6–14–93
Vol. 58 No. 112
Pages 32835–33004

federal register

Monday
June 14, 1993

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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
(TWO BRIEFINGS)

WHEN:	July 15 at 9:00 am and 1:30 pm
WHERE:	Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS:	202–523–4538

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

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-ANE-49; Amdt. 39-8589; AD 93-10-10]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Allied-Signal Aerospace Company, Garrett Engine Division, TFE731 series turbofan engines. This action requires installing a clamp assembly to support the fuel line. This amendment is prompted by reports of fuel line cracks resulting in inflight engine shutdowns and fuel spillage in the engine accessory gearbox area. The actions specified in this AD are intended to prevent leaking fuel from spraying in or around electrical components, which can cause an engine fire.

DATES: Effective June 29, 1993.

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

Comments for inclusion in the Rules Docket must be received on or before August 13, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-ANE-49, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from Allied-Signal Propulsion Engines, Aviation Services Division, Data Distribution, Dept. 64-3/2102-1M, P.O. Box 29003, Phoenix, AZ 85038-9003; telephone (602) 365-2548. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, CA 90806-2425; telephone (310) 988-5246; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: The FAA has received six reports of fuel lines cracking and failing, resulting in inflight engine shutdowns and fuel spillage in the engine accessory gearbox area on Allied-Signal Aerospace Company, Garrett Engine Division, TFE731 series turbofan engines. These cracks were caused by failures of the starter generator bearing, which created an unacceptably high vibration of the associated gearbox components. This condition, if not corrected, could result in leaking fuel spraying in or around electrical components, which can cause an engine fire.

The FAA has reviewed and approved the technical contents of Allied-Signal Aerospace Company, Garrett Engine Division, Service Bulletin (SB) No. TFE731-73-3107, dated June 21, 1992; SB No. TFE731-73-3107, Revision 1, dated September 23, 1992; SB No. TFE731-73-3118, dated September 3, 1992; and SB No. TFE731-73-3118, Revision 1, dated February 16, 1993, that describe procedures for installing a clamp assembly to support the fuel line.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent leaking fuel from spraying in or around electrical components, which can cause an engine fire. This AD requires installing a clamp assembly to support the fuel line. Installing a clamp assembly minimizes unacceptable vibration and possible cracking of the fuel line. The actions are required to be accomplished in accordance with the service bulletins described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-ANE-49." The postcard will be date stamped and returned to the commenter.

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

not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-10-10 Allied-Signal Aerospace Company, Garrett Engine Division: Amendment 39-8589. Docket 92-ANE-49.

Applicability: Allied-Signal Aerospace Company, Garrett Engine Division, Model TFE731-2, -3, and -4 series turbofan engines installed on but not limited to Dassault Falcon 10, 50, and 100 series; Learjet 35, 36, 55, and 31 (M31) series; British Aerospace BAe HS125 series; Sabreliner NA-265-65 (65, 65A); and Cessna 650 Citation III, VI, and VII series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent leaking fuel from spraying in or around electrical components, which can cause an engine fire, accomplish the following:

(a) Within 150 hours time in service after the effective date of this AD, for Allied-Signal Aerospace Company, Garrett Engine Division, TFE731-2, -3, -3AR, and -3R series engines, install a clamp assembly to support the fuel line in accordance with the Accomplishment Instructions of Allied-Signal Aerospace Company, Garrett Engine Division, Service Bulletin (SB) No. TFE731-73-3107, dated June 21, 1991, or TFE731-73-3107, Revision 1, dated September 23, 1992.

(b) Within 150 hours time in service after the effective date of this AD, for Allied-Signal Aerospace Company, Garrett Engine Division, TFE731-3B, 3BR, -3C, -3CR, and -4R series engines, install a clamp assembly to support the fuel line in accordance with the Accomplishment Instructions of Allied-Signal Aerospace Company, Garrett Engine Division, SB No. TFE731-73-3118, dated September 3, 1992, or SB No. TFE731-73-3118, Revision 1, dated February 16, 1993.

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

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

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

(e) The installation of a clamp assembly shall be done in accordance with the following service bulletins:

Document No.	Pages	Rev.	Date
Allied-Signal Aerospace Company, Garrett Engine Division—SB No. TFE731-73-3107 ..... Total pages: 8.	1-8	Original	June 21, 1992.
Allied-Signal Aerospace Company, Garrett Engine Division—SB No. TFE731-73-3107 ..... Total pages: 8.	1-8	1	Sept. 23, 1992.
Allied-Signal Aerospace Company, Garrett Engine Division—SB No. TFE731-73-3118 ..... Total pages: 6.	1-6	Original	Sept. 3, 1992.
Allied-Signal Aerospace Company, Garrett Engine Division—SB No. TFE731-73-3118 ..... Total pages: 6.	1-6	1	Feb. 16, 1993.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Allied-Signal Propulsion Engines, Aviation Services Division, Data Distribution, Dept. 64-3/2102-1M, P.O. Box 29003, Phoenix, AZ 85038-9003; telephone (602) 365-2548. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

