness of the proposed exemption. In addition, EPA also requested comments on the impacts of proposed accident prevention requirements in the absence of an exemption, and on ways of reducing the impacts of these requirements. This notice extends the public comment period for the supplemental notice.

DATES: The comment period for the supplemental notice will be extended from the original closing date of March 2, 1994 to April 1, 1994.

ADDRESSES: Comments may be mailed or submitted to: Environmental Protection Agency, Attn: Docket No. (A–91–74), room 1500, Waterside Mall, 401 M Street S.W., Washington, DC 20460. Comment must be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Vanessa Rodriguez, (202) 260–7913, Chemical Emergency Preparedness and Prevention Office (5101), Environmental Protection Agency, 401 M Street SW., Washington DC 20460, or the Emergency Planning and Community Right-to-Know Hot Line at 1–800–535–0202.

Dated: February 23, 1994.

Elliott Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 94–4649 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300327; FRL–4762–1]

RIN 2070–AC18

Polyvinyl Alcohol; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of polyvinyl alcohol (CAS Registry No. 9002-89-5) when used as an inert ingredient (surfactant) in pesticide formulations applied to food animals. This proposed regulation was requested by Farnum Companies, Inc.

DATES: Comments, identified by the document control number [OPP-300327], must be received on or before April 1, 1994.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, Crystal

Mall Bldg. #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Bldg., North, 2800 Crystal Drive, 6th Floor, Arlington, VA 22202, (703)-308-8320.

SUPPLEMENTARY INFORMATION: Farnum Cos., Inc., 301 West Osborn, Phoenix, AZ 85013-3928, submitted pesticide petition (PP) 3E4176, requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), amend 40 CFR 180.1001(e) by establishing an exemption from the requirement of a tolerance for residues of polyvinyl alcohol (CAS Registry No. 9002-89-5) when used as an inert ingredient (surfactant) in pesticide formulations applied to food animals.

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

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risk posed by the presence of an inert ingredient in a pesticide formulation. Where it can be determined that the inert ingredient will present minimal or no risk, the Agency generally does not need some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that any data, in addition to that described below, normally required to support polyvinyl alcohol will not need to be submitted. The rationale for this decision is described below.

1. Polyvinyl alcohol (PVA) is very poorly absorbed by the oral and dermal route.

2. Although PVA produces sarcomas, widespread cardiovascular lesions, severe glomerulonephritis and various organ enlargements when administered by subcutaneous injection, feeding studies indicate a low order of toxicity. When PVA was fed to rats (2 grams in 45 grams of feed for the first 2 weeks, followed by 4 grams in 45 grams of feed for the next 2 weeks), no toxic effects were observed and necropsy did not reveal any gross lesions of the internal organs.

3. PVA is cleared as an indirect food additive for use in adhesives (21 CFR 175.105), resinous and polymeric coatings (21 CFR 175.300 and 175.320), components of paper and paperboard in contact with food (21 CFR 176.170 and 176.180), with cellophane in food packaging (21 CFR 177.1200), in food-contact film (21 CFR 177.1670), in resin-bonded filters (21 CFR 177.2260), and in textiles and textile fibers (21 CFR 177.2800).

4. PVA is exempt from the requirement of a tolerance under 40 CFR 180.1001(d) when used as a binder, water soluble bag container, or film tape for encapsulating seeds.

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

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

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating he document control number, [OPP-300327]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

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

List of Subjects in 40 CFR Part 180

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

Dated: February 22, 1994.

Stephen L. Johnson,

Acting Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. Section 180.1001 is amended in paragraph (e) in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Polyvinyl alcohol (CAS Registry No. 9002-89-5)	.....	Surfactant
* * * * * * *		

[FR Doc. 94-4647 Filed 3-1-94; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

[PP 9E3752 and 9E3791/P575; FRL-4751-4]

RIN No. 2070-AC18

Pesticide Tolerances for Cyromazine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish tolerances for combined residues of the insecticide cyromazine and its metabolite melamine in or on the raw agricultural commodities Chinese cabbage and Chinese mustard. The proposed regulation to establish maximum permissible levels for residues of the insecticide was requested in petitions submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [PP 9E3752 and 9E3791/P575], must be received on or before April 1, 1994.

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

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

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions (PP) 9E3752 and 9E3791 on behalf of the Agricultural Experiment Station of Florida. These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.414 by establishing tolerances for combined residues of the insecticide cyromazine (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) and its metabolite melamine (1,3,5-triazine-2,4,6-triamine), calculated as cyromazine, in or on the raw agricultural commodities Chinese cabbage (PP 9E3752) and Chinese mustard (PP 9E3791) at 3.0 parts per million (ppm). The petitioner proposed that these uses of cyromazine be limited to Florida based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The scientific data submitted in the petitions and other relevant material have been evaluated. A discussion of the toxicological data considered in support of the proposed tolerances as well as a discussion of the risk of cyromazine and its metabolite melamine can be found in a rule (FAP 2H5355/P344) published in the Federal Register of April 27, 1984 (49 FR 18120); in the Notice of Conditional Registration for Larvadex 0.3% Premix, published in the Federal Register of May 15, 1985 (50 FR 20373); and in the proposed rule regarding the establishment of a tolerance for residues of cyromazine and its metabolite melamine, calculated as cyromazine, in or on mushrooms at 10.0 ppm in the Federal Register of June 30, 1993 (58 FR 34975).

A dietary exposure/risk assessment was performed for cyromazine using a Reference Dose (RfD) of 0.0075 mg/kg body weight/day. The RfD is based on a NOEL of 0.75 mg/kg/day from a 6-month feeding study in dogs, which demonstrated decreased hematocrit and hemoglobin levels, and an uncertainty factor of 100. The Theoretical Maximum Residue Contribution (TMRC) from established tolerances for cyromazine utilizes 60 percent of the RfD for the overall U.S. population and 66 percent of the RfD for children aged 1 through 6 years. This dietary exposure/risk assessment includes tolerances for cyromazine on the cucurbit vegetables and leafy vegetables (except Brassica) crop groupings, which are published elsewhere in this issue of the Federal Register (document control number PP 1F4016 and 2F4053/R2039). The proposed tolerances for Chinese cabbage and Chinese mustard would utilize less than 1 percent of the RfD for the overall U.S. population and approximately 1% of the RfD for children aged 1 through 6 years. Since the risk estimates are based on the TMRC, typically an overestimate of actual exposure, and do not exceed the Reference Dose, the chronic dietary risk of cyromazine does not appear to be of concern.

The nature of the residue in plants is adequately understood for the purposes of these tolerances. An adequate analytical method, high-pressure liquid chromatography, is available for enforcement purposes in the Pesticide Analytical Manual, Vol. II (PAM II).

There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat of livestock and poultry since there are no livestock or poultry feed items associated with this action.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

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

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 9E3752 and 9E3791/P575]. All written comments filed in response to these petitions will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: February 8, 1994.

Stephen L. Johnson,

Acting Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. In § 180.414, by adding new paragraph (f), to read as follows:

§ 180.414 Cyromazine; tolerances for residues.

* * * * *

(f) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of the insecticide cyromazine (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) and its metabolite melamine (1,3,5-triazine-2,4,6-triamine), calculated as cyromazine, in or on the following raw agricultural commodities:

Commodity	Parts per million
Cabbage, Chinese	3.0
Mustard, Chinese	3.0

[FR Doc. 94–4751 Filed 3–1–94; 8:45 am]
BILLING CODE 6560–50–F

40 CFR Part 281

[FRL–4843–1]

Kansas; Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of the State of Kansas for Final Approval, Public Comment Period.

SUMMARY: The State of Kansas has applied for final approval of its underground storage tank (UST) program under subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Kansas' application and has made the tentative decision that Kansas' UST program satisfies all of the requirements necessary to qualify for final approval. Thus, EPA intends to grant final approval to Kansas to operate its program in lieu of the federal program. Kansas' application for final approval is available for public review and comment and a public hearing will be held to solicit comments on the application, if there is significant interest.

DATES: The public may submit written comments on EPA's tentative determination until April 1, 1994.

EPA expects to make a final decision on whether or not to approve Kansas' program by May 31, 1994 and will give notice of it in the **Federal Register**.

Any request for a hearing and all comments on Kansas' final approval application must be received at the EPA Region 7 office by the close of business on April 1, 1994.

ADDRESSES: Copies of Kansas' program application are available during business hours at the following addresses for inspection and copying: Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka, Kansas, Phone: (913) 296-1678; U.S. EPA Headquarters, OUST Docket, room 2616, 401 M Street, SW., Washington, DC 20460, Phone: (202) 260–9720; and U.S. EPA Region 7 Library, 726 Minnesota Ave., Kansas City, Kansas 66101, Phone: (913) 551–7266.

FOR FURTHER INFORMATION CONTACT: Lee Daniels, Coordinator, Underground Storage Tank Section, EPA Region 7, 726 Minnesota Ave., Kansas City, Kansas, 66101. Phone: (913) 551–7651.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve State UST programs to operate in the State in lieu of the Federal UST program. Program approval is granted by EPA if the Agency finds that the State program is: (1) "No less stringent" than the Federal program in new tank standards, upgrading existing tanks, general operating requirements, release detection, release reporting, corrective action, tank closure, financial responsibility and notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

B. Kansas

Kansas promulgated its first UST regulations in 1981 under the authority of the water pollution control statutes. With the enactment of the Kansas Storage Tank Act, K.S.A. 65–34,101 through 65–34,124, promulgated on May 18, 1989, the Kansas Department of Health and Environment now has specific authority to regulate underground storage tanks and enforce compliance of these regulations. Over the years the regulations have undergone a series of revisions which now are consistent with and no less stringent than the Federal program. The program includes standards for: new tanks, upgrading existing tanks, general operating requirements, release detection, release reporting, corrective action, tank closure, financial responsibility and notification requirements. These regulations have been in effect since November 26, 1990.

On September 1, 1993, Kansas submitted an official application for "complete" program approval which includes regulation of both petroleum and hazardous substance tanks. Kansas also regulates heating oil tanks with the exception of tanks used to store heating oil for consumptive use on a single family residence. However, this part of the Kansas program is broader in scope than the Federal program and is not included in this tentative approval. Prior to its submission, Kansas provided an opportunity for public notice and comment in the development of its underground storage tank program as required under 40 CFR 281.50(b). EPA has reviewed Kansas' application and has tentatively determined that the State's program meets all of the necessary requirements to qualify for final approval. Consequently, EPA intends to grant Kansas final approval to Kansas to operate its program in lieu of the Federal program.

The public may submit comments regarding EPA's tentative determination as provided in the "Submission of Comments" section of this notice.

Compliance With Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations in favor of Kansas' program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission of Comments

The public may submit written comments on EPA's tentative determination until April 1, 1994. EPA will consider all public comments on its tentative determination received during the public comment period or which may be received at the public hearing. Issues raised by those comments may be the basis for a decision to deny final approval to Kansas. EPA expects to make a final decision on whether or not to approve Kansas' program by May 31, 1994 and will give notice of it in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

A public hearing will be held only if significant public interest on substantive issues is shown. Any request for a hearing and all comments on Kansas' final approval application must be received at the EPA Region 7 office by the close of business on April 1, 1994. If a public hearing is held, all those making comments or requesting a hearing will be notified by EPA of the place and time.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative Practice and Procedure, Hazardous Materials, State Program Approval, and Underground Storage Tanks.

Authority: This notice is issued under the authority of section 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6991c.

Dennis Grams,

Regional Administrator.

[FR Doc. 94–4544 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 745

[OPPTS–00152A; FRL–4764–7]

Proposed Identification of Dangerous Levels of Lead; Public Meeting Postponement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting postponement.

SUMMARY: EPA's Office of Pollution Prevention and Toxics is postponing its March 3, 1994 meeting to discuss its strategy for developing health-based standards for lead in paint, dust, and soil (59 FR 9170, February 25, 1994). The purpose of the meeting was to review the Agency's regulatory approach and the findings of recent analytical and research efforts and to obtain feedback from technical experts and stakeholders. Section 403 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 directed the Agency to promulgate a regulation which shall identify lead-based paint hazards, lead contaminated dust, and lead contaminated soil. The meeting was scheduled to be held from 10 a.m. to 3 p.m. at the EPA Auditorium in the EPA Education Center, 401 M St., SW., Washington, DC, 20460. EPA will announce the new date for the meeting in the **Federal Register** as soon as it is scheduled.

FOR FURTHER INFORMATION CONTACT: For information on substantive issues, please contact: Dave Topping, Program Development Branch (PDB), at (202) 260-7737. For information on administrative matters, please contact: Jonathan Jacobson, PDB, at (202) 260-3779.

Dated: February 25, 1994.

Joseph S. Carra,

Acting Director, Office of Pollution Prevention and Toxics.

[FR Doc. 94–4860 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–F

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1815, 1837 and 1852

NASA FAR Supplement Coverage on Uncompensated Overtime

AGENCY: Office of Procurement, Procurement Policy Division, National Aeronautics and Space Administration (NASA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule proposes to amend the NASA Federal Acquisition Regulation (NFS) to include coverage on evaluation of uncompensated overtime. NASA's policy is to consider uncompensated overtime in the evaluation of proposals and professional compensation. Contracting officers are required to conduct a risk assessment of proposals for technical and professional services that include low labor rates and/or a high level of uncompensated overtime. A solicitation provision is prescribed for use in solicitations for professional and technical services

estimated at $500,000 or more. Use of the provision is optional between $100,000 and $500,000. The provision requires offerors to identify uncompensated overtime hours and the effective hourly rate for all Fair Labor Standards Act-exempt personnel included in their proposals and subcontractor proposals.

DATES: Comments must be received on or before May 2, 1994.

ADDRESSES: Submit comments to Ms. Anne Guenther, NASA, Code HC, Washington, DC 20546. Comments should also be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for NASA, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Guenther, (202) 358–0003.

SUPPLEMENTARY INFORMATION:

Background

The proposed coverage was generated in response to industry and internal NASA requests for a uniform uncompensated overtime policy within the Agency.

Impact

NASA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). It requires offerors to identify uncompensated overtime hours in their proposals, including their uncompensated overtime policy and the historical basis for those hours. This information is in many cases already being provided by offerors for proposal evaluation and is not required for lower dollar value procurements. NASA will request OMB approval of any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1815, 1837 and 1852

Government procurement.

Thomas S. Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1815, 1837 and 1852 are proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1815, 1837 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1815—CONTRACTING BY NEGOTIATION

1815.608–72 [Added]

2. Section 1815.608–72 is added to read as follows:

1815.608–72 Uncompensated overtime.

The contracting officer shall conduct a risk assessment of any proposal received for technical and professional services that includes low labor rates or uses a high level of uncompensated overtime (as defined in 1852.237–71) in key technical positions. Such practices on the part of the contractor may jeopardize its ability to successfully perform contract requirements due, for example, to its inability to hire or retain qualified personnel. Such a risk assessment shall be performed as part of the technical evaluation and considered in proposal evaluation (See (FAR) 48 CFR 22.11 and 1837.102(b)).

PART 1837—SERVICE CONTRACTING

3. Part 1837 is amended as set forth below:

1837.102 [Added]

a. Section 1837.102 is added to read as follows:

1837.102 Policy.

(a) To the maximum extent practicable, it is the policy of NASA to acquire services on the basis of the task to be performed rather than on a labor-hour basis.

(b) The use of uncompensated overtime (as defined in 1852.237–71) is neither encouraged nor discouraged. When the proposed uncompensated overtime is consistent with an offeror's written policies and practices, NASA will consider it in proposal evaluation and the evaluation of professional compensation (see (FAR) 48 CFR 22.11).

1837.110 [Amended]

b. Section 1837.110 is revised to read as follows:

1837.110 Solicitation provisions and contract clauses.

(a) The contracting officer shall obtain the Associate Administrator for Procurement's (Code HC) approval before using in a solicitation, contract, or negotiated contract modification for additional work any installation-developed clause involving pension portability.

(b) When professional and technical services are acquired on the basis of the number of hours to be provided, rather than on the task to be performed, and the resulting contract is expected to exceed $500,000, the contracting officer shall insert the provision at 1852.237–72, Identification of Uncompensated Overtime, in the solicitation. Use of this provision is optional between $100,000 and $500,000. This provision requires offerors to identify uncompensated overtime hours and the effective hourly rate for all Fair Labor Standards Act-exempt personnel included in their proposals and subcontractor proposals. This includes uncompensated overtime hours that are in indirect cost pools for personnel whose regular hours are normally charged direct (see 1815.608–72).

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 1852.237–72 is added to read as follows:

1852.237–71 Identification of Uncompensated Overtime.

As prescribed in 1837.110(b), insert the following provision:

Identification of Uncompensated Overtime (XXX 1993)

(a) *Definitions.* As used in this provision:

Uncompensated overtime means the hours worked in excess of an average of 40 hours per week, by direct charge employees who are exempt from the Fair Labor Standards Act (FLSA) without additional compensation. Compensated personal absences, such as holidays, vacations, and sick leave shall be included in the normal work week for purposes of computing uncompensated overtime hours.

Effective hourly rate is the rate which results from multiplying the hourly rate for a 40-hour work week by 40, and then dividing by the proposed hours per week. For example, 45 hours proposed on a 40-hour work week basis at $20.00 per hour would be converted to an effective hourly rate of $17.78 per hour [($20.00 x 40) divided by 45 = $17.78.]

(b) For any hours proposed against which an effective hourly rate is applied, the Offeror shall identify in its proposal the hours in excess of an average of 40 hours per week, at the same level of detail as compensated hours, and the effective hourly rate, whether at the prime or subcontract level. This includes uncompensated overtime hours that are in indirect cost pools for personnel whose regular hours are normally charged direct. The proposal shall include the rationale and methodology used to estimate the proposed amount of uncompensated overtime.

(c) The Offeror's accounting practices used to estimate uncompensated overtime must be consistent with its cost accounting practices used to accumulate and report uncompensated overtime hours.

(d) Proposals which include unrealistically low labor rates, or which do not otherwise demonstrate cost realism, will be considered in a technical and cost risk assessment and evaluated for award in accordance with that assessment.

(e) The Offeror shall include with its proposal a copy of its policy addressing uncompensated overtime, including a description of the timekeeping and accounting systems used to record all hours worked by FLSA-exempt employees, and the historical basis for the uncompensated overtime hours proposed.

(End of provision)

[FR Doc. 94–4616 Filed 3–1–94; 8:45 am]
BILLING CODE 7510–01–M

Notices

Federal Register
Vol. 59, No. 41
Wednesday, March 2, 1994

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Eldorado National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) for resource management activities, including biomass removal, timber harvest, fuelbreak construction and wildlife habitat improvement work on the Whale Rock Forest Health Multi-resource Project, involving a total planning area size of about 4,500 acres on the Pacific Ranger District of the Eldorado National Forest. The agency invites written comments and suggestions on the scope of the analysis. The agency also gives notice of the full environmental analysis and decisionmaking process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received by April 4, 1994.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Marie Kennedy, Assistant Silviculturist, Pacific Ranger Station, Pollock Pines, California, 95726.

FOR FURTHER INFORMATION CONTACT: Quesitons about the proposed action and EIS should be directed to Marie Kennedy, Assistant Silviculturist, Pacific Ranger Station, Pollock Pines, California, 95726, phone 916–644–2349.

SUPPLEMENTARY INFORMATION: The Eldorado National Forest Land and Resource Management Plan was completed in January 1989. The Whale Rock Forest Health Multi-resource Project EIS will tier to the approved Eldorado National Forest Land and Resource Management Plan. Most of the land in the analysis area is identified in the approved Plan as having a general management direction of timber management.

There are no known permits or licenses required to implement the proposed action.

In preparing the EIS, the Forest Service will identify and consider a range of alternatives for this project. The proposed alternatives will include the following tentative alternative themes:

1. No Action
2. Forest Health—timber product, including biomass, management emphasis
3. Forest Health—wildlife management emphasis
4. Forest Health—fuels management emphasis
5. Forest Health—multiple use management emphasis.

These alternatives will consider varying levels and distribution of vegetation manipulation, timber harvest and fuels management. No new specified road construction is anticipated. Road reconstruction needs will include drainage work, clearing and minor realignment. The amount of road reconstruction necessary for this project will vary between alternatives. Harvest prescriptions will include understory removal of both merchantable and sub-merchantable trees, commercial thinning, and fuelbreak construction guidelines. All harvest prescriptions will conform with the California Spotted Owl Sierran Province Interim Guidelines Environmental Assessment and Decision Notice. Adaptive management strategies for the Spotted Owl may be included under certain alternatives where benefits to the spotted owl can be shown, that is, wildlife habitat activities or fuel management activities that are designed to better maintain future management options of the spotted owl by improving or retaining stand components most at risk.

Volume estimates of timber to be harvested range from 0 to 10 mmbf of commercial sawtimber. Biomass estimates range from 0 to 30,000 tons. These estimates will be dependent on which alternative is chosen.

Preliminary issues that have been identified during the internal scoping process include:

1. The potential for cumulative watershed effects within the project area.
2. The selection and application of adaptive management strategies to best achieve the habitat needs of the spotted owl.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7).

The Forest Service will be seeking information, comments, and assistance from federal, state, and local agencies and other individuals or organizations who may be interested in or affected by the proposed project. This input will be used in preparation of the draft EIS. The scoping process includes:

1. Defining the scope of the analysis and nature of the decision to be made.
2. Identifying the issues and determining the significant issues for consideration and analysis within the EIS.
3. Defining the proper interdisciplinary team make-up.
4. Determining the effective use of time and money in conducting the analysis.
5. Identifying potential environmental, technical, and social impacts of the EIS and alternatives.
6. Determining potential cooperating agencies.
7. Identifying groups or individuals interested or affected by the decision.

Robert Harris, Acting Forest Supervisor, Eldorado National Forest, is the responsible official.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by June 1994. At that time EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date that EPA'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 reviewers's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage, but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986)* and *Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).*

Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in prearing the final EIS. The final EIS is scheduled to be completed by October 1994. In the final EIS the Forest Service is required to respond to the comments and responses received (40 CFR 1503.4). The responsible official will considered the comments, responses, and enviornmental consequences discussed in the draft EIS; and applicable laws, regulations, and policies in making a decision regarding this project. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal pursuant to 36 CFR part 215.

Dated: February 23, 1994.

Robert Harris,

Acting Forest Supervisor, Eldorado National Forest.

[FR Doc. 94–4684 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–11–M

Nighthawk Timber Sale

AGENCY: Forest Service, USDA.

ACTION: Withdrawal notice for an environmental impact statement.

SUMMARY: The notice of intent to prepare an environmental impact statement for the Nighthawk Timber Sale has been withdrawn and no further analysis will occur on this proposed timber sale until the completion of the Medicine Bow National Forest Land and Resource Management Plan revision, tentatively scheduled for early 1995.

The analysis responded to a proposal to harvest timber and build roads in the Singer Peak Roadless Area, located on the Brush Creek/Hayden Ranger District, Medicine Bow National Forest, Carbon County, Wyoming. The notice of intent to prepare an environmental impact statement was published in the **Federal Register** on June 17, 1992 (Volume 57, Number 117, Page 27017 and 27018).

FOR FURTHER INFORMATION CONTACT: For further information concerning the withdrawal of the notice of intent for the Nighthawk Timber Sale, contact George Foley, NEPA Coordinator, P.O. Box 187, Encampment, WY 82325, or phone (307) 327–5481.

Dated: February 9, 1994.

Jerry E. Schmidt,

Forest Supervisor.

[FR Doc. 94–4678 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–11–M

Strawberry Gulch Timber Sale

AGENCY: Forest Service, USDA.

ACTION: Withdrawal notice for an environmental impact statement.

SUMMARY: The Strawberry Gulch Timber Sale Draft Environmental Impact Statement has been withdrawn and no further analysis will occur on this proposed timber sale until the completion of the Medicine Bow National Forest Land and Resource Management Plan revision, tentatively scheduled for early 1995.

The analysis responded to a proposal to harvest timber and build roads in the Jack Creek Roadless Area, located on the Brush Creek/Hayden Ranger District, Medicine Bow National Forest, Carbon County, Wyoming. The Notice of Availability for the draft environmental impact statement was published in the **Federal Register** on July 17, 1992 (Volume 57, Number 138, Page 31713).

FOR FURTHER INFORMATION CONTACT: For further information concerning the withdrawal of Strawberry Gulch DEIS, contact George Foley, NEPA Coordinator, P.O. Box 187, Encampment, WY 82325, or phone (307) 327–5481.

Dated: February 9, 1994.

Jerry E. Schmidt,

Forest Supervisor.

[FR Doc. 94–4677 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–11–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Recreation Access Advisory Committee; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) gives notice, as required by the Federal Advisory Committee Act (5 U.S.C. App. 2), of the times and location of the next meeting of the Recreation Access Advisory Committee.

DATES: The next meeting of Recreation Access Advisory Committee is scheduled for Friday, March 18, 1994 (8:30 a.m.–5 p.m.), Saturday, March 19, 1994 (9 a.m.–4 p.m.), and Sunday, March 20, 1994 (9 a.m.–11:30 a.m.). The schedule of events is as follows:

Friday, March 18, 1994

8:30 a.m.–9:15 a.m.—Convene in Full Committee.
9:15 a.m.–11 a.m.—Play Area Settings Subcommittee Report.
11 a.m.–2:30 p.m.—Subcommittee meetings.
2:30 p.m.–4 p.m.—Convene in Full Committee/Sports Facilities Subcommittee Report.
4 p.m.–5 p.m.—Public Comment Period.

Saturday, March 19, 1994

9 a.m.–9:30 a.m.—Convene in Full Committee.
9:30 a.m.–11:15 a.m.—Developed Outdoor Recreation Facilities and Areas Subcommittee Report.
11:15 a.m.–12:30 p.m.—Recreational Boating and Fishing Subcommittee Report.
1:30 p.m.–3 p.m.—Amusement Parks Subcommittee Report.
3 p.m.—4 p.m.—Public Comment Period.

Sunday, March 20, 1994

9 a.m.–10:30 a.m.—Golf Subcommittee Report.
10:30 a.m.–11:30 a.m.—Public Comment Period.

ADDRESSES: The meeting will be held at 800 North Capital Street, NW.,

Washington, DC in the Maritime Commission Hearing Room on the first floor of the building. The accessible entrance is on the H Street side of the building. Building security requires a list of members of the public wishing to attend the meeting. Please call the Access Board in advance and leave your name on voice mail ext. 6801.

FOR FURTHER INFORMATION CONTACT: Peggy H. Greenwell, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004–1111. Telephone number (202) 272–5434 ext. 34. (Voice); (202) 272–5449 (TTY). These are not toll free numbers. This document is available in accessible formats (cassette tape, braille, large print, or computer disc) upon request.

SUPPLEMENTARY INFORMATION: The Access Board established a Recreation Access Advisory Committee to provide advice on issues related to making recreational facilities and outdoor developed areas readily accessible to and usable by individuals with disabilities. This advice will be used by the Access Board to develop accessibility guidelines under the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968 for newly constructed and altered recreational facilities and outdoor developed areas. The advisory committee is composed of owners and operators of various recreational facilities; persons who design recreational facilities or manufacture related equipment; Federal, State and local government officials responsible for parks and other outdoor developed areas; and individuals with disabilities and organizations representing the interests of such persons.

The Recreation Access Advisory Committee has formed subcommittees to assist in its work. The subcommittees include: Amusement Parks; Golf; Play Area Settings; Recreational Boating and Fishing; Developed Outdoor Recreation Facilities and Areas; and Sports Facilities. Subcommittee meetings will be held on Friday, March 18, 1994 (11 a.m.–2:30 p.m.) and at other scheduled dates. The public is encouraged to attend subcommittee meetings and to provide input in the form of written material. Information about these subcommittees can be obtained from Peggy Greenwell at the address indicated at the beginning of this notice.

This meeting is open to the public and meeting sites will be accessible to individuals with disabilities. Sign language interpreters and assistive listening systems will be available for individuals with hearing impairments.

Lawrence W. Roffee,
Executive Director.

[FR Doc. 94–4729 Filed 3–1–94; 8:45 am]

BILLING CODE 8150–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–807]

Ceiling Fans From the People's Republic of China: Notice of Court Decision; Exclusion From the Application of the Antidumping Duty Order, in Part; Termination of Administrative Reviews; and Amended Final Determination and Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to amended final determination of sales at less-than-fair-value, exclusion from the application of the amended antidumping duty order, and termination of administrative reviews in accordance with decision upon remand.

SUMMARY: On January 5, 1994, the United States Court of International Trade ("CIT") affirmed the Department's May 14, 1993, remand determination without comment. See *CEC Electrical Manufacturing (Int'l) Company Ltd.* v. *United States*, Slip Op. 94–2 (CIT January 5, 1994). The remand resulted in a finding of a *de minimis* margin for CEC Electrical Manufacturing (International) Company, Ltd./CEC Industries (Shenzhen) Ltd./CEC (USA) Texas Group, Inc. ("CEC") and, consequently, a negative determination of sales at less than fair value for the investigation of CEC. Therefore, CEC is excluded from the application of the antidumping duty order on ceiling fans from the People's Republic of China ("PRC"). Because CEC is excluded from the application of the antidumping duty order, we are also terminating both ongoing administrative reviews with respect to CEC. In addition, the exclusion of CEC results in a change in the all others rate.

EFFECTIVE DATE: January 15, 1994.

FOR FURTHER INFORMATION CONTACT: Jeffery B. Denning or Stephen Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4194 or (202) 482–5288, respectively.

SUPPLEMENTARY INFORMATION:

Background:

On June 5, 1991, the Department published its Preliminary Determinations of Sales at Less Than Fair Value: Oscillating Fans and Ceiling Fans From the People's Republic of China (56 FR 25664). In that determination, the Department found CECs weighted-average dumping margin for the ceiling fans class or kind of merchandise to be 0.37 percent, *de minimis*. (CEC was not identified as a producer or exporter of products within the oscillating fans class or kind of merchandise.) However, in the final determination the Department found CEC's weighted-average dumping margin for the ceiling fans to be 2.70 percent. See Final Determinations of Sales at Less Than Fair Value: Oscillating Fans and Ceiling Fans From the People's Republic of China, 56 FR 55271 (October 25, 1991). Consequently, we instructed the U.S. Customs Service to begin suspension of liquidation of all entries of ceiling fans manufactured by CEC entered into U.S. Customs territory on or after October 25, 1991, the date of publication of the final determination. On December 9, 1991, the Department published an amendment to its final determinations, and antidumping duty orders in this proceeding. See Antidumping Duty Orders and Amendments to Final Determinations of Sales at Less Than Fair Value: Oscillating Fans and Ceiling Fans From the People's Republic of China, 56 FR 64240 (December 9, 1991) ("Fans LTFV Final and Order").

CEC instituted an action at the CIT challenging the Department's final less-than-fair-value determination.[1] See *CEC Electrical Manufacturing (Int'l) Company Ltd.* v. *United States*, Court No. 92–01–0014 ("*CEC Electrical*"). On December 7, 1992, the Department filed a motion before the CIT for voluntary remand in *CEC Electrical*, and on December 8, 1992, the CIT granted the Department's request. Pursuant to the court's order granting voluntary remand, on May 14, 1993, the Department presented to the court the *Final Results of Redetermination Pursuant To Grant*

[1] A second respondent involved in the original investigation, Holmes/Esteem, instituted a separate challenge before the CIT challenging the Department's final determination. *Holmes Products Corp. & Esteem Industries, Ltd.* v. *United States*, Court No. 91–12–00906. That action has been resolved. *See Oscillating Fans from the People's Republic of China: Notice of Court Decision, Retroactive Revocation of Antidumping Duty Order, and Termination of Administrative Review*, 58 FR 30026 (May 25, 1993). As a result of the Department's May 25, 1993, action, the scope of these proceedings has been reduced to a single class or kind of merchandise: ceiling fans.

Of Voluntary Remand: CEC Electrical Manufacturing Company Ltd. v. *United States* ("*Voluntary Remand*").

In that remand redetermination, the Department considered four issues raised by CEC. These were:

1. Double-counting of certain inputs in the downrod assembly;
2. Double-counting of the raw material input in the paddle brackets;
3. Misreported price of a specific input for one fan model; and
4. The Department's use of surrogate equivalents for certain inputs.

Regarding issues one and two, the Department determined that double-counting had occurred in both instances in the *Fans LTFV Final and Order*. For the remand redetermination we eliminated all such double-counting. Regarding issue three, we corrected the misreported price. Finally, issue four involves CEC's challenge of certain applications of surrogate data in valuing factors of production. CEC claimed that the Department is required to adjust surrogate data for such factors as: the number of fan blades; the size of the fan; and variations in packing materials. In the remand redetermination we rejected CEC's arguments. The basis for our rejection is that section 773(c)(1) of the Act provides for valuation of factors of production on the "best available information" from an appropriate surrogate country, not on the basis of perfectly conforming information. Therefore, we maintained that we were not required to make the adjustments CEC requested. The Department's redetermination on remand was affirmed by the CIT on January 5, 1994. See *CEC Electrical Manufacturing (Int'l) Company Ltd.* v. *United States*, Slip Op. 94–2 (CIT January 5, 1994).

As a result of these three modifications to our antidumping duty calculations, the final weighted-average dumping margin for CEC is 0.37 percent, and is, therefore, *de minimis*, pursuant to section 353.6(a) of the Department's regulations. Consequently, our final less-than-fair-value determination for CEC is negative.

Exclusion From the Application of the Antidumping Duty Order, in Part

Pursuant to section 735(c)(2) of the Act and 19 CFR 353.21(c), we are excluding CEC from the application of the antidumping duty order on imports of ceiling fans. However, if the Department has reasonable cause to believe or suspect at any time during the existence of the antidumping duty order that CEC has sold or is likely to sell the subject merchandise to the United States at less than its foreign market value, the Department may institute an administrative review of CEC under section 751(b) of the Tariff Act of 1930, as amended.

Because CEC obtained an injunction during the court proceeding, the effective date of the exclusion is retroactive to October 25, 1991, the publication date of the Final Determinations of Sales at Less Than Fair Value: Oscillating Fans and Ceiling Fans From the People's Republic of China, and the date we began suspension of liquidation for entries of CEC ceiling fans from the PRC.

Termination of Administrative Reviews

Since publication of the *Fans LTFV Final and Order*, the Department has initiated, pursuant to section 751 of the Act, first and second administrative reviews of the antidumping duty order. Those reviews are investigating imports of subject merchandise during the respective review periods by CEC (as well as other producers). (See our published notices of initiation of administrative reviews, 58 FR 11026 (February 23, 1993) and 59 FR 2593 (January 18, 1994), respectively.) Because we are retroactively excluding CEC from the application of this antidumping duty order, we are also hereby terminating both administrative reviews with regard to imports by CEC.

Termination of Suspension of Liquidation

Pursuant to section 516(e)(2) of the Act, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation of ceiling fans from the PRC, entered or withdrawn for consumption on or after October 25, 1991, by CEC and to proceed with liquidation of the subject merchandise, which entered the United States on or after that date without regard to antidumping duties. Additionally, the Department will instruct U.S. Customs Service to release any bond or other security with respect to entries of subject merchandise, pursuant to section 735(c)(3)(B) of the Act.

Change in All Others Rate

The exclusion of CEC changes the all others antidumping rate from 2.05 to 1.65 percent, which is the rate of the only remaining company from the investigation (Wing Tat Electric Manufacturing Co., Ltd./China Miles Co., Ltd.) with a margin above *de minimis*. The Department will instruct the U.S. Customs Service to begin collecting antidumping duty deposits equal to 1.65 percent of the entered value of the subject merchandise from all other producers/exporters, effective January 15, 1994.

Dated: February 23, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–4773 Filed 3–1–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–829]

Notice of Antidumping Duty Order: Defrost Timers From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 2, 1994.

FOR FURTHER INFORMATION CONTACT: Magd Zalok, Office of Antidumping Duty Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC. 20230; telephone (202) 482–4162.

Scope of Order

For purposes of this investigation, defrost timers are electro-mechanical and electronic defrost timers for residential refrigerators. Electro-mechanical defrost timers are comprised of several components that make or break electric circuits by activating two sets of electrical contact points—one to disconnect the compressor (the cooling mechanism) and the other to connect the defrost heater. The articles are equipped with a synchronous or subsynchronous motor. The defrost timer disconnects the compressor by opening an electrical circuit after the compressor itself has run for a length of time predetermined by the manufacturer depending on the specifications of the model. Upon completion of the compressor run cycle (and simultaneously with the compressor's disconnection) the defrost heater is activated and runs for a preset time (again depending on the model), as predetermined by the manufacturer. Electronic defrost timers have a similar function but operate with greater efficiency. This is because a microprocessor in the device uses information gathered during the defrost cycle to adjust the compressor run time. This system defrosts only when needed, thereby improving the efficiency of the refrigerator.

The defrost timers subject to this investigation are currently classifiable under subheading 9107.00.4000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The

written description of the scope of this investigation is dispositive.

Antidumping Duty Order

On February 22, 1994, the International Trade Commission notified the Department, in accordance with section 735(d) of the Tariff Act of 1930, as amended (the Act) that imports of defrost timers from Japan materially injure the U.S. industry. Therefore, in accordance with section 736 of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of defrost timers from Japan. These antidumping duties will be assessed on all unliquidated entries of defrost timers from Japan entered, or withdrawn from warehouse, for consumption on or after August 24, 1993, the date on which the Department published its preliminary determination notice in the **Federal Register** (58 FR 44655). On or after the date of publication of this notice in the **Federal Register**, Custom officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Weighted-average margin percentage
Sankyo Seiki Manufacturing Co. Ltd	83.67
All others	83.67

This notice constitutes the antidumping duty order for defrost timers from Japan, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: February 23, 1994.

Joseph A. Spetrini

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–4735 Filed 3–1–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–810]

Mechanical Transfer Presses From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 18, 1993, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on mechanical transfer presses from Japan. The review covers four manufacturers/exporters of subject merchandise to the United States and the period February 1, 1992, through January 31, 1993. We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioner and two respondents. Based on our analysis, we have changed the final results from those presented in the preliminary results of review.

EFFECTIVE DATE: March 2, 1994.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On November 18, 1993, the Department of Commerce (the Department) published in the **Federal Register** (58 FR 60843) the preliminary results of the third administrative review of the antidumping duty order on mechanical transfer presses (MTPs) from Japan (55 FR 5642, February 16, 1990). The Department has now completed the review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by the review include MTPs currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 8462.99.0035 and 8466.94.5040. The HTS numbers are provided for convenience and for U.S. Customs purposes. The written description remains dispositive.

The term "mechanical transfer presses" refers to automatic metal-forming machine tools with multiple die stations in which the workpiece is moved from station to station by a transfer mechanism designed as an integral part of the press and synchronized with the press action, whether imported as machines or parts suitable for use solely or principally with these machines. These presses may be imported assembled or unassembled.

This review covers four manufacturer/exporters of MTPs from Japan entered into the United States during the period February 1, 1992, through January 31, 1993. This review does not cover spare and replacement parts and accessories, which were determined to be outside the scope of the order. See "Final Scope Ruling on Spare and Replacement Parts," U.S. Department of Commerce, March 20, 1992. On November 23, 1993, the Department determined that Aida's FMX series cold forging press is within the scope of the order. See "Final Scope Ruling—Antidumping Duty Order on Mechanical Transfer Presses from Japan: Aida Engineering, Ltd.," U.S. Department of Commerce, November 23, 1993. We have included the FMX press in our analysis for these final results.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results of review, as provided by 19 CFR 353.38. We received comments from the petitioner, Verson Division of Allied Products Corp., and two respondents, Aida Engineering, Ltd. (Aida), and Komatsu Ltd. (Komatsu).

Comment 1: The petitioner argues that the Department should have used an exchange rate based on either the date of shipment or the date of entry, instead of employing the exchange rate in effect on the date of sale to the United States, because of the extended time between the sale and shipment of MTPs, and the appreciation of the yen against the dollar during the review period.

Aida and Komatsu state that the Department correctly employed the exchange rate in effect on the date of the U.S. sale, according to the Department's regulations, 19 CFR 353.60, 353.46, 353.49 and 353.50.

Department's Position: We agree with respondents that we have properly employed the exchange rate that was in effect on the date the merchandise was sold to the United States. According to our regulations and long-standing practice, when the U.S. price is based on purchase price and the foreign market value (FMV) is based on constructed value (CV), the conversion of currency is directly tied to the date the merchandise is sold for exportation to the United States. See 19 CFR 353.60 and 19 CFR 353.50(b)(1).

Comment 2: Aida states that it is reserving the right to challenge the Department's inclusion of the FMX press within the scope of the order and within the final results of this review.

The petitioner claims that the Department should include home market and U.S. sales of Aida's FMX press and its optional transfer unit in its analysis for these final results, because the Department has determined that the FMX press is within the scope of the order.

Department's Position: We agree with petitioner. We did not include the FMX press in our preliminary results of review, but stated we would do so in our final results if an affirmative scope determination were made by that time. On November 23, 1993, the Department determined that Aida's FMX cold forging press is within the scope of the antidumping duty order on MTPs. See "Final Scope Ruling—Antidumping Duty Order on Mechanical Transfer Presses from Japan: Aida Engineering, Ltd.," U.S. Department of Commerce, November 23, 1993. We verified the sales and CV data Aida submitted with respect to the FMX press sold in the United States during the review period, and have included this sale in our final analysis.

Comment 3: Aida states that, subsequent to verification, it analyzed the year-end warranty cost adjustments discovered at verification, and concluded that only a portion thereof should be allocated to warranty cost. In its case brief, Aida presents a recalculation of the warranty expense factor, and asks that the Department use this revised factor to calculate warranty costs for the final results.

Department's Position: At verification, the Department discovered that Aida's records indicated an amount for additional warranty costs that Aida had not reported. At that time, Aida claimed that these costs were related to non-subject merchandise, but was unable to satisfactorily document this position. See sales verification report dated October 19, 1993, page 13.

According to 19 CFR 353.31(a)(1)(ii), the time limit for submitting factual information in an administrative review is not later than the earlier of the date of publication of the notice of preliminary results of review or 180 days after the date of publication of the notice of initiation of the review. As Aida submitted its explanation of the additional unreported warranty expenses and recalculation of the warranty expense factor after the date of publication of the preliminary results, this information was untimely submitted. Therefore, we did not consider this information for these final results. As in the preliminary results of review, we used warranty costs as adjusted for the additional costs discovered at verification.

Comment 4: Aida states that the Department erred in adding related-party commissions on U.S. sales to FMV, and offsetting the commissions by deducting home market indirect selling expenses up to the amount of the commissions. Aida believes that the Department should have treated the commissions as internal transfers, which do not require any adjustment to FMV or offsetting adjustment for indirect home market selling expenses.

Department's Position: Aida reported commissions to a related party that varied directly with the sale price of an MTP. We verified the commissions paid, and have no reason to believe that these directly related selling expenses were not, in fact, in the nature of commissions. The fact that these commissions were paid to a related party does not change their nature as commissions. Therefore, in accordance with 19 CFR 353.56(a), we are adjusting FMV for the differences in home market and U.S. commissions. Because there were commissions on both U.S. and home market sales, 19 CFR 353.56(b), which calls for an offset when there are commissions in one market but not the other, does not apply.

Comment 5: The petitioner asserts that the Department did not evaluate or adjust Aida's transfer prices from a certain related party supplier for such things as direct materials, labor, and/or overhead, as applicable, to reach a fully-loaded cost of production. The petitioner further states that the only adjustment made to the related party inputs was an adjustment made by the Department to include the general and administrative expense of the related supplier.

Aida contends that it made an adjustment for the difference between the transfer price of components purchased from its related party supplier and the related party supplier's cost of manufacturing the components. Aida acknowledges that it inadvertently failed to take into account its related party's processing cost variance and general and administrative expense, but notes that the Department made an adjustment for these, based on verification findings, in its preliminary results.

Department's Position: We agree with Aida. The Department was able to verify Aida's adjustment to restate related party inputs to fully-loaded costs. Aida's adjustment included direct materials, labor, and overhead. Based on the Department's findings at verification, an adjustment was made to not only general and administrative expenses, but also to the related party's processing variance. (See cost verification report dated October 22, 1993, page 9.)

Comment 6: Petitioner contends that the Department failed to verify, but should establish, whether transfer prices of inputs acquired by Aida from other related parties were at or above cost.

Aida states that the only material purchased for the subject presses from a related company, other than those from the related party discussed in *Comment 5*, above, consisted of control panels purchased from a partially-owned subsidiary. Aida further states that the reasonableness of the transfer prices used to determine the cost of these components was reviewed and confirmed at verification. With respect to subcontracted work, Aida states that, with the exception of the related party the Department verified, all subcontractors are unrelated.

Department's Position: We agree with Aida. At verification, the Department analyzed all transactions with related parties. Based on our analysis, we found these transactions to have been made at or above cost. (See cost verification report dated October 22, 1993, page 9.)

Comment 7: Komatsu argues that the adjustment that the Department made, in its preliminary results, to costs of subcontracted work performed by a particular related-party supplier, was based on a misunderstanding regarding the method used to calculate costs for that work. In fact, Komatsu claims, in calculating the actual cost of the related-party inputs, it inadvertently overstated the costs by a specific profit percentage. Komatsu contends that, given the above, the costs of the related-party inputs should be reduced rather than increased.

Department's Position: We disagree with Komatsu. Komatsu did not clearly demonstrate at verification its alleged overstatement of the actual costs of the related-party inputs by a profit margin. Given that the information reviewed at verification indicates an understatement, rather than an overstatement, of costs, an upward adjustment to the value of these related-party inputs for a portion of the period loss incurred by the related party is warranted. (See cost verification report dated October 25, 1993, pages 7 and 8.)

Comment 8: The petitioner asserts that the Department should increase Komatsu's submitted costs to account for losses incurred by certain other related suppliers during the review period. The petitioner notes that the

Department failed to verify the costs of inputs from these suppliers.

Komatsu argues that the amount of Komatsu's purchases from those suppliers was clearly insignificant, as would have been any adjustment the Department might have made.

Department's Position: We agree with Komatsu. At verification, the Department tested those related party transactions that made significant contributions to the subject merchandise. See cost verification report dated October 25, 1993, page 7. Adjustments to costs for transactions with other related party suppliers, even if warranted, would not have significantly affected the margin analysis.

Comment 9: Komatsu argues that the Department should allow an offset to the general and administrative expenses for the gains on sales of plant assets recorded at its head office, which relate to the company's general and administrative activities. Komatsu adds that these gains should be offset against the company-wide general and administrative expenses, in addition to the offset the Department allowed for the gain on sales of plant assets at the Komatsu plant.

Petitioner argues that these gains do not appear to relate to the production operations for subject merchandise, and therefore should be excluded from the general and administrative expenses calculation.

Department's Position: We agree with the petitioner. During verification, the respondent provided an exhibit that specifically identified the gains that related to the Komatsu plant manufacturing the subject merchandise. (See cost verification exhibit number 29.) No documentation or other support was provided to establish a basis on which to allow an offset for the gains on sales of the other plant assets.

Comment 10: Aida states that the Department double counted an adjustment it made to the cost variance and general and administrative expenses in applying these adjustments to the CV format for one of the U.S. sales.

Department's Position: We agree with Aida and have corrected the adjustment to the cost variance and general and administrative expenses.

Comment 11: Aida states, in its case brief, that the Department made certain clerical errors in its calculations, with respect to inland freight, packing, credit and warranty.

Department's Position: We agree, and have adjusted our calculations accordingly.