Issued in Burlington, Massachusetts, on June 3, 1993.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 93-13904 Filed 6-11-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 93-NM-40-AD; Amdt. 39-8602; AD 93-11-10]

Airworthiness Directives; Corporate Jets, Limited, Model BAe 125-1000A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Corporate Jets, Limited, Model BAe 125-1000A series airplanes. This action requires repetitive

inspections of the outer fan duct on both engines to detect fluid contamination or disbonding along the outer skin longitudinal seams, and subsequent modification of the outer fan ducts. This amendment is prompted by results of tests of engine fan duct material that was contaminated with flammable fluids; these results indicated that the duct material was not fireproof. The actions specified in this AD are intended to ensure the fireproof integrity of the engine fan duct material, which will reduce the hazards associated with an engine fire.

DATES: Effective June 29, 1993.

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

Comments for inclusion in the Rules Docket must be received on or before August 13, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-40-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Corporate Jets, Inc., 22070 Broderick Drive, Sterling, Virginia 20166. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Corporate Jets, Limited, Model BAe 125-1000A series airplanes. The CAA advises that the seams in the outer fan duct on the right and left engines of these airplanes are unable to withstand the FAA burn-through certification requirement for fireproof material when the duct is contaminated with hydraulic fluid, fuel, or other fluids. Testing of fluid-contaminated samples revealed that the duct burn-through condition is caused by contamination of rubber tape in the fan duct joints. Engine fan duct outer skin seams contaminated by flammable fluids may also disbond; this could result in a fan duct burning through in the event of an engine fire, thus adversely affecting the ability of the engine fire extinguisher system to extinguish an engine fire. This condition, if not corrected, could result in reduced fireproof integrity of the engine fan duct, which would increase the hazards associated with an engine fire.

Corporate Jets, Limited, has issued Alert Service Bulletin S.B. 71-A43, dated February 9, 1993, that describes procedures for repetitive visual inspections of the outer fan duct on the right and left engines to detect potential fluid contamination or disbonding along the outer skin longitudinal seams.

Corporate Jets, Limited, has also issued Service Bulletin SB.71-43-3644A, dated February 8, 1993, that describes procedures for modification of the outer fan duct of the right and left engines (Modification No. 253644A). This modification entails replacing the existing outer fan ducts with new outer fan ducts that incorporate PS700 adhesive sealant and NEXTEL fabric ply over the longitudinal/diagonal seams of the outer skin. Installation of this modification will improve sealing of the outer skin seams of the fan duct, which will prevent deterioration of the fireproof standard and disbonding due to fluid contamination.

The CAA classified these service bulletins as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to ensure the fireproof integrity of the engine fan duct material, which will reduce the hazards associated with an engine fire. This AD requires repetitive detailed visual inspections of the outer fan duct on both engines to detect fluid contamination or disbonding along the outer skin longitudinal seams, and subsequent modification of the outer fan ducts. The actions are required to be accomplished in accordance with the service bulletins described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-40-AD." The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-11-10 Corporate Jets, Limited (Formerly British Aerospace): Amendment 39-8602. Docket 93-NM-40-AD.

Applicability: Model BAe 125-1000A series airplanes, as listed in Corporate Jets, Limited, Alert Service Bulletin S.B. 71-A43, dated February 9, 1993; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure the fireproof integrity of the engine fan duct material, which will reduce the hazards associated with an engine fire, accomplish the following:

(a) Within 7 days after the effective date of this AD, conduct a detailed visual inspection along the longitudinal seams of the outside surface of the outer fan duct on the right and left engines to detect fluid contamination or disbonding at the edges of the seams, in accordance with Corporate Jets, Limited, Alert Service Bulletin S.B. 71-A43, dated February 9, 1993.

(b) If no fluid contamination or disbonding is detected, accomplish paragraphs (b)(1) and (b)(2) of this AD.

(1) Thereafter repeat the visual inspection required by paragraph (a) of this AD at intervals not to exceed 14 days until the modification required by paragraph (b)(2) of this AD is accomplished.

(2) Within 300 hours time-in-service after the effective date of this AD, modify the longitudinal seams of the outside surface of the outer fan duct on the right and left engines, in accordance with Corporate Jets, Limited, Service Bulletin SB.71-43-3644A, dated February 8, 1993. Accomplishment of this modification constitutes terminating action for the repetitive inspections required by paragraph (b)(1) of this AD.

(c) If fluid contamination only is detected, accomplish paragraphs (c)(1) and (c)(2) of this AD.

(1) Repeat the detailed visual inspection required by paragraph (a) of this AD prior to the first flight of each day until the modification required by paragraph (c)(2) of this AD is accomplished.

(2) Within 50 hours time-in-service after the effective date of this AD, modify the longitudinal seams of the outside surface of the outer fan ducts on the right and left engines, in accordance with Corporate Jets, Limited, Service Bulletin SB.71-43-3644A, dated February 8, 1993. Accomplishment of this modification constitutes terminating action for the repetitive inspections required by paragraph (c)(1) of this AD.