Final Results of Review

As a result of our review, the Department has determined that the following margins exist for the period February 1, 1992, through January 31, 1993:

Manufacturer/exporter	Margin (percent)
Aida Engineering, Ltd	3.50
Komatsu Ltd	0.00
Ishikawajima-Harima Heavy Ind	[1] 0.00
Hitachi-Zosen Corporation	[1] 0.00

[1] No shipments during the period. Rate is from the last final results of review for this company.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of MTPs from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review or the less than fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all others" rate established in the final notice of the LTFV investigation of this case, in accordance with the Court of International Trade's decisions in *Floral Trade Council* v. *United States,* Slip Op. 93–79, and *Federal Mogul Corporation and the Torrington Company* v. *United States,* Slip Op. 93–83. The all others rate is 14.51 percent. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 22, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–4736 Filed 3–1–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–814]

Polyethylene Terephthalate Film, Sheet, and Strip from Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests from one respondent and one U.S. producer the Department of Commerce has conducted an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from Japan. The review covers three manufacturers/ exporters of this merchandise to the United States and the period November 30, 1990, through May 31, 1992. We preliminarily determine that margins exist for the period.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 2, 1994.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois, or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration,

U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–6312/3814.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1992, the Department of Commerce (the Department) published a notice of "Opportunity to Request an Administrative Review" (57 FR 24244) of the antidumping duty order on PET film (56 FR 25660, June 5, 1991). On June 30, 1992, one respondent, Toray Industries Inc. (Toray), requested an administrative review and one U.S. producer, Toray Plastics America (TPA) (see Decision Memorandum dated December 28, 1992, regarding Toray's status as a producer in the United States), requested an administrative review for two other Japanese manufacturers/exporters of PET film. We initiated the review on Toray, covering November 30, 1990, through May 31, 1992, on July 22, 1992 (57 FR 32521) and the reviews on Teijin, Ltd. (Teijin) and Diafoil Co. Ltd. (Diafoil), on August 26, 1992 (57 FR 38668). The Department has now conducted the review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of all gauges of raw, pretreated, or primed PET film, whether extruded or co-extruded. The films excluded from the scope of this order are metallized films and other finished films that have had at least one of their surfaces modified by the application of performance-enhancing resin or inorganic layer more than 0.00001 inches (0.054 micrometers) thick. Roller transport cleaning film which has at least one of its surfaces modified by the application of 0.5 micrometers of SBR latex has also been ruled as not within the scope of the order.

PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.00. The HTS subheading is provided for convenience and for Customs purposes. The written description remains dispositive.

The review covers three Japanese manufacturers/exporters of this merchandise to the United States, Toray, Teijin, and Diafoil, and the period November 30, 1990, through May 31, 1992.

Such or Similar Comparisons

As stated in the less-than-fair-value (LTFV) investigation, we have determined that the subject merchandise constitutes a single class or kind of merchandise. Each company had sufficient home market sales of PET film to unrelated customers to serve as a basis for calculating foreign market value (FMV).

Best Information Available

Diafoil did not respond to the Department's questionnaire. Therefore, we are using best information available for the purposes of this review. As best information for Diafoil, we preliminarily determine the dumping margin to be 14.00 percent, the highest margin calculated in the original investigation.

United States Price

For Toray, we calculated the United States price based on purchase price as all U.S. sales were made to unrelated parties prior to importation into the United States, in accordance with section 772(b) of the Tariff Act.

For Toray, we calculated purchase price based on f.o.b. Japanese port or delivered U.S. customer prices. We made deductions, where appropriate, for price adjustments (rebates). We also made deductions, where appropriate, for the costs of foreign inland freight, containerization, warehousing, credit expense, foreign brokerage and handling, ocean freight, marine insurance, U.S. duty, U.S. brokerage and handling, and U.S. inland freight in accordance with section 772(d)(2) of the Tariff Act.

For Teijin, we calculated purchase price based on f.o.b. Japanese port or delivered U.S. customer prices. We made deductions, where appropriate, for price adjustments (rebates). We also made deductions, where appropriate, for the costs of foreign inland freight and insurance, bank charges, foreign brokerage and handling, ocean freight, warehousing, commissions, credit insurance, indirect selling expenses (U.S. and non-U.S.), inventory carrying charges, other expense, U.S. duty, harbor and U.S. Customs user fees, U.S. brokerage and handling, and U.S. inland freight and insurance in accordance with section 772(d)(2) of the Tariff Act.

In addition, for both Toray and Teijin, we made adjustments for the value added tax applied in the home market. On October 7, 1993, the United States Court of International Trade (CIT), in *Federal-Mogul Corp. and The Torrington Co.* v. *United States*, Slip Op. 93–194 (CIT, October 7, 1993), rejected the Department's methodology for calculating an addition to U. S. price (USP) under section 772(d)(1)(C) of the Tariff Act to account for taxes that the exporting country would have assessed on the merchandise had it been sold in the home market. The CIT held that the addition to USP under section 772(d)(1)(C) of the Tariff Act should be the result of applying the foreign market tax rate to the price of the United States merchandise at the same point the chain of commerce that the foreign market tax was applied to foreign market sales. *Federal-Mogul*, Slip Op. 93–194 at 12.

The Department has changed its methodology in accordance with the *Federal-Mogul* decision. The Department will add to USP the result of multiplying the foreign market tax rate by the price of the United States merchandise at the same point in the chain of commerce that the foreign market tax was applied to foreign market sales. The Department will also adjust the USP tax adjustment and the amount of tax included in FMV. These adjustments will deduct the portions of the foreign market tax and the USP tax adjustment that are the result of expenses that are included in the foreign market price used to calculate the foreign market tax and are included in the United States merchandise price used to calculate the USP tax adjustment and that are later deducted to calculate FMV and USP. These adjustments to the amount of the foreign market tax and the USP tax adjustment are necessary to prevent our new methodology for calculating the USP tax adjustment from creating antidumping duty margins where no margins would exist if no taxes were levied upon foreign market sales.

This margin creation effect is due to the fact that the bases for calculating both the amount of tax included in the price of the foreign market merchandise and the amount of the USP tax adjustment include many expenses that are later deducted when calculating USP and FMV. After these deductions are made, the amount of tax included in FMV and the USP tax adjustment still reflects the amounts of these expenses. Thus, a margin may be created that is not dependent upon a difference between USP and FMV, but is the result of the price of the United States merchandise containing more expenses that the price of the foreign market merchandise The Department's policy to avoid the margin creation effect is in accordance with the United States Court of Appeals' holding that the application of the USP tax adjustment under section 772(d)(1)(C) of the Tariff Act should not create an antidumping duty margin if pre-tax FMV does exceed USP. *Zenith Electronics Corp.* v. *United States*, 988 F.2d 1573, 1581 (Fed. Cir. 1993). In addition, the CIT has specifically held that an adjustment should be made to mitigate the impact of expenses that are deducted from FMV and USP upon the

USP tax adjustment and the amount of tax included in FMV. *Daewoo Electronics Co., Ltd.* v. *United States*, 7609 F. Supp. 200, 208 (CIT, 1991). However, the mechanics of the Department's adjustment and the foreign market tax amount as described above are not identical to those suggested in *Daewoo*.

Foreign Market Value

In order to determine whether there were sufficient sales of PET film in the home market to serve as a viable basis for calculating foreign market value (FMV), we compared the volume of home market sales of PET film to the volume of third country sales of PET film, in accordance with section 773(a)(1)(B) of Tariff Act. Each respondent had a viable home market with respect to sales of PET film made during the period of review.

For Toray, we calculated the FMV based on delivered prices to unrelated customers in the home market. We did not use related party sales because the prices to related parties were determined not to be at arm's length, in accordance with 19 CFR 353.45(a). We made deductions, where appropriate, for rebates and inland freight. We deducted home market packing cost and added U.S. packing costs.

Pursuant to section 353.56, we made circumstance-of-sale adjustments, where appropriate, for differences in claimed warranty expenses, post-sale warehousing expenses, credit expenses, and credit interest revenue.

We made a difference-in-merchandise adjustment, where appropriate, based on differences in the variable costs of manufacture.

For Teijin, we calculated FMV based on delivered prices to unrelated and three related customers in the home market. These related party sales were determined to be at arm's length, in accordance with section 353.45(a) of our regulations. We made deductions, where appropriate, for rebates, inland freight, and insurance. We deducted home market packing cost and added U.S. packing costs.

Pursuant to 19 CFR 353.56, we made circumstance-of-sale adjustments, where appropriate, for differences in post-sale warehousing expenses, and credit expenses.

For both Toray and Teijin, in order to simplify analysis, we decided to test the home markets sales to determine whether we could use annual FMVs as a basis of comparison to U.S. sales. To determine whether a period of review (POR) weighted-average price was representative of the transactions under consideration we performed a three-step test.

We first compared the monthly weighted-average home market price for each model with the weighted-average POR price of that model. We calculated the proportion of each model's sales whose POR weighted-average price did not vary more than plus or minus ten percent from the monthly weighted-average prices. We did this test for each model. We then compared the volume of sales of all models of whose POR weighted-average price did not vary more than plus or minus ten percent from the monthly weighted-average price from the total volume of sales. If the POR weighted-average price of at least 90 percent of sales did not vary more than plus or minus ten percent from the monthly weighted-average price, we consider the POR weighted-average price to be representative of the sales under consideration. Finally, we tested whether there was any correlation between fluctuations in price and time for each model. Where the correlation was less than 0.05 (where a coefficient approaching 1.0 indicates a direct relationship between price and time), we concluded that there was no significant relationship between price and time. Since home market prices of both companies passed all of these tests we used annual FMV's as a basis of comparison for both companies.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following margins exist for the period November 30, 1990, through May 31, 1992:

Manufacturer/producer/exporter	Margin (percent)
Toray	4.76
Diafoil	14.00
Teijin	5.73

Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication of this notice.

Within 10 days of the date of publication of this notice, interested parties to this proceeding may request a disclosure and/or a hearing. The hearing, if requested, will take place not later than 44 days after publication of this notice. Persons interested in attending the hearing should contact the Department for the date and time of the hearing.

The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective upon publication of our final results of review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after that publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act:

(1) The cash deposit rate for the reviewed companies will be those rates established in the final results of this review;

(2) The cash deposit rate for subject merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or in the original LTFV investigation will be based upon the most recently published rate in a final result or determination for which the manufacturer or exporter received a company-specific rate;

(3) The cash deposit rate for subject merchandise exported by an exporter not covered in this review, a prior review, or the original investigation, but where the manufacturer of the merchandise has been covered by this or a prior final results or determination will be based upon the most recently published company-specific rate for that manufacturer, and

(4) The cash deposit rate for merchandise exported by all other manufacturers and exporters who are not covered by these or any previous administrative review conducted by the Department will be the "all others" rate established in the LTFV investigation.

On March 25, 1993, the Court of International Trade (CIT), in *Floral Trade Council* v. *United States*, Slip Op. 93–79, and *Federal-Mogul Corporation* v. *United States*, Slip Op. 93–83, decided that once an "all others" rates is established for a company, it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate the original "all others" rate from the LTFV investigation (or that rate as

amended for correction of clerical errors or as a result of litigation) in the proceeding governed by antidumping duty orders.

Because this proceeding is governed by an antidumping duty order, the "all others" rate for the purposes of this review will be 6.32 percent, the "all others" rate established in the LTFV investigation (56 FR 25660, June 5, 1991).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act and 19 CFR 353.22.

Dated: February 22, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94-4775 Filed 3-2-94; 8:45 am]

BILLING CODE 3510-DS-P

[A-588-020]

Titanium Sponge From Japan; Final Results of Antidumping Duty Administrative Review and Revocation in Part of the Antidumping Duty Order

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation in part of the antidumping duty order.

SUMMARY: On November 30, 1993, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan and its intent to revoke the order in part. We have now completed this review and found no dumping margin for Showa Denko K.K. (Showa) during the period November 1, 1991 to October 31, 1992. We also determine that Showa has met the requirements for revocation.

EFFECTIVE DATE: May 2, 1994.

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo or Maria MacKay, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On November 30, 1993, the Department of Commerce (the Department) published in the **Federal Register** (58 FR 63,155) the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan (49 FR 47,053; November 30, 1984). The Department has now completed this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by the review are shipments of unwrought titanium sponge. Titanium sponge is a porous, brittle metal which has a high strength-to-weight ratio and is highly ductile. It is an intermediate product used to produce titanium ingots, slabs, billets, plates, and sheets. During the review period, such merchandise was classified under subheading 8108.10.50.10 of the *Harmonized Tariff Schedule* (HTS). The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers one manufacturer/exporter of the subject merchandise to the United States, Showa, and the period November 1, 1991 through October 31, 1992.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received a written comment from the respondent, Showa.

Comment 1: Respondent argues that the Department should use Showa's reported general and administrative (G&A) expenses in its calculation of constructed value. Instead, in its preliminary results of review, the Department allocated Showa's, the parent company, G&A costs to Showa Titanium (STIC) based on the ratio of Showa's equity ownership in STIC to Showa's total equity. The respondent maintains that its methodology for calculating G&A expense in this review is in accordance with its books and records, and is consistent with Showa's reporting in previous review periods. Moreover, in both the fourth and fifth reviews, the Department specifically rejected petitioner's arguments that Showa's reported G&A expense should be recalculated. However, should the Department choose to reverse its position and reject Showa's internal allocation methodology, it should allocate Showa's headquarters G&A based on cost of goods sold, following the Department's established allocation methodology.

Department's Position: The respondent's submitted G&A costs included STIC's G&A expenses and a portion of Showa parent company G&A expenses allocated to STIC based on a formula used in its ordinary course of business. As a result, we recalculated constructed value utilizing Showa's submitted G&A allocation methodology, which had no effect on the margin.

Final Results of Review

As a result of our comparison of United States price to foreign market value, as discussed in the preliminary results of this review, we determine the dumping margin to be:

Manufacturer/exporter	Time period	Margin (percent)
Showa Denko K.K.	11/1/91-10/31/92	Zero (0).

Based on information submitted by Showa during this and two previous reviews (*See Final Results of Antidumping Duty Administrative Review on Titanium Sponge from Japan* (58 FR 18,202; April 8, 1993), and *Final Results of Antidumping Duty Administrative Review on Titanium Sponge from Japan* (57 FR 9,688; March 20, 1992)), we further determine that Showa has met the requirements for revocation set forth in sections 353.25(a) and 353.25(b) of the Department's regulations. Showa has demonstrated three consecutive years of sales at not less than foreign market value and has submitted the required certifications. On the basis of no sales at less than foreign market value for a period of three consecutive years, an agreement by Showa to immediate reinstatement of the order if it should make such sales in the future, and the lack of any indication to the contrary, the Department concludes that Showa is not likely to sell subject merchandise at less than foreign market value in the future. Therefore, the Department is revoking the order with respect to Showa.

The Department will instruct the Customs Service to liquidate, without regard to antidumping duties, all shipments of this merchandise entered by Showa on or after November 1, 1991 and on or before October 31, 1992. The Department also will instruct Customs

to terminate suspension of liquidation and to cease collecting cash deposits with regard to Showa.

Further, the following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) no cash deposit will be required for the reviewed company; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 28.25 percent, the "all others" rate established in the final notice of LTFV investigation by the Department, as amended (50 FR 32,459, August 12, 1985), in accordance with the decisions of the Court of International Trade (CIT) in *Floral Trade Council* v. *United States*, Slip Op. 93–79 (CIT May 25, 1993), and *Federal-Mogul Corporation* v. *United States*, Slip Op. 93–83, (CIT May 25, 1993).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and sections 353.22 and 353.25(c) of the Department's regulations.

Dated: February 23, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–4774 Filed 3–1–94; 8:45 am]

BILLING CODE 3510–DS–P

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with Subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 94–010. *Applicant:* University of Utah, Department of Biology, Salt Lake City, UT 84112. *Instrument:* Isotope Ratio Mass Spectrometer, Model MAT 252. *Manufacturer:* Finnigan, MAT, Germany. *Intended Use:* The instrument will be used for studies of both plant and animal tissues which involve analyses of both whole tissues and individual subcellular components. In addition, there will be studies of atmospheric gases and soil water since they will affect the composition of the biological materials being analyzed. The instrument will also be used for educational purposes in biology courses. *Application Accepted by Commissioner of Customs:* January 27, 1994.

Docket Number: 94–011. *Applicant:* Texas Children's Hospital, 6621 Fannin, Houston, TX 77030. *Instrument:* Electron Microscope, Model JEM-1210. *Manufacturer:* JEOL, Japan. *Intended Use:* The instrument will be used for studies focusing on demonstrating gene products from specific cells, identification of pathognomonic lesions in both human and animal tissues, and evaluation of structural integrity at the ultrastructural level of the nervous system in transgenic animal models which express neurologic disease entitites. In addition, the instrument will be used for training in technical use and application of the electron microscope in biomedical research of all users on an individual basis. *Application Accepted by Commissioner of Customs:* February 2, 1994.

Docket Number: 94–012. *Applicant:* Texas A&M University, Department of Rangeland Ecology and Management, College Station, TX 77843–2126. *Instrument:* Gas Isotope Ratio Mass Spectrometer, Model Delta S. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* The instrument will be used to make high precision (0.2‰) measurements of $^{15}N/^{14}N$ and $^{13}C/^{12}C$ ratios in natural organic and inorganic materials as a tool in the study of biogeochemistry. More specifically, this instrument will be used to describe and quantify pool sizes and flux rates of carbon and nitrogen in managed and unmanaged ecosystems. *Application Accepted by Commissioner of Customs:* February 3, 1994.

Docket Number: 94–013. *Applicant:* South Dakota State University, Box 2207-A, Brookings, SD 57007. *Instrument:* GC - Dumas Ratio Mass Spectrometer, Model Europa 20–20. *Manufacturer:* Europa, United Kingdom. *Intended Use:* The instrument will be used to determine $^{13}C/^{12}C$ and $^{15}N/^{14}N$ ratios in plant, soil, gas and water samples. The instrument will also be used in graduate student training and special research topics for undergraduate students. The students will be trained in sample preparation, machine operation and trouble shooting. *Application Accepted by Commissioner of Customs:* February 9, 1994.

Pamela Woods

Acting Director, Statutory Import Programs Staff

[FR Doc. 94–4734 Filed 3–1–94; 8:45 am]

BILLING CODE 3510–DS–F

National Institute of Standards and Technology

Meeting of Reference Materials Producers

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces a meeting of reference materials producers and users for the purpose of discussing means of achieving traceability of environmental reference materials to national measurement standards. This meeting is being sponsored by the NIST and the American Chemical Society on Environmental Improvement in conjunction with the Pittsburgh Conference. Interested members of the public are invited to attend.

DATES: The meeting will convene March 2, 1994, at 1.

LOCATION: The location is the McCormmick Place, North Hall, Room L8, Level One, Chicago, Illinois.

FOR MORE INFORMATION CONTACT: William Reed, National Institute of Standards and Technology, Office of Measurement Services, room B–354, Physics Building, Gaithersburg, Maryland 20899; Phone: (301) 975–2011; Facsimile: (301) 975–2183.

Dated: February 24, 1994.

Samuel Kramer,

Associate Director.

[FR Doc. 94–4670 Filed 3–1–94; 8:45 am]

BILLING CODE 3510–13–M

COMMISSION ON IMMIGRATION REFORM

Commission on Immigration Reform; El Paso Hearing

AGENCY: U.S. Commission on Immigration Reform.

ACTION: Announcement of hearing.

This notice announces a public hearing of the Commission on Immigration Reform. The Commission was established by the Immigration Act of 1990 under section 141. The mandate of the Commission is to review and evaluate the impact of U.S. immigration policy and transmit to the Congress a report of its findings and recommendations. The Commission's first report to Congress is due on September 30, 1994.

The Commission will hear from service agencies, state and local officials, local businesses, researchers and other experts. The focus of the meeting will be the impact of immigration on the El Paso and border region.

DATES: March 17, 1994, 1 p.m. to 5 p.m.

ADDRESSES: City Hall Council Chambers, Two Civic Center Plaza, El Paso, TX.

FOR FURTHER INFORMATION CONTACT: Pat Cole or Brett Endres; Telephone: (202) 673–5348.

Dated: February 24, 1994.

Susan Martin,

Executive Director.

[FR Doc. 94–4772 Filed 3–1–94; 8:45 am]

BILLING CODE 6820–97–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, 9 March 1994.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, Inc. 2011 Crystal Drive, suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Walter Gelnovatch, AGED Secretariat, 2011 Crystal Drive, suite 307, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Public Law No. 92–463, as amended, (5 U.S.C. App. II 10(d) (1988)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly, this meeting will be closed to the public.

Dated: February 25, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–4720 Filed 3–1–94; 8:45 am]

BILLING CODE 5000–04–M

Department of the Navy

Privacy Act of 1974; Amend Record Systems

AGENCY: Department of the Navy, DOD.

ACTION: Amend record systems.

SUMMARY: The Department of the Navy proposes to amend six systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on April 1, 1994, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614–2004 or DSN 224–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended. The amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: February 24, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01001–3

SYSTEM NAME:

Naval Reserve Intelligence/Personnel File *(February 22, 1993, 58 FR 10693).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.'

* * * * *

SAFEGUARDS:

Delete entry and replace with 'Access provided on a need to know basis only. Manual records are maintained in locked file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is a sensitive compartmented information facility which is protected by enhanced security devices. Access is controlled by password or other user code system.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.'

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether this system of records contains

information about themselves should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain the full name of the requester, home address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain the full name of the requester, home address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.'

* * * * *

N01001–3

SYSTEM NAME:

Naval Reserve Intelligence/Personnel File.

SYSTEM LOCATION:

Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and enlisted personnel of the Naval Reserve Intelligence Program and applicants for affiliation with the program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, individual's residence history, education, professional qualifications, occupational history, foreign country travel and knowledge, foreign language capabilities, history of active military duty assignments and military promotions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by Federal Agencies, and E.O. 9397.

PURPOSE(S):

To determine qualifications for members of the Naval Reserve Intelligence Program and to provide a personnel management device for career development programs, manpower and personnel requirements for program activities, assignment of support projects of the reserve program and mobilization planning requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized floppy/hard disk; microform; and paper records.

RETRIEVABILITY:

Name, Social Security Number, or any file element.

SAFEGUARDS:

Access provided on a need to know basis only. Manual records are maintained in locked file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is a sensitive compartmented information facility which is protected by enhanced security devices. Access is controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are maintained for a period of five years after last data filed and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain the full name of the requester, home address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain the full name of the requester, home address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Reserve data submitted by the individual and investigative reports from the Naval Criminal Investigative Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–7

SYSTEM NAME:

NEXCOM Military Personnel Information System *(February 22, 1993, 58 FR 10698).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Change '5031' to read '5013.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Policy Official: Commander, Navy Exchange System, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Record Holder: Director, Office of Military Personnel, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.'

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Office of Military Personnel, 3280

Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Written requests must include full name, Social Security Number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Office of Military Personnel, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Written requests must include full name, Social Security Number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.'

* * * * *

N01070–7

SYSTEM NAME:

NEXCOM Military Personnel Information System.

SYSTEM LOCATION:

Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past military officers and key enlisted personnel assigned to the Navy Exchange System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; rank or rate; dependency status; Social Security Number; designation; date of rank; date reported; rotation date; educational level; lineal number; location of assignments; preference of assignment, biographical information, and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013; and E.O. 9397.

PURPOSE(S):

To assist officials and employees of the Navy Exchange Service Command in the management, supervision, and administration of its personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized records, printed reports, card files, and file folders.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Supervised office spaces and computers are accessible only through the computer center whose entry is limited to authorized personnel only. All information is maintained in locked file cabinets or locked archives. Computer systems are password protected.

RETENTION AND DISPOSAL:

Destroyed three years following an individual's discharge/retirement from the Navy.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange System, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Record Holder: Director, Office of Military Personnel, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Office of Military Personnel, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Written requests must include full name, Social Security Number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Office of Military Personnel, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Written requests must include full name, Social Security Number and military duty status. At the time of a personal visit, the requester must provide proof of identity containing the requester's signature.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

U.S. Navy Manpower Information System; Bureau of Naval Personnel; the individual; and the individual's supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01070–8

SYSTEM NAME:

Correction Board Case Files System *(February 22, 1993, 58 FR 10699).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370–5100.

Decentralized segments located in the Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001; Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001; and, the individual military personnel record of the service member concerned.'

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

In lines 19 and 21, delete the words 'Naval Military Personnel Command' and replace with 'Bureau of Naval Personnel.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

At end of entry, add 'and E.O. 9397.'

PURPOSE(S):

In paragraph two, delete the words 'Naval Military Personnel Command' and replace with 'Bureau of Naval Personnel.'

* * * * *

STORAGE:

Delete entry and replace with 'Manual and computerized records.'

RETRIEVABILITY:

Delete entry and replace with 'Last name of the applicant and cross-filed by docket number and social security number.'

SAFEGUARDS:

At end of entry, add 'Computer systems are password protected.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Permanent. After three years, records are retired to the Washington National Records Center, Suitland, MD.'

* * * * *

N01070–8

SYSTEM NAME:

Correction Board Case Files System.

SYSTEM LOCATION:

Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370–5100.

Decentralized segments located in the Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001;

Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001; and, the individual military personnel record of the service member concerned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the U.S. Navy or Marine Corps who has applied for the correction of his/her naval record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of file cards with basic information and computer records derived therefrom, case files containing records of board proceedings, material submitted for correction and supporting documentation, correspondence and transcripts of board formal hearings. The basic case information and computer records derived therefrom include the following: Rank; Social Security Number/service number; docket number; date application received; subject category; subject category description; examiner's initials; date examiner assigned; branch of service; board decision; date of board decision; date decision promised if interested members of Congress; date case forwarded to the Secretary of the Navy; lineal number of officer applicant; officer designated; date officer case forwarded to Bureau of Naval Personnel/Commandant of the Marine Corps; date officer case returned from Bureau of Naval Personnel/ Commandant of the Marine Corps; date advisory opinion requested; identity of advisor's organization; date advisory opinion received; date service record ordered; date medical record ordered; date court-martial record ordered; date confinement record order; date Navy Discharge Review Board record ordered; date other record ordered; date service record received; date medical record received; date court-martial record received; date confinement record received; date Navy Discharge Review Board record received; date other record received; number of Navy applications received; number of Marine Corps applications received; total number of Navy and Marine Corps applications received; percent of total to grand total; total number of Navy discharge cases; total number Marine Corps discharge cases; Navy grant count; Navy deny count; Navy modify count; Marine grant; Marine deny count; Marine modify count.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1552; 32 CFR part 723; and E.O. 9397.

PURPOSE(S):

To review applicant's Naval record to determine the existence of alleged error or injustice and to recommend appropriate corrective action when warranted - to report its findings, conclusions and recommendations to the Secretary of the Navy in appropriate cases - to respond to inquiries from applicants, their counsel, and members of Congress.

To provide officials of the Bureau of Naval Personnel with advisory opinions in cases involving present and former Navy personnel - to correct records of present and former Navy personnel in accordance with approved Board decisions.

To provide officials and employees of the Bureau of Medicine and Surgery with advisory opinions on medical matters.

To provide the Naval Council of Personnel Boards/Office of Naval Disability Evaluation with advisory opinions on medical matters.

To provide officials and employees of HQ, U.S. Marine Corps with advisory opinions in cases involving present and former Marine Corps personnel - to correct records of present and former Marine Corps personnel in accordance with approved correction Board decisions.

To officials and employees of the Litigation Division, NJAG, to prepare legal briefs and answers to complaints against the Department of the Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and computerized records.

RETRIEVABILITY:

Last name of the applicant and cross-filed by docket number and Social Security Number.

SAFEGUARDS:

Access to building is protected by uniformed security officers requiring positive identification; for admission after hours, records are maintained in areas accessible only to authorized personnel. Computer systems are password protected.

RETENTION AND DISPOSAL:

Permanent. After three years, records are retired to the Washington National Records Center, Suitland, MD.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Executive Director, Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370–5100.

Individual should provide full name, and Social Security Numbers or service numbers. Visitors should be able to provide proper identity, such as a drivers license. Written requests must be signed by a requester or his/her legal representative.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Board for Correction of Naval Records, Department of the Navy, Washington, DC 20370–5100.

Individual should provide name, military status, branch of service and Social Security Number. Current address and telephone numbers should be included. Personal visits may be made only to the Board for Correction of Naval Records, Arlington Annex, Columbia Pike and Southgate Road, Arlington, VA. For personal visits, identification will be required.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and

appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

All official Naval records, Department of Veterans Affairs and police and law enforcement records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N03461–2

SYSTEM NAME:

POW/MIA Captivity Studies *(February 22, 1993, 58 FR 10730).*

CHANGES:

SYSTEM NAME:

Delete entry and replace with 'POW Follow-up Program.'

SYSTEM LOCATION:

Delete entry and replace with 'Naval Aerospace Medical Institute, Special Studies Department (25), Naval Air Station, Pensacola, FL 32508–1047.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Prisoners of War (POWs) from 1974 to present; matched comparison group consisting of former aviators; some spouses.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Medical records; X-rays; dental and somatotype photographs; newspaper clippings; research questionnaires, Social Security Number.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

At end of entry, add 'and E.O. 9397.'

PURPOSE(S):

Delete entry and replace with 'To research the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications.'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Retrieved by name.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Permanent.'

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 25, Naval Air Station, Pensacola, FL 32508–1047.

Individuals should provide full name, military or civilian status, POW status, security clearance, and service affiliation.'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 25, Naval Air Station, Pensacola, FL 32508–1047.

Individual should provide full name, military or civilian status, POW status, security clearance, and service affiliation.'

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Personal interviews with returned POWs and families of POW/MIA/KIA/hostages/civilian POWs; newspapers and periodicals; Department of the Army; Bureau of Medicine and Surgery; and Marine Corps Headquarters.'

* * * * *

N03461–2

SYSTEM NAME:

POW Follow-up Program.

SYSTEM LOCATION:

Naval Aerospace Medical Institute, Special Studies Department (25), Naval Air Station, Pensacola, FL 32508–1047.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prisoners of War (POWs) from 1974 to present; matched comparison group consisting of former aviators; some spouses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records; X-rays; dental and somatotype photographs; newspaper clippings; research questionnaires, Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To research the effects of the captivity experience on the man and his family and for recommending changes in training and improved health care delivery services, as well as for professional publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files consist of file folders, magnetic and video tapes, key-punched IBM cards, computer tapes, microfiche and microfilm.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

All files in this system are protected by limited, controlled access, locked doors and class 6 security cabinets. Only professional and/or research staff with appropriate security clearances are given access to files.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Head, RPOW Data Analysis Division, Naval Aerospace Medical Institute, Naval Air Station, Pensacola, FL 32508–1047.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 25, Naval Air Station, Pensacola, FL 32508–1047

Individual should provide full name, military or civilian status, POW status, security clearance, and service affiliation.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding Officer, Naval Aerospace Medical Institute, ATTN: Code 25, Naval Air Station, Pensacola, FL 32508–1047.

Individual should provide full name, military or civilian status, POW status, security clearance, and service affiliation.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal interviews with returned POWs and families of POW/MIA/KIA/ hostages/civilian POWs; newspapers and periodicals; Department of the Army; Bureau of Medicine and Surgery; and Marine Corps Headquarters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N03834–1

SYSTEM NAME:

Special Intelligence Personnel Access File *(February 22, 1993, 58 FR 10733).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of Naval Intelligence, 4251 Suitland Road, Washington, DC 20395–5720.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with 'National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by Federal Agencies; E.O. 9397; and E.O. 12356, National Security Information.'

* * * * *

STORAGE:

Delete entry and replace with 'Active files consist of paper and computerized records. Inactive files are retained on microfiche and optical storage.'

RETRIEVABILITY:

Delete entry and replace with 'Name and Social Security Number.'

SAFEGUARDS:

Delete entry and replace with 'Access provided on a need to know basis only. Manual records are maintained in locked file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is a sensitive compartmented information facility which is protected by enhanced security devices. Access is controlled by password or other user code system.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Office of Naval Intelligence, 4251 Suitland Road, Washington, DC 20395–5720.'

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain the full name of the requester, home address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking access to records about themselves should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain full name, residence address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.'

* * * * *

N03834–1

SYSTEM NAME:

Special Intelligence Personnel Access File.

SYSTEM LOCATION:

Office of Naval Intelligence, 4251 Suitland Road, Washington, DC 20395–5720.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and military personnel of the Department of the Navy and contractors and consultants of the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records pertaining to the eligibility of Department of the Navy personnel (civilian, military, contractor and consultant) to be granted access to Special Intelligence which include documents of nomination, personal history statements, background investigation date and character, narrative memoranda of background investigation, eligibility documents for access to special intelligence, proof of indoctrination and debriefings as applicable and record of hazardous activity restrictions assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended; 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 503, Department of the Navy; 10 U.S.C. 6011, Navy Regulations; 44 U.S.C. 3101, Records Management by Federal Agencies; E.O. 9397; and E.O. 12356, National Security Information.

PURPOSE(S):

To permit a determination of an individual's eligibility for access to Special Intelligence information.

This information may be provided to the Department of Defense and all its components to certify Special Compartmented Intelligence (SCI) access status of naval personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, the Department of Energy, the Department of Treasury, and to any other federal agency in the performance of their official duties, to certify SCI access status of Naval personnel.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active files consist of paper and computerized records. Inactive files are retained on microfiche and optical storage.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Access provided on a need to know basis only. Manual records are maintained in locked file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is a sensitive compartmented information facility which is protected by enhanced security devices. Access is controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are retained indefinitely. Inactive files are retained on microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Naval Intelligence, 4251 Suitland Road, Washington, DC 20395–5720.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain the full name of the requester, home address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Director, Office of Naval Intelligence, 4251 Silver Hill Road, Washington, DC 20395–5720.

The request should contain full name, residence address and date and place of birth. An unsworn declaration in accordance with 28 U.S.C. 1746 or a notarized statement may be required for identity verification.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personal History Statement and related forms from the individual. Access forms and documents prepared by the system manager. Correspondence between system manager and activities requesting access status.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(1) and (k)(5) as applicable.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N07230–2

SYSTEM NAME:

NEXCOM Payroll Processing *(February 22, 1993, 58 FR 10806).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete 'Naval Station New York Staten Island, Staten Island, NY 10305–5097' and replace with '3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724' and delete 'Subic Bay.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete 'Subic Bay.'

* * * * *

STORAGE:

Delete entry and replace with 'Computer tape.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Policy Official: Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Record Holder: Controller, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.'

NOTIFICATION PROCEDURE:

In line five, delete the words 'Naval Station New York Staten Island, Staten Island, NY 10305–5097' and replace with '3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.'

RECORD ACCESS PROCEDURES:

In line five, delete the words 'Naval Station New York Staten Island, Staten Island, NY 10305–5097' and replace with '3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.'

* * * * *

N07230–2

SYSTEM NAME:

NEXCOM Payroll Processing.

SYSTEM LOCATION:

Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724 and at all Navy Exchanges located in CONUS, Guam, and Japan. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy Exchange System employees located in CONUS, Guam, and Japan.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Master Payroll Files and Leave Year Record File will contain at a minimum employee name, Social Security Number, department, exchange number, payroll number, birth date, marital status, citizenship, hire date, adjusted date of hire, job grade and step, employee category, pay basis, pay status (exempt/nonexempt), employee benefit, deduction information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain a data base which will permit the contractor to supply bi-weekly payroll processing which includes, but is not limited to preparation and issuance of time cards, be-weekly pay checks and pay check stubs, check registers and payroll registers; preparation and issuance of various bi-weekly, monthly, quarterly, semi-annual and annual reports; establishment and maintenance of current payroll master file; annual preparation and distribution of wage and tax statements, Form W–2; and, payroll tax filing services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tape.

RETRIEVABILITY:

Name, Social Security Number, exchange number, and payroll number.

SAFEGUARDS:

Contractor facility is protected with an ADT Alarm System which is in operation 24 hours per day, seven days a week. All rooms within the facility, as well as the entire perimeter of the facility, are on-line with this system. All alarms are wired to the Security Company as well as the local police station. The Navy Exchange Service Command (NEXCOM) data cannot be obtained through any dial-up method by other than an authorized Navy Exchange location.

RETENTION AND DISPOSAL:

Records are maintained by the contractor for the life of the contract (three years or more). Once contract is

complete, records are returned to NEXCOM where they are maintained for seven years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Commander, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

Record Holder: Controller, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Comptroller, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

The request must contain individual's full name and Social Security Number and must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Comptroller, Navy Exchange Service Command, 3280 Virginia Beach Boulevard, Virginia Beach, VA 23452–5724.

The request must contain individual's full name and Social Security Number and must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in the Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Timekeeping management documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 94–4722 Filed 3–1–94; 8:45 am]

BILLING CODE 5000–04–F

Privacy Act of 1974; Amend Record Systems

AGENCY: Department of the Navy, DOD.

ACTION: Amend record systems.

SUMMARY: The Department of the Navy proposes to amend three systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on April 1, 1994, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614–2004 or DSN 224–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended. The amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: February 23, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N05521–1

SYSTEM NAME:

Access Control System *(February 22, 1993, 58 FR 10765).*

CHANGES:

* * * * *

STORAGE:

Delete entry and replace with 'File folders, card files, magnetic tape, personal computers.'

* * * * *

SAFEGUARDS:

Delete entry and replace with 'Access provided on a need to know basis only. Manual records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password or other user code system.'

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Visit requests; individual; records of the activity; investigators; witnesses; contractors; companies.'

* * * * *

N05521–1

SYSTEM NAME:

Access Control System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals considered or seeking consideration for access to space under the control of the Department of the Navy and any visitor (military, civilian, contractor) requiring access to a naval base/activity or contractor facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Visit requests for permission to transact commercial business, visitor clearance data for individuals to visit a naval base/activity/contractor facility; barring lists and letters of exclusion, and badge/pass issuance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Departmental Regulations and E.O. 9397.

PURPOSE(S):

To maintain all aspects of proper access control, to replace lost badges, to retrieve passes upon separation, to maintain visitor statistics and background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To designated contractors when Navy member is visiting that contractor's facility.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, magnetic tape, personal computers.

RETRIEVABILITY:

Name, Social Security Number, Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Manual records are

maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are retained for 30 days and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Visit requests; individual; records of the activity; investigators; witnesses; contractors; companies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05527–1

SYSTEM NAME:

Security Incident System *(February 22, 1993, 58 FR 10766).*

CHANGES:

* * * * *

PURPOSE(S):

Delete entry and replace with 'To track and prosecute offenses, counsel victims, and other administrative actions; to support insurance claims and civil litigation; to revoke base, station, or activity driving privileges.'

* * * * *

STORAGE:

Delete entry and replace with 'File folders, card files, personal computer, magnetic tape.'

* * * * *

N05527–1

SYSTEM NAME:

Security Incident System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in or witnessing incidents requiring the attention of base, station, or activity security personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident/complaint report, investigator's report, data sheets which contain information on victims and perpetrators, military magistrate's records, confinement records, traffic accident and violation records, traffic court file, citations to appear before U.S. Magistrate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To track and prosecute offenses, counsel victims, and other administrative actions; to support insurance claims and civil litigation; to revoke base, station, or activity driving privileges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, personal computer, magnetic tape.

RETRIEVABILITY:

Name, Social Security Number, case number, and organization

SAFEGUARDS:

Access provided on a need to know basis only. Manual records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password or other user code system.

RETENTION AND DISPOSAL:

Maintained for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Commanding Officer or head of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name, Social Security Number, and must be signed by the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves should address written inquiries to the Commanding Officer or head of the activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Written requests should contain full name, Social Security Number, and must be signed by the individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE PROCEDURES:

Individual concerned, other records of the activity, investigators, witnesses, correspondents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2), as applicable.

An exemption rule for this system has been published in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

N05527–2

SYSTEM NAME:

Security Inspection and Violation System *(February 22, 1993, 58 FR 10767).*

CHANGES:

* * * * *

STORAGE:

Delete entry and replace with 'File folders, card files, personal computers, and magnetic tape.'

* * * * *

SAFEGUARDS:

Delete entry and replace with 'Access provided on a need to know basis only. Manual records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password or other user code system.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are retained for three years and then destroyed.'

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Individual; records of the activity; investigator's reports; witness statements.'

* * * * *

N05527–2

SYSTEM NAME:

Security Inspection and Violation System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in security violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security violation reports, security inspection reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

To identify problem areas in security indoctrination, to alert command management officials to areas which present larger than normal security problems and identify personnel who are cited as responsible for non-compliance with procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, personal computers, and magnetic tape.

RETRIEVABILITY:

Name, Social Security Number Case number, organization.

SAFEGUARDS:

Access provided on a need to know basis only. Manual records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Access is controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; records of the activity; investigator's reports; witness statements.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 94–4721 Filed 3–1–94; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 1, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue SW., room 4682, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 401–3200. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal

Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: February 24, 1994.

Cary Green,

Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: Revision
Title: Campus-Based Reallocation Form
Frequency: Annually
Affected Public: State or local governments; Businesses and other for-profit; Non-profit institutions
Reporting Burden:
Responses: 2,000
Burden Hours: 608
Recordkeeping Burden:
Recordkeepers: 2,000
Burden Hours: 100
Abstract: This form will allow institutions of postsecondary education to report anticipated 1993–94 unspent funds for the campus-based programs so these unspent funds can be distributed as supplemental 1994–95 awards and to report the 1993–94 (FWS) Community Service Activities. Failure to collect this information would prevent the maximum utilization of the funds appropriated, deprive needy students of financial aid, and result in ED's non-compliance with the reallocation provisions of the HEA.

[FR Doc. 94–4695 Filed 3–1–94; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.215C]

Fund for Innovation in Education: Technology Education Program Notice Inviting Applications for New Awards for Fiscal Year 1994

ACTION: Correction notice.

SUMMARY: On February 11, 1994 a notice inviting applications for new awards under the Fund for Innovation in Education: Technology Education Program for fiscal year 1994 was published in the **Federal Register** at 59 FR 6860.

This notice corrects an error in the *selection criteria section* of that notice. Five additional points instead of ten additional points should be added to the selection criterion, *Plan of operation*, and ten additional points instead of five additional points should be added to the selection criterion, *Evaluation plan*.

FOR FURTHER INFORMATION CONTACT: Beverly Coleman or Adria White, U.S. Department of Education, 555 New Jersey Avenue NW., room 502, Washington, DC 20208–5644. Telephone (202) 219–2116. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Dated: February 24, 1994.

Sharon P. Robinson,

Assistant Secretary, Educational Research and Improvement.

[FR Doc. 94–4694 Filed 3–1–94; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Public Meeting

AGENCY: Office of Policy, Planning and Program Evaluation, DOE.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the U.S. Department of Energy's Office of Policy, Planning and Program Evaluation will hold two stakeholder meetings to gather comments on a draft report titled "Energy Infrastructure of the United States and Projected Siting Needs: Scoping Ideas, Identifying Issues and Options; Draft Report of the Department of Energy Working Group on Energy Facility Siting to the Secretary." This report was noticed for public comment in the **Federal Register** on December 16, 1993; the public comment period has been extended to April 30, 1994, as noticed in the **Federal Register** on February 4, 1994.

DATES: Two separate meetings with the same agenda will be held on March 15 and March 16, 1994, at the U.S. Department of Energy's Forrestal Building located at 1000 Independence Ave., SW., room 1E–245, from 8:30 to 4:30 p.m. Individuals wishing to attend are asked to contact Karen Stockmeyer at (202) 646–7794 by close of business, Friday, March 4.

FOR FURTHER INFORMATION CONTACT: Dr. Barry Gale, Office of Policy Planning and Program Evaluation, U.S. Department of Energy, 1000 Independence Ave., SW., PO–63, Washington, DC 20585, (202) 586–6708.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy issued on December 16, 1993 this draft report and an accompanying documentation summary under the authority provided by the Department of Energy Organization Act. The draft report is the result of over a year-long effort on behalf of staff representing DOE's various subdivisions reflecting diverse expertise and knowledge. The report examines the possible need for expanding the nation's energy infrastructure, and issues related to that potential growth, based on projections of energy supply and demand developed by the Energy Information Administration, with the goal of developing appropriate policy direction for the Department.

The agenda for each stakeholder meeting will cover topics such as siting needs, siting problems and constraints, the ideas presented in the draft report, and constructive roles for the Department of Energy and other federal agencies in improving energy facility siting processes. The meetings will be structured to elicit individual views, not to reach consensus. Members of the general public are invited to observe the meetings and offer comment during a portion of the agenda, within space and time constraints. The views expressed at the meetings will be considered in preparing the final report.

Issued in Washington, DC, on February 24, 1994.

Abraham E. Haspel,

Acting Assistant Secretary for Policy, Planning and Program Evaluation.

[FR Doc. 94–4739 Filed 3–1–94; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 2069–003]

Arizona Public Service Company; Notice of Intent To Prepare an Environmental Assessment and Conduct Public Scoping Meetings and Site Visit

February 24, 1994.

The Federal Energy Regulatory Commission (FERC) has received an application for relicense of the existing Childs Irving Hydroelectric Project, Project No. 2069–003. The project is located on Fossil Creek, a tributary of the Verde River, in Yavapai and Gila counties, Arizona. The project is entirely within the Coconino and Tonto National Forests, administered by the U.S. Forest Service (Forest Service).

The FERC staff, in cooperation with the Forest Service, intends to prepare an Environmental Assessment (EA) on this hydroelectric project in accordance with the National Environmental Policy Act.

The EA will objectively consider both site-specific and cumulative environmental impacts of the project and reasonable alternatives, and will include an economic, financial, and engineering analysis.

The FERC staff will issue and circulate a draft EA for review by all interested parties. The staff will analyze and consider all comments filed on the draft EA in a final EA. The staff will then present its conclusions and recommendations to the Commission for consideration in reaching its final licensing decision.

Scoping Meetings

The FERC staff will conduct two scoping meetings on March 15, 1994. A scoping meeting oriented toward the agencies will be held at 9:30 a.m. at the Cliff Castle Best Western, 333 Middle Verde Road, Camp Verde, Arizona. A scoping meeting oriented toward the public will be held at 7 p.m. at the Cliff Castle Best Western.

Interested individuals, organizations, and agencies are invited to attend either or both meetings and help the staff identify the scope of environmental issues that should be analyzed in the EA.

To help focus discussions at the meetings, the staff will mail a Scoping Document 1, outlining subject areas to be addressed in the EA to agencies and interested individuals on the FERC mailing list. Copies of Scoping Document 1 will also be available at the scoping meetings.

Objectives

At the scoping meetings the FERC staff will: (1) Identify preliminary environmental issues related to the project; (2) identify preliminary resource issues that are not important and do not require detailed analysis; (3) identify reasonable alternatives to be addressed in the EA; (4) solicit from the meeting participants all available information, especially quantified data, on the resource issues; and (5) encourage statements from experts and the public on issues that should be analyzed in the EA, including points of view in opposition to, or in support of, the staff preliminary views.

Procedures

A court reporter will record the meetings and all statements (oral and written) thereby become a part of the formal record of the Commission proceedings on the Childs Irving Project. Individuals representing statements at the meetings will be asked to clearly identify themselves for the record.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and define and clarify issues to be addressed in the EA.

Persons choosing not to speak at the meetings, but who have views on the issues or information relevant to the issues, may submit written statements for inclusion in the public record at the meetings. In addition, written scoping comments may be filed with Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, until April 15, 1994.

All written correspondence should clearly show the following caption on the first page: Childs Irving Project, FERC Project No. 2069–003.

Intervenors—those on the Commission's service list for this proceeding (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission to serve a copy of the document on each person whose name appears on the official service list. Further, if a party or interceder files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Site Visit

A site visit to the Childs Irving Hydro Project is planned for March 16, 1994. Those who wish to attend should plan to meet at the Cliff Castle Best Western at 8 a.m. or contact Ken Anderson at the Beaver Creek Ranger District, Coconino National Forest, (602) 567–4501 for details.

Any questions regarding this notice may be directed to Dianne Rodman at (202) 219–2830.