(d) If disbonding is detected at the longitudinal seams, prior to further flight, modify the longitudinal seams of the outside surface of the outer fan duct on the right and left engines, in accordance with Corporate Jets, Limited, Service Bulletin SB.71-43-3644A, dated February 8, 1993.

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

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

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

(g) The inspection shall be done in accordance with Corporate Jets, Limited, Alert Service Bulletin S.B. 71-A43, dated February 9, 1993. The modification shall be done in accordance with Corporate Jets, Limited, Service Bulletin SB.71-43-3644A, dated February 8, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Corporate Jets, Inc., 22070 Broderick Drive, Sterling, Virginia 20166. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on June 29, 1993.

Issued in Renton, Washington, on June 7, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-13905 Filed 6-11-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Parts 91, 93, and 137

[Docket No. 24456; Amendment Nos. 91-227, 93-64, 137-14]

RIN 2120-AB95

Airspace Reclassification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the Airspace Reclassification final rule that was promulgated on December 17, 1991, by deleting Class B from the airspace areas where the indicated airspeed of aircraft is restricted to 200 knots; by continuing the special communications requirements currently in effect at Ketchikan International Airport, Alaska; and by deleting Class B and Class C airspace areas from the exception for agricultural aircraft operating to and from dispensing areas. The correction is necessary to ensure the operating rules continue as intended on September 16, 1993, the implementation date of Airspace Reclassification.

EFFECTIVE DATE: This amendment is effective September 16, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Mosley, Air Traffic Rules Branch, ATP-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 1991, the FAA published the Airspace Reclassification final rule (56 FR 65638) which, among other things, changed the wording of many operating rules by replacing the existing terminology for airspace with the new international classes of airspace that are being adopted by the United States. These actions become effective September 16, 1993.

Two of the existing airspace terms, airport traffic area and control zone, can

have application in four of the five classes of controlled airspace, that is, Class B, Class C, Class D, and Class E. Depending on the specific rule, these applications can be in an individual class, a combination of classes, or in all four classes. During the Airspace Reclassification rulemaking process, over 90 sections of Title 14 of the code of federal regulations (CFR) were revised or amended, and the FAA has found three errors resulting from the changes to the new terminology. This action corrects those errors.

Discussion

The first error occurred in section 91.117(b) which imposed a 200 knots speed limitation for operations at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class B, Class C, or Class D airspace area. The error actually occurred in the Airspace Reclassification Notice of Proposed Rulemaking (NPRM) (Notice No. 89–28, 54 FR 42916). That NPRM included Class A and Class B airspace surface areas in the 200 knot speed restriction; the final rule merely adopted the rule as proposed. However, the existing section 91.117(b) states that, "This paragraph (b) [200 knots] does not apply to any operations within a terminal control area." While the inclusion of Classes A and B was proposed, the FAA did not intend to significantly change the operating requirements in Class B airspace from the existing operating requirements in the terminal control area (TCA). And lastly, the United States does not have any current plans to establish any Class A surface areas; this was a misnomer used in the final rule. Therefore, this correction allows the current exemption from the 200 knot restriction in TCA's to continue in Class B airspace areas.

The next error involves the exception for agricultural aircraft, operating to and from dispensing areas, without an authorization from air traffic control (ATC). This error was a case of applying the terms airport traffic area and control zone in three classes when, in fact, the proposal was only for Class D airspace (Notice No. 89–28, 54 FR 42933). An ACT clearance is required for aircraft being operated under visual flight rules (VFR) to operate within Class B airspace. Likewise, establishing and maintaining two-way communications with ATC is required for aircraft being operated under VFR within Class C airspace. Removing these requirements was not proposed for agricultural aircraft and such an exception would be considered a decrease in the level of safety provided by these rules. This action deletes Class B and Class C airspace areas from the authorization exception and corrects the rule to conform with the amendment as proposed.

The third and final error occurred as a result of simultaneous rulemaking actions. The Airspace Reclassification NPRM (Notice No. 89–28, 54 FR 42916) was published October 18, 1989, and proposed to amend § 93.151 by revising the introductory text. The revision merely replaced the term "control zone" with "the lateral limits of the surface area of controlled airspace." Subsequently, the FAA issued a NPRM (Notice No. 90–15, 55 FR 17564) to modify the communications requirement so that the entire control zone would be included. The Ketchikan International Special Airport Traffic Final Rule was issued September 23, 1991, (56 FR 48092) and adopted the communications requirement as proposed. On December 17, 1991, the FAA promulgated the Airspace Reclassification Final Rule (56 FR 65638) which adopted, effective September 16, 1993, the language in § 93.151 as it was prior to the Ketchikan International Special Airport Traffic Final Rule (56 FR 48092). This inadvertently negated the efforts of the FAA to improve safety to, from, and within the immediate vicinity of the Ketchikan International Airport. This action ensures that the current communications requirements are continued after September 16, 1993.

List of Subjects

14 CFR Part 91

Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Air transportation, Reporting and recordkeeping requirements.