Linwood A. Watson,

Acting Secretary.

[FR Doc. 94–4706 Filed 3–1–94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD94–02877T Texas–157]

State of Texas NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

February 24, 1994.

Take notice that on February 15, 1994, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Spraberry Trend Area Formation, North Curtis Ranch area, underlying a portion of Martin 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. 8 and consists of approximately 40,360 acres as described on the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Spraberry Trend Area Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Linwood A. Watson,

Acting Secretary.

Appendix

The recommended area consists of approximately 40,360 acres in Martin County, Texas and includes all or portions of the following sections:

La Salle County School Lands

Leagues 322–325: All

Township 2 North

M. Curtis Survey—Block A Sections 137–140: All

T & P RR Survey—Block 38 Sections 1–6: All

Township 1 North

GM & MB & A Survey—Block 38 Sections 1–9: All
GM & MB & A Survey—Block 39 Sections 1–4: All
T & P RR Survey—Block 39 Sections 1–2: All
T & P RR Survey—Block 38 Sections 1–9: All
Scrap File
SF 6883 Section 5: All
SF 13416: All
SF 13417: All

[FR Doc. 94–4705 Filed 3–1–94; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP91–164–010]

Granite State Gas Transmission, Inc., Notice of Proposed Changes in FERC Gas Tariff

February 24, 1994.

Take notice that on February 17, 1994, Granite State Gas Transmission, Inc. (Granite State) submitted for filing with the Commission Third Revised Sheet No. 22 in its FERC Gas Tariff, Third Revised Volume No. 1, containing changes in rates for effectiveness on February 1, 1994.

According to Granite State, it was authorized to collect a special volumetric surcharge of $0.0043 per Dth in its rates to reimburse it for $200,000 for costs incurred in acquiring a supply of Canadian gas for its system. Granite State Gas Transmission, Inc., 61 FERC 61,335 (1992). It is further said that Granite State began collecting the surcharge in its rates for sales to Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities) on February 1, 1993 and, after November 1, 1993 in the rates for firm transportation service under Rate Schedule FT–NN in its restructuring compliance tariff.

Granite State states that the monthly collections from the surcharge reached the authorized sum of $200,000 during January, 1994, with a small amount of overcollection at the end of January, which will be refunded to Bay State and Northern Utilities.

According to Granite State, the revised rates on Third Revised Sheet No. 22 remove the special surcharge of $0.0043 per Dth from the volumetric rates for firm transportation service under Rate Schedule FT–NN.

Granite State states that copies of its filing were served upon its customers Bay State and Northern Utilities, the intervenors in Docket No. RP91–164–000 and the regulatory commissions of the states of Maine, New Hampshire and Massachusetts.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures (18 CFR 385.211). All such protests should be filed on or before March 3, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson,

Acting Secretary.

[FR Doc. 94–4708 Filed 3–1–94; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP91–126–012]

Koch Gateway Pipeline Co.; Notice of Report of Refunds

February 24, 1994.

Take notice that on February 18, 1994, Koch Gateway Pipeline Company (Koch Gateway) tendered for filing a refund report. The report documents refunds of amounts due customers under Koch Gateway's Docket No. RP91–126.

Koch Gateway states that it is filing the refund report pursuant to a Joint Stipulation and Agreement filed on September 30, 1991, in the above referenced docket. Koch Gateway further states that in accordance with the terms of the 1991 settlement and the extension of those provision as approved in a subsequent settlement submitted on February 25, 1993, in Docket No. RP92–235, Koch Gateway has refunded non-gas revenues received under rate schedule PL.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests should be filed on or before March 3, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–4707 Filed 3–1–94; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP93–159–000]

Michigan Gas Storage Co.; Notice of Informal Settlement Conference

February 24, 1994.

Take notice that an informal settlement conference will be convened in this proceeding on Monday, March 7, 1994. The conference will begin at 10 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in conference Room 2402–A. The purpose of the conference is to explore the possibility of settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Russell B. Mamone at (202) 208–0744 or Irene E. Szopo at (202) 208–1602.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–4710 Filed 3–1–94; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP93–36–000]

Natural Gas Pipeline Company of America; Notice of Informal Settlement Conference

February 24, 1994.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, March 2, 1994, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact David R. Cain (202) 208–0909 or John P. Roddy (202) 208–1176.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 94–4709 Filed 3–1–94; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP94–139–000]

Williston Basin Interstate Pipeline Co.; Notice of Request Under Blanket Authorization

February 24, 1994.

Take notice that on February 18, 1994, Williston Basin Interstate Pipeline Company (Williston Basin), filed a request for a one-time waiver of the requirements of its FERC Gas Tariff, Second Revised Volume No. 1 (tariff), so as to allow any shipper to change its method of fuel reimbursement effective April 1, 1994.

Williston Basin states that its tariff allows shippers to change its election of the method to be used to reimburse Williston Basin for fuel use, lost and unaccounted for gas on the dates Williston Basin revises its fuel reimbursement rate (February 1 and August 1 of each year) pursuant to Section 38 of the General Terms and Conditions of such Tariff. Since this was the shippers' first opportunity to make such a change in its election and due to certain shippers' confusion over the implementation dates of the fuel reimbursement election, Williston Basin herewith seeks a one-time waiver of its tariff requirements to allow any and all shippers the one-time opportunity to change its method of fuel reimbursement effective April 1, 1994. Any such changes made effective pursuant to this waiver would be effective from April 1, 1994, forward until changed in accordance with Section 38 of the General Terms and Conditions of Williston Basin's Tariff. Williston Basin will post this one-time waiver of its tariff on its Electronic Bulletin Board and notify each shipper via written correspondence.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with 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 March 3, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Linwood A. Watson,

Acting Secretary.

[FR Doc. 94–4711 Filed 3–1–94; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTLAL PROTECTION AGENCY

[FRL–4844–6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 1, 1994.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of this ICR, contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: Information Collection Request for Combined Sewer Overflow Policy (EPA No. 1680.01).

Abstract: This is a new collection of information in support of the 1993 Combined Sewer Overflow (CSO) Policy, a national guidance that was issued earlier as a draft Policy in 1992, and is partially based on the 1989 Combined Sewer Overflow (CSO) Strategy, as published at 54 FR 37370. The Clean Water Act (CWA), as promulgated at 40 CFR Parts 121 through 125, provides the authority to regulate Combined Sewer Systems (CSSs) as point sources subject to National Pollution Discharge Elimination System (NPDES) permit requirements. CSSs are wastewater collection systems designed to transport both wastewater and stormwater to publicly-owned treatment works (POTWs). CSSs may periodically experience flows that exceed capacity, resulting in discharges of untreated wastes into surface waters. The CSO policy requires POTWs to provide information to EPA, or the delegated State authority, that will be used to ensure the adequacy of existing CSO controls, to establish permit terms and conditions, to track performance, and to conduct compliance assessment and enforcement of CWA requirements.

Under the CSO Policy, municipal POTWs are expected to document the implementation of nine control measures develop a Long Term CSO Control Plan (LTCCP), and perform ongoing compliance monitoring. The information provided by CSOs may include: 1) operation and maintenance plans; 2) revised sewer-use ordinances for industrial users; 3) infiltration/inflow studies; 4) descriptions of pollution prevention programs; 5) public notification plans; 6) facility plans for maximizing the capabilities of existing collection, storage and treatment systems; 6) contracts and schedules for minor construction programs; and 7) information or data relevant to assessing the extent to which the nine minimum controls satisfy water quality standards.

Documentation, monitoring and reporting by POTWs will occur over the normal five year duration of their NPDES permit. POTWs will be required to retain records for a period of three years.

Burden Statement: Public reporting burden for this collection of information is estimated to average 565 hours per response for POTWs and 1,052 hours for States operating NPDES programs including time for reviewing the policy, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. Annual public recordkeeping is estimated to average 25 hours per POTW and 6 hours for each State operating an NPDES program.

Respondents: Municipal POTWs and States operating NPDES programs.

Estimated number of respondents: 1100 POTWs, 30 States.

Estimated number of responses per respondent: 1.

Frequency of Collection: Twice every five years.

Estimated Total Annual Burden on Respondents: 591 hours for POTWs, 1,058 hours for States.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW., Washington, DC 20460. and

Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: February 23, 1994.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 94–4754 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4843–7]

Alabama: Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final partial program determination of adequacy of the State of Alabama's municipal solid waste landfill permit program.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in State/Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

Alabama applied for a determination of adequacy under section 4005 of RCRA. EPA Region IV reviewed Alabama's MSWLF application and made a tentative determination of adequacy for those portions of the MSWLF permit program that are adequate to ensure compliance with the revised MSWLF criteria. After reviewing all comments received, EPA today is granting final approval to Alabama's partial program.

EFFECTIVE DATE: The determination of adequacy for the State of Alabama shall be effective on March 2, 1994.

FOR FURTHER INFORMATION CONTACT: EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365, Attn: Ms. Patricia S. Zweig, mail code 4WD-OSW, telephone 404–347–2091.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that facilities comply with the Federal Criteria under part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in STIR to allow partial approval if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with part 258; (2) changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet those requirements; and (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of part 258. As provided in the October 9, 1991, municipal landfill rule, EPA's national Subtitle D standards took effect on October 9, 1993. Consequently, any portion of the Federal Criteria that are not included in an approved State/Tribal program by October 9, 1993 apply directly to the owner/operator without any approved State/Tribal flexibility. On October 1, 1993, the October 9, 1993, effective date was extended for certain smaller landfills and for certain landfills receiving waste from flood disaster areas (58 FR 51536). The effective date is now April 9, 1994, for MSWLFs that accept less than 100 tons of waste per day, are not a Superfund National Priority List site, and are either in a State that has submitted an application to EPA for approval before October 9, 1993, or are located on Tribal lands. The effective date has been extended to October 9, 1995, for very small (less than 20 tons of waste per day), remote landfills in arid climates that lack a practicable alternative for waste disposal or experience significant disruption of surface transportation. Certain large facilities receiving waste from flood disaster areas also are allowed an extension of the compliance date if the State determines that they are needed to dispose of flood debris. The requirements of the STIR, if promulgated, will ensure that any mixture of State/Tribal and Federal rules that take effect will be fully workable and leave no significant gaps in environmental protection. These practical concerns apply to individual partial approvals granted prior to the promulgation of the STIR. Consequently, EPA reviewed the program approved today and concluded that the State/Tribal and Federal requirements mesh reasonably well and do not leave significant gaps. Partial approval would allow the Agency to approve those provisions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the flexibility allowed under the Federal criteria for approved states for those portions of the State's program that have been approved.

EPA will review State/Tribal requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a

permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program. EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submissions of a schedule mandatory in the STIR.

As a State's/Tribe's regulations and statutes are amended to comply with the Federal MSWLF landfill regulations, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The State/Tribe may submit an amended application to EPA for review and an adequacy determination will be made using the same criteria as for the initial application. This adequacy determination will become effective sixty (60) days following publication if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another **Federal Register** notice will be published either affirming or reversing the initial decision while responding to the public comments.

B. State of Alabama

On July 9, 1993, the State of Alabama submitted a final application for partial program adequacy determination for their MSWLF permit program. On December 17, 1993, EPA published a tentative determination of adequacy for all portions of Alabama's program except for the Financial Assurance Criteria set forth in Subpart G. Further background on the tentative determination of adequacy appears at 58 FR 65982, (December 17, 1993).

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. Region IV of EPA held a public hearing on February 10, 1994, at 7 p.m. in Montgomery, Alabama.

The State of Alabama has the authority to issue permits that incorporate all the requirements of the Revised Federal MSWLF Criteria, except Financial Assurance, to all MSWLFs in the State, with the exception of those located on Tribal Lands.

The EPA has determined that the State of Alabama's statutes and administrative regulations provide for a state-wide comprehensive program of solid waste management including specific provisions for public participation, compliance monitoring and enforcement.

The State of Alabama requested approval for all portions of the Federal criteria except Subpart G–Financial Assurance Criteria. The Alabama Department of Environmental Management does not currently have statutory authority to develop and enforce financial assurance regulations for MSWLFs. The schedule that Alabama submitted indicates that the necessary changes to the laws, regulations, and guidance to comply with the remaining part 258 requirements will be completed by January, 1995.

C. Public Comment

One written comment was submitted during the public comment period. The commenter supported the tentative decision to partially approve Alabama's MSWLF permit program. There were no written or oral comments submitted during the public hearing.

D. Decision

After reviewing the public comments submitted in response to the tentative decision, I conclude that Alabama's application for partial program adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Alabama is granted a partial program determination of adequacy for all portions of its MSWLF permit program except Subpart G–Financial Assurance Requirements.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

This action takes effect on the date of publication. EPA believes it has good cause under section 553(d) of the Administrative Procedure Act, 5 U.S.C 553(d), to put this action into effect less than 30 days after publication in the **Federal Register**. All of the requirements and obligations in the State's program are already in effect as a matter of State law. EPA's action today does not impose any new requirements that the regulated community must begin to comply with. Nor do these requirements become enforceable by EPA as Federal law. Consequently, EPA finds that it does not need to give notice prior to making its approval effective.

Compliance with Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This action, therefore, does not require a regulatory flexibility analysis.

Authority: This notice of final partial program adequacy determination of Alabama's municipal solid waste permit program is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: February 18, 1994.

John H. Hankinson, Jr.,

Regional Administrator.

[FR Doc. 94–4757 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4843–6]

State of Florida; Adequacy Determination of State/Tribal Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on Florida application for full program adequacy determination, public hearing and public comment period.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit

programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

Florida has applied for a determination of adequacy under section 4005 of RCRA. EPA Region IV has reviewed Florida's MSWLF application and has made a tentative determination that Florida's MSWLF permit program meets the requirements for full program approval and ensures compliance with the revised MSWLF Criteria (40 CFR part 258).

Florida's application for program adequacy determination is available from EPA Region IV and the State for public review and comment. Although, RCRA does not require EPA to hold a public hearing on a determination to approve a State's/Tribe's MSWLF program, Region IV has scheduled a public hearing on this determination. The date, location and time of the hearing is discussed below in the **DATES** section. Anyone requiring additional information regarding the hearing, may call the person listed in the **CONTACTS** section below.

DATES: All comments on Florida's application for a determination of adequacy must be received at the EPA Region IV Office of Solid Waste by close of business, Monday, April 25, 1994. Comments may also be submitted at the public hearing which will be held on Monday, April 25, 1994, at the Florida Department of Environmental Protection—Margarie Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 30399–3000, beginning at 6:30 p.m. The State will participate in the hearing which is being held by EPA. Please contact one of the individuals listed as a contact below at least 72 hours before the hearing if special accommodations are required.

ADDRESSES: Copies of Florida's application for adequacy determination are available between the hours of 8 a.m. and 5 p.m., Monday through Friday, at the following addresses for inspection and copying: Florida Department of Environmental Protection, Solid Waste Section, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400, Attn: Ms. Mary Jean Yon, telephone (904) 488–0300; and U.S EPA Region IV Library, 345 Courtland Street, NE., Atlanta, Georgia 30365, Attn: Ms. Priscilla Pride, telephone (404) 347–4216. Written comments should be submitted to Ms. Patricia S. Zweig, mail code 4WD–OSW, EPA Region IV, Office of Solid Waste, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, Attn: Ms. Patricia S. Zweig, mail code 4WD–OSW, telephone (404) 347–2091.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

As provided in the October 9, 1991 municipal solid waste landfill rule, EPA's national Subtitle D standards took effect on October 9, 1993. Consequently, any remaining portions of the Federal criteria that are not included in an approved State/Tribal program apply directly to the owner/operator without any approved State/Tribal flexibility. On October 1, 1993, EPA published the Final Rule to extend the effective date of the landfill criteria for certain classifications of landfills (58 FR 51536). On October 14, 1993, EPA published corrections to the Final Rule to extend the effective date (58 FR 53137).

EPA intends to approve State/Tribal MSWLF permit programs prior to the promulgation of STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of an MSWLF program before it gives full approval to an MSWLF program.

B. State of Florida

On July 20, 1993, Florida submitted a final application to EPA Region IV for adequacy determination. Region IV reviewed the final application and submitted substantive comments to Florida. Florida addressed EPA's comments and submitted an extensively revised final application in September 1993. Region IV has completed technical review of Florida's revisions and has tentatively determined that, as

revised, all portions of Florida's Subtitle D MSW landfill permit program meet the requirements necessary to qualify for full program approval and ensure compliance with the revised Federal Criteria.

The public may submit written comments on EPA's tentative determination until close of the public hearing to the person listed in the "Contacts" section of this notice. Copies of Florida's application are available for inspection and copying at the location(s) indicated in the "Addresses" section of this notice. Comments may also be submitted during the scheduled public hearing, as transcribed from the discussion of the hearing or in writing at the time of the hearing.

Florida's revised application includes new regulations which the State developed to be technically comparable to the requirements of the federal criteria. Florida's revised regulations became effective on January 2, 1994, and have been deemed technically comparable to the federal criteria.

Although regulatory language and structure in certain of Florida's regulations may not reflect the exact language and structure in the corresponding EPA requirements, EPA has determined that Florida will ensure compliance with 40 CFR part 258. The following paragraphs detail the major issues for which Florida was required to demonstrate technical comparability.

1. Daily Cover—40 CFR 258.21 requires that six (6) inches of earthen material be placed over the working face of MSWLFs at the end of each working day to control blowing litter, scavenging, etc. Directors of EPA-approved states have the flexibility to allow daily covers made of alternative materials and thicknesses. Florida's regulations previously provided MSWLFs owner/operators an exemption from daily cover if the period between cessation of operation on one day and start of operation the next was 18 hours or less. Florida revised their regulatory language to eliminate this exemption and require daily cover. Florida also added language to allow a reusable tarpaulin (to be rolled out over the working face at the end of one day and taken up at the beginning of the next) as an acceptable alternative to a soil daily cover.

2. Liner Design—40 CFR 258.40 requires that new landfills and lateral expansions to existing landfills be constructed with a specific composite liner and leachate collection system or an alternative which ensures that drinking-water-based maximum concentration limits (MCLs) are not exceeded in the uppermost groundwater aquifer at a predetermined point of compliance (POC). The POC must be on the landfill owner/operator's property and within 150 meters (approximately 500 feet) of the landfill unit boundary.

EPA Headquarters has interpreted the federal criteria to also afford states the opportunity to present alternative liner designs to regional offices for review. If a state demonstrates, via mathematical modelling, that the proposed alternative(s) meet the minimum federal performance standard based on "worst-case" conditions (considering hydrology, geology, climate, groundwater flow, etc.), then the EPA regional office can approve the alternative(s) to be used as state standard(s) in lieu of the federal standard composite liner system.

Florida's regulations allow several alternative composite liner designs and a double synthetic liner design with primary and secondary leachate collection systems. Florida has presented information, including analysis data from the MultiMed mathematical modeling program, to adequately demonstrate that each of their liners meets the federal performance standards. Additionally, Florida determines the need for corrective action due to contaminant releases from the landfill into the subsurface based on analysis of groundwater sampled at distances within 100 feet of the landfill unit boundary (as compared to the federal range of 0 to 150 meters (or approximately 500 feet) from the unit boundary). Further, in addition to sampling and analyzing groundwater, Florida performs annual analysis of leachate collected from the landfill, to determine which constituents might be expected to be found in groundwater in the event that a release does occur.

3. Groundwater Monitoring and Corrective Action—40 CFR 258.54 requires detection monitoring for sixty-two (62) constituents. Florida's original detection monitoring program required analysis of fewer and several different constituents than the federal. Florida has revised their regulatory language to include analysis of all constituents listed in 40 CFR part 258.54 in addition to their original parameters.

4. Final Closure Cover—40 CFR 258.60 requires that a MSWLF final closure cover include a composite cap which consists of a minimum 6 inch earthen erosion/vegetative layer and an infiltration layer of at least 18 inches of soil compacted to a permeability of 1×10^{-5} cm/sec or the permeability of the bottom liner system, whichever is less. EPA Headquarters has interpreted this description to imply that MSW landfills with a synthetic in their liner system must be closed with a cap that includes a synthetic in the infiltration layer. Directors of EPA-approved states have the flexibility to allow infiltration layers of alternative materials and/or thicknesses.

Florida's original regulations did not require a synthetic in the final closure cover of a synthetically lined MSW landfill. Florida has revised their regulatory language to require that final closure covers on MSW landfills include "a barrier layer which is substantially equivalent to, or less than, the permeability of the bottom liner system." Florida also specifically requires that, "If the landfill uses a geomembrane in the bottom liner system, the barrier layer shall also incorporate a geomembrane."

5. Financial Assurance for Corrective Action—40 CFR 258.73 requires that landfill owner/operators required to undertake corrective action procedures, have financial assurance based on a written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action. Florida's original program did not address this issue. Florida has revised their regulatory language to require an acceptable mechanism by which owner/operators must provide financial assurance in the event that corrective action activities are necessary at their facility.

EPA Region IV will consider all public comments on its tentative determination which are received by close of the scheduled public hearing. Issues raised by those comments may be the basis for a determination of inadequacy for Florida's program. EPA Region IV will make a final decision on whether or not to approve Florida's program after all comments are received and reviewed, and will give notice of that decision in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments received by the end of the scheduled public hearing.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Compliance With Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: February 18, 1994.

John H. Hankinson, Jr.,

Regional Administrator.

[FR Doc. 94–4759 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4843–8]

Meeting; Clean Air Act Advisory

ACTION: Clean Air Act Advisory Committee Notice of Meeting.

SUMMARY: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990 to provide independent advice and counsel to EPA on policy issues associated with the implementation of the Clean Air Act of 1990. The charter for the CAAAC was reissued and the Committee was authorized to be extended until November 19, 1994 under regulations established by the Federal Advisory Committee Act (FACA).

On August 4, 1993 EPA requested nominations for new members to the committee. In February 1994 all new and reappointed members of the Clean Air Act Advisory Committee were contacted and informed of their selection. The membership of the Committee represents a balance of interested persons with diverse perspectives and professional qualifications and experience to contribute to the functions of the Advisory Committee. Members were drawn from: business and industry; academic institutions; state and local governmental bodies; environmental and nongovernmental organizations; unions and service groups.

Fifty-two individuals were selected to participate as members of the CAAAC. The Advisory Committee will be authorized to form subcommittees to consider specific issues or actions and report back to the Committee.

Open Meeting Notice: Notice is hereby given that the reauthorized Clean Air Act Advisory Committee will hold its initial open meeting on March 29, 1994 from 10 a.m. to 3:30 p.m., at the Washington Renaissance Hotel, 999 9th Street, NW. in Washington, DC. Seating will be available on a first come, first served basis.

The CAAAC was established to advise EPA on the development, implementation, and enforcement of the new and expanded regulatory and market-based programs required by the Clean Air Act of 1990. At this initial meeting, the Committee will highlight implementation priorities for the next year; consider potential sub-committee formation, and; receive a report from the existing New Source Review Sub-committee.

Inspection of Committee Documents: Documents relating to the above noted topics will be publicly available at the meeting. Thereafter, these documents, together with the CAAAC meeting minutes will be available for public inspection in EPA Air Docket Number A–90–39 in Room 1500 of EPA Headquarters, 401 M Street, SW., Washington, DC.

For further information concerning this meeting of the CAAAC please contact Karen Smith, Office of Air and Radiation, US EPA (202) 260–6379, FAX (202) 260–5155, or by mail at US EPA, Office of Air and Radiation (Mail Code 6101), Washington, DC 20460.

Dated: February 24, 1994.

Ann E. Goode,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 94–4758 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4844–1]

Notice of Schedule of Meetings of the Pine Street Canal Superfund Site Coordinating Council

In accordance with the objectives of section 117 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9617, the United States Environmental Protection Agency (EPA) has established a community working group known as the Coordinating Council at the Pine Street Canal Superfund Site, in Burlington, Vermont. The Coordinating Council is comprised of representatives from EPA, the Vermont Department of Environmental Conservation, the United States Fish and Wildlife Service, the Lake Champlain Committee, the City of Burlington, Vermont, entities which have been identified as potentially responsible parties under section 107 of CERCLA, and citizen representatives.

The Coordinating Council is currently developing a scope of work for further remedial investigation/feasibility studies for the Pine Street Canal Superfund Site. This notice provides the public with notice of the meetings of the Coordinating Council. The meetings of the Coordinating Council are held at locations in Burlington, Vermont, and are open to the public.

Meetings of the Coordinating Council have been scheduled for the following dates:

February 27, 1994—5:30 p.m.–9 p.m.
March 2, 1994—5:30 p.m.–9 p.m.
March 3, 1994—5:30 p.m.–9 p.m.
March 31, 1994—5:30 p.m.–9 p.m.
April 21, 1994—5:30 p.m.–9 p.m.
May 18, 1994—5:30 p.m.–9 p.m.
May 19, 1994—5:30 p.m.–9 p.m.
June 8, 1994—5:30 p.m.–9 p.m.
June 9, 1994—5:30 p.m.–9 p.m.
June 28, 1994—5:30 p.m.–9 p.m.
June 29, 1994—5:30 p.m.–9 p.m.
July 13, 1994—5:30 p.m.–9 p.m.
July 14, 1994—5:30 p.m.–9 p.m.

Persons wishing further information concerning the locations of meetings of the Coordinating Council, updates concerning the scheduling of meetings of the Coordinating Council, and meeting summary reports, should contact Ross Gilleland, Remedial Project Manager, EPA Region I, JFK Federal Building (Mail Code HPS–CAN1), Boston, MA 02203, telephone (617) 573–5766, or Sheila Eckman, Remedial Project Manager, EPA Region I, JFK Federal Building (Mail Code HPS–CAN1), Boston, MA 02203, telephone (617) 573–5874.

Dated: February 18, 1994.

Harley Laing,

Acting Regional Administrator.

[FR Doc. 94–4756 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4844–2]

Revised Hours of Operation for Public Access to the Headquarters Library and INFOTERRA

AGENCY: U.S. Environmental Protection Agency.

SUMMARY: Notice is hereby given that beginning December 15, 1993, the Headquarters Library and INFOTERRA will be open to the public from 10:00 a.m. to 2:00 p.m., Monday through Friday (excluding Federal holidays). This constitutes a reduction in hours of operation.

FOR FURTHER INFORMATION CONTACT: Jonda Byrd, National Library Network Program Manager at (513) 569–7183 or Emma McNamara, INFOTERRA Manager at (202) 260–1522.

Dated: December 22, 1993.

Linda D. Garrison,

Acting Chief, Information Access Branch.

[FR Doc. 94–4760 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180921; FRL 4761–6]

Receipt of Application for Emergency Exemption to use Bifenthrin; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the California Environmental Protection Agency (hereafter referred to as the "Applicant") to use the pesticide bifenthrin [CAS 82657–04–3 *cis isomer* and CAS 83322–02–5 *trans isomer*] to treat up to 200,000 acres of cucurbits (cucumbers, melons, pumpkins, and squash) to control the sweet potato whitefly. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before March 17, 1994.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP–180921," should be submitted by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Andrea Beard, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8791.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of bifenthrin on cucurbits to control the sweet potato whitefly. Information in accordance with 40 CFR part 166 was submitted as part of this request.

The sweet potato whitefly (SPWF) is a relatively new pest on cucurbits. The SPWF has caused severe economic damage to several other commodities nationwide including cotton, lettuce, squash, beans, peanuts, and ornamentals. SPWF causes damage through feeding activities, and also indirectly through the production of a honeydew, which encourages growth of sooty mold and other fungi. The Applicant claims that adequate control of the SPWF is not being achieved with the currently registered compounds. The Applicant claims that significant economic losses are expected in California cucurbit production if the SPWF is not adequately controlled, and is therefore requesting this use of bifenthrin.

The Applicant proposes to apply bifenthrin at a maximum rate of 0.1 lb. active ingredient (a.i.) (6.4 oz. of product) per acre with up to three applications allowed, and a maximum of 0.3 lb. a.i. per acre per season, on a total of 200,000 acres of cucurbits. It is possible to produce two cucurbit crops per calendar year on a given acre, and therefore, the acreage could potentially receive 6 applications, (maximum of 0.6 lb. a.i. per acre) per calendar year. Therefore, use under this exemption could potentially amount to a maximum total of 120,000 lbs. of active ingredient. This notice does not constitute a decision by EPA on the application itself. This is the third time that the Applicant has applied for the use of bifenthrin on cucurbits, and the fourth year that this use has been requested under section 18. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a pesticide if an emergency exemption has been requested or granted for that use in any 3 previous years, and a complete application for registration of that use and/or a petition for tolerance for residues in or on the commodity has not been submitted to the Agency [40 CFR 166.24(a)(6)].

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Environmental Protection Agency.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: February 17, 1994.

Stephen L. Johnson,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94–4537 Filed 3–1–94; 8:45 am]

BILLING CODE 6560–50–F

[PF–592; FRL–4760–1]

Rohm & Haas, Agricultural Chemicals; Filing of Food Additive Petition and Amendments to Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from Rohm & Haas, Agricultural Chemicals, a filing of a food additive petition and two amendments to previously submitted pesticide petitions for various agricultural commodities.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with

procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1128 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Product Manager (PM-22), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 229, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-305-5540.

SUPPLEMENTARY INFORMATION: This notice announces that EPA has received from Rohm & Haas, Agricultural Chemicals, Independence Mall West, Philadelphia, PA 19105, an initial filing of a food additive petition (FAP) and two amendments to previously submitted pesticide petitions (PP) as follows.

Initial Filing

1. *FAP 4H5689.* Proposes to amend 40 CFR part 185 to establish a tolerance of 7.0 parts per million in or on dried prunes for the fungicide fenbuconazole [alpha-[2-(4-chlorophenyl)-ethyl]-alpha-phenyl-1*H*-1,2,4-triazole-1-propanenitrile], and its metabolites *cis*-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-(3*H*)-furanone], and *trans*-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-(3*H*)-furanone].

Amended Filings

2. *PP 1F3989.* EPA issued a notice in the **Federal Register** of December 13, 1991 (56 FR 65080), that Rohm & Haas had filed the petition proposing to amend 40 CFR part 180 by establishing a regulation to permit residues of fenbuconazole [alpha-(2-[4-chlorophenyl]-ethyl)-alpha-phenyl-3-(1*H*-1,2,4-triazole)-1-propanenitrile] in or on stone fruit crop group and dried prunes at 2.0 parts per million (ppm). Rohm & Haas has amended the petition to propose amending 40 CFR part 180 to establish a tolerance of 2.0 ppm in or on stone fruit crop group for fenbuconazole [alpha-[2-(4-chlorophenyl)-ethyl]-alpha-phenyl-1*H*-1,2,4-triazole-1-propanenitrile], and its metabolites *cis*-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-(3*H*)-furanone], and *trans*-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-(3*H*)-furanone].

3. *PP 1F3995.* EPA issued a notice in the **Federal Register** of December 13, 1991 (56 FR 65081), that Rohm & Haas had filed the petition proposing to amend 40 CFR part 180 by establishing a regulation to permit residues of fenbuconazole [alpha-(2-[4-chlorophenyl]-ethyl)-alpha-phenyl-3-(1*H*-1,2,4-triazole)-1-propanenitrile] in or on pecans at 0.1 ppm. Rohm & Haas has amended the petition to propose amending 40 CFR part 180 to establish a tolerance of for pecans at 0.1 ppm for fenbuconazole [alpha-[2-(4-chlorophenyl)-ethyl]-alpha-phenyl-1*H*-1,2,4-triazole-1-propanenitrile], and its metabolites *cis*-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-(3*H*)-furanone], *trans*-5-(4-chlorophenyl)-dihydro-3-phenyl-3-(1*H*-1,2,4-triazole-1-ylmethyl)-2-(3*H*)-furanone], and [alpha-[2-(4-chlorophenyl)-2-oxoethyl]-alpha-phenyl-1*H*-1,2,4-triazole-1-propanenitrile].

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Authority: 21 U.S.C. 346a and 348.

Dated: February 18, 1994.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94-4646 Filed 3-1-94; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

February 24, 1994.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-0276. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-3561.

OMB Number: 3060-0035.

Title: Application for Renewal of Auxiliary Broadcast License (Short Form).

Form Number: FCC Form 313-R.

Action: Revision of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Other: Once every 7 years for radio; once every 5 years for television.

Estimated Annual Burden: 50 responses; .50 hours average burden per response; 25 hours total annual burden.

Needs and Uses: FCC Form 313-R is used by licensees of remote pickup, television auxiliary, aural studio link and relay stations that are not broadcast licensees (e.g., cable operators, network entities, international broadcast services, motion picture producers and television producers) to renew their auxiliary broadcast license. An application for renewal of license (FCC Form 313-R) shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed. If the prescribed deadline falls on a non-business day, the cutoff shall be the close of business of the first full business day thereafter. On 9/18/92, the Commission adopted a Memorandum Opinion and Order which eliminated the requirement that broadcast applicant(s) report pending litigation. The portion of the question dealing with pending litigation has been eliminated. The data is used by FCC staff to ensure that the station is operating as authorized.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94-4698 Filed 3-1-94; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1980, Public Law 96-511. For further information contact Shoko B. Hair, Federal Communications Commmission, (202) 632-6934.

Federal Communications Commission

OMB Control No.: 3060-0590.

Title: In the Matter of Transport Rate Structure and Pricing, CC Docket No. 91–213, Second Report and Order, released January 31, 1994.

Expiration Date: 04/30/94.

Estimated Annual Burden: 110 total hours; 2 hours per response.

Description: In the Second Report and Order in CC Docket No. 91–213 (released 1/31/94), the Commission modified certain features of the price cap regulatory system applicable to local exchange carriers (LECs) to accommodate the recent restructure of the LECs local transport rates. Transport services, including all the transmission-related elements, the tandem switching charge, and the interconnection charge, were moved out of the price cap basket for traffic sensitive services and placed into a combined "trunking" basket containing transport and special access services. The Commission realigned the service categories and subcategories within the trunking basket to reflect the similarities between certain special access and flat-rated transport services, and to accommodate the new density zone pricing system that were adopted for both special access and transport. The pricing bands applicable to the service categories and subcategories were also adapted. All LECs subject to the price cap rules are required to file a supplemental tariff review plan to recalculate their price cap indexes pursuant to the decision in the Order. The recalculated indexes should be used as the basis of any price cap filing that changes rates of services in the trucking or traffic sensitive baskets subsequent to the effective date of the initial restructured transport tariffs. Subsequent tariff filings must be made pursuant to the modified rules. The information will be used to aid in the review of the LECs transport service restructure by the Commission and interested parties.

OMB Control No.: 3060–0484.

Title: Amendment of part 63 of the Commission's Rules to Provide for the Notification of Common Carriers of Service Disruptions—R&O, § 63.100.

Expiration Date: 06/30/96.

Estimated Annual Burden: 239 total hours; 2.3 hours per response.

Description: In the Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, in CC Docket No. 91–273, released December 1, 1993, the Commission amended 47 CFR 63.100 to include competitive access providers among those required to report outages lasting 30 or more minutes and potentially affecting 50,000 or more of their customers. This action is necessary to ensure the Commission's ability to monitor outages and determine what steps may be necessary to ensure network reliability. The amendment will provide the Commission with the additional information it needs to perform this task. OMB approval also includes the Commission's proposal to amend § 63.100 to require that local exchange and interexchange common carriers that operate either transmission or switching facilities report outages affecting 30,000 or more customers or special facilities.

OMB Control No.: 3060–0583.

Title: Amendment of part 32 and 64 of the Commission's rules to Account for Transactions Between Carriers and Their Nonregulated Affiliates—CC Docket No. 93–251 (Proposed Rules).

Expiration Date: 10/31/96.

Estimated Annual Burden: 320,020 total hours; 4980 total hours per response.

Description: OMB approved the proposed requirements contained in the Commission's notice of proposed rulemaking (notice) in CC Docket No. 93–453, released October 20, 1993. The notice sought comments to amend the Commission's affiliate transaction rules and on the specific procedures telephone companies would use in implementing the proposed rules. The FCC proposed these measures to enhance its ability to keep telephone companies from imposing the costs of nonregulated activities on interstate ratepayers, and to keep ratepayers from being harmed by the telephone companies imprudence. The Notice proposed new and modified information requirements to help ensure that carriers adhere to the proposed affiliate transactions rule amendments.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–4699 Filed 3–1–94; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/state	File No.	MM docket No.
A. Victory Christian Center, Inc.	Harrisburg, NC	BPH–920326MA	93–302
B. InterMart Broadcasting of North Carolina, Inc.	Harrisburg, NC	BPH–920326MB	.....
C. Todd P. Robinson	Harrisburg, NC	BPH–920327MI	.....
D. Saturday Communications Limited Partnership	Harrisburg, NC	BPH–920327ML	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. Air Hazard	A & C
2. Environmental	B, C & D
3. Comparative	A, B, C & D
4. Ultimate	A, B, C & D

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this notice. A copy of the complete HDO in this proceeding 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 may also be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street, NW., suite 140,

Washington, DC 20037 (telephone (202)–857–3800).

Linda B. Blair,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 94–4700 Filed 3–1–94; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Harleysville National Corporation, 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 March 25, 1994.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Harleysville National Corporation, Harleyville, Pennsylvania; to acquire 100 percent of the voting shares of Security National Bank, Pottstown, Pennsylvania.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Union National Bancorp, Inc., Westminster, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of The Union National Bank of Westminster, Westminster, Maryland.

2. Hinton Financial Corporation, Hinton, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Hinton, Hinton, West Virginia.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Allendale Bancorp, Inc., Allendale, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Allendale, Allendale, Illinois.

2. Community Charter Corporation, St. Louis, Missouri; to become a bank holding company by acquiring at least 89.4 percent of the voting shares of Missouri State Bank and Trust Company, St. Louis, Missouri.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Citizens Bank Group, Inc., Minnepolis, Minnesota; to merge with Mapleton Bancshares, Inc., Mapleton, Minnesota, and thereby indirectly acquire The First National Bank of Mapleton, Mapleton, Minnesota.

2. Tysan Corportion, Minneapolis, Minnesota; to merge with Royalton Bancshares, Inc., Royalton, Minnesota, and thereby indirectly acquire Royalton State Bank, Royalton, Minnesota.

E. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Peak Banks of Colorado, Inc., Nederland, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Peak National Bank, Nederland, Colorado

Board of Governors of the Federal Reserve System, February 24, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-4776 Filed 3-1-94; 8:45 am]

BILLING CODE 6210-01-F

Lake Park Bancshares, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 22, 1994.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Lake Park Bancshares, Inc., Lake Park, Minnesota; to engage *de novo* in making loans for its own account pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 24, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-4777 Filed 3-1-94; 8:45 am]

BILLING CODE 6210-01-F

Sumitomo Trust & Banking Co., Ltd., 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 March 25, 1994.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Sumitomo Trust & Banking Co., Ltd., Osaka, Japan; to acquire Boullioun Aviation Services, Inc., Bellevue, Washington, and thereby engage in leasing personal property and acting as agent, broker or advisor in leasing such property pursuant to § 225.25(b)(5)(i); leasing tangible personal property and acting as agent, broker or advisor in leasing such property, in which the lessor relies on an estimated residential value of the property in excess of 25 percent pursuant to § 225.25(b)(5)(ii); making, acquiring or servicing commercial loans and other extensions of credit for its account or that of others and acting as agent, broker or advisor with respect to such credit financing transactions, pursuant to § 225.25(b)(1); acting as an investment or financial advisor to the extent of (i) providing portfolio investment advice regarding investments in aircraft leases and other financing of aircraft and related equipment; (ii) furnishing general economic statistical forecasting services and industry studies regarding the aircraft and air transportation industry; and (iii) providing advice, including rendering fairness opinions and providing valuation services, in connection with financing transactions or aircraft and related equipment (including private and public financing and loan syndications) and conducting financial feasibility studies pursuant to § 225.25(b)(4) of the Board's Regulation Y.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. United Bancorp of Kentucky, Inc., Lexington, Kentucky; to acquire Computer Bank Services, Inc., Lexington, Kentucky, and thereby engage in providing to commercial banks and others data processing and data transmission services, facilities (including data processing and data transmission hardware and software) for the processing of financial, banking, and economic data pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 24, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-4778 Filed 3-1-94; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Meeting of the U.S. Advisory Board on Child Abuse and Neglect

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice of meeting.

SUMMARY: The U.S. Advisory Board on Child Abuse and Neglect will hold a meeting at the Department of Health and Human Services, Room 800 Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20301, from 9 a.m., March 15, 1994, through 3 p.m., March 17, 1994.

This meeting is open to the public. If a sign language interpreter is needed, you may contact David Siegel at (202) 401–9215.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Gosdeck, Special Projects Specialist, U.S. Advisory Board on Child Abuse and Neglect, room 303–D, Humphrey Building Washington, DC 20201, (202) 690–8604.

SUPPLEMENTARY INFORMATION: During this meeting, the Advisory Board will: discuss the process for developing the fatalities report and its content; and the future directions of the Board. Nine new members of the Board will be sworn-in by the Secretary of Health and Human Services at a ceremony on March 15 at 4 p.m.

Dated: February 21, 1994.

Preston Bruce,

Acting Executive Director, U.S. Advisory Board on Child Abuse and Neglect.

[FR Doc. 94–4718 Filed 3–1–94; 8:45 am]

BILLING CODE 4184–01–P

Centers for Disease Control and Prevention

CDC-Funded Childhood Blood Lead Surveillance Cooperative Agreement Recipients

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Meeting of CDC-Funded Childhood Blood Lead Surveillance Cooperative Agreement Recipients.

Times and Dates: 8:30 a.m.–4:30 p.m., April 7, 1994; 8:30 a.m.–4:30 p.m., April 8, 1994.

Place: Sheraton Century Center Hotel, 2000 Century Boulevard NE., Atlanta, Georgia 30345–3377.

Status: Open to the public, limited only by space available.

Purpose: This meeting will provide a forum for the recipients of CDC Cooperative Agreement funds to review program progress and discuss surveillance issues and concerns.

Matters to be Discussed: Topics to be discussed at this meeting include case definitions and data fields for the National Childhood Blood Lead Surveillance System. There will be a demonstration of surveillance data transfer using the PC WONDER system.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Nancy Tips, Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects (F42), NCEH, CDC, 4770 Buford Highway NE., Chamblee, Georgia 30341–3724, telephone 404/488–7330.

Written comments are welcome and should be received by the contact person no later than April 1, 1994. Persons wishing to make oral comments at the meeting should notify the contact person in writing or by telephone no later than close of business April 1, 1994. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit the time of each presenter.

Dated: February 24, 1994.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–4682 Filed 3–1–94; 8:45 am]

BILLING CODE 4163–18–M

Savannah River Site Environmental Dose Reconstruction Project; Public Meetings

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meetings.

Date: Wednesday, March 16, 1994, Wednesday, March 30, 1994.

Time: 1 p.m.–7 p.m., 1 p.m.–7 p.m.

Place: City of Aiken Conference Center, 215 "The Alley," Aiken, South Carolina 29801; Savannah Coastal Georgia Conference Center, 305 Martin Luther King, Jr., Boulevard, Savannah, Georgia 31401.

Date: Tuesday, April 12, 1994.

Time: 1 p.m.–7 p.m.,

Place: Ramada Hotel, 8105 Two Notch Road, Columbia, South Carolina 29223.

Status: Open to the public for observation and comment, limited only by space available. The meeting room will accommodate approximately 100 people.

Purpose: Under a Memorandum of Understanding (MOU) signed in December 1990 with the Department of Energy (DOE), the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS delegated program responsibility to CDC.

In addition, an MOU was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Community involvement is a critical part of the HHS energy-related research and activities. With an environmental dose reconstruction for DOE's Savannah River Site near Augusta, Georgia, as well as a worker study at the same site, the availability of a formal site-specific advisory committee composed of South Carolina and Georgia citizens to provide consensus advice regarding these projects is necessary. CDC and ATSDR are currently taking steps to obtain authorization for a "Citizen' Advisory Committee on Public Health Service Activities and Research at Department of Energy Sites" to be chartered under the Federal Advisory Committee Act.

The draft charter for this proposed committee states, "Because of the varying concerns within communities at each DOE site, operational guidelines at each site must be developed separately to clarify the scope of activities and the responsibilities of the Committee members and agencies." Therefore, CDC and ATSDR are holding a series of public meetings to begin developing operational guidelines at specific DOE sites. The purpose of these public meetings is to update the public on the status of CDC's and ATSDR's community involvement plans and to seek individual advice and recommendations from interested parties concerning operational guidelines. A copy of the proposed "Citizens' Advisory Committee on Public Health Service Activities and Research at DOE Sites" draft charter is available upon request from the contact person listed below.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Paul Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE., (F–35), Atlanta, Georgia 30341–3724, telephone 404/488–7040, FAX 404/488–7044.

Dated: February 24, 1994.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–4685 Filed 3–1–94; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 94N–0044]

Riker Laboratories, Inc., et al.; Withdrawal of Approval of 91 New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 91 new drug applications (NDA's). The holders of the NDA's notified the agency in writing that the drug products were no longer being marketed under the NDA's and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: April 1, 1994.

FOR FURTHER INFORMATION CONTACT: Nancy Maizel, Center for Drug Evaluation and Research (HFD–53), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4320.

SUPPLEMENTARY INFORMATION: The holders of the NDA's listed in the table below have informed FDA that these drug products are no longer being marketed under the NDA's and have requested that FDA withdraw approval of the applications. The applicants have also, by request, waived their opportunity for a hearing.

NDA No.	Drug	Applicant
0–607	Ophthalmic Isophrin Solution	Riker Laboratories, Inc., 3M Pharmaceuticals, 270–3A 3M Center, St. Paul, MN 55144.
2–139	Menadione and Proklo Tablets	Lilly Research Laboratories, Division of Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285.
3–895	Heparin Sodium Injection	Lederle Laboratories, Division of American Cyanamid Co., Pearl River, NY 10965.
4–203	Zylate Solution and Emulsion	The Upjohn Co., U.S. Pharmaceutical Regulatory Affairs, 7000 Portage Rd., Kalamazoo, MI 49001–0199.
5–725	Kappadione Injection	Lilly Research Laboratories.
5–969	Racemic Desoxyephedrine HCl Tablets	High Chemical Co., 1760 North Howard St., Philadelphia, PA 19122.
6–087	Topocide Lotion	Lilly Research Laboratories.
6–303	Thephorin Tablets, Lotion and Ointment	Hoffmann-La Roche Inc., 340 Kingsland St., Nutley, NJ 07110–1199.
6–317	Neotrizine Tablets and Suspension, Co-Diazine Suspension, Sulfonamides Duplex Suspension, and Sulfonamides Duplex Savoret Tablets	Lilly Research Laboratories.