14 CFR Part 93

Air traffic control, Airports, Alaska, Navigation (air) Reporting and recordkeeping requirements, Special air traffic rules.

14 CFR Part 137

Agriculture, Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Accordingly, 14 CFR Parts 91, 93, and 137 are amended as follows:

The following correction is made to 14 CFR part 93 currently in effect by making the following correcting amendment:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. app. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2451 *et seq.*; 49 U.S.C. 106(g).

2. Section 93.151 is corrected by revising paragraph (b) to read as follows:

§ 93.151 Applicability.

* * * * *

(b) Within that airspace below 3,000 feet MSL within the lateral boundary of the surface area of the Ketchikan Class E airspace regardless of whether that airspace is in effect.

The following corrections are made to 14 CFR parts 91, 93, and 137 in effect September 16, 1993, by making the following correcting amendments:

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; articles 12, 29, 31, and 31(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514, 35 FR 4247, 3CFR, 1966–1970 Comp., p.902; 49 U.S.C. 106(g).

4. Section 91.117 is corrected by revising paragraph (b) to read as follows:

§ 91.117 Aircraft speed.

* * * * *

(b) Unless otherwise authorized or required by ATC, no person may operate an aircraft at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class C or Class D airport at an indicated airspeed of more than 200 knots (230 mph).

* * * * *

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

5. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. app. 1302, 1303, 1348, 1354(a), 1421(a), 1424, 2451 *et seq.*; 49 U.S.C. 106(g).

6. Section 93.151 is corrected by revising the introductory text to read as follows:

§ 93.151 Applicability.

This subpart prescribes special air traffic rules and communications requirements for persons operating aircraft, under VFR—

* * * * *

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

7. The authority citation for part 137 continues to read as follows:

Authority: 49 U.S.C. app. 1354(a), 1348(c), 1421, and 1427.

8. Section 137.43 is corrected by revising paragraph (a) to read as follows:

§ 137.43 Operations in controlled airspace designated for an airport.

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundaries of the surface area of Class D airspace designated for an airport unless authorization for that operation has been obtained from the ATC facility having jurisdiction over that area.

* * * * *

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

Willis C. Nelson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93-13044 Filed 6-11-93; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 27320; Amdt. No. 1550]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

For Purchase

Individual SIAP copies may be obtained from:

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

By Subscription

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

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

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

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

The Rule

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

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

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

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, standard instrument, Incorporation by reference.

Issued in Washington, DC on June 4, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]

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

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
05/04/93	MN	Morris	Morris Muni	3/2675	VOR Rwy 14, Orig.
05/24/93	MN	Morris	Morris Muni	3/2676	VOR Rwy 32 Amdt 4.
05/25/93	KS	Goodland	Renner Field Goodland Muni	3/2698	ILS Rwy 30 Amdt 3.
05/25/93	KS	Goodland	Renner Field/Goodland Muni	3/2699	NDB Rwy 30 Amdt 6.
05/25/93	KS	Goodland	Renner Field/Goodland Muni	3/2700	VOR Rwy 30 Amdt 7.
05/26/93	MA	Hyannis	Barnstable Muni-Boardman/ Polando Field.	3/2705	ILS Rwy 24 Amdt 16.
05/26/93	MA	Hyannis	Barnstable Muni-Boardman/ Polando Field.	3/2707	NDB Rwy 24 Amdt 9.
05/26/93	MA	Hyannis	Barnstable Muni-Boardman/ Polando Field.	3/2709	VOR Rwy 6 Amdt 6.
05/26/93	MN	Fergus Falls	Fergus Falls Muni/Einar Mickelson Field.	3/2684	VOR Rwy 35 Amdt 8A.
05/26/93	MN	Fergus Falls	Fergus Falls Muni/Einar Mickelson Field.	3/2685	VOR Rwy 17 Amdt 6A.
05/26/93	OH	Akron	Akron Fulton Intl	3/2722	Vor Rwy 23 Amdt 8.
05/26/93	OH	Akron	Akron Fulton Intl	3/2722	Vor Rwy 23 Amdt 8.
05/26/93	OH	Akron	Akron Fulton Intl	3/2726	LOC Rwy 25 Amdt 12.
05/26/93	OH	Carrollton	Carroll County-Tolson	3/2724	VOR-A Orig-A.
05/26/93	OH	Salem	Salem Airpark	3/2723	VOR-A Orig-A.
05/26/93	OH	Youngstown	Youngstown Elser Metro	3/2725	VOR-C Orig.
05/26/93	TX	Amarillo	Tradewind	3/2719	RNAV Rwy 35 Amdt 7.
05/26/93	TX	Amarillo	Tradewind	3/2720	NDB-A Amdt 12.
05/27/93	AR	Springdale	Springdale Muni	3/2818	ILS Rwy 18 Amdt 4.
05/27/93	AR	Springdale	Springdale Muni	3/2820	VOR/DME Rwy 36 Amdt 7.
05/27/93	CO	Fort Collins	Fort Collins-Loveland Muni	3/2812	VOR/DME-A Amdt 6.
05/27/93	LA	Baton Rouge	Baton Rouge Metropolitan/Ryan	3/2793	VOR/DME Rwy 22R Amdt 7.
05/27/93	LA	Hammond	Hammond Muni	3/2794	VOR Rwy 18 Amdt 2A.
05/27/93	LA	Hammond	Hammond Muni	3/2795	VOR Rwy 31 Amdt 3A.
05/27/93	MN	Fergus Falls	Fergus Falls Muni/Einar Mickelson Field.	3/2776	VOR/DME Rwy 31 Amdt 3A.
05/28/93	AZ	Fort Huachuca/Sierra Vista	Libby AAF/Sierra Vista Muni	3/2851	ILS Rwy 26 Orig.
05/28/93	AZ	Fort Huachuca/Sierra Vista	Libby AAF/Sierra Vista Muni	3/2852	NDB Rwy 26 Amdt 1.
05/28/93	CO	Fort Collins-Loveland	Fort Collins-Loveland Muni	3/2837	ILS Rwy 33 Amdt 5.
05/28/93	CO	Fort Collins-Loveland	Fort Collins-Loveland Muni	3/2838	VOR/DME RNAV Rwy 33 Amdt 5.
05/28/93	CO	Fort Collins-Loveland	Fort Collins-Loveland Muni	3/2839	VOR/DME RNAV Rwy 15 Amdt 4.
05/28/93	CO	Fort Collins-Loveland	Fort Collins-Loveland Muni	3/2840	NDB Rwy 33 Amdt 4.
06/01/93	AK	Mekoryuk	Mekoryuk	3/2923	NDB/DME-A Amdt 2
06/01/93	AK	Mekoryuk	Mekoryuk	3/2924	NDB Rwy 23 Amdt 1.
06/01/93	AZ	Fort Huachuca/Sierra Vista	Libby AAF/Sierra Vista Muni	3/2903	VOR Rwy 26 Amdt 1
06/01/93	MO	St. Charles	St. Charles	3/2907	VOR Rwy 9 Amdt 4.

[FR Doc. 93-13932 Filed 6-11-93; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 27319; Amdt. No. 1549]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

For Purchase

Individual SIAP copies may be obtained from:

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

By Subscription

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

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

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 522(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

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

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC on June 4, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME

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

Effective July 22, 1993

Chandler, AZ, Stellar Airpark, VOR–A, Amdt. 1
Atlanta, GA, Peachtree City-Falcon Field, LOC BC RWY 13, Orig.
Atlanta, GA, Peachtree City-Falcon Field, LOC RWY 31, Amdt. 1
Atlanta, GA, Peachtree City-Falcon Field, NDB RWY 31, Amdt. 1
Effingham, IL, Effingham County Memorial, VOR RWY 1, Amdt. 9
Effingham, IL, Effingham County Memorial, LOC RWY 29, Amdt. 1
Provincetown, MA, Provincetown Muni, NDB RWY 7, Orig.
Provincetown, MA, Provincetown Muni, NDB–A, Amdt. 8, CANCELLED
Provincetown, MA, Provincetown Muni, NDB RWY 25, Orig., CANCELLED
Provincetown, MA, Provincetown Muni, NDB RWY 25, Orig.
Provincetown, MA, Provincetown Muni, ILS RWY 7, Amdt. 6
Cleveland, OH, Cleveland-Hopkins Intl, ILS RWY 23L, Amdt. 15
Cleveland, OH, Cleveland-Hopkins Intl, ILS RWY 28, Amdt. 21
Galion, OH, Galion Muni, VOR RWY 23, Amdt. 12
Galion, OH, Galion Muni, VOR/DME RNAV RWY 5, Amdt. 2
Toledo, OH, Toledo Express, VOR/DME RWY 34, Amdt. 5
Toledo, OH, Toledo Express, ILS RWY 25, Amdt. 5
Toledo, OH, Toledo Express, VOR/DME RNAV RWY 16, Amdt. 5
Antlers, OK, Antlers Muni, NDB RWY 35, Amdt. 2
Blackwell, OK, Blackwell-Tonkawa Muni, VOR–A, Amdt. 2
Blackwell, OK, Blackwell-Tonkawa Muni, VOR/DME RNAV RWY 17, Amdt. 2
Chickasha, OK, Chickasha Muni, NDB RWY 17, Orig.
Enid, OK, Enid Woodring Muni, VOR RWY 17, Amdt. 11
Enid, OK, Enid Woodring Muni, VOR RWY 35, Amdt. 12
Enid, OK, Enid Woodring Muni, NDB RWY 35, Amdt. 5
Enid, OK, Enid Woodring Muni, ILS RWY 35, Amdt. 3
Perry, OK, Perry Muni, VOR/DME RWY 17, Amdt. 1
Ponca City, OK, Ponca City Muni, VOR–A, Amdt. 8
Ponca City, OK, Ponca City Muni, VOR/DME RNAV RWY 35, Amdt. 2
Stillwater, OK, Stillwater Muni, VOR RWY 17, Amdt. 13
Rhinelander, WI, Rhinelander-Oneida County, VOR RWY 5, Amdt. 10, CANCELLED
Rhinelander, WI, Rhinelander-Oneida County, VOR/DME RWY 5, Orig.
Rhinelander, WI, Rhinelander-Oneida County, VOR RWY 9, Amdt. 4
Rhinelander, WI, Rhinelander-Oneida County, VOR/DME RWY 23, Amdt. 10
Rhinelander, WI, Rhinelander-Oneida County, VOR RWY 27, Amdt. 3, CANCELLED
Rhinelander, WI, Rhinelander-Oneida County, VOR/DME RWY 27, Orig.
Rhinelander, WI, Rhinelander-Oneida County, ILS RWY 9, Amdt. 5