NDA No.	Drug	Applicant
6-441	Camoquin HCl Tablets	Parke-Davis Pharmaceutical Research, Division of Warner-Lambert Co., 2800 Plymouth Rd., Ann Arbor, MI 48105.
6-798	Berubigen Injection	The Upjohn Co.
6-946	Aminosalicylic Acid and Sodium Aminosalicylate Powders	Merck Research Laboratories, Merck & Co. Inc., West Point, PA 19486.
7-037	Berubigen Capsules	The Upjohn Co.
7-245	Aerolone Solution	Lilly Research Laboratories.
7-384	Cologel Liquid	Do.
7-448	Aminosalicylic Acid Tablets	Do.
8-059	Thiomerin and Thiomerin Sodium Injections	Wyeth-Ayerst Laboratories Inc., P.O. Box 8299, Philadelphia, PA 19101.
8-301	Sunstick Ointment	S.C. Johnson Wax, S.C. Johnson & Son Inc., 1525 Howe St., Racine, WI 53403-5011.
8-576	Teebaconin Tablets	Palisades Pharmaceuticals Inc., 219 County Rd., Tenafly, NJ 07670.
8-814	Unitensen Injection	Wallace Laboratories, Division of Carter-Wallace Inc., 301B College Rd. East, Princeton, NJ 08540.
8-869	Dicurin Procaine Injection	Lilly Research Laboratories.
8-915	Clistin Tablets	R.W. Johnson Pharmaceutical Research Institute, Welsh and McKean Rds., Spring House, PA 19477-0776.
8-973	Primaquine Tablets	Parke-Davis Pharmaceutical Research.
8-993	Marezine Tablets	Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709.
9-217	Unitensen Tablets	Wallace Laboratories.
9-276	Rauwolfia Serpentina and Hiwolfia Tablets	JMI-Canton Pharmaceuticals, Inc., 119 Schroyer Ave. SW., Canton, OH 44702.
9-312	Romilar Syrup	Hoffmann-La Roche Inc.
9-344	Histalog Injection	Lilly Research Laboratories.
9-631	Reserpine and Hiserpia Tablets	JMI-Canton Pharmaceuticals, Inc.
9-645	Reserpine and Serpivite Tablets	Vitarine Pharmaceuticals Inc., 227-15 North Conduit Ave., Springfield Gardens, NY 11413.
9-789	Mylaxen Injection	Wallace Laboratories.
9-980	Camoprim Tablets	Parke-Davis Pharmaceutical Research.
10-289	Betadine Ointment	The Purdue Frederick Co., 100 Connecticut Ave., Norwalk, CT 06850-3590.
10-290	Betadine Mouthwash	Do.
10-573	Sodium Versenate Injection	Riker Laboratories, Inc.
10-586	Doxan Tablets	Hoechst-Roussel Pharmaceuticals Inc., Route 202-206 North, Somerville, NJ 08876.
10-895	Norlutin Tablets	Parke-Davis Pharmaceutical Research.
11-047	Cardrase Tablets	The Upjohn Co.
11-267	Halodrin Tablets	Do.
11-294	Trilafon Syrup	Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.
11-361	Trilafon Tablets	Do.
11-429	Betadine Aerosol Spray	The Purdue Frederick Co.
11-491	Vesprin Suspension and Emulsion	Apothecon, Bristol-Myers Squibb Co., P.O. Box 4500, Princeton, NJ 08543-4500.
11-914	Virac Surgical and Virac Rex Solutions	Sherwood Medical, 1915 Olive St., St. Louis, MO 63103-1642.
11-945	Hispril Capsules	SmithKline Beecham Pharmaceuticals, Four Falls Corporate Center, Route 23 and Woodmont Ave., P.O. Box 1510, King of Prussia, PA 19406.
12-033	Sevinol Tablets	Schering Corp.
12-126	ULO (chlophedianol hydrochloride) Syrup	Riker Laboratories Inc.
12-155	Rela Tablets	Schering Corp.
12-273	Betadine Surgical Scrub Liquid	The Purdue Frederick Co.
12-307	SunDare Clear Lotion	S.C. Johnson Wax.
12-728	Ortho-Novum 10 milligrams (mg), Ortho-Novum 2 mg-20, Ortho-Novum 2 mg-21, and Ortho-Novum 1/50-20 Tablets (those portions of NDA only)	R.W. Johnson Pharmaceutical Research Institute.
12-751	Head and Shoulders Shampoo	The Procter & Gamble Co., Sharon Woods Technical Center, 11511 Reed Hartman Hwy., Cincinnati, OH 45241-9974.
12-936	Drolban Injection	Lilly Research Laboratories.
13-141	Sonilyn Tablets	Wallace Laboratories.
13-376	Propoquin Dihydrochloride Injection	Parke-Davis Pharmaceutical Research.
13-554	Norlestrin 2.5-mg Tablets	Do.
14-360	Head and Shoulders Shampoo	The Procter & Gamble Co.
14-968	Dristan Sustained Action Capsules	Whitehall Laboratories, 685 Third Ave., New York, NY 10017-4076.
16-242	Norlestrin Tablets	Parke-Davis Pharmaceutical Research.
16-393	Head and Shoulders Shampoo	The Procter & Gamble Co.
16-605	Head and Shoulders Lotion Shampoo	Do.
16-723	Norlestrin 28 1/50 Tablets	Parke-Davis Pharmaceutical Research.
16-735	Surgidine Solution	Wallace Laboratories.
16-766	Norlestrin FE 1/50 Tablets	Parke-Davis Pharmaceutical Research.
16-813	Vapo-Iso Inhalant	Fisons Pharmaceuticals, Fisons Corp., Jefferson Rd., P.O. Box 710, Rochester, NY 14603.
17-033	Heparin Sodium and Sodium Heparin Injections	Lyphomed Inc., 2045 North Cornell Ave., Melrose Park, IL 60160-1002.

NDA No.	Drug	Applicant
17-079	Haldol Solutab Tablets	R.W. Johnson Pharmaceutical Research Institute.
17-346	Heparin Sodium and Heparin Lock Flush Injections	Parke-Davis Pharmaceutical Research.
17-366	Mucomyst with Isoproterenol Solution	Bristol-Myers Squibb Co., Bristol-Myers U.S. Pharmaceutical Group, 2400 West Lloyd Expressway, Evansville, IN 47721-0001.
17-374	Dormate Tablets	Wallace Laboratories.
17-415	Centrax Tablets and Verstran Capsules	Parke-Davis Pharmaceutical Research.
17-485	Vosol Otic Solution	Wallace Laboratories.
17-718	Heprinar Injection	Armour Pharmaceutical Co., A Company of Rorer Group Inc., 500 Virginia Dr., Fort Washington, PA 19034.
18-232	Somophyllin Enema	Fisons Pharmaceuticals.
18-296	Tymtran Injection	Adria Laboratories, P.O. Box 16529, Columbus, OH 43216-6529.
18-497	Sodium Chloride 0.45% Solution	Baxter Healthcare Corp., Parenterals Division, Route 120 and Wilson Rd., Round Lake, IL 60073.
18-522	Glycine 1.5% Solution	Do.
19-130	Heparin Sodium 1,000 Units in Dextrose 5%, Heparin Sodium 5,000 Units in Dextrose 5%, and Heparin Sodium 2,000 Units in Dextrose 5% Injections	Kendall McGaw Laboratories Inc., P.O. Box 25080, Santa Ana, CA 92799-5080.
19-326	Synovalyte Solution in Plastic Container	Baxter Healthcare Corp.
19-412	Head and Shoulders Conditioner Lotion	The Proctor and Gamble Co.
19-490	Curity Surgical Scrub Brush-Sponge	Becton Dickinson AcuteCare, 9450 South State St., Sandy, UT 84070-3234.
50-046	Veracillin Capsules	Wyeth-Ayerst Laboratories.
50-056	Principen '250' and Principen '500' Capsules	Apothecon.
50-183	Chloromycetin Cream	Parke-Davis Pharmaceutical Research.
50-203	Chloromyxin Ophthalmic Ointment	Do.
50-289	Coly-Mycin S Ophthalmic Drops	Do.
50-374	Neo-Cortef Lotion	The Upjohn Co.
50-450	Mutamycin Powder for Injection	Bristol-Myers Squibb Co.
50-488	Principen with Probenecid Capsules	Apothecon.
50-495	Amikin Injection	Do.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the NDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective April 1, 1994.

Dated: February 3, 1994.

Gerald F. Meyer,

Acting Director, Center for Drug Evaluation and Research.

[FR Doc. 94-4660 Filed 3-1-94; 8:45 am]

BILLING CODE 4160-01-P

National Institutes of Health

National Institute on Aging; Notice of Meetings

Pursuant to Public Law 92-463, notice is hereby given of Subcommittee B meeting of the Biological and Clinical Aging Review Committee, and of Subcommittees A and B meetings of the Neuroscience, Behavior and Sociology of Aging Review Committee.

These meetings will be open to the public as indicated below to discuss administrative details and other issues relating to committee activities. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion, and evaluation of individual research grant applications. 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.

Ms. June C. McCann, Committee Management Officer, National Institute on Aging, Gateway Building, room 2C218, National Institutes of Health, Bethesda, Maryland, 20892 (301/496-9322), will provide summaries of the meetings and rosters of the committee members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Scientific Review Administrator listed for the meeting, in advance of the meeting.

Other information pertaining to the meetings can be obtained from the Scientific Review Administrator indicated below:

Name of Subcommittee: Subcommittee B—Biological and Clinical Aging Review Committee.

Scientific Review Administrator: Dr. James Harwood, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9666.

Dates of Meeting: March 7-8, 1994.

Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814.

Open: March 7—8 to 9 p.m.

Closed: March 8—8:30 a.m. to 4 p.m.

Name of Subcommittee: Subcommittee A—Neuroscience, Behavior and Sociology of Aging Review Committee.

Scientific Review Administrators: Dr. Maria Mannarino, Dr. Louise Hsu, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9666.

Dates of Meeting: March 14-16, 1994.

Place of Meeting: Embassy Suites Hotel, Chevy Chase Pavilion, 4300 Military Road, NW., Wisconsin at Western Ave., Bethesda, Maryland 20015.

Open: March 14—7 to 8 p.m.

Closed: March 14—8 p.m. to adjournment on March 16, 1994.

Name of Subcommittee: Subcommittee B—Neuroscience, Behavior and Sociology of Aging Review Committee.

Scientific Review Administrator: Dr. Walter Spieth, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9666.

Dates of Meeting: March 6-8, 1994.

Place of Meeting: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

Open: March 6—8 to 8:45 p.m.

Closed: March 6—8:45 p.m. to adjournment on March 8, 1994.

This notice is being published less than the 15 days prior to the meeting due to difficulties of coordinating schedules.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: February 24, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–4795 Filed 2–25–94; 3:44 pm]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the review committees of the National Institute of Child Health and Human Development for March 1994.

These meetings will be open to the public to discuss items relative to committee activities including announcements by the Director, NICHD, and scientific review administrators, for approximately one hour at the beginning of the first session of the first day of the meeting unless otherwise listed. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. 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.

Ms. Mary Plummer, Committee Management Officer, NICHD, 6100 Executive Boulevard, room 5E03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meetings and rosters of committee members. Individuals who plan to attend the open session and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Plummer in advance of the meeting.

Other information pertaining to the meetings may be obtained from the Scientific Review Administrator indicated.

Name of Committee: Maternal and Child Health Research Committee.

Scientific Review Administrator: Dr. Gopal Bhatnagar, 6100 Executive Boulevard—rm. 5E03, Telephone: 301–496–1696.

Date of Meeting: March 1–2, 1994.

Place of Meeting: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland.

Open: March 1, 1994, 8 a.m.–9:30 a.m.

Closed: March 1, 1993, 9:30 a.m.–5 p.m. March 2, 1993, 8 a.m.–adjournment.

Name of Committee: Mental Retardation Research Committee.

Scientific Review Administrator: Dr. Norman Chang, 6100 Executive Boulevard—rm. 5E03, Telephone: 301–496–1485.

Date of Meeting: March 10–12, 1994.

Place of Meeting: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, Maryland.

Open: March 10, 1994, 9 a.m.–10:30 a.m.

Closed: March 10, 1994, 10:30 a.m.–5 p.m. March 11, 1994, 9 a.m.–5 p.m. March 12, 1994, 9 a.m.–adjournment.

Name of Committee: Population Research Committee.

Scientific Review Administrator: Dr. A.T. Gregoire, 6100 Executive Boulevard—rm. 5E03, Telephone: 301–496–1485.

Date of Meeting: March 29–30, 1994.

Place of Meeting: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, Maryland.

Open: March 29, 1994, 8:30 a.m.–9:30 a.m.

Closed: March 29, 1994, 9:30 a.m.–5 p.m. March 30, 1994, 8 a.m.–adjournment.

This meeting is being published less than the 15 days prior to the meeting due to difficulty of coordinating schedules.

(Catalog of Federal Domestic Assistance Program No. 93.864, Population Research and No. 93.865, Research for Mothers and Children, National Institutes of Health)

Dated: February 24, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–4794 Filed 3–1–94; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the March 6–7, 1994, meetings of the National Kidney and Urologic Diseases Advisory Board, the Research Subcommittee and the Health Care Issues Subcommittee, which was published in the **Federal Register** on February 15, 1994, 59 FR 7257.

This Advisory Board was to have convened at 1:30 p.m. to 3:30 p.m. on March 7, 1994, but has been changed to 10:45 a.m. to approximately 5 p.m. The Research Subcommittee and the Health Care Issues Subcommittee was to have convened at 7 p.m. to recess on March 6 and 8 a.m. to 12 noon on March 7, but both meetings have been changed to no meeting on March 6 and 8 a.m. to 9:30 a.m. on March 7.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: February 24, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–4796 Filed 2–25–94; 3:44 pm]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PB3430D01]

DEPARTMENT OF AGRICULTURE

Forest Service

Availability of Final Supplemental Environmental Impact Statement

AGENCIES: Bureau of Land Management, Department of the Interior; and Forest Service, Department of Agriculture.

ACTION: Notice of availability of a final supplemental environmental impact statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl FES 94–6.

DATES: The awaiting period on this final supplemental environmental impact statement ends 30 days after the EPA Notice of Availability appears in the **Federal Register**.

ADDRESSES: Comments should be sent to: Interagency SEIS Team, P.O. Box 3623, Portland, OR 97208–3623.

FOR FURTHER INFORMATION CONTACT:

Interagency SEIS Team, P.O. Box 3623, Portland, OR 97208–3623.

SUPPLEMENTARY INFORMATION: Copies of the final supplemental environmental impact statement (SEIS) are available for review at local Bureau of Land Management and Forest Service offices and some public libraries in Oregon, Washington, and California. Alternately, copies may be obtained by calling (503) 326–7883 or by writing the Interagency SEIS Team at P.O. Box 3623, Portland, OR 97208–3623.

Dated: February 24, 1994.

Jonathan P. Deason,

Director, Office of Environmental Policy and Compliance, Department of the Interior.

Dated: February 24, 1994.

Geri Bergen,

Acting Director, Environmental Coordination, Forest Service, Department of Agriculture.

[FR Doc. 94–4669 Filed 3–1–94; 8:45 am]

BILLING CODE 3410–11–M

[NV–930–4210–05; N–57882]

Notice of Realty Action; Lease/Purchase for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and Public Purposes Lease/Purchase.

SUMMARY: The following described public land in Goodsprings, Clark County, Nevada has been examined and found suitable for lease/purchase for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The County of Clark, a political subdivision of the State of Nevada, proposes to use the land for a public park.

Mount Diablo Meridian, Nevada

T. 24 S., R. 58 E.,
Sec. 26: N½NE¼NW¼, SW¼NE¼NW¼, N½SE¼NE¼NE¼, SW¼SE¼NE¼NW¼.

Containing 37.50 acres, more or less.

The land is not required for any federal purpose. The lease/purchase is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe,

and will be subject to:

1. An easement 50.00 feet in width along the north boundary in favor of Clark County for roads, public utilities and flood control purposes.

2. An easement 40.00 feet in width along the east boundary in favor of Clark County for roads, public utilities and flood control purposes.

3. An easement 30.00 feet in width along the south boundary in favor of Clark County for roads, public utilities and flood control purposes.

4. An easement 30.00 feet in width along the west boundary in favor of Clark County for roads, public utilities and flood control purposes.

5. Those rights for a well site, waterline and road purposes which have been granted to Clark County by Permit No. N–27686 under the Act of October 21, 1976 (43 U.S.C. 1761).

6. Those rights for a flood control dike purposes which have been granted to Clark County by Permit No. N–57559 under the Act of October 21, 1976 (43 U.S.C. 1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/purchase under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/purchase until after the classification becomes effective.

Dated: February 15, 1994.

Gary Ryan,

District Manager, Las Vegas, NV.

[FR Doc. 94–4687 Filed 3–1–94; 8:45 am]

BILLING CODE 4310–HC–M

National Park Service

Proposal To Award Concession Contract; Hot Springs National Park, AR

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a concession contract authorizing continued thermal water bathhouse facilities and services for the public at Hot Springs National Park, Arkansas, for a period of ten (10) years from the date of final execution of the concession contract.

EFFECTIVE DATE: May 2, 1994.

ADDRESSES: Interested parties should contact the Regional Director, Southwest Region, P.O. Box 728, Santa Fe, New Mexico 87504–0728 to obtain a copy of the prospectus describing the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The existing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1990, and has been operating under interim letter of authorization since that time, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20d), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract, providing that the existing concessioner submits a responsive offer (a timely offer which meets the terms and conditions of the Prospectus). This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offer.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Regional Director not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: December 6, 1993.

John E. Cook,

Regional Director, Southwest Region.

[FR Doc. 94–4664 Filed 3–1–94; 8:45 am]

BILLING CODE 4310–70–M

Proposal To Award Concession Contract; Ozark National Scenic Riverways, MO

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a concession contract authorizing continued operation of lodging, restaurant, general merchandise, hot shower, and firewood facilities and services for the public at Ozark National Scenic Riverways, Missouri, for a period of approximately five (5) years from date of execution through December 31, 1997.

EFFECTIVE DATE: May 2, 1994.

ADDRESSES: Interested parties should contact the Superintendent, Ozark National Scenic Riverways, P.O. Box 490, Van Buren, Missouri 63965 to obtain a copy of the prospectus describing the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared. The existing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expired by limitation of time on December 31, 1990, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the negotiation of a new proposed contract providing that the existing concessioner submits a responsive offer (a timely offer which meets the terms and conditions of the Prospectus). This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to much the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offers.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Superintendent not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: February 18, 1994.

William W. Schenk,

Acting Regional Director, Midwest Region.

[FR Doc. 94–4663 Filed 3–1–94; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION

United States—Mexico Joint Project for Immediate Emergency Removal of Sediment in the Lower Colorado River in Mexico, Morelos Dam to the Northerly International Boundary—Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Based on a revised draft environmental assessment, the United States Section of the International Boundary and Water Commission, United States and Mexico (USIBWC), finds that the proposed action that the United States Government and the Government of Mexico engage in a joint project for immediate emergency removal of sediment in the lower Colorado River in Mexico from Morelos Dam to the Northerly International Boundary (NIB) is not a major federal action that would have a significant adverse effect on the quality of the human environment. Therefore, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR parts 1500 through 1508); and the USIBWC's Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981 (46 FR 44083–44094); the USIBWC hereby gives notice that an environmental impact statement will not be prepared for the proposed project.

ADDRESSES: Mr. M.R. Ybarra, United States Section Secretary; United States Section, International Boundary and Water Commission, United States and Mexico, 4171 North Mesa Street, C–310, El Paso, Texas 79902. Telephone: 915/534–6698.

SUPPLEMENTARY INFORMATION:

Proposed Action

The action proposed is for the United States Government and the Government of Mexico to engage in a joint project to remove sediment in the lower Colorado River in Mexico from Morelos Dam to the Northerly International Boundary (NIB).

The need for the project arises from extraordinary winter storm runoff in 1993 in the Gila River basin which resulted in the filling and spilling of Painted Rock Dam, located some 116 miles (187 kilometers) upstream of the Gila River's confluence with the Colorado River. The sustained high flows carried a large sediment load, causing dangerous accumulations in the international boundary segment of the Colorado River.

The sediment removal is necessary to provide immediate flood control relief in the vicinity of Morelos Dam and to enable Mexico to receive full deliveries of their 1944 Treaty waters. All sediment removal activities will be conducted in Mexico.

Alternatives Considered

Three alternatives, including the No Action Alternative and the Proposed Action Alternative, were considered:

The No Action Alternative would result in accumulated sediment not being removed from the lower Colorado River in the vicinity of Morelos Dam. Mexico would not be able to divert full domestic and irrigation allotments. Serious impacts to human health could result from an absence of an adequate domestic water supply. Sediment accumulation in the Morelos Dam system would increase flood stage elevations. The United States would not be acting in furtherance of the 1944 Water Treaty requirement to recommend and carry out flood control activities and the 1970 Boundary Treaty requirements for boundary preservation.

The Proposed Action Alternative is a joint United States/Mexico emergency project to remove sediment upstream of the Morelos Dam flood control gates for a distance yet to be determined, but no further upstream than the NIB, and downstream of the Morelos Dam intake gates. The IBWC, on behalf of the United States and Mexico, would coordinate the work utilizing, as authorized in the 1944 Water Treaty, the resources of the U.S. Department of Interior, Bureau of Reclamation (Reclamation), and the Mexican National Water Commission.

The project includes the removal of an estimated minimum 183,000 cubic yards (140,000 cubic meters) of sediment downstream of the Morelos Dam intake structure in Mexico, assigned to Mexico, and removal of an estimated minimum 314,000 cubic yards (240,000 cubic meters) of sediment, assigned to the United States, immediately upstream of Morelos Dam in the Colorado River, also in Mexico, up to the NIB. The Mexican government has requested the United States government perform the part of the work assigned to Mexico at full reimbursement to the United States Government because the existing Mexican equipment does not have the capacity to remove the amount of sediment necessary to restore the intake canal capacity to 5,650 cubic feet per second (160 cubic meters per second).

Work will be performed utilizing dredging equipment. It may also be necessary to use earth moving equipment along the Mexican bank of the Colorado River. The spoil material will be temporarily placed in Mexico just upstream of Morelos Dam. Mexico will remove the spoil material to a permanent disposal site in Mexico in the near future. The United States will advise Mexico on disposal site preparation in that country. The sediment has been tested for the presence of pesticides and heavy metals. The result of the tests will be furnished to the interested resource agencies when they become available.

This alternative will improve the flood carrying capacity in the Colorado River to pass flood flows through the NIB similar to those experienced during the 1993 Gila River floods. The Morelos Dam system will also allow Mexico to fully divert the waters delivered by the United States under the 1944 Water Treaty along with small flood flows that may arrive at the NIB. The United States would be acting in furtherance of the 1944 Water Treaty requirement to recommend and carry out flood control activities and the 1970 Boundary Treaty requirements for boundary preservation.

The Sediment Removal and Flood Control Alternative would result in the United States and Mexico concluding an international agreement through a Minute of the IBWC for sediment removal in the Colorado River from the confluence of the Gila River to the lower end of the Mexicali Valley Irrigation District, including the Morelos Dam intake canal. This action would restore the carrying capacity of the river channel to about 25,000 cubic feet per second (708 cubic meters per second) to permit passage of the 100-year flood discharge of approximately 40,000 cubic feet per second (1,130 cubic meters per second) with overbank discharges that will not overtop or endanger flood control levees in either the United States or in Mexico. This activity would also improve the Colorado River channel gradient in the lower end of the Mexicali Valley Irrigation District to increase the velocity of flood flows into the Laguna Salada diversion channel and to the Gulf of California. This alternative would also allow the United States and Mexico to resolve existing boundary issues and other differences in a cooperative manner.

This alternative would be a major federal undertaking which could not be accomplished within the short time needed to correct water diversion problems or handle potential significant flood events during 1994. An undertaking of this magnitude would also involve a consideration of river stabilization and river rectifications in addition to sediment removal. Such activities would require extensive cost-benefit analysis and environmental impact evaluation. This alternative was therefore not given further consideration. Instead, the elements of this alternative were considered as elements that merit considerable binational study for a possible longer term activity.

Revised Draft Environmental Assessment

The USIBWC met with the interested resource agencies on February 15, 1994, in Yuma, Arizona, to discuss the proposed action. The Revised Draft Environmental Assessment (RDEA) for the proposed project was completed on February 16, 1994, and made available for review and comment.

On the basis of the consensus reached with the interested resource agencies and the RDEA, the USIBWC has determined that an environmental impact statement is not required for the United States Government and the Government of Mexico to engage in a joint project for immediate emergency removal of sediment in Mexico from Morelos Dam to the NIB and hereby provides notice of a finding of no significant impact.

An environmental impact statement will not be prepared unless additional information which may affect this decision is brought to our attention within thirty (30) days of the date of this Notice.

The RDEA and Draft Finding of No Significant Impact (FONSI) have been forwarded to the Environmental Protection Agency and various Federal, State, and local agencies and interested parties. A limited number of copies of these documents are available to fill single copy requests at the above address.

Dated: February 23, 1994.

Manuel R. Ybarra,

Secretary.

[FR Doc. 94-4683 Filed 3-1-94; 8:45 am]

BILLING CODE 4710-03-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-643 (Final)]

Defrost Timers From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission unanimously determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Japan of defrost timers,[3] provided for in subheading 9107.00.40 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective August 24, 1993, following a preliminary determination by the Department of Commerce that imports of defrost timers from Japan were being, or were likely to be, sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 15, 1993 (58 FR 48373). The hearing was held in Washington, DC, on January 11, 1994, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on February 22, 1994. The views of the Commission are contained in USITC Publication 2740 (February 1994) entitled "Defrost

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Don E. Newquist did not participate in the Commission's vote.

[3] Such defrost timers are electromechanical and electronic defrost timers for residential refrigerators.

Timers from Japan: Investigation No. 731–TA–643 (Final)."

By order of the Commission.

Issued: February 25, 1994.

Donna R. Koehnke,

Secretary.

[FR Doc. 94–4738 Filed 3–1–94; 8:45 am]

BILLING CODE 7020–02–U

[Investigation No. 337–TA–352]

Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding administrative law judge in the above captioned investigation terminating the following respondent on the basis of a settlement agreement: Cyrix.

In the Matter of Certain Personal Computers with Memory Management Information Stored External Memory and Related Materials.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon parties on February 23, 1994.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such documents must be filed with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, Telephone (202) 205–1802.

Issued: February 23, 1994.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 94–4737 Filed 3–1–94; 8:45 am]

BILLING CODE 7020–02–U

INTERSTATE COMMERCE COMMISSION

Agency Information Collection Under OMB Review

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the form and supporting documents may be obtained from the Agency Clearance Officer, Nancy Sipes, (202) 927–5040. Comments regarding this information collection should be addressed to Nancy Sipes, Interstate Commerce Commission, room 4136, Washington, DC 20423 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Desk Officer for ICC, Washington, DC 20503. When submitting comments, refer to the OMB number or the title of the form.

Type of Clearance: Revision of a currently approved form.

Bureau/Office: Office of Compliance & Consumer Assistance.

Title of Form: Annual Performance Report.

OMB Form Number: 3120–0006.

Agency Form Number: OCP–101.

Frequency: Annually.

No. of Respondents: 3,000.

Total Burden Hours: 5375 [1].

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–4712 Filed 3–1–94; 8:45 am]

BILLING CODE 7035–01–M

[1] 2875 carriers will complete Part A only at approximately 1 hr. per response. The remaining 125 carriers will complete Parts A & B at approximately 20 hrs. per response.

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders or Ms. Judith Groves, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927–6212 or (202) 927–6245.

Comments on the following assessment are due 15 days after the date of availability:

AB–32 (Sub-No. 66X), Boston and Maine Corporation—Discontinuance of Service and Trackage Rights—Middlesex County, MA. EA available 2/25/94.

Comments on the following assessment are due 30 days after the date of availability:

AB–406 (Sub-No. 1X) Central Kansas Railway, Inc.—Abandonment Exemption—in Kay and Grant Counties, OK and Harper County, KS. EA available 2/25/94.

AB–406 (Sub-No. 2X), Central Kansas Railway, Inc.—Abandonment Exemption—in Barber and Kiowa Counties, KS. EA available 2/25/94.

AB–12 (Sub-No. 169X), Southern Pacific Transportation Company—Discontinuance of Service Exemption—in Los Angeles County, California. EA available 2/25/94.

AB–406 (Sub-No. 3X), Central Kansas Railway, Inc.—Abandonment Exemption—in Edwards and Pawnee Counties, KS. EA available 2/25/94.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–4713 Filed 3–1–94; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act

In accordance with the policy of the Department of Justice, 28 CFR 50.7, and 42 U.S.C. 9622(d), notice is hereby given that on February 16, 1994, a proposed consent decree in *United States* v. *Motor Wheel Corporation et al.*, Civil Action No. 1–94–CV–96, was lodged with the United States District Court for the Western District of Michigan. This

action was brought, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601 *et seq.* ("CERCLA"), to remedy an imminent and substantial endangerment to human health and the environment that may exist in connection with the release or threatened release of hazardous substances into the environment from a facility known as the Motor Wheel Disposal Site ("Site") in the City of Lansing, Michigan and for the recovery of costs expended by the United States in connection with cleanup of the Site.

Under the consent decree, defendants Motor Wheel Corporation, Goodyear Tire & Rubber Company, Textron, Inc., W.R. Grace and Co., General Motors, Inc., and Lansing Board of Water and Light will perform the remedial action selected by the United States Environmental Protection Agency ("EPA") in its Record of Decision ("ROD"), as further specified in the Scope of Work ("SOW") for the Motor Wheel Disposal Site, and to pay all of EPA's attendant oversight costs. In addition, under the Consent Decree, defendants will pay the United States all unreimbursed past costs that the United States incurred at the Site into the Hazardous Substances Superfund.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Motor Wheel Corporation, et al.*, DJ Ref. # 90–11–2–753.

The proposed consent decree may be examined at the office of the United States Attorney, 309 Federal Building & Courthouse, 110 Michigan Street, NW., Grand Rapids, MI 49503 and at the Region V Office of the Environmental Protection Agency, 111 West Jackson Blvd., 3rd floor, Chicago, Illinois 60604. Copies of the proposed consent decrees may also be examined at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed decrees may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $20.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 94–4511 Filed 3–1–94; 8:45 am]

BILLING CODE 4410–11–M

Immigration and Naturalization Service

[INS No. 1400LI–94; AG Order No. 1854–94]

[RIN 1115–AC30]

Extension of Designation of Liberia Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until March 28, 1995, the Attorney General's designation of Liberia under the Temporary Protected Status program provided for in section 244A of the Immigration and Nationality Act (Act). Accordingly, eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already registered for the initial period of Temporary Protected Status, which ended on March 27, 1992. In addition during the extension period, some aliens may be eligible for late initial registration pursuant to 8 CFR 240.2(f)(2).

EFFECTIVE DATES: This designation is effective on March 29, 1994, and will remain in effect until March 28, 1995. Re-registration procedures become effective on March 3, 1994, and will remain in effect until April 4, 1994.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Senior Immigration Examiner, Immigration and Naturalization Service, room 7123, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Public Law 101–649 and section 304(b) of Public Law 102–232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General so designates a state, or a part thereof, upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on March 27, 1991, the Attorney General designated Liberia for Temporary Protected Status for a period of 12 months, 56 FR 12746. The Attorney General extended the designation of Liberia under the Temporary Protected Status program for additional 12-month periods until March 28, 1993, 57 FR 2932, and until March 28, 1994, 58 FR 7898.

This notice extends the designation of Liberia under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures with which eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, must comply in applying for continuation of Temporary Protected Status.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Liberia's Temporary Protected Status designation, late initial registrations are possible for some Liberians as the result of addition of 8 CFR 240.2(f)(2) under the interim rule published in the **Federal Register** on November 5, 1993, at 58 FR 58935–58938. Such late initial registrants must still meet the initial presence requirement for all Liberians and the status requirements contained in the November 5, 1993, interim rule.

Notice of Extension of Designation of Liberia Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have determined that, as a result of the ongoing civil unrest in that country, there still exist extraordinary and temporary conditions in Liberia that prevent aliens who are nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, from returning to Liberia in safety. I have further determined that permitting nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, to remain temporarily in the United States, is not contrary to the national interest of the United States. Accordingly, it is ordered as follows:

(1) The designation of Liberia under section 244A(b) of the Act is extended

for an additional 12-month period from March 29, 1994, to March 28, 1995.

(2) I estimate that there are approximately 4000 nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who received a grant of Temporary Protected Status during the initial period of designation from March 27, 1991, to March 27, 1992, and who re-registered for the third period which ends on March 28, 1994, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who previously has been granted Temporary Protected Status, must re-register by filing a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period beginning on March 2, 1994, and ending on April 1, 1994, in order to be eligible for Temporary Protected Status during the period from March 29, 1994, until March 28, 1995. Late re-registration applications will be allowed for "good cause" pursuant to 8 CFR 240.17(c).

(5) There is no filing fee for the Form I–821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1) will be charged for the Form I–765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (4) of this notice. An alien who does not request employment authorization must file Form I–821 together with Form I–765 for information purposes, but in such cases both Form I–821 and Form I–765 will be without fee.

(6) Pursuant to section 244A(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before March 28, 1995, the designation of Liberia under the Temporary Protected Status program to determine whether the conditions for designation continue to exist. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**.

(7) Information concerning the Temporary Protected Status program for nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: February 24, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–4742 Filed 3–1–94; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish Agency recordkeeping/ reporting requirements under review by the Office of Management and Budget (OMB) since the last publication. These entries may include new collections, revisions, extensions, or reinstatements, if applicable. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/ reporting requirement.

The title of the recordkeeping/ reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/ reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements included in each notice may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ([202] 219–5095). Comments and questions about the items included in each notice should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ ETA/OAW/MSHA/ OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ([202] 395–6880). Any member of the public who wants to comment on recordkeeping/ reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

New

Employment and Training Administration.
Job Training Partnership Act (JTPA) Title II Quarterly Status. Report Supplement.
ETA 9045.
Annually.
State or local governments.
59 respondents; 1 hour per response; 59 total hours; 1 form.

The information will be used to assess JTPA local financial and participant data. Participant and financial data will be used to respond to Congressional oversight, to prepare budget requests and make annual reports to Congress as required by statute.

New

Employment and Training Administration.
Worker Adjustment Formula Financial Report Supplement.
ETA 9046.
Annually.
State or local governments.
52 respondents; 1 hour per response; 52 total hours; 1 form.

The information will be used to assess formula programs under the Job Training Partnership Act, Title III, as amended. Participant and financial data will be used to monitor program performance and to prepare reports and budget requests.

New

Employment and Training Administration.
National Job Analysis Study.
One-time survey.
State or local governments; Farms, Businesses or other for-profit; Federal agencies or employees; Non-profit institutions;
Small businesses or organizations.
21,966 respondents; 33 minutes per response; 12,157 total hours.

The study will identify workplace behaviors that are generalizable across most occupations in the nation. Once identified, the behaviors will form the foundation for workplace assessments, curriculum development, and career selection and training.

Reinstatement

Mine Safety and Health Administration.
Program of Instruction: location and use of fire fighting equipment; location of escapeways; exits and routes of travel; evacuation procedures; fire drills.
1219–0054.
On occasion; quarterly.
270 respondents; 30 minutes per response; 135 total hours.

Underground coal mine operators are required to have a plan approved by the Mine Safety and Health Administration for the instruction of miners in firefighting and evacuation procedures to be followed in the event of an emergency. To implement the plan, fire drills are required to be conducted on a quarterly basis, and certified by the operators' signature and date that the fire drills were conducted in accordance with the approved plan.

Signed at Washington, DC this 24th day of February, 1994.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 94–4746 Filed 3–1–94; 8:45 am]

BILLING CODE 4510–30–P

Office of the Secretary

Commission on the Future of Worker-Management Relations; Meeting

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of public meeting.

SUMMARY: The Commission on the Future of Worker-Management Relations was established in accordance with the Federal Advisory Committee Act (FACA) Public Law 92–463. Pursuant to Section 10 (a) of FACA, this is to announce that the Commission will meet at the time and place shown below:

Time and Place: The meeting will be held on Wednesday, March 16, 1994 from 10 a.m. to 4:30 p.m. in room N–3437 A–D, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

Agenda: The agenda for the meeting is as follows:

The meeting will be devoted to reports on foreign experience with worker-management relations and on what can be learned for worker-management and labor-management relations in the United States.

Representatives of managements, labor organizations and academics from Germany, Australia, Italy and France will report on their labor-management arrangements and relationships.

Representatives of management and labor organization from the United States, with knowledge of overseas experience, will then comment on the presentations from overseas representatives and on their applicability to problems within this country.

The presentations by representatives of foreign experiences will begin in the morning and continue after the lunch break. Comments by United States representatives on the earlier presentations will begin by mid-afternoon.

The presenters will each be allotted 15 minutes of prepared presentations and then engage in discussion of the issues with each other and with members of the Commission.

Public Participation: The meeting will be open to the public. It will be in session from 10 a.m. until 12:30 p.m. when it will adjourn for lunch and will return at 1:45 p.m. Seating will be available to the public on a first-come, first-served basis. Handicapped individuals wishing to attend should contact the Commission to obtain appropriate accommodations. Individuals or organizations wishing to submit written statements should send 15 copies to Mrs. June M. Robinson, Designated Federal Official, Commission on the Future of Worker-Management Relations, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 219–9148.

Due to the inclement weather that impacted the schedule, we are unable to give the full 15 days of advance notice of this meeting.

Signed at Washington, DC this 23rd day of February, 1994.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 94–4747 Filed 3–1–94; 8:45 am]

BILLING CODE 4510–23–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The NRC has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: 10 CFR Part 110—Rules and Regulations for the Export and Import of Nuclear Equipment and Material.

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Any person in the U.S. who wishes to export or import nuclear material and equipment subject to the requirements of a specific license.

6. An estimate of the number of responses: 93.

7. An estimate of the number of respondents: 125.

8. An estimate of the number of hours needed to complete the requirement or request: 315 (Reporting—165 hours (1.77 hours per response); recordkeeping—150 hours (1.2 hours per recordkeeper)).

9. An indication of whether section 3504(h), Pub. L. 96–511 applies: Not applicable.

10. Abstract: 10 CFR part 110 provides application, reporting, and recordkeeping requirements for the export and import of nuclear equipment and material. The information collected and maintained pursuant to 10 CFR part 110 enables the NRC to authorize only those imports and exports which are not inimical to U.S. common defense and security and which meet any other U.S. statutory and policy requirements.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street (Lower Level), NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer: Troy Hillier, Office of Information and Regulatory Affairs (3150–0036), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at 202/395–3084.

The NRC Clearance Officer is Brenda Jo Shelton, 301/492–8132.

Dated at Bethesda, Maryland this 23rd day of February, 1994.

For the U.S. Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 94–4688 Filed 3–1–94; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice

Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97-415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189

of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 5, 1994, through February 17, 1994. The last biweekly notice was published on February 16, 1994 (59 FR 7685).

Notice Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By April 1, 1994, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to **(Project Director)**: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, Maricopa County, Arizona

Date of amendment requests: January 13, 1994

Description of amendment requests: Request for NRC consent to the indirect transfer of control of El Paso Electric Company's interest in Operating License Nos. NPF-41, NPF-51, NPF-74 and to amend Operating License Nos. NPF-51 and NPF-74 to delete provisions for El Paso Electric Company's sale-leaseback arrangements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis about the issue of no significant hazards consideration, which is presented below:

Standard 1 -- Involve a significant increase in the probability or consequences of an accident previously evaluated.

This amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change is administrative in nature. The proposed change deletes Sections 2.B.(7)(a) and (b) of License No. NPF-51, and Sections 2.B.(6)(a) and (b) of License No. No. NPF-74. These section describe the structure of the financing of El Paso's interest in Palo Verde, specifically authorizing sale and leaseback transactions. The proposed change does not affect the assumptions used in the accident analyses, nor does the proposed change result in changes to the physical configuration of the facility, design parameters, technical specifications, or operation and maintenance of the facility. Therefore, this amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Standard 2 -- Create the possibility of a new or different kind of accident from any accident previously analyzed.

This amendment request does not create the possibility of a new or different kind of accident from any accident previously analyzed because the proposed change is administrative in nature. The proposed change deletes Sections 2.B.(7)(a) and (b) of License No. NPF-51, and Sections 2.B.(6)(a) and (b) of License No. NPF-74. These sections describe the structure of the financing of El Paso's interest in Palo Verde, specifically authorizing sale and leaseback transactions. The proposed change does not involve modifications to any of the existing equipment nor does the change affect the operation and maintenance of the facility. Therefore, this amendment request does not create the possibility of a new or different kind of accident not previously analyzed.

Standard 3 -- Involve a significant reduction in a margin of safety.

This amendment request does not involve a significant reduction in a margin of safety because it is administrative in nature. The proposed change deletes Sections 2.B.(7)(a) and (b) of License No. NPF-51, and Sections 2.B.(6)(a) and (b) of License No. NPF-74. These sections describe the structure of the financing of El Paso's interest in Palo Verde, specifically authorizing sale and leaseback transactions. The proposed change does not involve changes to any existing plant equipment or accident analyses that provide for or establish margins of safety. There are no changes to the operation or maintenance of the facility and the existing margins of safety are not changed by the proposed change. Therefore, this amendment request does not involve a signigicant reduction in a margin of safety.

The NRC staff has reviewed the licensees' analysis and, based on that review, it appears that the proposed license amendment reflects only a change in the structure of the financing of El Paso's interest in Palo Verde and the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004 Attorney for licensees: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072-3999

NRC Project Director: Theodore R. Quay

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: February 4, 1994

Description of amendment request: The proposed amendment would revise Technical Specification 3/4.6.4, Containment Systems Combustible Gas Control, by eliminating the 12-hour channel check surveillance requirement for the containment hydrogen monitoring system in conformance with the new Standard Technical Specifications, NUREG-1431.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Final Safety Analysis Report [FSAR] section 6.2.5.2.3 states that the Hydrogen Analyzer is only required to be functioning (continuously indicating and recording hydrogen concentration) within 30 minutes

of safety injection initiation. The performance of an analog operational test every 31 days and a channel calibration test every 92 days verifies this operability. Based on this, the monitors will be fully capable of performing their intended design function following a safety injection initiation. Therefore, the elimination of the 12-hour channel check would not increase the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The Hydrogen Monitors perform an "indication" function only, [sic] to help ensure that hydrogen concentrations within containment are maintained below flammable limits during a post-LOCA [loss-of-coolant accident] condition. The proposed changes do not involve any modifications or additions to plant equipment and the design and operation of the plant will not be affected. Therefore, the elimination of the 12-hour channel check does not affect any parameters which relate to the margin of safety as defined in the Technical Specifications or the FSAR. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed elimination of the 12-hour channel check does not affect any parameters which relate to the margin of safety as defined in the Technical Specifications or the FSAR. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602

NRC Project Director: S. Singh Bajwa

Commonwealth Edison Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of amendment request: March 26, 1993

Description of amendment request: The proposed amendment would modify trip level settings for the Isolation Condenser and High Pressure Core Injection (HPCI) System Steam lines to more conservative values. In addition, the proposed amendment would revise the Emergency Core Cooling System Low-Low Water Level initiation trip level setting tolerance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Involve a significant increase in the probability or consequences of an accident previously evaluated because:

HPCI Steamline High Flow Isolation Trip Level Setting

The purpose of the HPCI leak detection systems are to detect breaks in the system piping. Normal steam flows within the system can fluctuate in excess of 250% rated flow and exceed 500% rated steam flow after experiencing a break. During the original licensing of the plant, it was analytically determined by GE that three times maximum steam flow (300%) is the optimum setpoint for the isolation of HPCI. A 300% steam flow setpoint ensures that spurious trips are avoided and that breaks in the piping are identified. Because the HPCI High Steamline Flow Isolation setpoint is not assumed as an accident precursor, the probability of any previously evaluated accident is not increased by the changed setpoint.

The proposed changes to the setpoint allow a more accurate and conservative value for 300% steam flow. The proposed change in conjunction with a more conservative field setting ensures HPCI isolation occurring between the range of 300% and 500% steam flow, thus ensuring HPCI isolation in the event of a pipe break. Because the HPCI high steamline flow setpoint will be maintained above normally found operational values (272% steam flow) and below expected conditions with a pipe break (500% steam flow), the consequences of any previously evaluated accident are not increased with the proposed setpoint change.

solation Condenser Steamline High Flow Isolation Trip Level Setting

The purpose of the Isolation Condenser leak detection instrumentation is to detect breaks in the system piping. Normal steam flows within the system can fluctuate in excess of 250% rated flow and exceed 500% rated steam flow after experiencing a break. During the original licensing of the plant, it was analytically determined by GE that three times rated steam flow (300%) is the optimum setpoint for the isolation of the Isolation Condenser. A 300% steam flow Isolation setpoint ensures that spurious trips are avoided and that breaks in the piping are identified. Because the Isolation Condenser High Steamline Flow setpoint is not assumed as an accident precursor, the probability of any previously evaluated accident is not increased by the changed setpoint. The proposed changes to the setpoint provide a more accurate and conservative field setting for 300% steam flow.

The proposed changes in conjunction with a more conservative field setting results in Isolation Condenser isolation occurring between the range of 300% and 500% steam flow, thus ensuring Isolation Condenser isolation in the event of a pipe break. Because the Isolation Condenser High Steamline Flow Isolation setpoint will be maintained above normally found operational values (272% steam flow) and below expected conditions with a pipe break (500% steam flow), the consequences of any previously evaluated accident are not increased with the proposed setpoint change.

Reactor Low-Low Water Level Trip Level Setting Tolerance

The Low-Low Reactor Water Level trip setting is designed to initiate ECCS when reactor water level is less than or equal to 444 inches above vessel zero. Top of active fuel (TAF) is defined as 360 inches above vessel zero. -59 inches is 84 inches above TAF. The present trip setting tolerance (84 inches, + 4, - 0, above TAF) only allows a deviation of 4 inches in the conservative direction. The proposed change (greater than or equal to 84 inches) does not impose a restriction on the limit toward the conservative direction. Because a level switch trip level setting by itself is not assumed as an accident precursor, the probability of any previously evaluated accident is not increased by the changed setpoint.

The proposed change eliminates a restriction on the trip level setting for Low-Low Reactor Water Level. Dresden proposes modifying the acceptance limit of the Low-Low trip setting such that the instrument field setting will not deviate below 84 inches. Therefore, the actuation of appropriate ECCS are unchanged and the consequences of any previously evaluated accident are not increased with the proposed setpoint change.

Create the possibility of a new or different kind of accident from any accident previously evaluated because:

HPCI Steamline High Flow Isolation Trip Level Setting

The purpose of the HPCI Steamline High Flow Isolation trip level setting is to detect breaks in system piping and initiate isolation of the system if breaks are discovered. Normal steam flows within the system can fluctuate as high as 250% rated flow and exceed 500% rated steam flow after experiencing a break. 300% steam flow has been used as the setpoint to ensure that spurious trips are avoided and that breaks in the piping are identified. The changes to the HPCI High Steamline Flow setpoint ensure that isolation occurs at 300% rated steam flow (below 500% rated steam flow). The current setpoint will also isolate below 500% rated steam flow. Because the new setpoint continues to allow normal operational flexibility and ensures isolation in the event of a pipe break, the proposed changes do not create the possibility of a new or different kind of accident than previously evaluated.

Isolation Condenser Steamline High Flow Isolation Trip Level Setting

The purpose of the Isolation Condenser Steamline High Flow Isolation trip level setting is to detect breaks in system piping and initiate isolation of the system if breaks are discovered. Normal steam flows within the system can fluctuate in excess of 250% rated flow and exceed 500% rated steam flow after experiencing a break. 300% steam flow has been used as the setpoint to ensure that spurious trips are avoided and ensures that isolation occurs at 300% rated steam flow

(below 500% rated steam flow). The current setpoint will also isolate below 500% rated steam flow. Because the new setpoint continues to allow normal operational flexibility and ensures isolation in the event of a pipe break, the proposed changes do not create the possibility of a new or different kind of accident than previously evaluated.

Reactor Low-Low Level Trip Level Setting Tolerance

The Reactor Low-Low Water Level trip setting is designed to initiate the appropriate ECCS when Reactor Water Level is decreasing. The proposed change to the setpoint only eliminates the overly burdensome restriction within the setpoint tolerances. The absolute low limit of 84 inches is unchanged, thus maintaining all assumptions related to 84 inches (-59 inches indicated level) within Dresden's Safety Analysis. The removal of the upper tolerance will not increase the probability of inadvertent ECCS initiation since the actual field setting will be at a reactor vessel level which has not been reached in 40 + years of operation at Dresden Units 2 and 3. Therefore, the proposed changes do not create the possibility of a new or different kind of accident than previously evaluated.

Involve a significant reduction in the margin of safety because.

High Pressure Coolant Injection Setpoint

The HPCI high steamline flow setpoint ensures that isolation occurs at 300% maximum steam flow (below 500% rated steam flow). The current Technical Specification setpoint will also allow isolation below 500% rated steam flow but at a value greater than 300%. Thus, the proposed setpoint isolates at a lower steam flow rate than the current limit. Therefore, because isolation of HPCI would occur at a lower steam flow rate during a pipe break, the proposed changes do not involve a significant reduction in the margin of safety.

Isolation Condenser Steamline High Flow Isolation Trip Level Setting

The Isolation Condenser High Steamline Flow Isolation Trip Level setting ensures that isolation occurs at 300% rated steam flow (below 500% rated steam flow). The current setpoint will also isolate below 500% rated steam flow but at a value greater than 300%. Thus, the proposed setpoint isolates at a lower steam flow rate than the current limit. Therefore, because isolation of the Isolation Condenser would occur at a lower steam flow rate during a pipe break, the proposed changes do not involve a significant reduction in the margin of safety.

Reactor Low-Low Level Trip Level Setting Tolerance

The Reactor Low-Low Water Level trip setting tolerance ensures the proper initiation of appropriate ECCS in the event of a loss of inventory to the vessel. The proposed change to the setpoint only eliminates the restriction within the setpoint tolerances. The absolute low limit of 84 inches is unchanged, thus maintaining all assumptions related to 84 inches (minus 59 inches indicated) within Dresden's Safety Analysis. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

NRC Project Director: James E. Dyer

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: December 20, 1993

Description of amendment request: The proposed amendment would revise a minimum critical power ratio (MCPR) safety limit from 1.06 to 1.07 based on General Electric Standard Application for Reactor Fuel II (GESTAR II) NEDE-24011-P-A-10 for GE10 fuel design. The NRC staff has previously reviewed and approved the GE10 fuel design.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because:

The change is based on GE's generic rule licensing document GESTAR II (NEDE-24011-P-A-10) which has conservatively addressed the use of GE10 fuel in D-lattice cores with NRC approved methods and therefore does not adversely affect the consequences of previously evaluated accidents. The Safety Limit MCPR change does not affect the probability of analyzed accidents because it does not adversely impact any equipment important to safety. Increasing the Safety Limit MCPR from 1.06 to 1.07 upon implementation of GE10 fuel for Cycle 14 operation of Quad Cities Units 1 and 2 therefore does not involve a significant increase in the probability or consequences of any accident previously evaluated in the FSAR.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because:

The Safety Limit MCPR change results from the use of NRC approved methods in GESTAR II NEDE-24011-P-A-10 for application to GE10 fuel for Cycle 14 for Quad Cities Units 1 and 2. The Safety Limit MCPR change does not result in any new interaction with equipment related to the safe shutdown of the plant. The change does not adversely impact equipment important to safety and, therefore does not create the possibility of a new or different kind of accident scenario. Therefore, the Safety Limit MCPR change from 1.06 to 1.07 in no way creates the possibility of a new or different kind of accident scenario from any accident previously evaluated.

The proposed change does not involve a significant reduction in a margin of safety because:

Since the GE10 design in a D-lattice core has a geometry between C-lattice and D-lattice designs and the C-lattice design has a higher, more restrictive safety limit MCPR that the D-lattice design, the use of C-lattice safety limit MCPR for the GE10 design is a conservative approach. The GE10 fuel design has been generically analyzed with approved methods per GESTAR II NEDE-24011-P-A-10 and the use of the 1.07 Safety Limit MCPR value has been previously approved as conservative for application to GE10 fuel in D-lattice plants such as Quad Cities. Therefore, the proposed change to increase the Safety Limit MCPR from 1.06 to 1.07 maintains the margin to safety relative to the current level.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

NRC Project Director: James E. Dyer

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: December 10, 1993

Description of amendment request: The proposed amendment request would revise the Technical Specifications to amend (1) Section 5.3.A (Reactor Core) to allow the use of VANTAGE + fuel with ZIRLO cladding and fuel with filler rods to allow fuel reconstitution, and (2) the Basis to Section 2.1 (Safety Limit: Reactor Core) to allow the use of departure from nucleate boiling (DNB) Correlations applicable to VANTAGE + fuel.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the requirements of 10 CFR 50.92, the enclosed application involves

no significant hazards based on the following information:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

Neither the probability nor the consequences of an accident previously analyzed is increased due to the proposed changes. As discussed in [Letter from Thadani to Tritch, "Acceptance

for Referencing of Topical Report WCAP-12610, VANTAGE + Fuel Assembly Reference Core Report" (TAC No. 77258) July 1, 1991] the fuel containing ZIRLO clad will meet all the same material and mechanical design criteria as the Zircaloy clad fuel. The use of approved Westinghouse Methodology for fuel assembly reconstitution as documented in [Letter from Thadani to Tritch, "Acceptance for Referencing of Topical Report WCAP-13060-P, Westinghouse Fuel Assembly Reconstitution Evaluation Methodology" (TAC No. M821391), March 30, 1993] will ensure that all criteria are met. The change to the basis of Section 2.1 more accurately describes DNB methodology and application.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response:

The changes will not create the possibility of a new or different kind of accident. The proposed changes involve approved methodology which have been shown to meet design and safety criteria. In addition, approved procedures will be used to implement the changes.

Response:

3. Does the proposed amendment involve a significant reduction in the margin of safety?

The proposed amendment does not involve a significant reduction in the margin of safety. The changes involve the use of approved methodology which meet design and safety criteria. The change to the Section 2.1 basis is descriptive and will more accurately describe the DNB methodology used in conjunction with the use of VANTAGE + fuel.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Robert A. Capra

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: September 28, 1993

Description of amendment request: The requested amendments would delete the portion of the 18-month surveillance requirement on the autoclosure interlock (ACI) contained in TS 4.5.2.d associated with verifying that the decay heat removal system suction isolation valves automatically close on a reactor coolant system pressure signal. The terms decay heat removal (ND) and residual heat removal (RHR) are used interchangeably here. Also, an obsolete footnote to TS 4.5.2.e relating to the completion of the first Unit 1 refueling outage is proposed to be deleted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The requested amendments reference Westinghouse topical report WCAP-11736-A, "Residual Heat Removal System Autoclosure Interlock Removal Report for the Westinghouse Owners Group", for the general justification and safety analysis for removing the ACI feature from the Catawba ND suction isolation valves. This WCAP, which specifically covers the Catawba Nuclear station, has been deemed an acceptable reference by the NRC for use in making plant-specific licensing submittals. Additional Catawba-specific information/improvements and analyses, as required by the WCAP and associated NRC safety evaluation, have been either completed or committed to, thereby ensuring that the WCAP/SE conclusion that removal of the RHR ACI produces a net safety benefit remains valid.

Criterion 1

The requested amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated. The deletion of the RHR ACI was analyzed in the WCAP for Callaway Nuclear Station in terms of (1) the frequency of an interfacing LOCA, (2) the availability of the RHR system, and (3) the effect on overpressure transients. Callaway is the WCAP's reference plant for Catawba Units 1 and 2, and a Catawba-specific Probabilistic Risk Assessment (PRA) review of the WCAP determined that removal of the ND ACI at Catawba will not invalidate the basic conclusions of the WCAP. Consequently, the following information from the Callaway analysis is considered applicable to Catawba Units 1 and 2.

With the removal of the ACI and addition of a control room alarm, the probabilistic risk analysis predicts a decrease in the frequency of interfacing LOCAs from 1.52E-06/year to 1.16E-06/year, a decrease of approximately 24%.

The availability of the RHR system was analyzed in three phases: initiation, short term cooling, and long term cooling. The probabilistic analysis indicated that deletion of the RHR ACI has no impact on the failure probability for RHR initiation. During short term cooling (72 hours after initiation), RHR ACI deletion decreased the RHR failure probability by 12%, from 1.64E-02 to 1.44E-02. The long term cooling RHR failure probability was calculated to decrease by 70%, from 3.91E-02 to 1.17E-02.

Appendix D of the WCAP presents the analysis used to determine the effect of removal of the ACI on overpressurization transients. The analysis categorizes the types of initiating events, determines their frequency of occurrence, and then identifies the consequences of these occurrences both with and without the ACI feature. The result is a list of overpressure consequence categories with associated failure probabilities (reference the WCAP's Appendix D, Tables D-14, -15, and -16). For the charging/safety injection event, consequence frequencies increased on the order of 1.0E-12/shutdown year. This is an insignificant increase, as the overall consequence frequency of the charging/safety injection event is 1.25E-01. Likewise, for the letdown isolation with RHR system operable case, one frequency category was increased on the order of 1.0E-15. Again, this is insignificant when compared with the total frequency of these events of 1.25E-01. For the letdown isolation with RHR system isolated event, the overall consequence frequency was reduced from 4.45E-01 to 2.22E-01. This occurs because many spurious closures of the RHR isolation valves cause the isolation of letdown. Removing the RHR ACI reduces the frequency of this event by approximately 50%. It is concluded that the removal of the RHR ACI circuitry has an insignificant impact on the frequency of overpressurization events at Callaway (and thus Catawba) Nuclear Station.

Criterion 2

The requested amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated. The effect of an overpressure transient at cold shutdown conditions will not be altered by removal of the ND ACI function. With or without the ACI function, the ND system could be subject to overpressrue for which the ND relief valves must be relied upon to limit pressure to within ND design parameters. While it is true that the ACI initiates an automatic closure of the ND suction/isolation valves on high NC system pressure, overpressure protection of the ND system is provided by the ND system relief valves and not by the suction/isolation valves that isolate the ND system from the NC system. (Refer to NUREG-0954, "Safety Evaluation Report related to the operation of Catawba Nuclear Station, Units 1 and 2," Section 5.4.4.3.)

The purpose of the ACI feature is to ensure that there is a double barrier between the ND system and the NC system when the plant is at normal operating conditions (i.e., heated and pressurized) and not in the ND cooling mode. Thus, the ACI feature serves to preclude conditions that could lead to a

LOCA outside of containment due to operator error. The safety function of the ACI is not to isolate the ND system from the NC system when the ND system is operating in the decay heat removal mode.

There are several methods to ensure that there is a double barrier between the ND system and the NC system when the plant is at normal operating conditions. First, plant operating procedures instruct the operators to isolate the ND system during plant heatup. Second, the alarm that will be installed as part of this change will annunciate in the control room given an open or intermediate valve position signal in conjunction with a high NC pressure signal. This alarm will alert operators that any of the four suction/isolation valves is (are) not fully closed and that double isolation has not been achieved. In conjunction with this alarm, operators will be trained using an annunciator response procedure to ensure that they act to restore double isolation or return to a safe shutdown condition. Third, the Open Permissive Interlock (OPI), which is not being removed, will prevent the opening of the valves whenever NC system pressure is greater than 385.5 psig.

Since relief valves prevent overpressurization of the ND system during shutdown conditions and since several methods are in place to ensure that the ND system is isolated from the NC system during normal plant conditions, removal of the ACI will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

The requested amendments will not involve a significant reduction in a margin of safety. The ND ACI function is not a consideration in a margin of safety in the basis for any technical specification. Since the probabilistic analysis of the WCAP for Callaway (which is applicable to Catawba as discussed above) indicates that the availability of the RHR system is increased with the removal of the ACI, overall safety will be increased.

In addition, similar amendments for other Westinghouse plants in the past have been determined to not involve significant hazards considerations.

Based upon the preceding analyses, Duke Power Company concludes that the requested amendments do not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Loren R. Plisco, Acting

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: January 27, 1994

Description of amendment request: The requested amendments delete the verification that each upper and lower Containment Purge System (VP) supply and exhaust valve actuates to its isolation position on a High Relative Humidity (≤70%) isolation test signal and will allow elimination of the humidity control function of the VP System humidistats.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

CRITERION 1

This TS [Technical Specification] amendment will not increase the probability or consequences of an accident which has been previously evaluated. No physical changes will be made to the plant that would impact fuel handling inside containment, therefore, there is no increase in the probability of an accident. Control wiring changes that remove the humidistats from the [Containment Purge] System control circuits will be the only physical change.

The heaters will be maintained providing additional margin over analyzed conditions. For the reasons stated above, there will be no increase in the consequences of an accident previously evaluated.

CRITERION 2

This proposed TS amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. This proposed TS amendment will not cause any physical changes to the plant that will impact the handling of fuel inside containment or changes to fuel handling procedures. Because the plant will operate the same way it does now, this proposed amendment does not create the possibility of any new or different accident from any previously evaluated.

CRITERION 3

This proposed TS change will not cause a significant reduction in the margin of safety. The test method use[d] to evaluate the carbon after TS changes ι90 ([Unit] 1) and ι84 ([Unit] 2) does not consider heater availability. However the heaters will be tested and maintained per Technical specification 4.9.4.2.d.2. Therefore, the relative humidity of the air entering the carbon adsorber is never expected to reach 95% [relative humidity].

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Loren R. Plisco, Acting

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit No. 1 (ANO-1), Pope County, Arkansas

Date of amendment request: January 13, 1994

Description of amendment request: This amendment revises the specifications governing the reactor protection (RPS). It modifies the use of the RPS channel bypass as specified by Technical Specification (TS) 3.5.1.3 and revises a note with Table 3.5.1-1, to refer to a more appropriate action.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1 - Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The RPS and EFIC [emergency feedwater initiation and control] system provide accident mitigation features and are not considered to be accident initiators. The accident mitigation features of the plant are not affected by the proposed amendment. In any configuration allowed by the revised specifications, the trip logic instituted on the RPS is at least equivalent to the trip logic instituted by placing a channel in channel or maintenance bypass. The RPS remains single-failure proof with one channel in channel bypass, manually tripped, or with an inoperable function unbypassed in the untripped state. Therefore, upon receipt of an initiating signal, a single failure will not prevent the proper actuation of RPS. Should a channel of RPS contain an inoperable function unbypassed in the untripped condition which does not affect an EFIC channel, any channel of EFIC may be placed in maintenance bypass. RPS and EFIC remain single-failure proof in this configuration.

Administrative controls are established to ensure that all inoperable RPS functions are evaluated for continued operation in the untripped state. Upon detection of a failed function in any channel of RPS, the administratively controlled condition reporting process evaluates the failure and its effect on other systems for continued operability. The operator is informed of the continuing status of inoperable functions through the use of Station Log entries and Plant Status board entries. In addition, during operation with an inoperable function in the untripped, unbypassed condition, the remaining RPS channel key-lock channel bypass switches will be "Hold Carded"

(tagged) to prevent their operation without prior management approval consistent with the requirements of TS Table 3.5.1-1. Plant management maintains the responsibility to approve continued operation with inoperable functions unbypassed in the untripped state to ensure that the plant is operated in the safest configuration with regard to the extent of the failure, and the plant operating conditions. Prior to placing any channel of RPS or EFIC in bypass, the operator checks the status of redundant systems for operability and TS compliance and takes the proper action as required by existing plant conditions, plant operating procedures and TS.

The clarification to TS 3.5.1.3 which directs the operator to the appropriate actions if multiple channels become inoperable, or in the event of an inoperable channel or inoperable function occurring concurrent with one channel in bypass is considered to be administrative in nature. The change to Note 6 of Table 3.5.1-1 results in the correction of misleading information and directs the Operator to place the plant in a safe mode depending on the system which is affected by a failure, and is also considered to be administrative in nature. The Bases changes add additional information to clarify the specifications.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from any Previously Evaluated.

The probability or consequences of equipment important to safety malfunctioning will not be increased. In any configuration allowed by the revised specifications, the trip logic instituted on the RPS is at least equivalent to the trip logic instituted by placing a channel in channel bypass. The RPS remains single-failure proof with one channel in channel bypass, manually tripped, or with an inoperable function unbypassed in the untripped state. Therefore, upon receipt of an initiating signal, a single failure will not prevent the proper actuation of RPS. Should a channel of RPS contain an inoperable function unbypassed in the untripped condition which does not affect an EFIC channel, any channel of EFIC may be placed in maintenance bypass. RPS and EFIC remain single-failure proof in this configuration.

The clarification to TS 3.5.1.3 which directs the operator to the appropriate actions if multiple channels become inoperable, or in the event of an inoperable channel or inoperable function occurring concurrent with one channel in bypass is considered to be administrative in nature. The change to Note 6 of Table 3.5.1-1 is also considered to be administrative in nature, in that misleading information in the specification has been corrected to an appropriate requirement. The Bases changes add additional information to clarify the specifications.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3 - Does Not Involve a Significant Reduction in the Margin of Safety.

The RPS and EFIC system have the same capabilities to mitigate and/or prevent accidents as they had prior to this proposed change. Allowing flexibility in the response to a function failure in one channel of RPS allows placing the plant in the safest operating condition for the existing plant conditions considering the extent of the function failure. Operation of an RPS channel with an inoperable function unbypassed in the untripped state results in placing the inoperable function in a 2-out-of-3 trip logic (equivalent to channel bypass) while the remainder of the RPS functions remain in the normal 2-out-of-4 trip logic. The ANO-1 RPS has been reviewed as a 3 channel system with one channel in bypass. Implementing this change results in additional conservatism with respect to any postulated single-failures.

Administrative controls are established to ensure that all inoperable RPS functions are evaluated for continued operation in the untripped state. Upon detection of a failed function in any channel of RPS, the administratively controlled condition reporting process evaluates the failure and its effect on other systems for continued operability. The operator is informed of the continuing status of inoperable functions through the use of Station Log entries and Plant Status board entries. In addition, during operation with an inoperable function in the untripped, bypassed condition, the remaining RPS channel key-lock channel bypass switches will be "Hold Carded" (tagged) to prevent their operation without prior management approval consistent with the requirements of TS Table 3.5.1-1. Plant management maintains the responsibility to approve continued operation with inoperable functions unbypassed in the untripped state to ensure that the plant is operated in the safest configuration with regard to the extent of the failure, and the plant operating conditions. Prior to placing any channel of RPS or EFIC in bypass, the operator checks the status of redundant systems for operability and TS compliance and takes the proper action as required by existing plant conditions, plant operating procedures and TS. Should a channel of RPS contain an inoperable function unbypassed in the untripped condition which does not affect an EFIC channel, any channel of EFIC may be placed in maintenance bypass. RPS and EFIC remain single-failure proof in this configuration.

The clarification of TS 3.5.1.3 which directs the operator to the appropriate actions if multiple channels become inoperable, or in the event of an inoperable channel or inoperable function occurring concurrent with one channel in bypass is considered to be administrative in nature. The change to Note 6 or Table 3.5.1-1 results in the correction of misleading information and directs the Operator to place the plant in a safe mode depending on the system which is affected by a failure, and is also considered to be administrative in nature. The Bases changes add additional information to clarify the specifications.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: William D. Beckner

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: January 13, 1994

Description of amendment request: This amendment requests the removal of the interim technical specification limit on the number of spent fuel assemblies that may be stored in the spent fuel pool at Grand Gulf Nuclear Station.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. No significant increase in the probability or consequences of an accident previously evaluated results from this change.

The NRC approved the installation of high density spent fuel storage racks in Amendment 17 to the Grand Gulf Nuclear Station (GGNS) Operating License. This amendment also brought GGNS into compliance with Standard Review Plan criteria which required maintaining the spent fuel pool at less than or equal 140°F. The 140°F Technical Specifications (TS) limit remains in effect thereby preventing operation at excessive temperatures.

The only outstanding question from Amendment 17, which resulted in a 2324 assembly technical specification limit, was whether the fuel pool cooling system could handle the heat load of a full fuel pool without excessive reliance on residual heat removal for extensive fuel pool cooling assist. Entergy Operations' proposed solution to this question was accepted in the NRC's letter dated July 30, 1992. The NRC accepted the solution pending submittal of results from tests to verify the specified flows. These results were submitted in a letter dated November 08, 1993.

With previous approval of the installation of the high density spent fuel storage racks, the confirmation of adequate heat removal

capability, and the 140°F TS temperature limit, removal of the 2324 limit to allow full use of the spent fuel pool would not cause an increase in the probability or consequences of an accident previously evaluated.

2. This change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The additional heat load generated by a full spent fuel pool (4348 assemblies) was evaluated. The evaluation concluded that full use of the spent fuel pool storage spaces would not exceed the temperature limits as are currently in place with the 2324 limit. The NRC letter dated July 30, 1992 and Entergy Operations letter dated November 08, 1993 resolved all outstanding heat removal questions. Therefore, this change would not create the possibility of a new or different kind of accident from any previously analyzed.

3. This change would not involve a significant reduction in a margin of safety.

Entergy Operations demonstrated in their November 01, 1991 letter that the fuel pool temperature could be maintained at or below 140°F as specified in TS 3/4.7.9. This letter also demonstrated the ability to handle single active failures. Approval of measures outlined in this letter was provided in a Safety Evaluation Report contained in an NRC letter dated July 30, 1992.

Given the 140°F maximum temperature requirement as contained in TS 3/4.7.9 and compliance with single active failure criteria, this change would not involve a significant reduction in a margin of safety.

Based on the above evaluation in accordance with 10CFR50l92(c), Entergy Operations, Inc. has concluded that operation in accordance with the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

NRC Project Director: William D. Beckner

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment request: December 28, 1993

Description of amendment request: The proposed amendments would revise the Technical Specifications (TS) for Turkey Point Units 3 and 4 to incorporate features for steam generator (SG) overfill protection. Specifically, TS Tables 3.3-2, 3.3-3, 4.3-2 and the associated BASES section would be revised to add SG Water Level-High-High protection logic, instrumentation trip setpoints and surveillance requirements. The proposed TS changes would be in accordance with NRC Generic Letter (GL) 89-19, "Safety Implication of Control Systems in LWR Nuclear Power Plants."

Basis for proposed no significant hazards consideration determination: As a result of the technical resolution of USI A-47, "Safety Implications of Control Systems in LWR Nuclear Power Plants," the Nuclear Regulatory Commission (NRC or the staff) concluded that all Pressurized Water Reactors (PWR) plants should provide automatic SG overfill protection. On September 20, 1989, the staff issued GL 89-19 and recommended that plant procedures and TS include provisions for automatic SG overfill protection including surveillance requirements to assure that automatic overfill protection is available to mitigate main feedwater overfeed events during reactor power operation.

The licensee proposed TS changes in response to GL 89-19. No physical changes to the plant would be required as a result of the proposed license amendments.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Including the SG Overfill protection requirements in the Technical Specifications is not assumed in the initiation of any analyzed event. These amendments will not increase the probability or consequences of an accident previously evaluated since the SG overfill event is not required or assumed for accident mitigation in any Updated Final Safety Analysis Report (UFSAR) safety analyses that comprise Turkey Point licensing basis. The additional requirements for the SG overfill system helps ensure that continuous addition of feedwater and carryover of excessive moisture to the turbine, is prevented. As a result, equipment protection is improved by the availability of this system function. As such, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The operation of the facility will not change as a result of the proposed license amendments, since Turkey Point currently maintains this protection logic. This change involves only the inclusion of the systems requirements into the Technical Specifications. The proposed change will not impose any new or unique requirements. Therefore, operation of the facility in accordance with the proposed amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The proposed change does not involve a significant reduction in a margin of safety as the function, operation and testing of the installed SG Overfill protection is not described in the UFSAR. In addition, the SG overfill protection logic is not required or assumed for accident mitigation in any of the safety analyses that comprise the Turkey Point licensing basis. The proposed change formalizes the existing design, operating and testing requirements in the Technical Specifications. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, NW., Washington, DC 20036

NRC Project Director: Herbert N. Berkow

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: December 30, 1993

Description of amendment request: The proposed change would allow a one time extension of the allowable outage time for each residual heat removal (RHR) pump from 3 to 7 days to allow modifications to the RHR system while the plant is in Mode 1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the

issue of no significant hazards consideration, which is presented below:

1. The proposed change to the Technical Specifications does not involve a significant increase in the probability or consequences of an accident previously evaluated because the redundant train will remain available to assure that the RHR will respond to an accident as assumed in the accident analysis. A one time increase in the allowable outage time from 3 to 7 days has been shown to have only a small effect on the calculated frequency of core damage.

2. The proposed change to the Technical Specifications does not create the possibility of a new or different kind of accident from any accident previously evaluated because the change only results in a one time increase of the allowable outage time. It does not result in an operational condition different from that which has already been considered by the Technical Specifications.

3. The proposed addition to the Technical Specifications does not involve a significant reduction in a margin of safety because the effects of increasing the allowed outage time on the calculated core damage frequency has been evaluated and determined to be small.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308

NRC Project Director: Loren R. Plisco, Acting

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: December 22, 1993

Description of amendment request: The proposed amendment would make editorial changes to correct typographical and administrative errors in the Technical Specifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The amendment would only correct administrative and typographical errors. No physical changes to the plant or to the operation of the plant would result from this amendment.

2) The proposed amendment will not create the possibility of a new or different kind of accident from any evaluated previously. The amendment would only correct administrative and typographical errors. No physical changes to the plant or to operation of the plant would result from this amendment.

3) The proposed amendment will not reduce the margin of safety. The amendment would only correct administrative and typographical errors. No physical changes to the plant or to operation of the plant would result from this amendment.

The NRC staff has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401

Attorney for licensee: Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036

NRC Project Director: John N. Hannon

IES Utilities Inc., Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: January 21, 1994

Description of amendment request: The proposed amendment would change the name of the company licensed to own a share of and operate the Duane Arnold Energy Center (DAEC) from Iowa Electric Light and Power Company to IES Utilities Incorporated, wherever it is referenced in the Operating License and Technical Specifications for DAEC. The title of the position responsible for the management of the Nuclear Division has also been changed to "Vice President, Nuclear" from "Manager-Nuclear Division."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. No physical or operational changes to the DAEC will result from changing the corporate name or the position title. The DAEC will continue to be operated in the same manner with the same organization. The position title change results from the elimination of a layer of management. Formerly, the Manager-Nuclear Division reported through the Vice President, Production to the President of IELP. Now the Nuclear Division is headed by the Vice President, Nuclear who reports directly to the President of the corporation.

2) The proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated. No physical or operational changes will result. The title change results from the elimination of a layer of management.

3) The proposed change will not reduce any margin of safety. This change only revises the operating company name and changes a title.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401

Attorney for licensee: Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036

NRC Project Director: John N. Hannon

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment requests: January 17, 1994

Description of amendment requests: The proposed amendments would change Technical Specification (TS) 3/4.1.3 for both units to increase the limit for control rod misalignment at or below 85% rated thermal power (RTP). The proposed changes would also increase the TS limit for control rod 8misalignment about 85% RTP if there is sufficient margin in the heat flux ($F_Q(Z)$) and the nuclear enthalpy ($F^N_{dcha\ H}$) hot channel factors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Per 10 CFR 50.92, a proposed amendment to an operating license will not involve a significant hazards consideration if the proposed amendment satisfies the following three criteria:

1. Does not involve a significant increase in the probability or consequences of an accident previously analyzed,

2. Does not create the possibility of a new or different kind of accident from any accident previously analyzed or evaluated, or

3. Does not involve a significant reduction in a margin of safety.

Criteria 1 and 3

As seen in Attachment 4 [of the amendment request], sufficient margin exists in power distribution at 85% RTP to allow for increased misalignment. At 100% RTP, increased misalignment is allowed only if there is adequate margin in the peaking factors. Therefore, initial conditions remain unchanged from that assumed in the safety analyses. As far as the dropped rod and rod ejection accidents are concerned, the analyses were performed with conservative assumptions to envelope the increased misalignment. It should be noted that the power dependent insertion limit for Unit 1 will be changed in a conservative manner at the beginning of cycle 14. Based on these analyses, it is concluded that the proposed T/S changes do not significantly increase the probability or consequences of a previously analyzed accident or constitute a significant reduction in the margin of safety.

Criterion 2

The proposed T/S changes will not result in physical changes to the plant. Therefore, we believe that the proposed T/S changes will not create the possibility of a new or different kind of accident from any previously evaluated. Also, operation of the reactor with possible deeper rod insertion will not create the possibility of a new or different kind of accident.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: A. Randolph Blough, Acting

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of amendment request: January 21, 1994

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 4.6.3, (Emergency Power Sources) to eliminate unnecessary testing of an operable emergency diesel generator (EDG) when the redundant EDG becomes inoperable. Eliminating unnecessary testing will potentially increase EDG reliability by reducing the stresses caused by such testing. The licensee stated that this proposed change is consistent with the guidance provided in NUREG-1366, "Improvements to Technical Specifications Surveillance Requirements," and NUREG-1433, "Improved Standard Technical Specifications, General Electric Plants."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Technical Specification 4.6.3.e requires that the operable diesel-generator be manually started and operated at rated load for a minimum time of one hour immediately and once per week thereafter in the event any diesel-generator becomes inoperable.

Niagara Mohawk proposes to revise Technical Specification 4.6.3.e such that if a diesel-generator is declared inoperable due to preplanned maintenance or testing or due to a support system being inoperable, redundant diesel-generator testing would not be required. Declaring a diesel-generator inoperable due to preplanned maintenance or testing or due to a support system being inoperable does not affect the reliability of the operable diesel-generator nor does it in any way imply that a common cause failure exists.

The normally required Technical Specification surveillance testing schedule demonstrates acceptable reliability and assures that the operable diesel-generator is capable of performing its intended safety function.

Niagara Mohawk proposes to add wording to Technical Specification 4.6.3.e to permit an operator to evaluate a diesel-generator failure to determine if a common cause failure exists before requiring testing of the redundant diesel-generator. As noted above, the intent of the additional diesel-generator testing is, in part, to determine if a common cause failure exists. Once the potential for a common cause failure has been examined and dismissed, testing beyond the normal surveillance schedule is excessive and does not contribute to improved diesel-generator reliability. Within eight (8) hours, the determination that no common cause failure exists is required to be completed or the operable diesel-generator will be tested. Eight (8) hours is consistent with the guidance provided in NUREG-1366, "Improvements to Technical Specifications Surveillance Requirements."

Technical Specification 4.6.3.e requires that the operable diesel-generator be operated at rated load (i.e., connected to offsite power) to demonstrate its operability in the event any diesel-generator becomes inoperable. As indicated in Information Notice 84-69, when a diesel-generator is operated connected to offsite or non-vital loads, the emergency power system is not independent of disturbances on the non-vital and offsite power systems. Therefore, diesel-generator availability is potentially lessened by a demonstration of operability requiring connection of the diesel-generator to offsite power sources. At a time when at least one diesel-generator is already inoperable, this Surveillance Requirement could add further risk to losing the remaining operable diesel-generator. Therefore, Niagara Mohawk proposes that Surveillance Requirement 4.6.3.e be changed such that a diesel-generator does not have to be operated at rated load. These changes will preclude offsite power source disturbances from affecting diesel-generator reliability.

Existing Technical Specification 4.6.3.e requires that the operable diesel-generator be started immediately in the event a diesel-generator becomes inoperable. The requirement to immediately test a diesel-generator is overly burdensome when compared to more recent diesel-generator Technical Specification requirements. As previously discussed, Niagara Mohawk proposes to add wording to Technical Specification 4.6.3.e to give an operator eight (8) hours to determine whether a common cause failure exists or to test the operable diesel-generator when a diesel-generator is declared inoperable for a reason other than an inoperable support system or preplanned maintenance or testing. Eight (8) hours is consistent with the guidance provided in NUREG-1366, "Improvements to Technical Specifications Surveillance Requirements."

Existing Technical Specification 4.6.3.e requires that the operable diesel-generator be tested immediately and once per week thereafter. Technical Specification 3.6.3.c requires that an inoperable diesel-generator be returned to an operable condition within seven (7) days to meet the Limiting Condition for Operation. Therefore, the requirement to test the operable diesel-generator "once a week thereafter" is not applicable. In addition, testing the operable diesel-generator one time is adequate to confirm operability of a diesel-generator. Repetitive testing following initial confirmation of operability is unwarranted. Therefore, Niagara Mohawk proposes to delete the requirement to test the operable diesel-generator weekly following the initial test.

Because the proposed change does not affect the design or performance of the diesel-generators nor adversely affect the reliability of the diesel-generators, the change will not result in an increase in the consequences of an accident previously evaluated (i.e., Station Blackout analyses). Because this change does not affect the probability of accident precursors, the proposed change does not affect the probability of an accident previously evaluated.

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not create the possibility of a new or different kind of accident from any accident previously evaluated

The proposed change to Technical Specification 4.6.3.e does not introduce any new operating configurations or new accident precursors and does not involve any physical alterations to plant configurations which could initiate a new or different kind of accident. The proposed change does not affect the design or performance characteristics of the diesel-generators nor

does the change create the possibility of the loss of both diesel-generators because common cause failure assessments will be performed. The change will delete excessive diesel-generator testing and therefore increase overall plant safety by increasing diesel-generator reliability. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any previously evaluated.

The operation of Nine Mile Point Unit 1, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety

The proposed change to Technical Specification 4.6.3.e will not reduce the number of emergency power sources required by Technical Specification Limiting Condition for Operation 3.6.3 or affect the normal surveillance requirements as described in Technical Specification 4.6.3. The normal surveillance tests demonstrate acceptable reliability and assure that the operable diesel-generator is capable of performing its intended function. The proposed change to delete the excessive testing requirements does not affect the design or performance of any diesel-generator and does not adversely affect diesel-generator reliability. Eliminating unnecessary testing will potentially increase diesel-generator reliability by reducing the stresses caused by such testing. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005-3502.

NRC Project Director: Robert A. Capra

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: November 30, 1993

Description of amendment request: The proposed amendment would change sections 3.2/4.2, Protective Instrumentation, and 3.17/4.17, Control Room Habitability, by deleting the requirements for a chlorine detection system and revises the limiting conditions for operation for the Control Room Ventilation System to be more consistent with Standard Technical Specifications. Due to design changes at the Monticello Nuclear Generating Plant, chlorine is no longer stored onsite as a liquified gas and regulations requiring early warning of an onsite chlorine release do not apply.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Concerning Deletion of Requirements for the Chlorine Detection System

The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Postulated chemical releases of chlorine have been shown to be such that incapacitation of the control room operators would not occur within allowed time frames for the donning of protective breathing equipment, or that the probability of a chlorine trucking transportation accident which causes incapacitation of control room operators with potential consequences of a radioactive release in excess of 10 CFR 100 guidelines is well below the level of concern as established in regulatory guidance. Therefore, this amendment will not cause a significant increase in the probability or consequences of an accident previously evaluated for the Monticello plant.

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The performance of a new toxic chemical analysis for the Monticello site has demonstrated that human detection may be relied upon to detect chlorine toxic chemical releases. Operator protection is established via the donning of protective breathing equipment. The capability to manually isolate the control room with dampers is retained. The ability of the operators to cope with a chlorine toxic gas hazard remains consistent with the protection measures available for other toxic chemicals stored onsite, stored in the vicinity of the site, or transported near the plant site. The proposed amendment will not create the possibility of a new or different kind of accident.

The proposed amendment will not involve a significant reduction in the margin of safety.

The performance of a new toxic chemical analysis for the Monticello site has demonstrated that incapacitation of the control room operators would not occur within allowed time frames for the donning of protective breathing equipment and that a postulated hazardous chemical release due to a trucking transportation accident involving chlorine is of a sufficiently low probability of occurrence that it need not be considered. The basis of the chlorine detectors and associated Technical Specifications is to provide protection against an accident scenario which has been demonstrated to be of extremely low probability (a trucking transportation accident involving chlorine within five miles of the plant), therefore removal of the chlorine detectors from the plant design and the associated Technical Specifications will not involve a significant reduction in the margin of safety.

2. Concerning the Limiting Conditions for Operation for the Control Room Ventilation System and Technical Specification Bases

The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Control Room Ventilation system ensures that Main Control Room habitability is maintained such that personnel and equipment located in the control room can respond to mitigate the consequences of an accident. The system does not contribute to the probability of occurrence of any design basis accident. The operability requirements as proposed for the revised specification 3.17.A ensure that the Control Room Ventilation system is operable during plant conditions for which significant radioactive releases are postulated consistent with the Standard Technical Specification. The proposed changes ensure the Control Room Ventilation system is restored to an operable status or that actions are taken to minimize the importance of the system function within time frames which take into consideration the low probability of an event occurring which would require Control Room Ventilation system function. Therefore, this amendment will not cause a significant increase in the probability or consequences of an accident previously evaluated for the Monticello plant.

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed changes to Technical Specifications 3.17.A do not alter the function of the Control Room Ventilation system or its interrelationships with other systems. The proposed changes provide requirements to ensure the Control Room Ventilation system is capable of performing its required function or that actions are taken to minimize the potential for its function being required consistent with regulatory guidance; therefore, this amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment will not involve a significant reduction in the margin of safety.

The operability requirements as proposed for the revised specification 3.17.A ensure that the Control Room Ventilation system is operable during plant conditions for which significant radioactive releases are postulated. The performance of a new toxic chemical analysis for the Monticello site has demonstrated that a postulated hazardous chemical release due to a trucking transportation accident involving chlorine is of a sufficiently low probability of occurrence that it need not be considered. As the basis of the chlorine detectors and current operability requirements for the control Room Ventilation system is to provide protection against an accident scenario which has been demonstrated to be of extremely low probability, the proposed revision to the Control Room Ventilation

operability requirements will not involve a significant reduction in the margin of safety.

The proposed changes to Technical Specification 3.17.A ensure that both trains of the Control Room Ventilation system are restored to an operable status within a time frame which takes into consideration the low probability of an event occurring requiring Control Room Ventilation system function, the availability of the redundant Control Room Ventilation train and the capability of the safety related Emergency Filtration Train to pressurize the control room without the Control Room Ventilation system. The proposed changes provide requirements to ensure the Control Room Ventilation system is capable of performing its required function or that actions are taken to minimize the potential for its function to be required consistent with regulatory guidance; therefore, the proposed change will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: L. B. Marsh

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: January 3, 1994

Description of amendment request: The proposed amendment would revise the requirements of Technical Specification 4.6.E.1.a, which currently specifies that a minimum of seven safety/relief valves shall be bench checked or replaced with a bench checked valve each refueling outage. The proposed amendment would change this specification to require the valves to be tested in accordance with the Section XI Inservice Testing Requirements of the ASME Boiler and Pressure Vessel Code. The proposed change is consistent with the Improved Standard Technical Specifications, NUREG-1433.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment is limited to changes to the surveillance testing requirements (bench checking or replacement) applicable to the main steam system safety/relief valves. This surveillance requirement is performed while the plant is in a cold shutdown condition at a time when the safety/relief valves are not required to be operable. The performance of this evolution is not an input or consideration in any accident previously evaluated, thus the proposed change will not increase the probability of any such accident occurring. Current safety analyses conclude that the pressure relief capabilities of the Safety Relief valves are adequate assuming that one of the eight safety/relief valves fails to open upon demand. The proposed change will not adversely affect the reliability of the valves and will therefore not reduce the conservatism of this assumption.

Similarly, the proposed amendment specifies testing requirements consistent with accepted industry codes and regulatory guidance to provide assurance that the valves will function as designed. The amendment will not diminish the capability of the safety/relief valves to perform as required during any accident previously evaluated and will therefore not increase the consequences of any such accident.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment does not involve any modification to plant equipment or operating procedures, nor will it introduce any new safety/relief valve failure modes that have not been previously considered. The net result of the proposed amendment will be to allow the plant staff the option of decreasing the frequency of safety/relief valve testing to a level that has been acknowledged as acceptable by the ASME Code and NUREG-1433. We therefore conclude the proposed changes will not create the possibility of a new or different kind of accident from any accident previously analyzed.

c. The proposed amendment will not involve a significant reduction in the margin of safety.

The proposed amendment does not involve a decrease in the number or capacity of safety/relief valves that are provided in the system, nor does it involve any change in safety/relief valve setpoints, operability requirements, or limiting conditions for operation. Based on these considerations, we conclude the proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: L. B. Marsh

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: January 4, 1994

Description of amendment request: The proposed amendment would change Technical Specifications section 3.11, Reactor Fuel Assemblies, by removing information concerning the analytical method to determine average planar linear heat generation rate (APLHGR) and providing reference to the presentation of the information in the Core Operating Limits Report. In addition, this proposed amendment would change section 6.7, Reporting Requirements, by revising the listing of approved analytical methods for developing the Core Operating Limits Report, and it would revise the Technical Specification Bases for section 3.11 concerning the calculation methodology for MCPR [minimum critical power ratio]. The proposed change to specification 3.11.A would eliminate the duplication of requirements specified in specification 6.7.A.7 and the Core Operating Limits Report for establishing APLHGR limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The APLHGR limits originate from and are associated with LOCA [loss-of-coolant accident] analyses. Standard exposure dependent APLHGR limits are generated from LOCA analyses initiated from rated power and flow conditions. For any allowable off power and off flow condition the APLHGR limit is the smaller of the flow dependent or power dependent limit. These limits are also used in the fuel thermal-mechanical analysis and transient analysis. Flow dependent APLHGR requirements will continue to be established based on analysis and fuel type specific limits determined using NRC approved methodologies to ensure that peak transient average planar heat generation rate during these events is not increased above the fuel design basis values. Power dependent APLHGR limits will continue to be established based on analysis

and fuel type specific limits determined using NRC approved methodologies to ensure that peak transient average planar heat generation rate during any transient is not increased above the rated fuel design basis transient values. The proposed amendment establishes appropriate controls to ensure that the APLHGR limits will continue to be determined and established using NRC approved methodology; therefore, this amendment will not cause a significant increase in the probability or consequences of an accident previously evaluated for the Monticello plant.

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment does not involve any modifications to plant equipment or operating procedures, nor will it introduce any new failure modes. The proposed amendment ensures that cycle specific APLHGR limits are determined and established using approved methodologies and will not create the possibility of a new or different kind of accident.

The proposed amendment will not involve a significant reduction in the margin of safety.

The proposed amendment removes duplication which exists in the Monticello Technical Specification for the identification of the approved analytical methods for establishing the APLHGR core operating limit. In addition the proposed amendment adds the NRC approved Siemens' analytical method for the determination of APLHGR limits based on LOCA/ECCS [emergency core cooling system] analyses. Inclusion of the NRC approved Siemens' analytical method ensures proper coordination of the methodology employed to establish the APLHGR limiting condition for operation for each type of fuel as a function of axial location and average planar exposure. APLHGR limits will continue to be determined using NRC approved methodology as established in specification 6.7.A.7.b. The established APLHGR limits will be verified to be consistent with the accident analysis contained in the Monticello Updated Safety Analysis Report. The proposed amendment will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: L. B. Marsh

Northern States Power Company, Docket Nos. 50-282 and 50-306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of amendments request: September 21, 1992, as revised December 29, 1992, and November 24, 1993

Description of amendments requests: The proposed amendments would change various Technical Specification (TS) sections and associated Bases for surveillance test intervals and allowed outage times for the engineered safety features and reactor protection system instrumentation consistent with the NRC Staff position as documented in NRC letters to the Westinghouse Owners Group.

The proposed license amendment request also updates operation modes to be consistent with Westinghouse Standard Technical Specification operational modes and also includes several editorial changes to the Prairie Island TS that are unrelated to the changes described above.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The determination that the results of the proposed change are within all acceptable criteria have been established in the SERs prepared for WCAP-10271, WCAP-10271 Supplement 1, WCAP-10271 Supplement 2 and WCAP-10271 Supplement 2, Revision 1 issued by References 1, 2, and 5 [of the November 24, 1993, application]. Implementation of the proposed changes is expected to result in an acceptable increase in total Reactor Protection and Engineered Safety Features Systems yearly unavailability. This increase, which is primarily due to less frequent surveillance, results in a[n] increase of similar magnitude in the probability of an Anticipated Transient Without Scram (ATWS) and in the probability of core melt resulting from an ATWS and also results in a small increase in core damage frequency (CD) due to Engineered Safety Features unavailability.

Implementation of the proposed changes is expected to result in a significant reduction in the probability of core melt from inadvertent reactor trips. This is a result of a reduction in the number of inadvertent reactor trips (0.5 fewer inadvertent reactor trips per unit per year) occurring during testing of Reactor Protection System instrumentation. This reduction is primarily attributable to less frequent surveillance.

The reduction in inadvertent core melt frequency is sufficiently large to counter the increase in ATWS core melt probability resulting in an overall reduction in total core melt probability.

The values determined by the Westinghouse Owners Group and presented in the WCAP for the increase in core damage frequency were verified by Brookhaven National Laboratory (BNL) as part of an audit and sensitivity analyses for the NRC Staff. Based on the small value of the increase compared to the range of uncertainty in the core damage frequency, the increase is considered acceptable.

The changes of an editorial nature, including the change to Standard Technical Specification format for the instrumentation Technical Specifications and mode definitions, have no impact on the severity or consequences of an accident previously evaluated.

The proposed changes do not result in an increase in the severity or consequences of an accident previously evaluated. Implementation of the proposed changes affects the probability of failure of the Reactor Protection System and Engineered Safety Features but does not alter the manner in which protection is afforded nor the manner in which limiting criteria are established.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed changes do not involve hardware changes and do not result in a change in the manner in which the Reactor Protection System and Engineered Safety Features provide plant protection. No change is being made which alters the functioning of the Reactor Protection System or Engineered Safety Features. Rather the likelihood or probability of the Reactor Protection System or Engineered Safety Features functioning properly is affected as described above. Therefore the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes of an editorial nature, including the change to Standard Technical Specification format for the instrumentation Technical Specifications and mode definitions does not create the possibility of a new or different kind of accident from any previously evaluated.

. The proposed amendment will not involve a significant reduction in the margin of safety.

The proposed changes do not alter the manner in which safety limits, limiting safety system setpoints or limiting conditions for operation are determined. The impact of reduced testing other than as addressed above is to allow a longer time interval over which instrument uncertainties (e.g., drift) may act. Experience has shown that the initial uncertainty assumptions are valid for reduced testing.

Implementation of the proposed changes is expected to result in an overall improvement in safety by:

a. Less frequent testing will result in less inadvertent reactor trips and actuation of Engineered Safety Features components.

b. Higher quality repairs leading to improved equipment reliability due to longer repair times.

c. Improvements in the effectiveness of the operating staff in monitoring and controlling plant operation. This is due to less frequent distraction of the operator and shift supervisor to attend to instrumentation testing.

The changes of an editorial nature, including the change to Standard Technical Specification format for the instrumentation Technical Specifications and mode definitions [do] not lead to a reduction in any margin of safety.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW, Washington, DC 20037

NRC Project Director: L. B. Marsh

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station,Unit No. 1, Washington County, Nebraska

Date of amendment request: December 28, 1993

Description of amendment request: The proposed amendment to the Technical Specifications would revise the surveillance test frequency from monthly to quarterly for several channel functional tests for Reactor Protective System and Engineered Safety Feature Instrumentation and Controls based on Generic Letter 93-05.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve significant hazards considerations because operation of Fort Calhoun Station Unit (FCS) No. 1 in accordance with this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

Increasing the surveillance test interval (STI) from monthly to quarterly for the Reactor Protective System (RPS) and Engineered Safety Features Actuation System (ESFAS) instrumentation has two principal effects with opposing impacts on core melt risk. The first impact is a slight increase in core melt frequency that results from the increased unavailability of the instrumentation in question. The unavailability of the tested instrumentation components is translated to result in a failure of the reactor to trip, an Anticipated Transient Without Scram (ATWS), or a failure of the appropriate engineered safety features to actuate when required. The opposing impact on core melt risk is the corresponding reduction in core melt frequency that would result due to the reduced exposure of the plant to test-induced transients. This results in a net decrease in core melt frequency of approximately 4.1×10^{-8} per year.