Effective May 27, 1993

Salem, OR, McNary Field, LOC BC RWY 13, Amdt. 6

Effective May 20, 1993

Casper, WY, Natrona County Intl, ILS RWY 8, Amdt. 24

[FR Doc. 93–13933 Filed 6–11–93; 8:45 am]
BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB 92]

Staff Accounting Bulletin No. 92

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: The interpretations in this staff accounting bulletin express certain views of the staff regarding accounting and disclosures relating to loss contingencies. The guidance in this Staff Accounting bulletin is intended to promote timely recognition of contingent losses and to address the diversity in practice with respect to accounting and disclosures in this area.

EFFECTIVE DATE: June 8, 1993.

FOR FURTHER INFORMATION CONTACT: Randall Larson, Office of the Chief Accountant (202–272–2130), or Kurt Hohl, Division of Corporation Finance (202–272–2553), Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Jonathan G. Katz,
Secretary.

Accordingly, part 211 of title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 92 to the table found in Subpart B.

Staff Accounting Bulletin No. 92

The staff hereby adds Section Y to Topic 5 of the Staff Accounting Bulletin Series. Topic 5–Y provides guidance regarding the accounting and disclosures relating to loss contingencies. In addition, the staff hereby adds Question 7 to Topic 2–A and adds Section F to Topic 10. Question 7 of Topic 2–A discusses loss contingencies assumed in a business combination accounted for as a purchase. Topic 10–F discusses the presentation by utility companies of liabilities for environmental costs.

Topic 5: Miscellaneous Accounting

* * * * *

Y. Accounting disclosures relating to loss contingencies:

Facts: A registrant believes it may be obligated to pay material amounts as a result of product or environmental liability. These amounts may relate to, for example, damages attributed to the registrant's products or processes, clean-up of hazardous wastes, reclamation costs, fines, and litigation costs. The registrant may seek to recover a portion or all of these amounts by filing a claim against an insurance carrier or other third parties.

Paragraph 8 of *Statement of Financial Accounting Standards No. 5,* "Accounting for Contingencies," ("SFAS 5") states that an estimated loss from a loss contingency shall be accrued by a charge to income if it is probable that a liability has been incurred and the amount of the loss can be reasonably estimated. The Emerging Issues Task Force ("EITF") of the Financial Accounting Standards Board reached a consensus on EITF Issue 93–5, "Accounting for Environmental Liabilities," that an environmental liability should be evaluated independently from any potential claim for recovery. Under that consensus, any loss arising from the recognition of an environmental liability should be reduced by a potential claim for recovery only when that claim is probable [1] of realization. The EITF also reached a consensus that discounting an environmental liability for a specific clean-up site to reflect the time value of

[1] Paragraph 3 of SFAS 5 defines probable as "likely to occur."

money is appropriate only if the aggregate amount of the obligation and the amount and timing of the cash payments are fixed or reliably determinable for that site. Further, any asset that is recognized relating to a claim for recovery of a liability that is recognized on a discounted basis also should be discounted to reflect the time value of money.

Because uncertainty regarding the alternative methods of presenting in the balance sheet the amounts recognized as contingent liabilities and claims for recovery from third parties was not resolved by the EITF and current disclosure practices remain diverse, the staff is publishing its interpretation of the current accounting literature and disclosure requirements to serve as guidance for public companies. The AICPA's Accounting Standards Executive Committee has appointed a task force to address environmental concerns. The staff encourages efforts by the profession to develop comprehensive guidance applicable to the accounting and financial statement disclosures relating to environmental matters.

Question 1: Does the staff believe that it is appropriate to offset in the balance sheet a claim for recovery that is probable of realization against a probable contingent liability, that is, report the two as a single net amount on the face of the balance sheet?

Interpretive Response: Not ordinarily. The staff believes that separate presentation of the gross liability and related claim for recovery in the balance sheet most fairly presents the potential consequences of the contingent claim on the company's resources and is the preferable method of display. Recent reports of litigation over insurance policies' coverage of product and environmental liabilities and financial failures in the insurance industry indicate that there are significant uncertainties regarding both the timing and the ultimate realization of claims made to recover amounts from insurance carriers and other third parties. The risks and uncertainties associated with a registrant's contingent liability are separate and distinct from those associated with its claim for recovery from third parties.