Representative fault tree models were developed for FCS and the corresponding changes in core melt frequency were quantified in evaluations CEN-327-A and CEN-327-A, Supplement 1. The NRC issued a Safety Evaluation Report (SER) which found that these evaluations were acceptable for justifying the extensions in the STIs for the RPS and ESFAS from 30 days to 90 days and that the RPS unavailabilities resulting from extending the STIs were not considered to be significant. Estimates of the reduction in scram frequency from the reduction in test-induced scrams and the corresponding reduction in core melt frequency were found acceptable. STIs of 90 days were found to result in a net reduction in core melt risk.

A plant specific calculation/setpoint drift analysis was conducted, as required by the NRC SER, that analyzed the effect on instrument drift of extending the RPS and ESF instrumentation and controls functional STI from monthly to quarterly. The results demonstrated that the observed changes in instrument uncertainties for the extended STI do not exceed the current 30-day setpoint assumptions. Therefore, it is unnecessary to change any setpoints to accommodate the proposed extended STI.

Operation of the facility in accordance with this proposed change, therefore, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve any changes in equipment and will not alter the manner in which the plant will be operated. RPS and ESFAS setpoints will not be changed as the instrument uncertainties resulting from the proposed STI (calculated using actual plant data) are less than the instrument uncertainties assumed for 30 days. Thus, this proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in a margin of safety.

There are no changes to the equipment or plant operations. RPS and ESFAS setpoints will not be changed as the instrument uncertainties resulting from the proposed STI (calculated using actual plant data) are less that the instrument uncertainties assumed for 30 days.

Implementation of the proposed changes is expected to result in an overall improvement in plant safety due to the fact that reduced testing intervals will result in fewer inadvertent reactor trips and less frequent actuation of ESFAS components. The conclusions of the accident analyses in the FCS Updated Safety Analysis Report (USAR) remain valid and the safety limits continue to be met. Thus, this proposed change does not reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009-5728NRC Project Director: William D. Beckner

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: December 28, 1993

Description of amendment request: The proposed amendment to the James A. FitzPatrick Technical Specifications (TSs) clarifies Limiting Condition for Operation (LCO) 3.5.D.4. Amendment No. 179 to the TS added LCO 3.5.D.4 to permit hydrostatic and leakage testing at temperatures up to 300°F without requiring certain equipment, including the automatic depressurization system (ADS), to be operable. However, LCO 3.5.D.4 can be mistakenly interpreted to require the ADS be operable at temperatures less than 212°F. Requiring the ADS to be operable during hydrostatic and leakage testing with temperatures below 212°F was clearly not the intent of Amendment No. 179. The proposed change will clarify LCO 3.5.D.4 to resolve this concern.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

The plant accident analyses are not affected by the proposed Technical Specification change. Prior to implementation of Amendment 179, hydrostatic and leakage testing of the RCS was performed with reactor coolant temperatures below 212°F while the ADS was inoperable. Amendment 179 revised the Technical Specifications in anticipation of increased pressure temperature limits requiring hydrostatic and leakage testing at or above 212°F. Requiring the ADS to be operable during hydrostatic or leakage testing with temperatures below 212°F was clearly

not the intent of Amendment 179. The change will not increase the probability or consequences of previously evaluated accidents.

2. create the possibility of a new or different kind of accident from those previously evaluated.

The proposed change involves no modifications to hardware, analyses, operations or procedures. The change clarifies LCO 3.5.D.4 to allow hydrostatic and leakage testing of the RCS below 300°F without requiring the ADS to be operable. The change is administrative in nature since it only clarifies the intent of the Technical Specifications as agreed to with the NRC and cannot create a new or different kind of accident.

3. involve a significant reduction in the margin of safety.

The proposed change will not affect any plant safety margins. The existing plant accident analyses are not affected by the proposed change. This revision of LCO 3.5.D.4 is intended to clarify that the ADS is not required to be operable during hydrostatic or leakage testing of the RCS. This position is substantiated by the NRC safety evaluation for Amendment 179 which acknowledges that hydrostatic and leakage testing can not be performed without making the ADS, and other systems, inoperable.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: January 31, 1994

Description of amendment request: The proposed amendment to the James A. FitzPatrick Technical Specifications would revise the limiting conditions for operation (LCO), surveillance requirements, and Bases section for the main condenser steam jet air ejectors (SJAE). The proposed changes correct a typographical error, clarify the modes of operation during which the SJAE LCOs and surveillance requirements are applicable, revise the action required upon entering a SJAE LCO, and establish a threshold level below which there will be no requirement to perform grab samples and isotopic analyses of SJAE effluent.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed Amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment revision involves no hardware changes, no changes to the operation of any systems or components and no changes to structures. The changes clarify the Technical Specifications by specifying the modes of operation during which the LCOs and Surveillance Requirements of Specification 3.5 are applicable. The changes also include specific guidance for the operators to prevent or minimize the release of radioactive gases to the environment. These changes can not cause an increase in the probability of, nor alter the consequences of, an accident previously evaluated.

The establishment of a threshold below which grab samples are not required will alter procedures by allowing SJAE operation without grab samples to determine effluent content at low levels of radioactivity (i.e., less than 5,000 micro Ci/sec). This will not affect the monitoring system's ability to detect, alarm, and isolate the offgas system if the concentration of radioactive material in the effluence reaches the appropriate setpoint.

The surveillance requirement for taking a grab sample after a greater than 50% increase in release rate is intended to assist operators in determining if there is any increase in fuel failure during steady state operations. This would assure that routine operational limits are maintained. The grab samples do not provide any automatic protective function (e.g., MSIV [main steam isolation valve] or Offgas System isolation) for mitigating an accident but provide radionuclide concentration data.

The performance of SJAE effluent grab samples is not credited towards detecting nor mitigating any design basis accidents since spontaneous fuel failure is not a FSAR [Final Safety Analysis Report] accident initiator but a consequence of an accident. Therefore, the use of a 5,000 micro Ci/sec threshold, which is approximately 1% of the trip setpoint, would not alter the consequences or probabilities of established accident scenarios.

2. create the possibility of a new or different kind of accident from those previously evaluated.

The proposed changes provide improved clarity concerning applicability of the specifications and specific guidance for preventing/mitigating the release of radioactive gases to the environment. The proposed changes also provide guidance for limiting the number of unnecessary grab samples.

These changes do not affect the manner in which the main condenser steam jet air ejector is operated. The proposed changes to the Technical Specifications reflect either established plant practice (i.e., applicable modes or mitigation procedures) or new surveillance guidelines to minimize unnecessary grab samples. In all cases, the proposed changes have no affect on any parameters which would be considered or used in an accident analysis. The changes, therefore, do not pose a safety issue different from those analyzed previously for the FSAR.

3. involve a significant reduction in the margin of safety.

The proposed changes to the Technical Specifications will not alter the intent of the surveillance requirement to monitor for the possibility of fuel failure. Considering the difference between the proposed threshold value and the current alarm setpoint, a reduction in grab samples during plant operation with low concentrations of radioactivity in the primary coolant will not affect any plant safety margins.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: January 31, 1994

Description of amendment request: The proposed amendment to the James A. FitzPatrick Technical Specifications would revise Specification 3.8 to adopt the Limiting Conditions for Operation (LCO) of Section 3/4.7.6, "Sealed Source Contamination," as stated in NUREG-0123, "Standard Technical Specifications for General Electric Boiling Water Reactors (BWR/5)" (STS). In addition, the proposed change reformats Specifications 3.8 and 4.8 to make them consistent with the remainder of the FitzPatrick Technical Specifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

consideration, which is presented below:

Operation of the FitzPatrick plant in accordance with the proposed amendment would not involve a significant hazards consideration as defined in 10 CFR 50.92, since it would not:

1. involve a significant increase in the probability or consequences of an accident previously evaluated.

Adopting the LCO described in the "Sealed Source Contamination" section of NUREG-0123 (STS) does not increase the probability or the consequences of an accident or malfunction of a safety-related structure, system, or component previously reviewed in the FSAR [Final Safety Analysis Report]. The proposed changes do not increase the probability of causing, either directly or indirectly an uncontrolled release of significant amounts of radiation. Deleting 10 CFR 30.71 as the basis for exempting sealed sources for the leak testing requirements removes a requirement that is redundant to other federal regulations requirements. The proposed changes to reformat Specifications 3.8 and 4.8 are administrative in nature and do not increase the probability or consequences of an accident previously evaluated in the FSAR. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not alter the radioactive materials controls established at the restricted area boundaries and do not increase the amount of radioactive materials on site. There are no modifications to safety systems as a result of the proposed changes. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated in the FSAR.

3. involve a significant reduction in a margin of safety.

Adopting the wording of the STS regarding the sealed sources limiting conditions for operations will not reduce the ability of the operators to detect a leaking sealed radioactive source. Established radiological controls (i.e., handling techniques and good health physics practices) implemented through plant procedures will ensure that the sealed sources will continue to be tested as required by the Technical Specifications and applicable regulations. The proposed changes do not alter the radioactive materials controls established at the restricted area boundary and do not increase the amount of radioactive materials on site. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: December 9, 1993

Description of amendment request: The proposed amendment would change the Rancho Seco Permanently Defueled Technical Specifications (PDTS) to implement and ensure consistency with the revisions in 10 CFR Part 20.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

•A significant increase in the probability or consequences of an accident previously evaluated in the SAR (Safety Analysis Report) will not be created, because the proposed changes are editorial in nature, are designed to implement the 10 CFR Part 20 regulations, and have no affect on any accidents evaluated in the Rancho Seco Defueled Safety Analysis Report (DSAR), i.e., the dropped fuel assembly accident, the loss of offsite power condition, or a radwaste tank rupture.

•PA-187 (Proposed Amendment) will not create the possibility of a new or different type of accident evaluated in the SAR, because the changes are editorial in nature, implement the new 10 CFR Part 20 radiation protection regulations, and do not provide any new mechanisms by which an accident can occur.

•The proposed PDTS amendment will not involve a significant reduction in the margin of safety, because the District will continue to maintain the appropriate radiation protection controls, through implementation of the new 10 CFR Part 20 regulations, that are necessary to ensure Rancho Seco continues to be operated safely from a personnel radiation exposure standpoint during the Permanently Defueled Mode.

The NRC staff has reviewed the analysis of the licensee and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Central Library, Government Documents 828 I Street, Sacramento, California 95814.

Attorney for licensee: Dana Appling, Esquire, Sacramento Municipal Utility District, P.O. Box 15830, Sacramento, California 95852-1830

NRC Project Director: Seymour H. Weiss

Tennessee Valley Authority, Docket No. 50-328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee

Date of amendment request: February 8, 1994 (TS 94-02)

Description of amendment request: The proposed change would revise Operating License Condition 2.C.(17) to temporarily extend the surveillance interval for certain specified instruments from the normal 18-month interval to a maximum of 28 months for 18-month surveillances and 46 months for the 3-year Containment fire hose hydrostatic surveillance test in order to prevent exceeding the allowable testing frequency prior to the refueling outage that has been rescheduled to start in July 1994.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is temporary and allows a one-time extension of specific surveillance requirements (SRs) for Cycle 6 to allow surveillance testing to coincide with the sixth refueling outage. The proposed surveillance interval extension is short and will not cause a significant reduction in system reliability nor affect the ability of the systems to perform their design function. Current monitoring of plant conditions and continuation of the surveillance testing required during normal plant operation will continue to be performed to ensure conformance with TS operability requirements. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

Extending the surveillance interval for the performance of specific testing will not create the possibility of any new or different kind of accidents. No changes are required to any system configurations, plant equipment, or analyses. Therefore, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

Surveillance interval extensions will not impact any plant safety analyses since the assumptions used will remain unchanged. The safety limits assumed in the accident analyses and the design function of the equipment required to mitigate the consequences of any postulated accidents will not be changed since only the surveillance test interval is being extended. Historical performance generally indicates a high degree of reliability, and surveillance testing performed during normal plant operation will continue to be performed to verify proper performance. Therefore, the plant will be maintained within the analyzed limits, and the proposed extension will not significantly reduce the margin of safety.

The NRC has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902

NRC Project Director: Frederick J. Hebdon

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: December 23, 1992

Description of amendment request: The proposed amendment would revise TS 3/4 3.3.5 and its Bases adding testing requirements for transfer switches used to meet 10 CFR Part 50, Appendix R (Fire Protection) requirements and specifies a new special report requirement for TS 6.9.2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, indicating that the proposed changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because none of the proposed changes are associated with the initiation of any design bases accident. The addition of Limiting Condition for Operation (LCO) 3.3.3.5.2 and Surveillance Requirement (SR) 4.3.3.5.2 to the Technical Specifications will require each control circuit and transfer switch that is required for a serious control room or cable spreading room fire to be operable during Modes 1, 2 and 3 and to be verified at least once per 18 months as capable of performing the intended function. New Action b will require restoration of an inoperable control circuit or transfer switch (required for a serious control room or cable spreading room fire) within 30 days or a Special Report submitted to the NRC pursuant to Specification 6.9.2 within the next 30 days. Surveillance testing procedures will be prepared, reviewed and approved in accordance with Technical Specification (TS) 6.5.3, Technical Review and Control, which will ensure an unreviewed safety question is not created. To support the addition of the new LCO, Action and SR, the existing LCO, Action and SR are proposed to be administratively re-numbered or re-lettered. The new Special Report requirement is proposed to be administratively added to TS 6.9.2.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because no equipment, accident conditions, or assumptions are affected which could lead to significant increases in radiological consequences. The addition of LCO 3.3.3.5.2 and SR 4.3.3.5.2 to the Technical Specifications will require each control circuit and transfer switch that is required for a serious control room or cable spreading room fire to be operable during Modes 1, 2 and 3 and to be verified at least once per 18 months as capable of performing the intended function. New Action b will require restoration of an inoperable control circuit or transfer switch (required for a serious control room or cable spreading room fire) within 30 days or a Special Report submitted to the NRC pursuant to Specification 6.9.2 within the next 30 days. Surveillance testing procedures will be prepared, reviewed and approved in accordance with Technical Specification (TS) 6.5.3, which will ensure an unreviewed safety question is not created. To support the addition of a new LCO, Action and SR, the existing LCO, Action and SR are proposed to be administratively re-numbered or re-lettered. The new Special Report requirement is proposed to be administratively added to TS 6.9.2.

2a. Not create the possibility of a new kind of accident from any accident previously evaluated because no new accident initiators are introduced by the proposed changes. The addition of LCO 3.3.3.5.2 and SR 4.3.3.5.2 to the Technical Specifications will require each control circuit and transfer switch that is required for a serious control room or cable spreading room fire to be operable during Modes 1, 2 and 3 and to be verified at least once per 18 months as capable of performing the intended function. New Action b will require restoration of an inoperable control circuit or transfer switch (required for a serious control room or cable spreading room fire) within 30 days or a Special Report submitted to the NRC pursuant to Specification 6.9.2 within the next 30 days. Surveillance testing procedures will be prepared, reviewed and approved in accordance with TS 6.5.3, which will ensure an unreviewed safety question is not created. To support the addition of the new LCO, Action and SR, the existing LCO, Action and SR are proposed to be administratively re-numbered or re-lettered. The new Special Report requirement is proposed to be administratively added to TS 6.9.2.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because no different accident initiators are introduced by the proposed changes. The addition of LCO 3.3.3.5.2 and SR 4.3.3.5.2 to the Technical Specifications will require each control circuit and transfer switch that is required for a serious control room or cable spreading room fire to be operable during Modes 1, 2, and 3 and to be verified at least once per 18 months as capable of performing the intended function. New Action b will require restoration of an inoperable control circuit or transfer switch (required for a serious control room or cable spreading room fire) within 30 days or a Special Report submitted to the NRC pursuant to Specification 6.9.2 within the next 30 days. Surveillance testing procedures will be prepared, reviewed and approved in accordance with TS 6.5.3, which will ensure an unreviewed safety question is not created. To support the addition of the new LCO, Action and SR, the existing LCO, Action and SR are proposed to be administratively re-numbered or re-lettered. The new Special Report requirement is proposed to be administratively added to TS 6.9.2.

3. Not involve a significant reduction in a margin of safety because these are not new or significant changes to the initial conditions contributing to accident severity or consequences, therefore, there are no significant reductions in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037

NRC Project Director: John N. Hannon

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: September 24, 1993

Description of amendment request: The proposed amendment would revise Technical Specifications to extend the reporting period of the Semiannual Radioactive Effluent Release Report from semiannually to annually. Additionally, the report submission date would change from 60 days after January 1 and July 1 of each year to before May 1 of each year. The changes to the reporting period and report date are being made to implement the August

31, 1992, amendment to 10 CFR 50.36a. The affected Technical Specifications Sections are 1.18, 3.11.1.4, 3.11.2.6, 6.9.1.7, 6.14c, and the Index.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because operation of Callaway Plant with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not affect accident initiators or assumptions. The radiological consequences of any accident previously evaluated remain unchanged.

(2)Create the possibility of a new or different kind of accident from any previously evaluated.

These changes do not impact any administrative controls nor do they involve physical alterations to the plant with respect to radioactive effluent. There is no new type of accident or malfunction created and the method and manner of plant operation will not change.

(3) Involve a significant reduction in a margin of safety.

The margin of safety remains unaffected since no design change is made and plant operation remains the same. The proposed changes do not affect any safety limits or boundary or system performance.

As discussed above, the proposed changes are strictly administrative in nature and have no affect on plant operations. They do not involve a significant increase in the probability or consequences of an accident previously evaluated or create the possibility of a new or different kind of accident from any previously evaluated. These changes do not result in a significant reduction in a margin of safety. Therefore, it has been determined that the proposed changes do not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: October 6, 1993

Description of amendment request: The proposed amendment would revise Technical Specifications Section 3.8.3, Electrical Power Systems - Onsite Power Distribution, to make the limiting conditions for operation for four emergency busses (NG05E, NG06E, NG07, and NG08) consistent with other technical specifications. The proposed revision would make the allowed outage time (AOT) for any of these emergency busses 72 hours. This is equivalent to the AOT for one train of the ESW per Technical Specification 3.7.4 and equivalent to the AOT for one train of the UHS cooling tower per Technical Specification 3.7.5.

This amendment request also proposes an editorial change by removing the number sign (ι) before each electrical bus, battery, and battery charger listed in Technical Specifications Section 3.8.3 in order to clarify the specifications and make the nomenclature consistent with other sections.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because operation of the Callaway Plant with these changes would not:

(1)Involve a significant increase in the probability or consequences of an accident previously evaluated.

The implementation of the proposed technical specification changes does not involve any modifications to the physical plant. Even though the MCCs themselves will have an allowed outage time of 72 hours instead of 8 hours, the operability requirements of the ESW system itself have not been lessened. The addition of LCs NG07 and NG08 to the technical specifications and surveillances serves to clarify the 480-volt power supply requirements in the technical specifications. The proposed changes do not affect accident initiators or assumptions. The radiological consequences of any accident previously evaluated remain unchanged.

(2)Create the possibility of a new or different kind of accident from any previously evaluated.

As noted above, the proposed change eliminates inconsistent requirements from the technical specifications, but overall does not lessen the requirements on ESW system operability imposed by the technical specifications. The implementation of the proposed technical specification changes do not involve any modifications to the physical plant or any significant change to the methods of operation of plant systems. The proposed changes do not create any new accident initiators.

(3)Involve a significant reduction in a margin of safety.

The requirements of Technical Specification 3.7.4, Plant Systems - Essential Service Water System, provide specific limiting conditions for operation applicable to the ESW System. In accordance with the definition of operability contained in the technical specifications, the operability of the ESW MCCs has always been included within these requirements. The existing technical specification requirements for onsite A.C. power distribution systems are intended to assure the availability of A.C. power sources supplying multiple safety systems. The NG05E and NG06E MCCs identified by this proposed change provide power for a single safety system (ESW) and associated equipment. The use of the 72 hour limit for the ESW MCCs is consistent with the requirements of Regulatory Guide 1.93, "Availability of Electrical Power Sources" and has an insignificant impact on the Callaway Probabilistic Risk Analysis. LCs NG07 and NG08 also only provide power for a single safety system (ESW) and associated equipment (UHS cooling tower). Since the technical specification requirements relative to the ESW system operability are not lessened by this change, there will be no reduction in the margin of safety as defined in the basis for the technical specifications.

As discussed, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated or create the possibility of a new or different kind of accident from any previously evaluated. These changes do not result in a significant reduction in a margin of safety. Therefore, it has been determined that the proposed changes do not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: February 1, 1994

Description of amendment request: The proposed amendment would revise Kewaunee Nuclear Power Plant (KNPP) Technical Specifications (TS) by

removing the review of the Emergency Plan and its implementing procedures from the list of responsibilities of the Plant Operations Review Committee (PORC). Guidance for this change was provided in Generic Letter 93-07, "Modification of the Technical Specification Administrative Control Requirements for Emergency and Security Plans," dated December 28, 1993. Several other administrative TS changes are proposed including removing specific titles from the list of PORC members in TS 6.5.a.2 and deleting TS 6.5.b which describes the Corporate Support Staff.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The proposed changes were revised in accordance with the provision of 10 CFR 50.92 to show no significant hazards exist. The proposed changes will not:

1) involve a significant increase in the probability or consequences of an accident previously evaluated.

The likelihood that an accident will occur is neither increased or decreased by these TS changes. These TS changes will not impact the function or method of operation of plant equipment. Thus, there is not a significant increase in the probability of a previously analyzed accident due to these changes. No systems, equipment, or components are affected by the proposed changes. Thus, the consequences of the malfunction of equipment important to safety previously evaluated in the Updated Safety Analysis Report (USAR) are not increased by these changes.

The proposed changes are administrative in nature and, therefore, have no impact on accident initiators or plant equipment, and thus, do not affect the probabilities or consequences of an accident.

2)create the possibility of a new or different kind of accident from any accident previously evaluated.

Operation of the facility in accordance with the proposed TS changes would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve changes to the physical plant or operations. Since these administrative changes do not contribute to accident initiation, they do not produce a new accident scenario or produce a new type of equipment malfunction. Also, these changes do not alter any existing accident scenarios; they do not affect equipment or its operation, and thus, do not create the possibility of a new or different kind of accident.

3)involve a significant reduction in the margin of safety.

Operation of the facility in accordance with the proposed TS would not involve a significant reduction in a margin of safety. The proposed changes do not affect the plant equipment or operation. The requirements previously contained in the TS's that are being deleted are redundant and are contained in other controlled documents. Safety limits and limiting safety system settings are not affected by these proposed changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P. O. Box 1497, Madison, Wisconsin 53701-1497.

NRC Project Director: John N. Hannon

Previously Published Notices Of Consideration Of Issuance Of Amendments To Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, And Opportunity For A hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: January 10, 1994, as supplemented February 3, 1994 (Reference LAR 94-01)

Brief description of amendment request: The proposed amendments would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant Unit Nos. 1 and 2 to change TS 3/4.3.2, "Engineered Safety Features Actuation System Instrumentation," and TS 3/4.6.2.3, "Containment Cooling System." TS 3/4.3.2 would be revised to expand the mode applicability to include Mode 4 for the high-high containment pressure signal. TS 3/4.6.2.3 would be revised to clarify acceptable containment fan cooling unit (CFCU) configurations that satisfy the safety analysis requirements and to clarify the minimum required component cooling water flow supplied to the CFCU cooling coils.

Date of individual notice in **Federal Register:** January 28, 1994 (59 FR 4121)

Expiration date of individual notice: February 28, 1994

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Notice Of Issuance Of Amendments To Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document rooms for the particular facilities involved.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: November 11, 1993

Brief description of amendments: The amendments revise the Technical Specifications (TSs) for both Units 1 and 2 by relocating the tables of response time limits for the Reactor Protection System and the Engineered Safety Features Actuation System instruments from the TSs to the Updated Final Safety Analysis Report. These amendments are a "line-item" TSs improvement and follow the guidance of Generic Letter 93-08, "Relocation of Technical Specification Tables of Instrument Response Time Limits."

Date of issuance: February 10, 1994

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 184 and 161

Amendment Nos.: 184 and 161

Facility Operating License Nos. DPR-53 and DPR-69: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 22, 1993 (58 FR 67841) The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated February 10, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Dates of application for amendments: December 31, 1992, as supplemented June 10, 1993, and August 23, 1993, and December 8, 1993.

Brief description of amendments: The amendments change the Technical Specifications to (1) revise the definition of core alteration in section 1.0, Definitions, (2) clarify the TS 3/4.9.3, Control Rod Position, in the action statement, surveillance requirements and associated bases, and (3) revise the frequency for the channel calibration of the High Pressure Core Injection Steam Line Tunnel Temperature - High instrument.

Date of issuance: February 8, 1994

Effective date: February 8, 1994

Amendment Nos.: 168 and 199

Amendment Nos.: 168 and 199

Facility Operating License Nos. DPR-71 and DPR-62. Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** July 7, 1993 (56 FR 36426), and January 5, 1994 (59 FR 617). The June 10, 1993, and August 23, 1993, letters provided supplemental information and updated TS pages and did not change the initial proposed no significant hazards consideration determinations. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 8, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: January 4, 1991, as supplemented on June 24, 1991, December 19, 1991, and October 15, 1993.

Brief description of amendments: The amendments (a) replace the current fire protection license condition in

Facility Operating License Nos. DPR-71 and DPR-62 with the standard license conditon in Generic Letter 86-10 and (b) change the Technical Specifications to relocate the fire protection requirements to the BSEP, Units 1 and 2, Updated Final Safety Analysis Report.

Date of issuance: February 10, 1994

Effective date: February 10, 1994

Amendment Nos.: 169 and 200

Amendment Nos.: 169 and 200

Facility Operating License Nos. DPR-71 and DPR-62. The amendments replace the current fire protection license condition in

Facility Operating License Nos. DPR-71 and DPR-62 with the standard license conditon in NRC Generic Letter 86-10, "Implementation of Fire Protection Requirements."

Date of notices in **Federal Register:** March 20, 1991 (56 FR 11722) and February 5, 1992 (57 FR 4485) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 10, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of application for amendment: July 26, 1993

Brief description of amendment: The amendment makes three specific changes in the TS: (1) incorporates the auxiliary feedwater (AFW) flow control valve (FCV) automatic opening feature in periodic surveillance testing, and clarifies in the AFW Bases that given the FCVs auto-open design feature, (2) deletes periodic surveillance testing of the auto-closure feature for the AFW motor-driven pump recirculation line valves; and (3) revises the general description of the AFW Bases so they are more concise and address directly the basis of the surveillance requirements.

Date of issuance: February 14, 1994

Effective date: February 14, 1994

Amendment No.: 42

Facility Operating License No. NPF-63. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** September 1, 1993 (58 FR 46225) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 14, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.No significant hazards consideration comments received: No

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station Units 1 and 2, Lake County, Illinois

Date of application for amendments: November 19, 1993

Brief description of amendments: The amendment revises the Technical Specifications by changing the reactor vessel low temperature overpressure protection setpoint.

Date of issuance: February 14, 1994

Effective date: February 14, 1994

Amendment Nos.: 153 and 141

Facility Operating License Nos. DPR-39 and DPR-48. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 22, 1993 (58 FR 67842) The Commission's related evaluation of the amendments is

contained in a Safety Evaluation dated February 14, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: August 9, 1991, as supplemented by letters dated February 12, 1992, November 8, 1993, and January 25, 1994.

Brief description of amendment: The amendment would revise the Technical Specifications to delete the surveillance requirements and limiting operating conditions for the independent electrical turbine overspeed protection system and to extend the surveillance test interval for the turbine stop and control valves from monthly to an interval of not greater than yearly. Also included is a minor correction to a typographical error.

Date of issuance: February 8, 1994

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 168

Facility Operating License No. DPR-26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51922) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 8, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: November 4, 1993

Brief description of amendments: The amendments change the Technical Specifications to allow extended outage time for each train of the control area ventilation system to allow system maintenance to improve system reliability. The one time extension to 14 days (for each train, one at a time) will allow completion of the maintenance activities while one or both units are on-line; otherwise, it would be necessary to shut down both units to complete the maintenance activities or to divide the maintenance activities into less than 7-day segments, which would increase unavailability of the control area ventilation system.

Date of issuance: February 10, 1994

Effective date: February 10, 1994

Amendment Nos.: 140 and 122

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 24, 1993 (58 FR 62155) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 10, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Duke Power Company, Docket Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina Date of application of amendments: November 11, 1993, as supplemented November 22, 1993

Brief description of amendments: The amendments provide an interim acceptance criteria for control rod drop time on Oconee, Unit 1.

Date of Issuance: February 9, 1994

Effective date: February 9, 1994

Amendment Nos.: 205, 205, and 202

Facility Operating License Nos. DPR-38, DPR-47, and DPR-55: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 29, 1993 (58 FR 62689) The November 22, 1993, letter provided clarifying information that did not change the scope of the November 11, 1993, application and initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 9, 1994. No significant hazards consideration comments received: No

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Duquesne Light Company, et al., Docket Nos. 50-334 and 50-412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of application for amendments: June 14, 1990, as supplemented November 17, 1993

Brief description of amendments: These amendments revise the Electrical Power System Shutdown, the AC Distribution - Shutdown, and the DC Distribution - Shutdown Specifications to more closely resemble the wording contained in the Standard Technical Specifications. The November 17, 1993, supplement changed existing terminology used to designate two emergency busses in Unit No. 1 and two DC busses in Unit 2 to standard nomenclature.

Date of issuance: February 7, 1994

Effective date: February 7, 1994

Amendment Nos.: 180 and 60

Facility Operating License Nos. DPR-66 and NPF-73: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 19, 1990 (55 FR 38601) The November 17, 1993, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 7, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Florida Power and Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of application for amendment: August 23, 1993

Brief description of amendment: This amendment will delete the option of using a movable incore detector to determine Incore Instrumentation System operability from the provisions of Technical Specification 3.3.3.2.

Date of issuance: February 8, 1994

Date of issuance: February 8, 1994

Effective date: February 8, 1994

Amendment No.: 64

Facility Operating License No. DPR-67: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 13, 1993 (58 FR 52985) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 8, 1994. No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

GPU Nuclear Corporation, et al., Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of applications for amendment: May 26 and December 2, 1993

Brief description of amendment: The amendment revises the TMI-1 Technical

Specifications to correct the definition of flood stage. The amendment also revises the TMI-1 Technical Specifications to remove the limiting conditions for operation and surveillance requirements for the Chlorine Detection Systems. Because this bridge was underwater during the 1972 flooding, the reference datum point location will be specified as the Susquehanna River Gage at Harrisburg. TMI-1 removed the gaseous chlorine system for the Circulating Water and River Water Systems.

Date of issuance: February 10, 1994

Effective date: As of its date of issuance.

Amendment No.: 182

Facility Operating License No. DPR-50. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 10, 1993 (58 FR 59750) and January 5, 1994 (59 FR 621).The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendments: December 16, 1992, as supplemented December 22, 1993.

Brief description of amendments: The amendments revise the licenses to allow the replacement of portions of the current Reactor Protection System instrumentation with a digital signal processing system.

Date of issuance: February 7, 1994

Effective date: February 7, 1994

Amendment Nos.: 175 & 160

Facility Operating License Nos. DPR-58 and DPR-74. Amendments add a license condition to the Operating Licenses.

Date of initial notice in **Federal Register:** March 3, 1993 (58 FR 12263) The December 22, 1993, letter provided clarifying information which did not change the staff's initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 7, 1994. No significant hazards consideration comments received: No.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: August 4, 1993

Brief description of amendment: The amendment incorporates an additional Emergency Diesel Generator Surveillance Requirement, 4.8.1.1.2.C.8, items a, b, and c, to the Technical Specification Section 3/4.8, "Electrical Power Systems." The change requires starting the EDG, with offsite power available, as a result of a Safety Injection Actuation Signal.

Date of issuance: February 14, 1994

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 171

Facility Operating License No. DPR-65. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 22, 1993 (58 FR 67852) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 14, 1994. No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Pennsylvania Power and Light Company, Docket No. 50-388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of application for amendment: August 19, 1992, as supplemented by letters dated May 18 and October 7, 1993

Brief description of amendment: The amendment changed the Technical Specifications to revise the logic which controls the automatic transfer of the High Pressure Coolant Injection pump suction source on high suppression pool level.

Date of issuance: February 9, 1994

Effective date: February 9, 1994

Amendment No.: 101

Facility Operating License No. NPF-22. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 16, 1992 (57 FR 42778) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 9, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Philadelphia Electric Company, Docket No. 50-352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania

Date of application for amendment: August 27, 1993, supplemented by letter dated November 17, 1993

Brief description of amendment: The amendment allows an expanded operating domain for the Limerick Generating Station (LGS), Unit 1, resulting from the implementation of the Average Power Range Monitor - Rod Block Monitor Technical Specifications/ Maximum Extended Load Line Limit Analysis.

Date of issuance: February 10, 1994

Effective date: February 10, 1994

Amendment No. 66

Facility Operating License No. NPF-39. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 13, 1993 (58 FR 52992) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 1994. No significant hazards consideration comments received:

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Philadelphia Electric Company, Docket No. 50-352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania

Date of application for amendment: November 30, 1993

Brief description of amendment: This amendment changes the Appendix A technical specifications by allowing the third Type A Containment Integrated Leakage Rate Test in the first 10-year service period to be conducted at Refuel 6.

Date of issuance: February 16, 1994

Effective date: February 16, 1994

Amendment No. 67

Facility Operating License No. NPF-39. The amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** December 22, 1993 (58 FR 67858) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 16, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of application for amendments: November 30, 1993

Brief description of amendments: These amendments decrease the test frequency of the drywell-to-suppression chamber bypass leak test to coincide with the primary Containment Integrated Leak Rate Test interval and require an additional test to measure the vacuum breaker leakage area for those outages for which the drywell-to-suppression chamber bypass test is not scheduled.

Date of issuance: February 17, 1994

Effective date: February 17, 1994

Amendment Nos. 68 and 31

Facility Operating License Nos. NPF-39 and NPF-85. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 5, 1994 (59 FR 626) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 17, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: September 28, 1992

Brief description of amendment: The amendment revises the flow requirement for the Core Spray (CS) pumps and the associated Bases. The change reduces the CS pump minimum flow acceptance criteria by 10% and addresses an inconsistency between the system leakage rates in the Updated Final Safety Analysis Report and the Technical Specifications (TS). Specifically, the surveillance testing required by the TS is intended to verify the capability of a core spray pump to deliver acceptable flow to the core. The new CS pump minimum flow acceptance criteria now accounts for system leakage that is not delivered to the core.

Date of issuance: February 8, 1994

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 204

Facility Operating License No. DPR-59: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 9, 1992 (57 FR 58250) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 8, 1994.No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: April 7, 1992

Brief description of amendments: These amendments revise Technical Specifications Tables 3.3-3, 3.3-4, 3.3-5, and 4.3-2, which provide the requirements for the Engineered Safety Features Actuation System (ESFAS) instrumentation. This Technical Specification change will clarify that a Manual Safety Injection Actuation Signal does not actuate a Containment Cooling Actuation Signal. This is an editorial change to make the Technical Specifications consistent with plant design.

Date of issuance: February 4, 1994

Effective date: February 4, 1994

Amendment Nos.: 110 and 99

Facility Operating License Nos. NPF-10 and NPF-15: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 10, 1992 (57 FR 24679) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 4, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P. O. Box 19557, Irvine, California 92713

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: March 10, 1993; amended January 31, 1994 (TS 93-02)

Brief description of amendments: The amendments add a reference to the test requirements of 10 CFR 50, Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors" to the technical specifications at various locations, and remove the corresponding detailed test requirements and acceptance criteria. Other containment system specifications related to this issue are also removed. In addition, a change to Table 3.6-2, "Containment Isolation Valves," clarifies the additional testing requirements for the containment purge valves.

Date of issuance: February 10, 1994

Effective date: February 10, 1994

Amendment Nos.: 176, Unit 1 - 167, Unit 2

Facility Operating License Nos. DPR-77 and DPR-79: Amendments revise the technical specifications.

Date of initial notice in **Federal Register:** May 12, 1993 (58 FR 28059) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 1994.No significant hazards consideration comments received: None

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402

The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of application for amendment: September 23, 1991

Brief description of amendment: This amendment allows an alternate method for verifying whether a control rod drive pump is operating.

Date of issuance: February 14, 1994

Effective date: February 14, 1994

Amendment No. 55

Facility Operating License No. NPF-58. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57705) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 14, 1994. No significant hazards consideration comments received: No

Local Public Document Room location: Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: December 10, 1993

Brief description of amendments: The amendments modify the surveillance frequency of the Auxiliary Feedwater

System pumps from monthly to quarterly.

Date of issuance: February 7, 1994

Effective date: February 7, 1994

Amendment Nos.: 177 and 158

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 5, 1994 (59 FR 631) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 7, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: February 23, 1993

Brief description of amendment: The amendment revises TS Section 3.5, "Instrumentation System," Table TS 3.5-6, "Instrumentation Operating Conditions for Indication," and Table TS 4.4-1, "Minimum Frequencies for Checks, Calibrations and Test of Instrument Channels." The amendment adds operability and surveillance requirements for the reactor vessel level indication and core exit thermocouple instrumentation to satisfy the recommendations of Generic Letter 83-37, "NUREG-0737 Technical Specifications." Similar additions are made for the wide range steam generator level instrumentation to satisfy Regulatory Guide 1.97 recommendations. Administrative changes are also incorporated as part of converting the TS document to the WordPerfect software.

Date of issuance: February 9, 1994

Effective date: February 9, 1994

Amendment No.: 105

Facility Operating License No. DPR-43: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 21, 1993 (58 FR 39061) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 9, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: November 16, 1993, as supplemented on December 7, 1993.

Brief description of amendment: The amendment modifies KNPP TS 4.4.a.7 by deleting the requirement that couples the performance of the Type A leakage tests to the 10-year inservice inspection program requirements. This change was made to reflect the partial exemption from the requirements of 10 CFR 50, Appendix J, Section III.D.a.(a), which was granted by the NRC on February 14, 1994. In addition, administrative changes to KNPP TS Section 4.4 and its associated bases have been made.

Date of issuance: February 17, 1994

Effective date: February 17, 1994

Amendment No.: 106

Facility Operating License No. DPR-43. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 22, 1993 (58 FR 67865) The December 7, 1993, submittal provided additional clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 17, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301 Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks Manitowoc County, Wisconsin

Date of application for amendments: March 24, 1993

Brief description of amendments: These amendments revised Technical Specifications (TS) Section 15.6 to update several position titles, to modify the composition and duties of the Manager's Supervisory Staff (the onsite review committee), and to remove a redundant review of the Facility Fire Protection Program implementing procedures.

Date of issuance: January 27, 1994

Effective date: January 27, 1994

Amendment Nos.: 146 and 150

Facility Operating License Nos. DPR-24 and DPR-27. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 18, 1993 (58 FR 43940) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 27, 1994.No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin 54241.

Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: May 27, 1993

Brief description of amendment: The proposed changes would revise the heatup, cooldown, and cold overpressure mitigation system power-operated relief valve setpoint pressure/temperature limits. The revised limits reflect the analysis of the most recently withdrawn surveillance capsule associated with the reactor vessel radiation surveillance program (10 CFR 50, Appendix H). The revised limits bound operation through 13.6 Effective Full Power Years (EFPY).

Date of issuance: February 10, 1994

Effective date: February 10, 1994, to be implemented within 30 days of issuance.

Amendment No.: 71

Facility Operating License No. NPF-42: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 7, 1993 (58 FR 36449) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 1994.No significant hazards consideration comments received: No.Local Public Document Room Locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

Dated at Rockville, Maryland, this 23rd day of February 1994.

For the Nuclear Regulatory Commission

Jack W. Roe,

Director, Divisio Director, Division of Reactor Projects - III/IV/V, Office of Nuclear Reactor Regulation

[Doc. 94-4562 Filed 3-1-94; 8:45 am]

BILLING CODE 7590-01-F

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Sherry Turpenoff, (202) 606–0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on January 20, 1994 (59 FR 3134). Individual authorities established or revoked under Schedules A and B and established under Schedule C between December 1 and December 31, 1993, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30, 1993, will also be published.

Schedule A

The following exceptions were established:

Federal Deposit Insurance Corporation

Until June 1, 1996, all Liquidation Graded, temporary field positions concerned with the work of liquidating the assets of closed banks or savings and loan institutions, of liquidating loans to banks or savings and loan institutions. No new appointments may be made under this authority after December 31, 1993. Effective December 2, 1993.

Temporary positions located at closed banks or savings and loan institutions that are concerned with liquidating the assets of the institutions, liquidating loans to the institutions, or paying the depositors of closed insured institutions. New appointments may be made under this authority only during the 60 days immediately following the institution's closing date. Such appointments may not exceed 1 year, but may be extended for not to exceed 1 additional year. Effective December 2, 1993.

Schedule B

No Schedule B authorities were established or revoked during December 1993.

Schedule C

Agency for International Development

Congressional Liaison Officer to the Deputy Assistant Administrator, Bureau of Legislative Affairs. Effective December 29, 1993.

Congressional Liaison Officer to the Deputy Assistant Administrator, Bureau of Legislative Affairs. Effective December 29, 1993.

Department of Agriculture

Confidential Assistant to the Administrator, Farmers Home Administration. Effective December 13, 1993.

Confidential Assistant to the Administrator, Agricultural Marketing Service. Effective December 13, 1993.

Confidential Assistant to the Deputy Administrator, Food and Nutrition Service. Effective December 13, 1993.

Confidential Assistant to the Administrator, Farmers Home Administration. Effective December 15, 1993.

Department of the Army (DOD)

Executive Assistant to the Secretary of the Army. Effective December 1, 1993.

Personal and Confidential Assistant to the Under Secretary of the Army. Effective December 7, 1993.

Defense Fellow (Public Affairs) to the Chief of Public Affairs. Effective December 8, 1993.

Department of Commerce

Confidential Assistant to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective December 8, 1993.

Confidential Assistant to the Deputy Executive Secretary. Effective December 8, 1993.

Confidential Assistant to the Deputy Assistant Secretary for Technology and Aerospace Industries. Effective December 8, 1993.

Special Assistant to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective December 13, 1993.

Special Assistant to the Assistant Secretary for Communications and Information. Effective December 13, 1993.

Special Assistant to the Director, Executive Secretariat. Effective December 22, 1993.

Confidential Assistant to the Deputy Director, Office of Public Affairs. Effective December 30, 1993.

Department of Defense

Civilian Executive Assistant to the Chairman of the Joint Chiefs of Staff. Effective December 1, 1993.

Defense Fellow to the Office of the Assistant Secretary of Defense (Personnel and Readiness). Effective December 1, 1993.

Principal Director, Threat Reduction Policy to the Deputy Assistant Secretary of Defense (Threat Reduction Policy). Effective December 1, 1993.

Special Assistant to the Assistant Secretary of Defense (Policy and Plans). Effective December 7, 1993.

International Counterdrug Specialist to the Deputy Assistant Secretary of Defense (Drug Enforcement Policy and Support). Effective December 8, 1993.

Special Assistant to the Counsellor to the Secretary and Deputy Secretary of Defense. Effective December 13, 1993.

Special Assistant for Health Care Policy to the Assistant Secretary of Defense for Legislative Affairs. Effective December 17, 1993.

Secretary to the Assistant Secretary of Defense (Strategy, Requirements and Resources). Effective December 22, 1993.

Staff Specialist to the Special Assistant to the Secretary of Defense for Public Affairs. Effective December 22, 1993.

Personal and Confidential Assistant to the Deputy Under Secretary of Defense for Logistics. Effective December 30, 1993.

Department of Education

Secretary's Regional Representative to the Assistant Secretary for Intergovernmental and Interagency Affairs. Effective December 1, 1993.

Special Assistant to the Assistant Secretary for Vocational and Adult Education. Effective December 1, 1993.

Confidential Assistant to the Deputy Assistant Secretary, Student Financial Assistance Programs. Effective December 8, 1993.

Confidential Assistant to the Assistant Secretary for Legislation and Congressional Affairs. Effective December 8, 1993.

Confidential Assistant to the Director, Executive Secretariat. Effective December 8, 1993.

Department of Energy

Staff Assistant to the Director, Office of Civilian Radioactive Waste Management. Effective December 8, 1993.

Staff Assistant to the Deputy Secretary of Energy. Effective December 8, 1993.

Special Assistant to the Principal Deputy Assistant Secretary for Policy, Planning and Program Evaluation. Effective December 22, 1993.

Program Information Coordinator to the Director, Office of Strategic Planning. Effective December 22, 1993.

Department of Health and Human Services

Special Assistant to the Director, Office of Public Liaison. Effective December 1, 1993.

Special Assistant to the Director of Intergovernmental Affairs. Effective December 8, 1993.

Deputy Director, Office of Public Liaison to the Director, Office of Public Liaison. Effective December 13, 1993.

Director of Communications to the Deputy Assistant Secretary for Public

Affairs (Policy and Communications). Effective December 15, 1993.

Executive Assistant to the Commissioner, Social Security Administration. Effective December 16, 1993.

Department of the Interior

Special Assistant to the Director, Minerals Management Service. Effective December 13, 1993.

Special Assistant to the Director, Bureau of Land Management. Effective December 14, 1993.

Department of Justice

Secretary to the United States Attorney, Western District of New York. Effective December 1, 1993.

Secretary (OA) to the United States Attorney, Western District of Louisiana. Effective December 7, 1993.

Staff Assistant to the Director, Office of Public Affairs. Effective December 8, 1993.

Secretary (OA) to the United States Attorney, District of Massachusetts. Effective December 15, 1993.

Secretary to the United States Attorney, Northern District of Iowa. Effective December 15, 1993.

Secretary to the United States Attorney, District of New Mexico. Effective December 15, 1993.

Staff Assistant to the Director, Office of Public Affairs. Effective December 17, 1993.

Secretary (OA) to the United States Attorney, Eastern District of Wisconsin. Effective December 17, 1993.

Secretary (OA) to the United States Attorney, Eastern District of Tennessee. Effective December 17, 1993.

Secretary (OA) to the United States Attorney, Sioux Falls, South Dakota. Effective December 17, 1993.

Secretary (OA) to the United States Attorney, Middle District of Pennsylvania. Effective December 17, 1993.

Special Assistant to the Commissioner, Immigration and Naturalization Service. Effective December 30, 1993.

Department of Labor

Special Assistant to the Deputy Secretary of Labor. Effective December 7, 1993.

Special Assistant to the Assistant Secretary for Policy. Effective December 8, 1993.

Special Assistant to the Assistant Secretary for Public Affairs. Effective December 13, 1993.

Staff Assistant to the Deputy Under Secretary for International Labor Affairs. Effective December 15, 1993.

Secretary's Representative, Boston, MA, to the Director, Office of Intergovernmental Affairs. Effective December 17, 1993.

Secretary's Representative, Atlanta, GA, to the Director, Office of Intergovernmental Affairs. Effective December 17, 1993.

Special Assistant to the Assistant Secretary for Occupational Safety and Health. Effective December 17, 1993.

Deputy Secretary's Representative to the Secretary's Representative, Boston, MA. Effective December 17, 1993.

Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective December 21, 1993.

Associate Director for Congressional Affairs to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective December 21, 1993.

Special Assistant to the Assistant Secretary for Policy. Effective December 30, 1993.

Special Assistant to the Assistant Secretary for Veterans' Employment and Training. Effective December 30, 1993.

Department of the Navy (DOD)

Staff Assistant to the Principal Deputy General Counsel of the Navy. Effective December 8, 1993.

Department of State

Staff Assistant to the Assistant Secretary, Bureau of Public Affairs. Effective December 8, 1993.

Foreign Affairs Officer to the Assistant Secretary, Bureau of Public Affairs. Effective December 8, 1993.

Foreign Affairs Officer to the Chief of Protocol. Effective December 13, 1993.

Protocol Officer (Ceremonial) to the Foreign Affairs Officer (Ceremonial). effective December 17, 1993.

Special Assistant to the Chief of Protocol. Effective December 17, 1993.

Protocol Assistant to the Deputy Chief of Protocol. Effective December 17, 1993.

Department of Transportation

Congressional Liaison Officer to the Director, Office of Congressional Affairs. Effective December 9, 1993.

Special Assistant to the Deputy Administrator, Maritime Administration. Effective December 9, 1993.

Director of Technology Deployment to the Deputy Secretary of Transportation. Effective December 22, 1993.

Department of the Treasury

Special Assistant to the Assistant Secretary (Management). Effective December 30, 1993.

Environmental Protection Agency

Advanced Program Advisor to the Assistant Administrator for Enforcement. Effective December 7, 1993.

Special Counsel to the Deputy Administrator of the Environmental Protection Agency. Effective December 7, 1993.

Legal Advisor to the Assistant Administrator for Prevention, Pesticides and Toxic Substances. Effective December 7, 1993.

Confidential Assistant to the Chief of Staff. Effective December 8, 1993.

Special Assistant to the Associated Administrator for Regional Operations and State/Local Relations. Effective December 13, 1993.

Federal Energy Regulatory Commission

Attorney-Adviser (Public Utilities) to a Member of the Federal Energy Regulatory Commission. Effective December 8, 1993.

General Services Administration

Special Assistant to the Associate Administrator for Administration. Effective December 15, 1993.

Special Assistant to the Regional Administrator. Effective December 15, 1993.

National Aeronautics and Space Administration

Legislative Affairs Assistant to the Special Assistant to the Associate Administrator for Legislative Affairs. Effective December 30, 1993.

Office of Management and Budget

Confidential Assistant to the Associate Director for Health. Effective December 17, 1993.

Office of Personnel Management

Policy Analyst to the Director of Policy. Effective December 8, 1993.

Securities and Exchange Commission

Secretary to the Director, Investment Management. Effective December 8, 1993.

U.S. Arms Control and Disarmament Agency

Secretary (OA) to the Director. Effective December 7, 1993.

U.S. International Trade Commission

Staff Assistant to the Commissioner. Effective December 13, 1993.

Staff Assistant (Economics) to the Commissioner. Effective December 13, 1993.

Staff Assistant to the Commissioner. Effective December 13, 1993.

United States Information Agency

Special Assistant to the Director, Office of Research. Effective December 1, 1993.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–4595 Filed 3–1–94; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane (202) 942–8800.

Upon Written Request Copy Available From: Securities and Exchange Commission Office of Filings, Information and Consumer Services, Washington, DC 20549.

Extension	
Form N–6F	File No. 270–185.
Form N–8B–2	File No. 270–186.
Form N–54A	File No. 270–182.
Form N–54C	File No. 270–184.
Rule 24f–1	File No. 270–130.
Rule 30a–1	File No. 270–210.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (Commission) has submitted to the Office of Management and Budget the following requests for extension of previously approved forms and rules under the Investment Company Act of 1940 (1940 Act).

Form N–6F permits a company that has lost its exclusion from the 1940 Act because it intends to make a public offering as a business development company, but is not ready to file Form N–54A, to remain exempt from the Act for up to ninety days. It is estimated that Form N–6F takes .5 hours per response.

Form N–8B–2 is the registration statement form used by unit investment trusts currently issuing securities to register under the 1940 Act. It is estimated that Form N–8B–2 takes 1,626 hours per response.

Form N–54A is the notification of election to be regulated as a business development company. It is estimated that Form N–54A takes .5 hours per response.

Form N–54C is used to notify the Commission that a company withdraws its election to be regulated as a business development company. It is estimated that Form N–54C takes 1 hour per response.

Rule 24f–1 permits certain investment companies which have inadvertent oversales of their shares to register such shares. The reporting burden under Rule 24f–1 is estimated to be 2 hours per response.

Rule 30a–1 requires every registered investment company to file a semi-annual report with the Commission. The burden of meeting the requirement of this rule is the burden of filing Form N–SAR, the reporting form prescribed under the rule. Approval for Form N–SAR has been given separately.

General comments regarding the estimated burden hours should be directed to Gary Waxman at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, (Paperwork Reduction Act numbers 3235–0238, 3235–0186, 3235–0237, 3235–0236, 3235–0155, 3235–0219), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: February 14, 1994.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–4704 Filed 3–1–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–33665; File No. SR–Amex–93–43]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the American Stock Exchange, Inc. Relating to a Modification of the Trading Hours for Amex Biotechnology Index Options

February 23, 1994.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 23, 1993, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared by the Amex. 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 Amex proposes to modify the trading hours for options on its Biotechnology Index ("BTK"). The text of the proposed rule change is available at the Office of the Secretary, the Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Currently, Exchange rules generally provide that, except as otherwise indicated or under unusual conditions, the trading hours for broad-based index option contracts shall be from 9:30 a.m. to 4:15 p.m. Four narrow-based index options (Computer Index, Oil Index, North American Telecommunications Index, and the Pharmaceutical Index) presently have trading hours of 9:30 a.m. to 4:10 p.m. The BTK, although narrow-based, currently has trading hours identical to those assigned to the Exchange's broad-based index options. The purpose of the current proposal is to modify the trading hours for options on the BTK from a 4:15 p.m. New York time close to a 4:10 p.m. New York time close.

The Amex believes that market professionals (including the specialist and market-makers) in BTK options are exposed to undue risk during the five-minute interval between the closing of equity options at 4:10 p.m. and the closing of BTK options at 4:15 p.m. Unlike specialists and market-makers in broad-based index options who can hedge their positions in the index futures market (for which trading terminates at 4:15 p.m. New York time), market-makers in a narrow-based index option such as BTK are best able to hedge their risks by taking or liquidating positions in options on the individual securities that comprise that index. However, since trading in equity options terminates on the Amex and on other option markets at 4:10 p.m. New York time, the Amex believes that Specialists and market-makers in narrow-based index options (such as BTK options) who are required to maintain a trading market until 4:15

p.m. are unnecessarily exposed to market risk during the five-minute interval between the closings of equity options and BTK options. The Exchange also believes that the proposed change will eliminate potential investor confusion by creating uniform trading hours for all narrow-based indexes on the Exchange as well as with other options markets.[1]

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5) in particular, in that it is designed to promote just and equitable principles of trade and prevent fraudulent and manipulative acts and practices.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to Section 19(b)(2) of the Act. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6(b)(5) thereunder.[2] Specifically, the Commission concludes that the proposed rule change promotes just and equitable principles of trade by creating uniform trading hours for all Amex narrow-based indexes, thereby eliminating the possibility of investor and market participant confusion.

The Commission finds good cause for approving the proposed rule change proposal prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register** so that the change in trading hours can become effective as soon as possible, allowing the Amex to implement uniform trading hours for all Amex narrow-based indexes.[3]

IV. Solicitation of Comments

Interested person are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–93–43 and should be submitted by March 23, 1994.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[4] that the proposed rule change (File No. SR–Amex–93–43) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–4701 Filed 3–1–94; 8:45 am]

BILLING CODE 8010–01–M

[1] The Amex has stated that, upon Commission approval of the rule change proposal, it will provide its membership with notice two weeks prior to effecting the change of trading hours. The Exchange will issue an information circular advising the membership of the new closing time that will be sent by facsimile to the Exchange's contacts at the major options firms, mailed to recipients of the Exchange's options related information circulars, and made available to subscribers of the Options News Network. See letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Sharon Lawson, Assistant Director, Office of Self-Regulatory Oversight, Division of Market Regulation, SEC, dated February 22, 1994.

[2] 15 U.S.C. 78f (b) (5) (1982).

[3] The Commission notes that it did not receive any comments when the Chicago Board Options Exchange, Inc. amended its rules in order to change the trading hours of its BioTech Index from 4:15 p.m. to 4:10 p.m., New York time. See Securities Exchange Act Release No. 32937, 58 FR 5002 (September 28, 1993).

[4] 15 U.S.C. 78(b)(2) (1988).

[5] 17 CFR 200.30–3(a)(12) (1993).

[Release No. 34–33662; File No. SR–NYSE–91–46]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Audit Trail Account Identification Codes

February 23, 1994.

On December 17, 1991, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to introduce new account identification codes to indicate orders for the account of a competing dealer for audit trail reporting purposes.

The proposed rule change was published for comment in Securities Exchange Act Release No. 30142 (January 2, 1992), 57 FR 728 (January 8, 1992). No comments were received on the proposal.[3]

NYSE Rule 132 presently requires that clearing member firms submitting a transaction to comparison must include certain audit trail data elements, including a specification of the account type for which the transaction was effected according to defined account categories.[4] Under NYSE Rule 132, the NYSE has established account identification codes which differentiate trades executed for customers from trades executed for the proprietary account of a member/member organization [5] and trades executed by a member/member organization as agent for another member/member

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1993).

[3] The Commission notes that in a letter from William W. Uchimoto, General Counsel, Philadelphia Stock Exchange, to Mary Revell, Branch Chief, Division of Market Regulation, dated January 24, 1992, the Philadelphia Stock Exchange ("Phlx") requested an extension until March 4, 1992 to comment on the proposal and on an American Stock Exchange ("Amex") proposal concerning competing dealers (File No. SR–Amex–90–29). In the letter, the Phlx expressed its belief that both proposals were "highly controversial, giving rise to significant competitive and market structure concerns." The Commission did not, however, receive further comment from the Phlx regarding this NYSE proposal. See note 10, *infra.*

[4] NYSE Rule 132, Supp. Material .30(1) to (9) (Comparison and Settlement of Transactions Through a Fully-Interfaced or Qualified Clearing Agency), specify the trade elements that must be submitted. Paragraph (10) provides the Exchange with the authority to require additional information as well.

[5] The Exchange uses indicators D (Program Trade Index Arbitrage), C (Program Trade Non-Index Arbitrage), and P (All Other Orders) for transactions effected for a member/member organization's proprietary account.

organization.[6] The new indicators being approved herein will identify transactions effected for the account of a competing dealer.

New indicators of O, T, and R will denote that a transaction was effected for the account of a competing dealer. The identifier "O" denotes a proprietary order for the account of a competing dealer. The identifier "T" denotes an order where one member is acting as an agent for another member's competing dealer account. Finally, the identifier "R" denotes an order for the account of a non-member competing dealer.[7] In addition, the rule change adds the following definitions:

Competing Dealer: a specialist or market-maker registered as such on a registered stock exchange (other than the NYSE), or market-maker bidding and offering over-the-counter, in a New York Stock Exchange-traded security.

Proprietary, Competing Dealer: a member or member organization trading for its own competing dealer account.

As Agent for Other Member, Competing Dealer: a member or member organization trading as agent for another member's competing dealer account.

The Exchange states that the new account categories for order identification will enhance the efficiency and accuracy of audit trail information. Furthermore, the NYSE believes that the identifiers will improve the Exchange's ability to assess the extent of activity by competing dealers and market makers in NYSE-listed securities and the impact of this activity on the NYSE market.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of section 6(b) of the Act.[8] Specifically, the Commission believes the proposal is consistent with the section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public.

The Commission believes that the proposed identification codes should prevent fraudulent and manipulative acts by improving the accuracy and efficiency of audit trail information used for surveillance purposes. Specifically, the Commission believes that the new, more precise identifier codes should facilitate surveillance investigations by clearly and more specifically demarcating competing dealers proprietary trading. In addition, more accurate audit trail information should increase the effectiveness of the Exchange's automated surveillance procedures and provide Exchange staff with a more comprehensive reconstruction of trading activity. In summary, we believe the proposed identifier codes should permit the NYSE to perform its surveillance responsibilities more thoroughly and therefore, for this sole reason, find the proposal consistent with section 6(b)(5) of the Act.

The Commission notes that the approval of this proposal is limited solely to establishing competing dealer identifier codes for audit trail and surveillance purposes.[9] The proposal does not limit or restrict the activity of competing dealers or their access to the NYSE. Thus, any competitive burden on competing dealers would be minimal and outweighed by the surveillance benefits to be obtained by the NYSE.[10]

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, [11] that the proposed rule change (SR–NYSE–91–46) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–4702 Filed 3–1–94; 8:45 am]

BILLING CODE 8010–01–M

[6] The Exchange uses indicators M (Program Trade Index Arbitrage), N (program Trade non-Index Arbitrage), and W (All Other Orders) for transactions effected by a member/member organization as agent for another member/member organization.

[7] Member firms will be given a reasonable period of time (approximately six months) to make their own system enhancements so that they may be in compliance with the new account type identification requirements.

[8] 15 U.S.C. 78f(b) (1988).

[9] This information is not available to specialists or traders on the floor.

[10] The Commission is currently considering an Amex proposal (File No. SR–Amex–90–29) that would impose certain restrictions on limit orders for the account of a competing dealer. The Commission has received over 40 comments opposing this proposal. While the NYSE proposal being approved herein also concerns competing dealers, the proposal only requires orders for competing dealers to be noted on account identifiers for surveillance purposes.

[11] 15 U.S.C. 78s (b)(2) (1988).

[12] 17 CFR 200.30–3(a)(12) (1993).

[Release No. 34–33661; International Release No. 637; File No. SR–NYSE–93–47]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 to Proposed Rule Change Relating to Listing Standards for Non-U.S. Companies

February 23, 1994.

I. Introduction

On December 16, 1993, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit non-U.S. issuers to distribute summary annual reports to U.S. holders of NYSE-listed foreign securities and American Depositary Receipts (ADRs) ("U.S. Holders") under certain circumstances.[3] On February 15, 1994, the NYSE submitted Amendment No. 1 to the rule filing.[4]

The proposed rule change was published for comment in Securities Exchange Act Release No. 33400 (December 29, 1993), 59 FR 642 (January 5, 1994). No comments were received on the proposal.

II. Description of the Proposal

Current NYSE policy requires all listed companies to submit to shareholders an annual report with financial information as detailed in Paragraph 203.01 of the NYSE Listed Company Manual. The Exchange is modifying its annual report requirements to allow U.S. Holders to receive summary annual reports if it is the practice in the home country of the foreign issuer and certain other conditions are met. The following is the text of the rule, with italics representing the language added:

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1993).

[3] An ADR is a negotiable receipt that is issued by a depository, generally a bank, representing shares of a foreign issuer that have been deposited and are held, on behalf of holders of the ADRs, at a custodian bank in the foreign issuer's home country. ADRs are traded on the national stock exchanges and in over-the-counter markets like stocks of domestic companies.

[4] Letter from Michael J. Simon, Milbank, Tweed, Hadley & McCloy, to Richard Kosnik, Associate Director, Division of Corporation Finance, SEC, dated February 15, 1994 ("NYSE Letter"). The amendment added the phrase "including summary financial information" in subsection (a) of the new language. See text of new rule, *infra.*

103.00 Non-U.S. Companies

* * * * *

Where it appears to the Exchange that a non-U.S. Company's interim earnings reporting or corporate governance practices are not prohibited by the law in the country in which it is domiciled, such practices need not necessarily be barriers to listing or continued listing. *In addition, the Exchange will permit non-U.S. issuers to follow home-country practices regarding the distribution of annual reports to shareholders, if, at a minimum, (a) shareholders are provided at least summary annual reports, including summary financial information, (b) shareholders have the ability, upon request, to receive an annual report that complies with the requirements of Para. 203.01 (a "full annual report"), and (c) the financial information contained in the summary annual report is reconciled to U.S. generally-accepted accounting principles to the extent that such reconciliation would be required in the full annual report.*[5]

The rule change is, in part, in response to an amendment, adopted in 1990, to the U.K. Companies Act that permits issuers listed on the London Stock Exchange to provide holders of their ordinary shares a choice to receive a full annual report or a summary annual report.[6] Certain U.K. issuers sought permission from the NYSE to provide holders of ADRs with summary reports in place of full annual reports if the shareholders do not object.

The NYSE rule is formulated to permit foreign issuers to distribute summary annual reports consistent with the practices of their home countries. The rule does not attempt to specify particular financial requirements.[7] Instead, the Exchange will review specific proposals to ensure that U.S. Holders receive adequate information.[8]

The rule also does not mandate any specific method for providing U.S. Holders with summary annual reports. As with the substantive requirements, the NYSE proposal recognizes that foreign countries will develop their own procedures for issuers to provide summary reports in lieu of full annual reports. The Exchange, however, has indicated that it will review all proposed programs to ensure that U.S. Holders have reasonable access to the full annual report and receive full disclosure of their option to receive the full report.[9]

III. Discussion

The Commission finds that the proposed rule change to permit non-U.S. issuers to distribute summary annual reports to U.S. Holders according to the home country practice of the foreign issuer is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of section 6(b) of the Act.[10] Specifically, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest, in that it accommodates foreign practices while ensuring that U.S. shareholders of foreign securities and holders of ADRs continue to receive adequate information concerning the companies in which they invest.

As the securities markets of the world become increasingly interconnected, it is inevitable that application of certain exchange rules conflict with customs and market practices in other jurisdictions.[11] The Commission believes that the NYSE's rule reflects an appropriate balance between the need to protect U.S. investors and the costs associated with requiring non-U.S. companies to provide U.S. investors with full annual reports while the companies home country law permits summary reports to foreign investors. Accordingly, for the reasons discussed in more detail below, we believe it is appropriate, in this limited situation pursuant to the conditions set forth in NYSE Rule 103.00, to allow foreign issuers to comply with their home country practices for the distribution of annual reports to U.S. Holders.

First, the rule sets forth certain minimum requirements before summary reports can be used, including that financial information contained in the summary annual report be reconciled to U.S. generally-accepted accounting principles, and that all shareholders have the ability upon request to receive a full annual report. Second, the NYSE will evaluate each country's program for providing shareholders with summary annual reports to verify that U.S. Holders are receiving adequate information under the laws of the foreign country. Finally, the NYSE will also review the procedure the country has provided for disclosing to shareholders the option to receive a full annual report. If the Exchange determines that either the substance or the procedure provided by a foreign country's law is unsatisfactory, the Exchange may prescribe additional requirements before the summary annual report can be distributed to U.S. Holders under the NYSE rule. In this regard, the NYSE has stated it will ensure, under its new rule, that shareholders receive adequate information and are provided with full and meaningful disclosure of their choices to receive the full annual report as opposed to the summary report.[12] Based on the above, the Commission believes the Exchange's review and oversight, combined with the minimum requirements set forth in the rule, should ensure the continued protection of investors and the public interest consistent with section 6(b)(5) of the Act.

The Commission finds good cause for approving Amendment No. 1 to the rule change prior to the thirtieth day after publication of notice of filing thereof. Amendment No. 1 added language to subsection (a) of the proposed rule to clarify the Exchange's intention that summary annual reports include summary financial information.[13] The NYSE's proposed rule change was published in the **Federal Register** for the full statutory period and no comments were received.[14]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[5] NYSE Listed Company Manual Para. 103.00.

[6] The U.K. Companies Act sets forth the specific financial and management information that must be contained in the summary reports. In addition, the U.K. Companies Act requires that shareholders who receive only the summary report be given the opportunity, at any time, to obtain the full annual report from the company and that companies must notify shareholders annually of this right and how the report can be obtained. When the program was instituted in the U.K. in 1990, shareholders received both reports and notice of the available option with respect to future reports.

[7] Although the new rule is formulated to accommodate the U.K.'s program, other foreign countries may adopt different practices.

[8] NYSE Letter, *supra* note 4. The letter clarified that the Exchange does not intend to adopt the substance of the U.K. program, and that it will permit the practice of providing shareholders with an option to receive summary annual reports as opposed to full annual reports to evolve over time. The NYSE has committed to review each home country's practices to determine their sufficiency in providing information to U.S. Holders.

[9] *Id.* Under the NYSE rule, full annual reports must still be prepared and made available to all U.S. shareholders.

[10] 15 U.S.C. 78f(b) (1988).

[11] The Commission previously has allowed the Exchange to waive or modify certain of its listing standards for foreign companies based on the laws, customs or practices of their home countries. *See* Securities Exchange Act Release No. 24634 (June 23, 1987), 52 FR 24230 (June 29, 1987).

[12] *See* NYSE Letter, *supra* note 4.

[13] *Id.*

[14] See Securities Exchange Act Release No. 33400 (December 29, 1993), 59 FR 642 (January 5, 1994).

Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–93–47 and should be submitted by March 23, 1994.

V. Conclusion

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[15] that the proposed rule change (SR–NYSE–93–47) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–4703 Filed 3–1–94; 8:45 am]

BILLING CODE 8010–01–M

THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

National Advisory Board Meeting

AGENCY: Thrift Depositor Protection Oversight Board.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., announcement is hereby published for a meeting of the National Advisory Board. The meeting is open to the public.

DATES: The National Advisory Board meeting is scheduled for Friday, March 18, 1994, 9 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Federal Deposit Insurance Corporation, Board Room 6010, 550 17th St., NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jill Nevius, Committee Management Officer, Thrift Depositor Protection Oversight Board, 808 17th Street, NW., Washington, DC 20232, 202/416–2626.

SUPPLEMENTARY INFORMATION: Pursuant to section 21A (d) of the Federal Home Loan Bank Act, the Thrift Depositor Protection Oversight Board had established a National Advisory Board and six Regional Advisory Boards to advise the Oversight Board and the Resolution Trust Corporation (RTC) on the disposition of real property assets of the Corporation.

AGENDA: A detailed agenda will be available at the meeting. The meeting will include remarks from the national chairperson, briefings from the chairpersons of the six regional advisory boards on their respective meetings held throughout the country from February 1 to March 8. Discussion will focus on the key topics from the fifteenth series of regional meetings: Treasury Secretary Bentsen's Management Reforms; RTC's implementation of the RTC Completion Act's minority preference provisions; RTC's Small Investor Program, RTC's Environmentally Significant Property Sales Program, RTC's SAMDA program, and the impact of RTC activities on local real estate market conditions.

STATEMENTS: Interested persons may submit, in writing, data, information or views on the issues pending before the National Advisory Board prior to or at the meeting. Seating is available on a first come first served basis for this open meeting.

Dated: February 24, 1994.

Jill Nevius,

Committee Management Officer.

[FR Doc. 94–4668 Filed 3–1–94; 8:45 am]

BILLING CODE 2222–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 94–2–39 and Docket No. 49310]

Application of Rich International Airways, Inc. for Certificate Authority Under Subpart Q

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Rich International Airways, Inc., fit, willing, and able and award it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than March 11, 1994.

ADDRESSES: Objections and answers to objections should be filed in Docket 49310 and addressed to the Documentary Services Division (C–55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Szekely, Air Carrier Fitness Division (P–56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9721.

Dated: February 24, 1994.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 94–4671 Filed 3–1–94; 8:45 am]

BILLING CODE 4910–62–P

Coast Guard

[CGD 94–013]

National Fire Protection Association Technical Committee on Fire Protection of Merchant Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The Coast Guard announces it will be participating in a new National Fire Protection Association (NFPA) technical committee on Fire Protection of Merchant Vessels. The goal of this technical committee will be the development of codes and standards applicable to fire protection of merchant vessels. The committee is intended for technical experts knowledgeable in the field who are interested in volunteering to participate in the development effort.

DATES: Completed applications for committee membership should be submitted directly to the NFPA before June 1, 1994.

ADDRESSES: Persons interested in applying for membership on the NFPA Technical Committee on Fire Protection of Merchant Vessels may obtain an application form by writing to the Secretary, Standards Council, National Fire Protection Association, One Batterymarch Park, PO Box 9101, Quincy, MA 02269–9101. Alternatively, you may obtain a membership application from Commandant (G–MTH–4), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593–0001, or by calling the point of contact in the following paragraph.

FOR FURTHER INFORMATION CONTACT: Mr. Morgan J. Hurley, Fire Protection Engineer, telephone (202) 267–2997, facsimile (202) 267–4816.

[15] 15 U.S.C. 78s(b)(2) (1988).

[16] 17 CFR 200.30–3(a)(12) (1993).

SUPPLEMENTARY INFORMATION: The National Fire Protection Association (NFPA) recently established a new technical committee on fire protection of merchant vessels. The NFPA has a long and successful history of developing codes and standards which cover a broad range of fire protection subjects for land based occupied structures. Additionally, the NFPA has developed maritime standards pertaining to recreational craft, control of gas hazards aboard ships, and fire protection of vessels during shipbuilding, repair, and lay-up.

With this new committee the NFPA will develop codes and standards for fire protection of merchant vessels. The committee may also develop marine supplements to existing land based standards for application aboard ships. All merchant vessel types currently regulated by the Coast Guard will be considered by this committee in developing codes and standards.

The Coast Guard may determine that the codes and standards developed by the committee would provide a level of safety greater or equal to current regulations. If so, the Coast Guard may allow vessel owners and operators the option to comply with the codes and standards in lieu of current regulations. The Coast Guard may also adopt all or part of the standard(s) developed by the committee through future rulemaking projects. The information, codes, and standards developed by the committee will also be of value in developing U.S. positions at the International Maritime Organization (IMO) and at the International Standards Organization (ISO).

The Committee may meet as often as three to four times per year within the United States. The NFPA typically limits membership on a technical committee to 30. However, additional specialized subcommittees may be created in the future to deal specifically with certain vessel types. All members serve without compensation (neither travel nor per diem) from the Federal Government.

Dated: February 23, 1994.

A.E. Hann,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 94–4766 Filed 3–1–94; 8:45 am]

BILLING CODE 4910–14–M

[CGD 94–014]

Marine Safety Issues Related to Uninspected Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting and study availability.

SUMMARY: A Coast Guard prepared study, entitled Review of Marine Safety Issues Related to Uninspected Towing Vessels, is available to the public. The Coast Guard will also conduct a public meeting to discuss issues of towing vessel safety.

DATES: (1) The meeting will be held on Monday, April 4, 1994, from 9 a.m. to 5 p.m.

(2) Public comments on the study will be accepted until May 4, 1994.

ADDRESSES: (1) The meeting will be held at the Coast Guard Headquarters Building, room 2415, 2100 2nd Street SW., Washington, DC 20593.

(2) A copy of the study may be obtained by writing: U.S. Coast Guard (G–MVP–5/2507), 2100 Second Street SW., Washington, DC 20593–0001 or by calling: (202) 267–2705, between 8 a.m. and 3 p.m. Monday through Friday, except Federal holidays. Requests may also be received via facsimile at (202) 267–2721.

(3) Public comments on the study should be forwarded to: Executive Secretary, Marine Safety Council, CGD 94–014, U.S. Coast Guard Headquarters (G–LRA/3406), 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Mr. Stewart Walker, Project Manager, G–MVP–5, (202) 267–2705. Merchant Vessel Personnel Division of the Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

SUPPLEMENTARY INFORMATION: As a result of the fatal barge/railroad bridge accident near Mobile, Alabama on September 22, 1993, the Secretary of Transportation directed the U.S. Coast Guard and the Federal Railroad Administration (FRA) to review the circumstances surrounding the accident, and undertake initiatives to minimize the risk of any similar tragedy in the future. Therefore, the Coast Guard commissioned a study to review marine safety issues related to uninspected towing vessels and recommend ways to increase safety and minimize further risk of future accidents.

The study includes the Coast Guard's marine casualty statistics for towing vessels, over a twelve year period (1980–1991). Correlations are drawn from towing vessel casualties based on the area of operation, gross tonnage and horsepower. As a result, the Study group made 19 recommendations based on five major areas: (1) Requirements for Licensing for Operator of Uninspected Towing Vessel; (2) Requirements for Reporting Marine Casualties and Hazardous Conditions; (3) Bridge Fendering Systems and Navigational Lighting; (4) Adequacy of the Navigation Equipment for Uninspected Towing Vessels; (5) and, Adequacy of the Aids to Navigation System for Marking the Approaches to Bridges Over Navigable Waterways.

Conclusions drawn from towing vessel casualty statistics indicate the majority of personnel and vessel casualties involving uninspected towing vessels are directly attributable to human error. As a result, 10 of the 19 recommendations surround the qualifications, training and issuance of an operator of uninspected towing vessel license.

Legislation has been introduced in Congress that would mandate implementation of some of the study recommendations, including enhanced licensing requirements and requirements for navigational equipment.

The Coast Guard will hold a public meeting on April 4, 1994 to review the study and seek public comment on the recommendations identified in the study. The study, along with public comment may be used to develop future rulemaking projects. Of particular interest, and likely to be the subject of expedited rulemaking, are actions which could provide the necessary means and improve the navigational ability of the operator, including requiring charts, publications and a radar system, and requiring the operator to be qualified as a radar observer. Comments on the practical utility of these requirements for various classes or sizes of vessels or areas of operation, the costs involved, and the length of time appropriate for implementation would be especially helpful.

The Coast Guard encourages interested persons to submit written data, views, or arguments. Persons submitting comments should include their names and addresses, identify the study by Docket number CGD 94–014 and give the reason for each comment. Each person wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Dated: February 25, 1994.

R.C. North,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 94–4761 Filed 3–1–94; 8:45 am]

BILLING CODE 4910–14–M

[CGD02-94-008]

Special Local Regulations; Annual Marine Events Within the Second Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The Coast Guard is announcing the exact dates, times and locations for those annual marine events that will occur in the Second Coast Guard District in 1994. The Coast Guard has previously published a list of marine events which occur annually in the Second Coast Guard District, which were codified at 33 CFR 100.201. However, because the exact dates, times and locations of these events change from year to year, 33 CFR 100.201 contains only approximate dates and locations.

ADDRESSES: For additional information about any of the events listed in the table below, or to be placed on a mailing list for notices about annual marine events within the Second Coast Guard District, write to Commander (oan), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832.

FOR FURTHER INFORMATION CONTACT: LTJG D.R. Dean, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri, 63103-2832. The telephone number is (314) 539-3971.

SUPPLEMENTARY INFORMATION: Various public and private organizations sponsor marine events, which are scheduled to occur on an annual basis, on navigable waters of the United States within the Second Coast Guard District. However, the exact date, time and location of each event varies from year to year. The table below gives the exact dates, times and locations for those annual marine events, scheduled to occur in 1994, which are listed in 33 CFR 100.201. It should be noted that this list is not a complete list of all marine events that will occur in the Second Coast Guard District. It does not include events which the District Commander has determined do not require establishment of regulations for the safety of life and property on or adjacent to navigable waters. It also does not include non-annual events or events which have been scheduled in time for this publication.

The events listed in Table One include slow-moving boat parades, raft races, high-speed hydroplane races, steamboat races, fireworks displays, and other water-related events. The nature of each event is such that special local regulations are deemed necessary to ensure the safety of life and property on and adjacent to navigable waters during the events. During these events the river may be closed during portions of the effective periods to all vessel traffic except participants, official regatta vessels and patrol craft. Actual river closures will not exceed three hours in duration at any one time for events that last longer than four hours. Sponsors requiring more than three hours for their event will provide a suitable break for vessel traffic to transit the regulated area. Mariners will be afforded enough time between closure periods to transit the area.

Table One

1. Thunder Over Louisville
   Sponsor: Visual Presentations
   Date: April 17, 1994, 3:00 p.m. to 6:00 p.m.; 7:00 p.m. to 11:00 p.m.
   Location: Ohio River mile 603.2–604.3, Louisville, KY
2. Ky Derby Festival Great Steamboat Race
   Sponsor: Kentucky Derby Festival/ Belle of Louisville Operating Board
   Date: April 28, 1994, 4:00 p.m. to 8:00 p.m.
   Location: Ohio River mile 597.0–604.0, Louisville, KY
3. Memphis in May Canoe & Kayak Race
   Sponsor: Outdoors Inc.
   Date: May 8, 1994, 9:30 a.m. to 11:30 a.m.
   Location: Lower Mississippi River mile 735.5–738.5, Memphis, TN
4. Quad City River Bandits
   Sponsor: Quad City River Bandits Baseball Club
   Date: May 24, 1994, 10:00 p.m. to 10:45 p.m.
   Location: Upper Mississippi River mile 482.0–482.5, Davenport, IA
5. Three Rivers Festival and Regatta
   Sponsor: Three Rivers Festival And Regatta
   Date: May 27 & 30, 1994, 9:00 a.m.–5:00 p.m. (each day)
   Location: Monongahela River mile 126.0 to 128.73, Fairmont, WV
6. Riverfest (Little Rock, AR)
   Sponsor: Riverfest, Inc.
   Date: May 30, 1994, 11:30 a.m.–12:00 p.m.
   Location: Arkansas River mile 118.0–119.5, Little Rock, AR
7. Cape Girardeau Riverfest
   Sponsor: Cape Girardeau Riverfest Association
   Date: June 11, 1994, 3:00 p.m. to 9:00 p.m.; 9:15 p.m. to 10:00 p.m.; June 12, 1994, 11:00 a.m. to 8:00 p.m.; 8:45 p.m. to 10:15 p.m.
   Location: Upper Mississippi River mile 51.5–52.5, Cape Girardeau, MO
8. Burlington Steamboat Days
   Sponsor: Burlington Steamboat Days
   Date: June 21, 1994, 8:45 p.m. to 11:30 p.m.
   Location: Upper Mississippi River mile 403.5 to 404.5, Burlington, IA
9. Peoria Steamboat Days
   Sponsor: Peoria Area Community Events, Inc.
   Date: June 17–20, 1994, 8:00 p.m. to 12:00 a.m. (each day)
   Location: Illinois River mile 162.0–163.0, Peoria, IL
10. St. Albans FOP "Say 'No' to Drugs" Fireworks
    Sponsor: St. Albans FOP
    Date: June 18, 1994, 9:30 p.m. to 10:00 p.m.
    Location: Kanawha River mile 46.0 to 47.0 at St. Albans Roadside Park, St. Albans, WV
11. Riverfest Fireworks Display
    Sponsor: Old Fort Riverfest Committee
    Date: June 19, 1994, 9:15 p.m. to 10:30 p.m.
    Location: Arkansas River mile 297.0 to 298.0, Fort Smith, AR
12. Freedom Festival's Thunder on the Ohio
    Sponsor: Evansville Freedom Festival
    Date: June 25–27, 1994; June 25, 8:00 a.m. to 7:00 p.m.; June 26, 9:00 a.m. to 6:00 p.m.; June 27, 8:00 a.m. to 6:00 p.m.;
    Location: Ohio River mile 792.0 to 793.0, Evansville, IN
13. Riverfest (Pt. Pleasant, WV)
    Sponsor: City of Point Pleasant
    Date: June 26, 1994, 10:00 p.m. to 10:30 p.m.
    Location: Mouth of the Kanawha River mile 0.5 and Ohio River mile 265.0, Point Pleasant, WV
14. Sternwheel Regatta
    Sponsor: City of Augusta
    Date: June 26, 1994, 2:00 p.m. to 4:00 p.m.
    Location: Waterfront-Ohio River mile 426.0 to 429.0, Augusta, KY
15. Ashland Tri-State Fair and Regatta
    Sponsor: Tri-State Fair and Regatta
    Date: July 1–4, 1994, 6:00 p.m. to 11:00 p.m.
    Location: Asland Public Boat Dock, Ohio River mile 322.0 to 323.0, Huntington, WV
16. Riverfest, Inc. 1992 (La Crosse, WI)
    Sponsor: Riverfest, Inc.
    Date: July 1–5, 1994, 9:00 a.m. to 2:00 p.m. (each day)
    Location: Riverside Park, Upper Mississippi River mile 697.5–698.5, La Crosse, WI
17. Huntington Pops Orchestra Concert
    Sponsor: The Twentieth Street Bank
    Date: July 3, 1994, 9:30 p.m. to 10:00 p.m.
    Location: Harris Riverfront Amphitheatre, Ohio River mile

308.0–309.5, Huntington, WV
18. July 4th Fireworks
Sponsor: KDTH/KATF Radio
Date: July 3, 1994, 9:15 p.m. to 10:30 p.m.
Location: Dubuque, Iowa Volunteer Road between Hawthorne & Lime, Upper Mississippi River mile 581.5–583.0, Dubuque, IA
19. City of Pittsburgh Independence Eve Celebration
Sponsor: Citiparks
Date: July 3, 1994, 9:40 p.m. to 10:30 p.m.
Location: Point State Park, Pittsburgh, PA
20. Moline Riverfest
Sponsor: City of Moline
Date: July 3–5, 1994; July 3–4, 9;15 p.m. to 10:00 p.m. (fireworks display); July 5, 12:30 p.m. to 3:30 p.m. (ski show)
Location: Upper Mississippi River mile 486.0–488.0, Moline, IL
21. Budweiser Indiana Governor's Cup
Sponsor: Madison Regatta, Inc.
Date: July 3 & 4, 1994; 3, 9:00 a.m. to 6:00 p.m.; 4, 9:00 a.m. to 5:30 p.m.; 4, 9:00 p.m. to 10:00 p.m.
Location: Ohio River mile 557.0–558.0, Madison, IN
22. Owensboro Summer Festival
Sponsor: Owensboro Summer Festival, Inc.
Date: July 4, 1994, 1:00 p.m. to 2:30 p.m.
Location: Boat Dock at Foot of Frederica St., Ohio River mile 756.5–758.0, Owensboro, KY
23. Skyconcert—4th of July Celebration
Sponsor: WKZW
Date: July 4, 1994, 1:00 p.m. to 4:00 p.m.; 8:00 p.m. to 10:30 p.m.
Location: Illinois River mile 162.0–163.0, Peoria, IL
24. Riverfest 1994 (Fort Madison, IA)
Sponsor: Rivercities Fireworks Corp.
Date: July 4, 1994, 9:30 p.m. to 11:30 p.m.
Location: Upper Mississippi River mile 202.5–203.2, Fort Madison, IA
25. Fireworks Display (Buchanan, TN)
Sponsor: Tennessee Dept. of Environment & Conservation Division of Parks & Recreation
Date: July 4, 1994, 9:00 p.m. to 11:00 p.m.
Location: Tennessee River mile 66.0–67.0, Buchanan, TN
26. Muscatine 4th of July Fireworks
Sponsor: Muscatine Jaycees
Date: July 4, 1994, 9:15 p.m. to 10:30 p.m.
Location: Upper Mississippi River mile 450.5–451.5, Muscatine, IA
27. Star Spangled Celebration
Sponsor: WMC Stations
Date: July 4, 1994, 9:30 p.m. to 10:00 p.m.
Location: Mud Island (West side of Southern Tip) Audience on Tom Lee Park, Riverside Drive-Lower Mississippi River mile 735.5–736.5, Memphis, TN
28. Fourth of July Fireworks Display
Sponsor: Charleston Festival Commission, Inc.
Date: July 4, 1994, 9:00 p.m. to 10:00 p.m.
Location: Ohio River mile 59.9–61.2
29. July 4th Concert
Sponsor: Cincinnati Symphony Orchestra
Date: July 4, 1994, 8:30 p.m. to 11:00 p.m.
Location: Ohio River mile 460.5–461.5, Cincinnati, OH
30. St. Charles Jaycees Riverfest 1994 Fireworks Show
Sponsor: St. Charles Jaycees
Date: July 4, 1994, 7:00 p.m. to 10:00 p.m.
Location: Missouri River mile 28.0–29.0, St. Charles, MO
31. Spirit of Freedom Celebration
Sponsor: WLAY Radio
Date: July 4, 1994, 7:00 p.m. to 11:00 p.m.
Location: Tennessee River mile 255.5–256.5, Sheffield, AL
32. 4th of July Fireworks
Sponsor: Minneapolis Park & Rec. Board
Date: July 4, 1994, 10:00 p.m. to 10:30 p.m.
Location: Upper Mississippi River mile 854.0–854.1, Minneapolis, MN
33. Venetian Night Lighted Boat Parade
Sponsor: Quad City Venetian Night Committee
Date: July 4, 1994, 8:00 p.m. to 12:00 a.m.
Location: Upper Mississippi River mile 483.0–488.0, Geneseo, IL
34. National Association of Counties—Riverside Gala Fireworks Display
Sponsor: Hennepin County—Nat'l Assoc. of Counties Annual Meeting
Date: July 8, 1994, 10:00 p.m. to 10:15 p.m.
Location: Nicollet Island Park-Upper Mississippi River mile 854.5–854.6, Minneapolis, MN
35. 10th Annual Steubenville Regatta
Sponsor: Steubenville Regatta and Racing Association, Inc.
Date: July 9–11, 1994, 11:00 a.m. to 10:00 p.m. (each day)
Location: Ohio River mile 65.0–67.0, Steubenville, OH
36. New Haven, MO Boat Race
Sponsor: St. Louis Outboard Drivers Association
Date: July 11, 1994, 11:00 a.m. to 6:00 p.m.
Location: Missouri River mile 81.0–82.0, New Haven, MO
37. Minneapolis Aquatennial Power Boat Grand
Sponsor: Minneapolis Aquatennial Association
Date: July 17–18, 1994; July 17, 11:00 a.m. to 5:00 p.m.; July 18, 9:00 a.m. to 5:00 p.m.; July 18, 9:00 a.m. to 7:00 p.m.
Location: Plymouth Ave. Bridge to Railroad Bridge-Upper Mississippi River mile 855.0–855.8, Minneapolis, MN
38. Hastings Flotilla Frolic
Sponsor: Hastings Flotilla Frolic Association
Date: July 17, 1994, 1:00 p.m. to 2:30 p.m. & 4:00 p.m. to 5:30 p.m. & 7:30 p.m. to 11:00 p.m.
Location: Upper Mississippi River mile 813.0–814.3, Hastings, MN
39. Fireworks/Budweiser World Point Jet Ski Race/Huntington Miller Classic & Testing
Sponsor: Tri-State Fair and Regatta
Date: July 17, 18, 23, 24, 25, 1994; July 17, 9:30 p.m. to 10:30 p.m.; July 17 & 19, 8:00 a.m. to 6:00 p.m.; July 23, 8:00 a.m. to 12:00 p.m. & 1:00 p.m. to 8:00 p.m.; July 24, 9:30 p.m. to 10:30 p.m.; July 24 & 25, 8:00 a.m. to 12:00 p.m. & 1:00 p.m. to 8:00 p.m.
Location: Ohio River mile 308.8, Huntington, WV
40. Wabasha Riverboat Day
Sponsor: Wabasha Area Chamber of Commerce
Date: July 24, 1994, 9:00 a.m. to Midnight
Location: Upper Mississippi River mile 759.5–760.5, Wabasha, MN
41. Dragon Boat Races
Sponsor: Stillwater Area Chamber of Commerce
Date: July 24 & 25, 1994; 24, 5:00 p.m. to 9:30 p.m.; 25, 8:00 a.m. to 6:30 p.m.
Location: St. Croix River mile 21.0–23.7, Stillwater, MN
42. Rivercade Fireworks
Sponsor: Rivercade
Date: July 25, 1994, 10:00 p.m. to 11:00 p.m.
Location: Missouri River mile 727.5–728.5, Sioux City, IA
43. Oakmont Yacht Club Regatta
Sponsor: Oakmont Yacht Club
Date: July 31 thru Aug 2, 1994; 31, 9:00 a.m. to 6:00 p.m.; Aug 1 & 2, 9:00 a.m. to 6:00 p.m.
Location: 11th Washington Avenue-Allegheny River mile 12.0–13.0, Oakmont, PA
44. Fireworks
Sponsor: Red Wing Jaycees
Date: Aug 1, 1994, 10:00 p.m. to 11:00 p.m.
Location: Upper Mississippi River mile 790.0–794.0, Red Wing, MN
45. Mississippi Annual Down River Adventure by Canoe (MADRAC)

Sponsor: Mississippi River Adventures
Date: Aug 1 thru Aug 8, 1994, 7:00 a.m. to 5:00 p.m. (each day)
Location: Bellevue, IA to Burlington, IA, Upper Mississippi River mile 309.0–455.5, Coralville, IA

46. Great River Tug
Sponsor: Great River Tug
Date: Aug 7, 1994, 10:00 a.m. to 5:00 p.m.; 8, 1:00 p.m. to 3:00 p.m.
Location: Upper Mississippi River mile 496.5–497.5, LeClaire, IA

47. Pittsburgh Three Rivers Regatta
Sponsor: Pittsburgh Three Rivers Regatta, Inc.
Date: Aug. 5–8, 1994; 5, 4:00 p.m. to 9:30 p.m.; 6, 12:00 p.m. to 10:30 p.m.; 7, 6:30 a.m. to 9:45 p.m.; 8, 6:30 a.m. to 9:00 p.m.
Location: One mile around point at confluence of Allegheny, Monongahela and Ohio River, Allegheny River mile 0.0–1.0 and 0.0–0.8 Ohio and Monongahela River, Pittsburgh, PA

48. Peace Float
Sponsor: City of St. Paul, MN
Date: Aug 8, 1994, 9:00 p.m. to 9:45 p.m.
Location: Harriet Island–Upper Mississippi River mile 839.6–839.7, St. Paul, MN

49. Rollin on the River
Sponsor: Rollin On The River
Date: Aug 13, 1994, 9:15 p.m. to 9:45 p.m.
Location: Victory Park/Upper Mississippi River mile 363.0–365.0, Keokuk, IA

50. Parkersburg Homecoming Festival
Sponsor: Parkersburg Homecoming Festival
Date: Aug 13–15, 1994, 6:00 p.m. to 10:00 p.m. (each day)
Location: Downtown Parkersburg-Ohio River & Little Kanawha River mile 184.0–185.0, Parkersburg, WV

51. Lansing Fish Days Canoe Race
Sponsor: Lansing Lions Club
Date: Aug 14, 1994, 10:00 a.m. to 1:30 p.m.
Location: Upper Mississippi River mile 662.5–664.0, Lansing, IA

52. Kentucky Derby
Sponsor: Salvation Army Boys and Girls Club
Date: Aug 14, 1994, 3:30 p.m. to 7:25 p.m.
Location: Ohio River mile 603.5–604.5, Louisville, KY

53. Fernbank Regatta
Sponsor: Ohio Valley Motor Boat Racing Association
Date: Aug 15, 1994, 12:00 p.m. to 6:00 p.m.
Location: Old Fernbank Dam Park Ohio River mile 482.0–483.2, Cincinnati, OH

54. 2nd Annual Tennessee River Drag Boat Race
Sponsor: Clifton Rotary Club
Date: Aug 15, 1994, 1:00 p.m. to 6:00 p.m.
Location: Tennessee River mile 155.0–158.0, (Kentucky Lake) Clifton, TN

55. Bud Light Championship Grand Prix
Sponsor: Concord Village Lions Club
Date: Aug 19–21, 1994, 8:00 a.m. to 7:15 p.m.
Location: Meramec River at George Winter Park mile 14.0–16.0, Fenton, MO

56. Monongahela River Festival
Sponsor: Monongahela River Festival
Date: Aug 20–22, 1994, 6:00 a.m. to 12:00 a.m. (each day)
Location: Aquatorium/Monongahela River mile 31.5–32.0, North Bank, Monongahela, PA

57. Beaver County River Regatta
Sponsor: Beaver County River Regatta, Inc.
Date: Aug 20–22, 1994, 9:00 a.m. to 5:00 p.m.
Location: Beaver River, mile 00.0–2.0, Beaver, PA

58. Great River Days Limited
Sponsor: Great River Days Limited
Date: Aug 21, 1994, 9:00 p.m. to 11:00 p.m.
Location: Illinois side of river on shore-Upper Mississippi River mile 451.0–451.1, Muscatine, IA

59. Muscatine Great River Days Regatta
Sponsor: Muscatine Great River Days
Date: Aug 21, 1994, 4:30 to 6:00 p.m.
Location: Upper Mississippi River mile 457.0–457.1, Muscatine, IA

60. Kittanning Rotary Regatta
Sponsor: Kittanning Rotary
Date: Aug 21 & 22, 1994, 9:00 a.m. to 8:00 p.m. (each day)
Location: Allegheny River, mile 44.0–45.0, Ford City, PA