Separate presentation of the gross liability and the claim for recovery is consistent with the recent consensus of the EITF, which concluded that the amounts of the contingent liability and any claim for recovery should be estimated and evaluated independently. Furthermore, accounting guidance generally proscribes the offsetting of assets and liabilities except where a right of setoff exists.[2] This general proscription was strengthened by the recent issuance of *Financial Accounting Standards Board Interpretation No. 39,* "Offsetting of Amounts Relating to Certain Contracts," ("FIN 39"), which is effective for financial statements issued for periods beginning after December 15, 1993. The guidance in that interpretation indicates that the prohibition on setoff in the balance sheet should be applied more comprehensively than previously may have been the practice.

It is the staff's view that presentation of liabilities net of claims for recovery will not be appropriate after the provisions of FIN 39 are required to be applied in financial statements. In the interim, registrants should ensure that notes to the financial statements include information necessary to an understanding of the material uncertainties affecting both the measurement of the liability and the realization of recoveries. The staff believes these disclosures should include the gross amount of any claims for recovery that are netted against the liability.

Question 2: If a registrant is jointly and severally liable with respect to a contaminated site but there is a reasonable basis for apportionment of costs among responsible parties, must the registrant recognize a liability with respect to costs apportioned to other responsible parties?

Interpretive Response: No. However, if it is probable that other responsible parties will not fully pay costs apportioned to them, the liability that is recognized by the registrant should include the registrant's best estimate, before consideration of potential recoveries from other parties, of the additional costs that the registrant expects to pay. Discussion of uncertainties affecting the registrant's ultimate obligation may be necessary if, for example, the solvency of one or more parties is in doubt or responsibility for the site is disputed by a party. A note to the financial statements should describe any additional loss that is reasonably possible.

Question 3: Estimates and assumptions regarding the extent of environmental or product liability, methods of remedy, and amounts of related costs frequently prove to be different from the ultimate outcome. How do these uncertainties affect the recognition and measurement of the liability?

Interpretive Response: The measurement of the liability should be based on currently available facts, existing technology, and presently enacted laws and regulations, and should take into consideration the likely effects of inflation and other societal and economic factors. Notwithstanding significant uncertainties, management may not delay recognition of a contingent liability until only a single amount can be reasonably estimated. If management is able to determine that the amount of the liability is likely to fall within a range and no amount within that range can be determined to be the better estimate, the registrant should recognize the minimum amount of the range pursuant to *Financial Accounting Standards Board Interpretation No. 14,* "Reasonable Estimation of the Amount of a Loss" ("FIN 14"). The staff believes that recognition of a loss equal to the lower limit of the range is necessary even if the upper limit of the range is uncertain.

In measuring its environmental liability, a registrant should consider available evidence including the registrant's prior experience in remediation of contaminated sites, other companies' clean-up experience, and data released by the Environmental Protection Agency or other organizations. Information necessary to support a reasonable estimate or range of loss may be available prior to the performance of any detailed remediation study. Even in situations in which the registrant has not determined the specific strategy for remediation, estimates of the costs associated with the various alternative remediation strategies considered for a site may be available or reasonably estimable. While the range of costs associated with the alternatives may be broad, the minimum clean-up cost is unlikely to be zero. As additional information becomes available, changes in estimates of the liability should be reported in the period that those changes occur in accordance with paragraphs 31–33 of *Accounting Principles Board Opinion No. 20,* "Accounting Changes."

Question 4: Assuming the registrant's estimate of an environmental or product liability meets the conditions set forth in the consensus on EITF Issue 93–5 for recognition on a discount basis, what discount rate should be applied?

Interpretive Response: The staff believes that the rate used to discount the cash payments should be the rate that will produce an amount at which the environmental or product liability could be settled in an arm's-length

[2] Paragraph 7 of Accounting Principles Board Opinion No. 10, "Omnibus Opinion." Also, FASB Technical Bulletin 88–2, "Definition of a Right of Setoff."

transaction with a third party. If that rate is not readily determinable, the discount rate used to discount the cash payments should not exceed the interest rate on monetary assets that are essentially risk free[3] and have maturities comparable to that of the environmental or product liability.

If the liability is recognized on a discounted basis to reflect the time value of money, the notes to the financial statements should, at a minimum, include disclosures of the discount rate used, the expected aggregate undiscounted amount, expected payments for each of the five succeeding years and the aggregate amount thereafter, and a reconciliation of the expected aggregate undiscounted amount to amounts recognized in the statements of financial position. Material changes in the expected aggregate amount since the prior balance sheet date, other than those resulting from pay-down of the obligation, should be explained.

Question 5: What financial statement disclosures should be furnished with respect to recorded and unrecorded product or environmental liabilities?