61. 22nd Annual Charleston Sternwheel Regatta
Sponsor: Kanawha River Navy Charleston Festival Commission, Inc.
Date: Aug 27 thru Sept 5, 1994; 27 thru Sept 5, 7:00 p.m. to 11:00 p.m. (each day); 28, 8:00 p.m. to 10:00 p.m.; 29, 12:00 p.m. to 6:00 p.m.; 30, 12:00 p.m. to 3:00 p.m.; Sept 4, 2:00 p.m. to 6:00 p.m.; 5, 1:00 p.m. to 5:00 p.m.; 5, 9:30 p.m. to 10:00 p.m.
Location: Great Kanawha River mile 57.5–61.5

62. New Richmond Riverfest
Sponsor: New Richmond Riverfest
Date: Aug 29, 1994, 12:00 p.m. to 6:00 p.m.
Location: Ohio River mile 449.0–450.6, New Richmond, OH

63. Labor Day Bash
Sponsor: City of Maxsville/Maxsville-Mason Co. Tourism
Date: Sep 4, 1994, 1:00 p.m. to 5:00 p.m.
Location: Ohio River mile 407.0–409.0, Maxsville, KY

64. Double Iron Triathlon
Sponsor: Ray & Nancy Sheppart
Date: Sep 5, 1994, 7:00 a.m. to 11:00 a.m.
Location: Tennessee River mile 330.0–334.3, Huntsville, AL

65. Portsmouth Riverdays
Sponsor: Portsmouth Riverdays, Inc.
Date: Sep 5, 1994, 9:45 p.m. to 10:30 p.m.
Location: Ohio River mile 355.5–357.0, Portsmouth, OH

66. Budweiser/Jesse Brent Memorial Boat Racing Assoc.
Sponsor: Budweiser/Jesse Brent Memorial Boat Racing Assoc.
Date: Sep 5, 1994, 9:00 a.m. to 5:00 p.m.
Location: Lake Ferguson-Lower Mississippi River mile 552.0–537.0, Greensville, MS

67. Toyota/WEBN Fireworks
Sponsor: WEBN
Date: Sep 5, 1994, 6:30 p.m. to 9:35 p.m.
Location: Between U.S. 27, L & N—I-471 Bridges-Ohio River mile 469.7, Cincinnati, OH

68. The Great Missouri River Raft Regatta
Sponsor: The Great Missouri River Raft Regatta, Inc.
Date: Sep 5, 1994, 10:00 a.m. to 7:30 p.m.
Location: Missouri River mile 627.5–601.0, Omaha, NE

69. Portsmouth Riverdays Hydroplane Regatta
Sponsor: Portsmouth Riverdays Inc.
Date: Sep 5 & 6, 1994, 10:00 a.m. to 6:00 p.m. (each day)
Location: Ohio River mile 355.5–357.0, Portsmouth, OH

70. Aspinwall Centennial Air Show
Sponsor: Aspinwall Centennial Committee
Date: Sep 6, 1994, 2:00 p.m. to 2:20 p.m.
Location: Lock & Dam #2-Allegheny River mile 6.7–7.5, Aspinwall, PA

71. The Steamboat Days Festival
Sponsor: Steamboat Days Festival Committee
Date: Sep 10, 1994, 10:00 p.m. to 10:30 p.m.
Location: Ohio River mile 602.0–603.0, Jeffersonville, IN

72. Kentuckiana Powerboat Classic
Sponsor: Bridge The Gap, Inc.
Date: Sep 10–12, 1994; 10, 12:00 p.m. to 4:00 p.m.; 11, 11:00 a.m. to 7:00 p.m.; 12, 11:00 a.m. to 7:00 p.m.
Location: Between Clark Memorial

and Kennedy Bridges-Ohio River mile 604.5–603.0

73. Ohio River Sternwheel Festival
Sponsor: Ohio River Sternwheel Festival
Date: Sep 10–12, 1994; 10, 6:30 p.m. to 9:30 p.m.; 11, 6:30 p.m. to 9:30 p.m.; 12, 12:30 p.m. to 3:00 p.m.
Location: Ohio River mile 170.8–171.9, Marietta, OH

74. Riverfront Pops Concert
Sponsor: Quad City Symphony Orchestra Association
Date: Sep 11, 1994, 6:00 p.m. to 9:00 p.m.
Location: LeClaire Park-Upper Mississippi River mile 497.0, Davenport, IA

75. Cincinnati Reds—Kraft
Sponsor: The Cincinnati Reds
Date: Sep 18, 1994, 10:30 p.m. to 11:00 p.m.
Location: Riverfront Stadium-Ohio River mile 469.8–470.4, Cincinnati, OH

76. Ashland Area Jaycees Flote Bote Race
Sponsor: Ashland Area Jaycees
Date: Sep 18, 1994, 11:00 a.m. to 3:00 p.m.
Location: Ashland Boat Ramp to Ironton Boat Ramp-Ohio River mile 322.8–327.4, Ashland, KY

77. Dardenne Boat Races
Sponsor: Dardenne Slough Race Association
Date: Sep 18 & 19, 1994, 8:00 a.m. to 6:00 p.m. (each day)
Location: Upper Mississippi River mile 224.0–228.5, St. Louis, MO

78. Head of the Des Moines Rowing Regatta
Sponsor: Des Moines Rowing Club
Date: Sep 25, 1994, 8:00 a.m. to 6:00 p.m.
Location: Des Moines River–Botanical Center to Prospect, Des Moines, IA

79. Head of the Ohio
Sponsor: Pittsburgh Mercy Foundation
Date: Sep 25, 1994, 8:30 a.m. to 4:00 p.m.
Location: Allegheny River mile 0.0–3.30, Pittsburgh, PA

80. PSA Fall Race Series
Sponsor: Pickwick Sailing Association
Date: Oct 2 & 3, 1994, 11:00 a.m. to 6:00 p.m. (each day)
Location: Pickwick Lake-Tennessee River mile 209.0–218.0, Cordova, TN

81. Head of the Missisippi Regatta
Sponsor: Minneapolis Rowing Club
Date: Oct 9, 1994, 7:30 a.m. to 6:00 p.m.
Location: Upper Mississippi River mile 850.0–853.0, Minneapolis, MN

82. Big Bend Sternwheel Festival
Sponsor: Big Bend Sternwheel Assn.
Date: Oct 10, 1994, 2:00 p.m. to 5:00 p.m.
Location: Ohio River mile 249.0, Pomeroy, OH

83. 1994 Great River Race
Sponsor: Browns Creek Sailing Assn.
Date: Oct 9 & 10, 1994, 10:00 a.m. to 10:00 a.m. (next day)
Location: Guntersville Lake-Tennessee River mile 352.0–365.0, Huntsville, AL

84. Tall Stacks 1994
Sponsor: Tall Stacks 1994
Date: Oct. 12–17, 1994, 6:00 a.m. to 2:30 a.m. (each day)
Location: Ohio River mile 469.0–471.0, Cincinnati, OH

85. Fleur De Lis Regatta
Sponsor: City of Louisville Board of Aldermen
Date: Oct 16 & 17, 1994, 11:00 a.m. to 5:00 p.m. (each day)
Location: Ohio River mile 602.0–604.0, Louisville, KY

86. Fall Color Cruise
Sponsor: Alhambra Shrine
Date: Oct 24, 25, 31 & Nov 1, 1994, 8:00 a.m. to 12:00 a.m. (each day)
Location: Tennessee River mile 425.0–471.3, Chattanooga, TN

87. Head of the Tennessee Regatta
Sponsor: Knoxville Rowing Association
Date: Oct 30, 1994, 8:00 a.m. to 6:00 p.m.
Location: Fort Loudon Lake mile 641.5–645.0, Alcoa Highway Bridge to Sequoyah Park, Knoxville, TN

Dated: February 18, 1994.

Paul M. Blayney,

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

[FR Doc. 94–4765 Filed 3–2–94; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Air Traffic Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the FAA's Aviation Rulemaking Advisory Committee on air traffic issues.

DATES: The meeting will be held on March 14, 1994, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Air Transport Association of America, 1301 Pennsylvania Avenue, NW., suite 1100, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald C. Matthews, Air Traffic Rules and Procedures Service, Federal Aviation Administration, telephone: 202–267–8783.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee on air traffic issues to be held on 9:30 a.m., Monday, March 14, 1994, at the Air Transport Association of America, 1301 Pennsylvania Avenue, NW., suite 1100, Washington, DC. The agenda for this meeting will include a:

- Status report on the advisory circular on the operation of unmanned airspace vehicles;
- Status report of the Mode S ground sensor evaluation study;
- Discussion on changes to Advisory Circular No. 90–66A, Recommended Traffic Patterns and Practices for Aeronautical Operations at Airports Without Operating Control Towers;
- Discussion of new project assignments.

Attendance is open to the interested public but will be limited to the space available. The public may present written statements to the committee at any time by providing 30 copies to the Assistant Executive Director, or by bringing the copies to him at the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, DC, on February 18, 1994.

Reginald C. Matthews,

Assistant Executive Director, Aviation Rulemaking Advisory Committee on Air Traffic Issues.

[FR Doc. 94–4717 Filed 3–1–94; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

Pipeline Safety Advisory Bulletin ADB–94–03 Railroad-Pipeline Emergency Plans Coordination

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advisory to gas and hazardous liquids pipeline operators concerning pipelines (1) in a common right-of-way with a railroad, (2) in a parallel right-of-way, or (3) that cross a railroad right-of-way.

SUMMARY: The purpose of this advisory is to inform pipeline operators and state pipeline safety program managers of a special notice issued by the Federal Railroad Administration (FRA) to railroad operators, and a safety recommendation issued by the National Transportation Board (NTSB).

Advisory

The presence of pipelines carrying natural gas or hazardous liquids on or near railroad rights-of-way creates a need for pipeline and railroad operators to coordinate emergency response planning and actions. Accordingly, the Federal Railroad Administration (FRA), in its manual "Hazardous Materials Emergency Response Plan Guidance Document for Railroads" (DOT/FRA/ORD–93/09, March 1993 revision), issued the following special notice on coordination between railroad and pipeline operators:

Special Notice

After the Association of American Railroads had completed their work on this guidelines document, it became evident that additional information should be included regarding pipelines that might be affected by a railroad accident. This "Special Notice" was developed by the Federal Railroad Administration and the Research and Special Programs Administration to respond to this need.

Pipelines in Railroad Rights-of-Way

Many railroad rights-of-way contain underground pipelines which carry hazardous materials.

These pipelines may be in a common right-of-way with the railroad, in a parallel right-of-way, or cross the railroad right-of-way. Pipelines may carry natural gas, crude oil, or petroleum products including highly volatile liquids such as propane. These materials are often under high pressure.

A railroad incident which results in derailment, heavy equipment operations in the right-of-way, or any other disturbance of the right-of-way, has the potential of damaging underground pipelines. Derailed cars and engines can directly impinge on a pipeline. Loads imposed on a pipeline from a derailed train or cleanup equipment, or striking the pipeline with digging equipment can result in immediate or future failure. Therefore, the presence of underground pipelines carrying hazardous material must always be considered in responding to a rail incident. Railroads must actively coordinate their emergency response activities with pipeline operators to assess possible damage due to the incident and to prevent damage during response and cleanup operations.

Railroad emergency response plans should include information on underground pipelines which could be damaged by a rail incident. This information should include location, materials carried, and emergency numbers for the pipeline operator. Natural gas pipelines are operated under Federal Regulations 49 CFR part 192; hazardous liquid pipelines are operated under 49 CFR part 195.

In accordance with a safety recommendation from NTSB, pipeline operators having pipelines on or adjacent to railroad rights-of-way should discuss this "Special Notice" with those railroad operators to whom it applies, and mutually undertake development of plans for handling emergencies involving both rail and pipeline systems. Discussion should include information on how a pipeline can be damaged, how denting, gouging and even surface damage that appears to be minor can lead to future failure, the serious consequences that can result from coating damage, and information to suggest possibilities for one-call systems to be a help on incidents involving both railroad and pipeline facilities. RSPA policy for Federal inspectors responding to a derailment that may impact a pipeline is to examine the condition of the right-of-way for indications of possible damage to the pipeline, including visual examination of the pipe and, if needed, excavation to expose it. Where warranted, RSPA policy also requires integrity testing (i.e., pigging with an instrumented internal inspection device or hydrostatic testing).

This notice will be discussed with state pipeline safety program managers at upcoming Federal/state pipeline safety meetings.

Background

National Transportation Safety Board (NTSB) Safety Recommendation P–90–25 (issued in conjunction with NTSB Accident Report number NTSB/RAR–90/02 on the San Bernardino, CA train derailment and petroleum pipeline rupture in May 1989) urges that operators of pipelines located on or adjacent to railroad rights-of-way coordinate with railroad operators in the development of plans for handling transportation emergencies that may impact both the rail and pipeline systems. In addition, P–90–25 recommends that the plan be discussed with affected state and local emergency response agencies.

In initial response to this recommendation, representatives of RSPA met with FRA representatives. The foregoing "Special Notice" was developed in the course of their discussions.

Issued in Washington, DC, on February 23, 1994.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 94–4676 Filed 3–1–94; 8:45 am]

BILLING CODE 4910–60–P

UNITED STATES INFORMATION AGENCY

AGENCY: United States Information Agency.

ACTION: Notice of Meeting of the Cultural Property Advisory Committee.

SUMMARY: The Cultural Property Advisory Committee will meet on Tuesday, March 15, 1994, from 9 am to approximately 3:30 pm, USIA headquarters, 301 4th Street, SW., room 840, Washington, DC. The meeting's agenda will include deliberation of whether to extend an emergency import restriction (imposed under the Convention on Cultural Property Implementation Act, Public Law 97–446, 19 U.S.C. 2601 *et al*) on archaeological material from the Sipan Archaeological Region, Lambayeque Valley, northern Peru. Since discussion of this matter will involve information the premature disclosure of which would likely frustrate implementation of proposed actions and policies, this portion of the meeting will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h).

The Committee's agenda will also include a discussion of whether there is a need for special ethical criteria for the Committee. This portion of the meeting will be open to the public and will take place beginning approximately 1:30 pm. Due to security requirements and limited space, persons wishing to attend should telephone (202) 619–6612 by 5 pm on Friday, March 11, 1994. A list of public attendees will be posted at the security desk of USIA in order to facilitate access to the meeting room.

Dated: February 25, 1994.

Penn Kemble,

Deputy Director, United States Information Agency.

[FR Doc. 94–4749 Filed 3–1–94; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special Disabilities Programs; Availability of Annual Report

Under section 10(d) of Public Law 92–462 (Federal Advisory Committee Act) notice is hereby given that the Annual Report of the Department of Veterans Affairs' Advisory Committee on Prosthetics and Special Disabilities Programs for Fiscal Year 1993 has been issued. The Report summarizes activities of the Committee on matters relative to special disability programs, prosthetic rehabilitation technology, accomplishments which have been made, and the identification of areas where further study and improvements are required. It is available for public inspection at two locations:

Federal Documents Section, Exchange and Gift Division, LM 632, Library of Congress, Washington, DC 20540, and

Department of Veterans Affairs, Prosthetic and Sensory Aids Service, Techworld Plaza—room 542, 801 I Street NW., Washington, DC 20001

Dated: February 8, 1994.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 94–4666 Filed 3–1–94; 8:45 am]

BILLING CODE 8320–01–M

Veterans' Advisory Committee on Environmental Hazards; Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held on Thursday and Friday, April 14–15, 1994, in room 534 on both days, at 801 I Street, NW., Washington, DC 20001. The meeting will convene at 9 a.m. and adjourn at 5 p.m.

The purpose of the meeting is to review information relating to the health effects of exposure to ionizing radiation.

The meeting is open to the public to the capacity of the room. For those wishing to attend, contact Ms. Sylvia Arrington, Department of Veterans Affairs Central Office (026B), 810 Vermont Avenue, NW., Washington, DC 20420, phone (202) 523–3885, prior to April 1, 1994.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. Frederic L. Conway, Deputy Assistant General Counsel, (026B), Department of Veterans Affairs Central Office, 810 Vermont Avenue NW., Washington, DC 20420. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Dated: February 8, 1994.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 94–4665 Filed 3–1–94; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 41
Wednesday, March 2, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11 a.m., Monday, March 7, 1994.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 25, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94–4832 Filed 2–28–94; 10:42 am]

BILLING CODE 6210–01–P

NATIONAL SCIENCE FOUNDATION

NATIONAL SCIENCE BOARD

REVISED TIME AND CHANGE IN MATTERS CONSIDERED: Meeting Held on February 11, 1994; announced in **Federal Register**, Vol. 59.

Because of extreme weather conditions on February 11, 1994 that caused the Federal Government to close and with airports either limiting travel or closing, the National Science Board began earlier than the announced time to expedite the meeting and enable members to obtain transportation home. The change in time was announced at the earliest practical time. The changes were as follows:

MATTERS CONSIDERED:

Friday, February 11, 1994

Closed Session (8:00 a.m.–8:51 a.m.)

—Minutes
—Budget
—Grants and Contracts

Open Session (8:51 a.m.–9:10 a.m.)

—Minutes
—Chairman's Report
—Reports from Committees

Dated: February 23, 1994.

Marta Cehelsky,

Executive Officer.

[FR Doc. 94–4913 Filed 2–28–94; 2:18 pm]

BILLING CODE 7555–01–M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of February 28, 1994.

A closed meeting will be held on Thursday, March 3, 1994, at 10 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 Beese, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, March 3, 1994, at 10 a.m., will be:

Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.
Regulatory matters regarding financial institutions.
Opinions.

At times, changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed please contact: Brian Lane (202) 272–2400.

Dated: February 25, 1994.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–4861 Filed 2–28–94; 1:21 pm]

BILLING CODE 8010–01–M

federal register

Wednesday
March 2, 1994

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Alteration of the Charlotte, NC, Class B Airspace Area; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92–AWA–6]

RIN 2120–AF02

Proposed Alteration of the Charlotte, NC, Class B Airspace Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the Charlotte, NC, Class B airspace area. This proposal would maintain the upper limit of the Charlotte, Class B airspace area at 10,000 feet mean sea level (MSL) and redefine several existing subareas to improve air traffic procedures. The primary goal of this Class B airspace area modification is to improve safety while providing the most efficient use of the terminal airspace. This action is intended to improve the flow of traffic and increase safety in the Charlotte/Douglas terminal area. Airspace Reclassification, in effect as of September 16, 1993, has discontinued the use of the term "Terminal Control Area," replacing it with the term "Class B airspace area."

DATES: Comments must be received on or before May 2, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Airspace Docket No. 92–AWA–6, 800 Independence Avenue, SW., Washington, DC 20591.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92–AWA–6." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will also be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Related Rulemaking Actions

On May 21, 1970, the FAA published Amendment 91–78 to part 91 of the Federal Aviation Regulations (35 FR 7782), which provided for the establishment of Terminal Control Areas (TCA's).

On February 3, 1987, the FAA published a final rule that established requirements pertaining to the use, installation, inspection, and testing of Air Traffic Control Radar Beacon System (ATCRBS) and Mode S transponders in U.S.-registered civil aircraft (53 FR 3380). The rule did not affect the requirement to have an operable transponder in a TCA.

On June 21, 1988, the FAA published a final rule that requires aircraft to have Mode C equipment when operating below 10,000 feet MSL within 30 nautical miles of any designated TCA primary airport, except for those aircraft not originally certified with an engine driven electrical system or which have not subsequently been certified with such a system installed (53 FR 23356).

On October 14, 1988, the FAA published a final rule that revised the classification and pilot/equipment requirements for conducting operations in a TCA (53 FR 40318). Specifically, the rule: (a) Established a single-class TCA; (b) requires the pilot-in-command of a civil aircraft operating within a TCA to hold at least a private pilot certificate, except for a student pilot who has received certain documented training; and (c) eliminated the helicopter exception from the minimum navigational equipment requirement.

On December 17, 1991, the FAA published a final rule on airspace reclassification (56 FR 65655). As a result of this reclassification, that airspace formerly referred to as the Charlotte, NC, Terminal Control Area was reclassified to Charlotte, NC, Class B airspace area, effective September 16, 1993.

Background

The Class B airspace area (Terminal Control Area prior to September 16, 1993) program was developed to reduce the midair collision potential in the congested airspace surrounding airports with high density air traffic by providing an area in which all aircraft will be subject to certain operating rules and equipment requirements. The density of traffic and the types of operations being conducted in the airspace surrounding major terminals increase the probability of midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier, military or another GA aircraft. The basic causal factor common to these conflicts was the mix of uncontrolled aircraft operating under visual flight rules (VFR) and controlled aircraft operating under instrument flight rules (IFR). Class B airspace areas provide a

method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of Class B airspace area afford the greatest protection for the greatest number of people by giving air traffic control (ATC) increased capability to provide aircraft separation service, thereby minimizing the mix of controlled and uncontrolled aircraft. To date, the FAA has established a total of 29 Class B airspace area designations. The FAA is proposing to take action to modify or implement additional Class B airspace area, to provide greater protection of air traffic in the airspace regions most commonly used by passenger-carrying aircraft.

Pre-NPRM Public Input

The North Carolina State Department of Transportation, Division of Aviation, coordinated the establishment and oversight of an ad hoc committee to develop a viable Class B airspace area design recommendation. Representation from airport users and local aviation groups, including those that participated in the original Terminal Control Area ad hoc committee, was solicited and attained. Local control tower facility representatives provided technical input to the ad hoc committee. The committee's comments and recommendations were forwarded to the FAA's Southern Region for evaluation, on February 19, 1992, for review and incorporated into the proposed Charlotte, Class B airspace area modification. As announced in the **Federal Register**, 57 FR 14745, April 22, 1992, pre-NPRM airspace meetings were held on June 17 and 18, 1992, at the North Carolina Air National Guard Dining Facility, to allow other local interested airspace users an opportunity to provide input to the proposed Charlotte, Class B airspace area modification. As a result of those informal airspace meetings, seven letters were received from aviation organizations, soaring organizations and private citizens. The ad hoc committee report, letters submitted to the FAA, and the minutes of both airspace meetings are contained in the FAA airspace docket. The context of these letters, airspace meeting comments/concerns, and the FAA's findings, are summarized as follows:

1. Some persons were disappointed because they were not selected to be members of the ad hoc committee. The ad hoc committee members were chosen by the committee chairman, Mr. J.L. Bondurant, under the oversight of the North Carolina State DOT, Aviation Division. All significant aviation interests were represented by the committee. Any persons who did not participate on the committee had the opportunity during this phase to express their views for the FAA's consideration.

2. The Aircraft Owners and Pilots Association (AOPA) requested that the Class B airspace area altitude be lowered from 10,000 feet MSL to 8,000 feet MSL. The FAA rejected that proposal. Lowering the ceiling of the Class B airspace area would encourage VFR flight over the Class B airspace area between 8,000 feet MSL and 10,000 feet MSL, especially east/west operations. Should VFR pilots begin operating in that area, they would encounter heavy arrival and departure traffic within 15 miles of the Charlotte/Douglas International Airport. Traffic routinely descends on the downwind leg of the landing pattern, from altitudes above 8,000 feet MSL. Additionally, VFR pilots would conflict with traffic on VOR Federal Airway V–37, a route commonly used for IFR operations into and out of the Class B airspace area.

3. One commenter stated that lowering the floor of the Class B airspace area from 6,000 feet MSL to 3,600 feet MSL within the 20 to 25 mile segment north and south of the airport would allow placement of aircraft at a dangerously low altitude a long way from the runway. Aircraft outside the existing Class B airspace area are at these altitudes because of the requirements necessary to conduct simultaneous instrument approaches to parallel runways within the Class B airspace area. Under those approach procedures, it is not unusual or dangerous to have aircraft at these altitudes and distances on the final approach course.

4. Members of the Soaring Association proposed that the Class B airspace area not be amended until actual air traffic growth warrants further change. They also questioned whether more airspace would increase the airport's ability to handle a higher number of aircraft. The decision to propose modifying the Class B airspace area was based on the current air traffic growth and operational requirements (See discussion of specific growth figures later in this document). At times, aircraft cross the boundary of the Class B airspace area during simultaneous instrument approaches to parallel runways. Since modification is being pursued at this time for operational reasons, it is desirable for the FAA to consider all factors, including future airport and air traffic growth forecast.

5. Several commenters noted that other existing Class B airspace areas have primary airports with runway configurations similar to Charlotte/Douglas International, and the Class B airspace area does not extend beyond 20 miles in any direction. The commenters stated that, because the runway configuration of the Charlotte/Douglas International Airport is similar to those other primary airports, the FAA's proposal, which includes Class B airspace area out to 30 miles, is inappropriate. The FAA's responsibility is to manage effectively the airspace surrounding the Charlotte area, while providing the requisite level of safety. Comparison with other airports is generally inappropriate, since no two airports are the same. Each Class B airspace area must be site specific; and to meet the operational needs of the Charlotte area, the Charlotte Class B airspace area is required to extend out to 30 nautical miles.

6. The Chester Soaring Association questioned the need to modify the airspace to accommodate simultaneous instrument approaches that occur less than 50 percent of the time. Regardless of the percentage of use, it is unacceptable to the FAA to have any aircraft routinely vectored beyond the boundaries of the Class B airspace area into airspace where aircraft separation is not provided to all aircraft.

7. The Chester Soaring Association also objected to lowering the Class B airspace area floor southwest and southeast of the airport from 8,000 feet MSL to 6,000 feet MSL. It also shared the opinion of the Soaring Society of America that lowering the floor of the Class B airspace area will render the Chester Soaring site unusable for competition. The proposed design was submitted by the ad hoc committee as a means of containing aircraft descending on base leg, within the Class B airspace area while conducting simultaneous instrument approaches. While the FAA understands the concerns of the soaring community, those concerns can be accommodated only to the extent that they do not compromise the FAA's ability to manage efficiently the Charlotte Class B airspace area and provide the optimum level of safety to the flying public.

All comments were considered in developing the proposal to modify the Class B airspace area. If these modifications are adopted, the revised Charlotte Class B airspace area chart will depict VFR flyways and specific access instructions to facilitate alternatives to flight within the Class B airspace area.

The Proposal

The FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the existing Charlotte Class B airspace area, based on safety and operational needs. The FAA's responsibility is to manage efficiently the airspace surrounding the Charlotte area while providing the optimum level of safety to the flying public. The number of enplaned passengers at Charlotte/Douglas International Airport was 7,784,047 in 1991 and 8,425,447 in 1992, an increase of 8.2 percent. The airport operations were 440,956 in 1991 and 466,351 in 1992, more than a 5.8 percent increase in traffic.

Section 91.131 of part 91 of the Federal Aviation Regulations (14 CFR 91.131) prescribes rules for aircraft operating in airspace designated as a Class B airspace area. The Class B airspace area rule provides, in part, that prior to entering the Class B airspace area, any pilot at any airport within the Class B airspace area or flying through the Class B airspace area must: (1) Obtain appropriate authorization from ATC; (2) comply with applicable procedures established by ATC for pilot training operations at an airport within

a Class B airspace area; and (3) hold at least a private pilot certificate or meet the requirements of § 61.95 of the Federal Aviation Regulations (14 CFR 61.95), if the aircraft is operated by a student pilot.

Any person operating an aircraft within a Class B airspace area must have the aircraft equipped with an operable two-way radio capable of communications with ATC on appropriate frequencies for that Class B airspace area, and the applicable operating transponder and automatic altitude-reporting equipment specified in paragraph (b)(1) of § 91.215 of the Federal Aviation Regulations. Unless otherwise authorized by ATC, all large, turbine-powered aircraft operating to or from a Class B airspace area-primary airport must be operated at or above the designated floors of the Class B airspace area while within the lateral limits of the Class B airspace area. The pilot of any aircraft departing from an airport located within the surface area of a Class B airspace area is required to receive a clearance from ATC prior to takeoff.

All aircraft operating within a Class B airspace area are required to comply with all ATC clearances and instructions. However, ATC may authorize deviations from any of the operating requirements of the rule when safety considerations justify the deviation. Ultralight vehicle operations and parachute jumps in a Class B airspace area may only be conducted under the terms of an ATC authorization. Definitions and operating requirements applicable to Class B airspace area may be found in 14 CFR 71.41, 91.1, 91.117, 91.131, 91.215, SFAR No. 62, and appendix D to part 91 of the FAR.

The standard configuration of a Class B airspace area consists of 3 concentric circles centered on the primary airport extending to 10, 20, and 30 nautical miles respectively. Generally, the vertical limits of the Class B airspace are 10,000 feet MSL, with the floor established at the surface in the inner area and at levels appropriate to containment of operations in the outer areas. Variations of these criteria may be necessary contingent upon terrain, adjacent regulatory airspace, and other factors unique to the terminal area. The site specific airspace configuration proposed herein is the result of an extensive FAA study, conducted after obtaining public input through an ad hoc committee, informal airspace meetings and written comments. Copies of the report of this study are contained in the FAA docket and are available on request. The FAA has determined that the proposed alteration of airspace for the Charlotte Class B airspace area would be consistent with Class B airspace area objectives. The proposed configuration considers the present terminal area flight operations and terrain.

The following proposed modification of the Charlotte Class B airspace area reflects public comments and user group inputs:

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL within a 7-mile radius of the Charlotte VOR/DME.

This airspace is necessary to contain large turbine-powered aircraft within the Class B airspace area, while operating to and from the primary airport, and allow for ingress/egress to secondary airports.

Area B. That airspace extending upward from 1,800 feet MSL to and including 10,000 feet MSL between the 7- and 11-mile radius of the Charlotte VOR/DME, excluding that airspace within a 2-mile radius of the Gastonia Airport.

This airspace is required for vectoring aircraft arriving at, and departing from, the primary airport.

Area C. That airspace extending upward from 3,600 feet MSL to and including 10,000 feet MSL between the 11- and 25-mile radius of the Charlotte VOR/DME, including that airspace within a 2-mile radius of the Gastonia Airport, excluding that airspace within and below Areas D, E, and F hereinafter described.

This airspace configuration would provide an area to contain aircraft during climb and descent transition maneuvers between the terminal and enroute structures.

Area D. That airspace extending upward from 4,600 feet MSL to and including 10,000 feet MSL between the 20- and 25-mile radius northwest of the Charlotte VOR/DME, bounded on the west by U.S. Highway 321, and bounded on the east by the Marshall Steam Plant Rail Spur; and that airspace between the 20- and 25-mile radius southwest of the Charlotte VOR/DME, bounded on the east by U.S. Highway 21, and bounded on the west by a line due south from the Charlotte VOR/DME 218° radial 20-mile fix to the intersection of the 25-mile arc.

This airspace is required to provide an area to contain aircraft using Charlotte/Douglas International Airport during profile descent. The proposed floor would allow sufficient airspace for VFR operations underneath the Class B airspace area.

Area E. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at lat. 35°36'30" N., long. 80°57'45" W., extending counterclockwise on the 25-mile arc of the Charlotte VOR/DME to U.S. Highway 321, thence south on U.S. Highway 321 until intercepting the 20-mile arc southwest of the Charlotte VOR/DME, thence counterclockwise on the 20-mile arc to the 218° radial of the Charlotte VOR/DME, thence due south to the intersection of the 25-mile arc of the Charlotte VOR/DME, thence due west until intercepting the 218° radial of the Charlotte VOR/DME, thence southwest on the 218° radial to the 30-mile fix, thence clockwise on the 30-mile arc to the 328° radial of the Charlotte VOR/DME, thence direct to the point of beginning, excluding that airspace between the 20- and 30-mile radius of the Charlotte VOR/DME between the 242° radial of the Charlotte VOR/DME clockwise to the 293° radial; and that airspace beginning at lat. 35°36'30" N., long. 80°57'45" W., extending clockwise on the 25-mile arc of the Charlotte VOR/DME to long. 80°46'00" W., thence due south to the 20-mile arc northeast of the Charlotte VOR/DME, thence clockwise on the 20-mile arc to the 081° radial of the Charlotte VOR/DME, thence west along the 081° radial to the 11-mile fix from the Charlotte VOR/DME, thence direct to the Charlotte VOR/DME 147° radial 25-mile fix, thence clockwise on the 25-mile arc to the intersection of U.S. Highway 21, thence direct to the Charlotte VOR/DME 147° radial 30-mile fix, thence counterclockwise on the 30-mile arc to the Charlotte VOR/DME 025° radial, thence direct to the point of beginning, excluding that airspace east of U.S. Highway 601 between the Charlotte VOR/DME 062° radial clockwise to the 120° radial.

This airspace is required to provide an area to contain aircraft descending into the Charlotte/Douglas International Airport. The proposed boundaries would allow sufficient airspace for VFR aircraft operations outside the Class B airspace area.

Area F. That airspace extending upward from 8,000 feet MSL to and including 10,000 feet MSL between the 20- and 25-mile radius of the Charlotte VOR/DME from the 242° radial clockwise to the 293° radial of the Charlotte VOR/DME; and that airspace between the 20- and 25-mile radius from the Charlotte VOR/DME between the 062° radial of the Charlotte VOR/DME clockwise to the 120° radial and east of U.S. Highway 601.

This airspace is necessary to provide descent profile for aircraft en route to Charlotte/Douglas International Airport and to allow sufficient airspace to VFR operations at area airports.

The preceding summary of the proposed alteration to the Class B airspace area configuration identifies that airspace which is necessary to contain large turbojet aircraft operations at the Charlotte/Douglas International Airport. ATC would provide control and separation service for all flights within the proposed airspace boundaries. Furthermore, ATC clearance is required for aircraft operations within that airspace. Modifying this Class B airspace area would greatly enhance the safety of flight within the congested airspace overlying the Charlotte metropolitan area by facilitating the separation of controlled and uncontrolled flight operations.

Class B airspace area designations are published in Paragraph 3000 of FAA Order 7400.9A, dated June 17, 1993, and effective September 16, 1993, and is incorporated by reference in 14 CFR 71.1 (58 FR 36298), July 6, 1993. The Class B airspace area designation listed in this document would be published subsequently in the order.

Regulatory Evaluation

In keeping with the "principles of regulation" contained in Executive Order 12866, this section summarizes the regulatory evaluation prepared by the FAA on the proposed amendment to 14 CFR part 71—to alter the Charlotte, Class B airspace area, Charlotte, NC. The full regulatory evaluation, contained in the docket, assesses and quantifies, to the extent practicable, estimated costs and anticipated benefits to the private sector, consumers, and Federal, state, and local governments. Additionally, the FAA has determined that this proposed rule is not a "significant regulatory action".

Operational requirements mandate that the Class B airspace area shelves be lowered between 20 and 25 nautical miles of the Charlotte/Douglas International Airport (CLT) to more easily accommodate large turbine-powered aircraft operating in the Class B airspace area. This situation is particularly critical when conducting simultaneous ILS operations due to the present lack of maneuvering airspace for aircraft on final approach to CLT or taking off from CLT.

The proposed modifications of the Charlotte Class B airspace area are the result of a staff study conducted by the local FAA authority. The staff's goal was to determine a better Class B airspace area design that would provide greater safety for aircraft operating to and from CLT. The airspace design reflects user feedback and information obtained during Informal Airspace Meetings held June 17 and 18, 1992 at the North Carolina Air National Guard Facility at Charlotte Douglas International Airport.

The proposed modifications were chosen after reviewing three options. The FAA does not recommend the first option, to retain the existing Class B airspace area design, because the area boundaries do not conform to current guidelines for regulated airspace at busier terminal facilities (FAA Order 7400.2), nor do these boundaries provide the necessary Class B airspace area to handle levels of traffic experienced today and projected for the future. The second option, which is also not recommended, would modify the existing Class B airspace area to the standard configuration as contained in FAA Order 7400.2. This option does not have any visual references and the amount of airspace involved would be greater than needed. The FAA chose the third option, which would establish a site specific Class B airspace area configuration based on the operational needs of the Air Traffic facility and input from the Charlotte Class B airspace area ad hoc committee. This option provides necessary Class B airspace area that would contain Charlotte present and future traffic flows. It would also minimize the impact on airspace users and would also enhance the visual means for boundary definition. Finally, it would provide airspace below the floor of the Class B airspace area for VFR operators desiring to remain clear of the Class B airspace area. It would, however, require site-specific charting, and a non-standard design would require heightened area awareness by users. It would also establish controlled airspace where it currently does not exist thereby impacting some users.

Cost Analysis

The proposed rule would impose little or no administrative costs to the FAA. Additional personnel and equipment are not needed to implement this rule. The FAA's controller workforce would be trained in the aspects and procedures of the proposed Class B airspace area during regularly scheduled briefing sessions at no additional costs to the FAA.

The Charlotte Sectional Chart and the Charlotte Terminal Area Chart would have to be revised, but the FAA would make these changes when those charts are routinely updated. These changes are considered part of the ordinary cost of chart revision, and therefore, the FAA would incur no additional costs. Because pilots normally use current charts, they should not incur any additional charting costs either; as the charts become obsolete, pilots should replace them with charts that depict the modified Class B airspace area.

The proposed rule would impose little costs to VFR users for several reasons. The FAA expects that Lincolnton, Jaars/Townsend, and Lake Norman airports would be the only public airports affected by the lower floor. North of Charlotte, the Class B airspace area floor would change from 6,000 feet to 4,600 feet (over Lincolnton) and would create a 6,000 foot floor over Lake Norman. South of Charlotte, the Jaars/Townsend airport would be affected by the floor of the Class B airspace area changing from 6,000 feet to 3,600 feet. Those pilots who currently use this airspace and wish to remain free of Class B airspace area control would incur circumnavigational costs. However, the added time and cost to circumnavigate is expected to be minimal. Those pilots who continue to operate in this airspace by participating in the Charlotte, Class B airspace area would be inconvenienced.

VFR operators who do not routinely fly inside the Charlotte, Class B airspace area may be potentially inconvenienced by having to participate in the Class B airspace area, (i.e., contact ATC and follow operational rules), if they operate in the areas of proposed Class B airspace area expansion. The FAA believes that most VFR operators would not be significantly inconvenienced because they are already participating in the Class B airspace area, either by voluntarily contacting ATC when in areas adjacent to or under the Class B airspace area by monitoring ATC frequencies.

Those aircraft operators who wish to avoid the Class B airspace area could face circumnavigational costs in those areas where the floor would be lowered north and south of the airport. However, the FAA believes that the costs would be negligible. Nevertheless, the FAA welcomes comments from those individuals that could potentially be affected by increased circumnavigational costs.

Finally, sailplane pilots, such as those representing the Chester Soaring Association, could face increased costs by having to relocate to a new airport should they not be able to fly at Chester In general, these users could incur costs if the FAA determines that a desired level of safety to the flying public could not be maintained if sailplanes are permitted in the proposed Class B airspace area. Sailplane pilots who use the Chester, SC airport may have to drive longer distances and incur added transportation costs before they can assemble and fly their gliders. In addition, the local economies of Chester

and Charlotte may be adversely affected by those pilots and families who attend major national-level contests at Chester.

However, under this proposed rule, the FAA would try to accommodate users of sailplanes even though soaring activities are somewhat random and unpredictable (as they are dependent upon thermals and other weather conditions). These users would be accommodated through Letter of Agreement procedures. These procedures should allow all parties use of the airspace provided that an optimum level of safety to the flying public is maintained.

Benefit Analysis

The proposed rule is expected to enhance safety by reducing the risk of midair collisions. The risk of a midair collision would be reduced by increasing the controlled airspace around Charlotte, North Carolina.

Due to the proactive nature of the proposed changes, the potential safety benefits are difficult to quantify in monetary terms. Aircraft operations within the present configuration of the Charlotte, Class B airspace area have increased since the Class B airspace area was created and the airspace has become more complex (a greater mix of large turbine-powered air carrier aircraft with other aircraft of varying performance characteristics). In addition, future operations are projected to increase.

Fortunately, there have been no midair collisions within the Charlotte, Class B airspace area. Without the experience of an actual midair collision, estimating the probability of a potential occurrence in the absence of a proposed rule cannot be reliably determined. Due to the projected increase in traffic (see earlier discussion), there is a potential safety problem, although it is not yet critical. Without the proposed rule, aviation safety in the Charlotte area could be reduce in the future, which could lead to catastrophic consequences.

Comparison of Costs and Benefits

The precise reduction in the risk of a midair collision avoided by the proposed rule and its monetary values cannot be estimated at the present time. However, system efficiency would be improved and safety enhanced. In view of the negligible costs of the proposed rule, coupled with benefits in the form of enhanced safety to all aircraft operators, the FAA believes the proposed rule would be cost-beneficial.

Conclusion

The precise reduction in the risk of a midair collision attributable to the proposed rule and the associated monetary values cannot be estimated at the present time. However, system efficiency would be improved and safety would be enhanced. In view of the negligible costs of the proposed rule, coupled with non-quantifiable benefits in the form of enhanced safety to all aircraft operators, the FAA believes the proposed rule would be cost-beneficial. An initial regulatory evaluation of the proposal, including a Regulatory Flexibility Determination, has been placed in the docket.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) ensures 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.

The small entities that the proposed rule could potentially affect are unscheduled operators of aircraft for hire owning nine or fewer aircraft. These unscheduled air taxi operators would be affected only when they were not operating under VFR. These operators fly regularly into airports with established radar approach control services. The FAA believes that unscheduled air taxi operators are already equipped to fly IFR. Because they can fly IFR instead of VFR, the proposed rule would not have a significant economic impact on any of them.

International Civil Aviation Organization and Joint Aviation Regulations

In keeping with the U.S. obligations under the Convention on International Civil Aviation (ICAO), it is FAA policy to comply with ICAO Standards and Recommended Practices (SARP) to the maximum extent practicable. For this notice, the FAA has determined that this proposal, if adopted, would not present any differences.

International Trade Impact Assessment

This proposed rule is not anticipated to affect the import of foreign products or services into the United States or the export of U.S. products or services to foreign countries.

Federalism Implications

This proposed rule 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 (52 FR 41685; October 30, 1987), it is determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

This proposed rule contains no information collection requests requiring approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 et seq.).

Conclusion

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 a "significant regulatory action" under Executive Order 12866. 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 Order DOT 2100.5, Policies and Procedures for Simplification, Analysis and Review of Regulations. A final regulatory evaluation of the regulation, including a final 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 71

Airspace, Federal Aviation Administration, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A,

Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 3000—Subpart B—Class B Airspace

* * * * *

ASO NC B Charlotte, NC [Revised]

Charlotte/Douglas International Airport
(Primary Airport)
(lat. 35°12'52" N., long. 80°56'37" W.).
Charlotte/Douglas VOR/DME
(lat. 35°11'25" N., long. 80°57'06" W.).
Gastonia Airport
(lat. 35°12'00" N., long. 81°09'00" W.).

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL within a 7-mile radius of the Charlotte VOR/DME.

Area B. That airspace extending upward from 1,800 feet MSL to and including 10,000 feet MSL between the 7- and 11-mile radius of the Charlotte VOR/DME, excluding that airspace within a 2-mile radius of the Gastonia Airport.

Area C. That airspace extending upward from 3,600 feet MSL to the including 10,000 feet MSL between the 11- and 25-mile radius of the Charlotte VOR/DME, including that airspace within a 2-mile radius of the Gastonia Airport, excluding that airspace within and below Areas D, E, and F hereinafter described.

Area D. That airspace extending upward from 4,600 feet MSL to and including 10,000 feet MSL between the 20- and 25-mile radius northwest of the Charlotte VOR/DME, bounded on the west by U.S. Highway 321, and bounded on the east by the Marshall Steam Plant Rail Spur; and that airspace between the 20- and 25-mile radius southwest of the Charlotte VOR/DME, bounded on the east by U.S. Highway 21, and bounded on the west by a line due south from the Charlotte VOR/DME 218° radial 20-mile fix to the intersection of the 25-mile arc.

Area E. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at lat. 35°36'30" N., long. 80°57'45" W., extending counterclockwise on the 25-mile arc of the Charlotte VOR/DME to U.S. Highway 321, thence south on U.S. Highway 321 until intercepting the 20-mile arc southwest of the Charlotte VOR/DME, thence counterclockwise on the 20-mile arc to the 218° radial of the Charlotte VOR/DME, thence due south to the intersection of the 25-mile arc of the Charlotte VOR/DME, thence due west until intercepting the 218° radial of the Charlotte VOR/DME, thence southwest on the 218° radial to the 30-mile fix, thence clockwise on the 30-mile arc to the 328° radial of the Charlotte VOR/DME, thence direct to the point of beginning, excluding that airspace between the 20- and 30-mile radius of the Charlotte VOR/DME between the 242° radial of the Charlotte VOR/DME clockwise to the 293° radial; and that airspace beginning at lat. 35°36'30" N., long 80°57'45" W., extending clockwise on the 25-mile arc of the Charlotte VOR/DME to long. 80°46'00" W., thence due south to the 20-mile arc northeast of the Charlotte VOR/DME, thence clockwise on the 20-mile arc to the 081° radial of the Charlot VOR/DME, thence west along the 081° radial to the 11-mile fix from the Charlotte VOR/DME, thence direct to the Charlotte VOR/DME 147° radial 25-mile fix, thence clockwise on the 25-mile arc to the intersection of U.S. Highway 21, thence direct to the Charlotte VOR/DME 147° radial 30-mile fix, thence counterclockwise on the 30-mile arc to the Charlotte VOR/DME 025° radial, thence direct to the point of beginning, excluding that airspace east of U.S. Highway 601 between the Charlotte VOR/DME 062° radial clockwise to the 120° radial.

Area F. That airspace extending upward from 8,000 feet MSL to and including 10,000 feet MSL between the 20- and 25-mile radius of the Charlotte VOR/DME from the 242° radial clockwise to the 293° radial of the Charlotte VOR/DME; and that airspace between the 20- and 25-mile radius from the Charlotte VOR/DME between the 062° radial of the Charlotte VOR/DME clockwise to the 120° radial and east of U.S. Highway 601.

* * * * *

Issued in Washington, DC, February 17, 1994.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 94–4714 Filed 3–1–94; 8:45 am]

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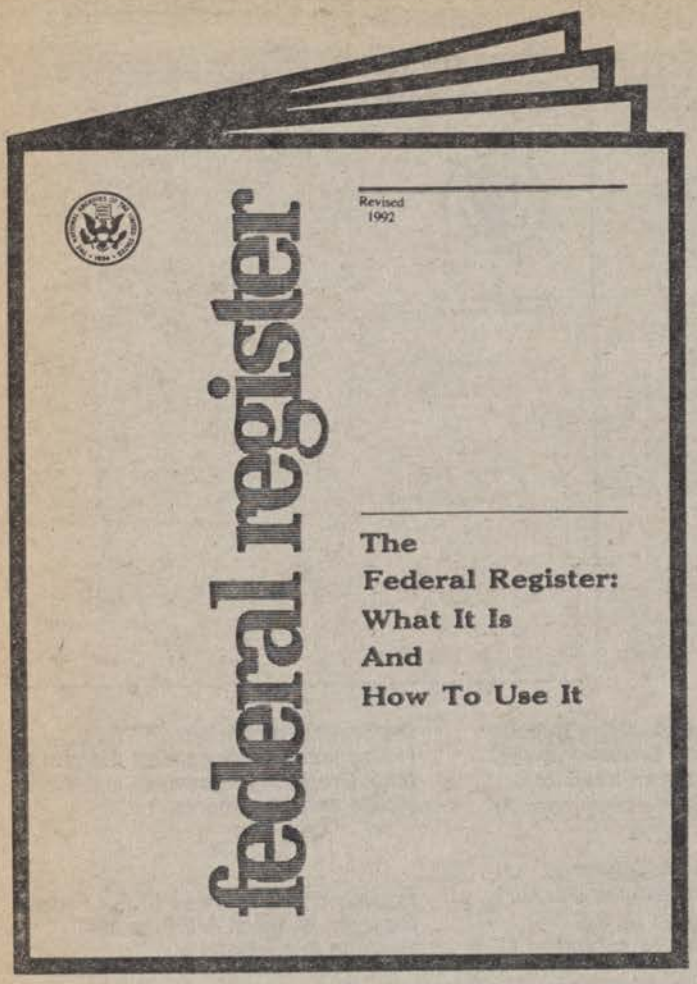

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