Interpretive Response: Paragraphs 9 and 10 of SFAS 5 identify disclosures regarding loss contingencies that generally are furnished in notes to financial statements. The staff believes that product and environmental liabilities typically are of such significance that detailed disclosures regarding the judgments and assumptions underlying the recognition and measurement of the liabilities are necessary to prevent the financial statements from being misleading and to inform readers fully regarding the range of reasonably possible outcomes that could have a material effect on the registrant's financial condition, results of operations, or liquidity. Examples of disclosures that may be necessary include:

- Circumstances affecting the reliability and precision of loss estimates.
- The extent to which unasserted claims are reflected in any accrual or may affect the magnitude of the contingency.
- Uncertainties with respect to joint and several liability that may affect the magnitude of the contingency, including disclosure of the aggregate expected cost to remediate particular sites that are individually material if the likelihood of contribution by the other significant parties has not been established.
- Disclosure of the nature and terms of cost-sharing arrangements with other potentially responsible parties.
- The extent to which disclosed but unrecognized contingent losses are expected to be recoverable through insurance, indemnification arrangements, or other sources, with disclosure of any material limitations of that recovery.
- Uncertainties regarding the legal sufficiency of insurance claims or solvency of insurance carriers.[4]
- The time frame over which the accrued or presently unrecognized amounts may be paid out.
- Material components of the accruals and significant assumptions underlying estimates.

Registrants are cautioned that a statement that the contingency is not expected to be material does not satisfy the requirements of SFAS 5 if there is at least a reasonable possibility that a loss exceeding amounts already recognized may have been incurred and the amount of that additional loss would be material to a decision to buy or sell the registrant's securities. In that case, the registrant must either (a) disclose the estimated additional loss, or range of loss, that is reasonably possible, or (b) state that such estimate cannot be made.

Question 6: What disclosures regarding loss contingencies may be necessary outside the financial statements?

Interpretive Response: Registrants should consider the requirements of Items 101 (Description of Business), 103 (Legal Proceedings), and 303 (Management's Discussion and Analysis) of Regulations S-K and S-B. The Commission has issued two interpretive releases that provide additional guidance with respect to these items.[5] In a 1989 interpretive release, the Commission noted that the availability of insurance, indemnification, or contribution may be relevant in determining whether the criteria for disclosure have been met with respect to a contingency.[6] The registrant's assessment in this regard should include consideration of facts such as the periods in which claims for recovery may be realized, the likelihood that the claims may be contested, and the financial condition of third parties from which recovery is expected.

Disclosures made pursuant to the guidance identified in the preceding paragraph should be sufficiently specific to enable a reader to understand the scope of the contingencies affecting the registrant. For example, a registrant's discussion of historical and anticipated environmental expenditures should, to the extent material, describe separately (a) recurring costs associated with managing hazardous substances and pollution in on-going operations, (b) capital expenditures to limit or monitor hazardous substances or pollutants, (c) mandated expenditures to remediate previously contaminated sites, and (d) other infrequent or non-recurring clean-up expenditures that can be anticipated but which are not required in the present circumstances. Disaggregated disclosure that describes accrued and reasonably likely losses with respect to particular environmental sites that are individually material may be necessary for a full understanding of these contingencies. Also, if management's investigation of potential liability and remediation cost is at different stages with respect to individual sites, the consequences of this with respect to amounts accrued and disclosed should be discussed.

Examples of specific disclosures typically relevant to an understanding of historical and anticipated product liability costs include the nature of personal injury or property damages alleged by claimants, aggregate settlement costs by type of claim, and related costs of administering and litigating claims. Disaggregated disclosure that describes accrued and reasonably likely losses with respect to particular claims may be necessary if they are individually material. If the contingency involves a large number of relatively small individual claims of a similar type, such as personal injury from exposure to asbestos disclosure of the number of claims pending at each balance sheet date, the number of claims filed for each period presented, the number of claims dismissed, settled, or otherwise resolved for each period, and the average settlement amount per claim may be necessary. Disclosures should address historical and expected trends in these amounts and their reasonably likely effects on operating results and liquidity.

Question 7: What disclosure should be furnished with respect to site

[3] As described in paragraph 4(a) of *Statement of Financial Accounting Standards No. 76*, "Extinguishment of Debt."

[4] The staff believes there is a rebuttable presumption that no asset should be recognized for a claim for recovery from a party that is asserting that it is not liable to indemnify the registrant. Registrants that overcome that presumption should disclose the amount of recorded recoveries that are being contested and discuss the reasons for concluding that the amounts are probable of recovery.

[5] See Securities Act Release No. 6130 (September 27, 1979) and Financial Reporting Release No. 36 (May 18, 1989).

[6] See, for example, footnote 30 of Financial Reporting Release No. 36 (footnote 17 of Section 501.02 of the Codification of Financial Reporting Policies).

restoration costs or other environmental exit costs?

Interpretive Response: The staff believes that material liabilities for site restoration, post-closure, and monitoring commitments, or other exit costs that may occur on the sale, disposal, or abandonment of a property should be disclosed in the notes to the financial statements. Appropriate disclosures generally would include the nature of the costs involved, the total anticipated cost, the total costs accrued to date, the balance sheet classification of accrued amounts, and the range or amount of reasonably possible additional losses. If an asset held for sale or development will require remediation to be performed by the registrant prior to development, sale, or as a condition of sale, a note to the financial statements should describe how the necessary expenditures are considered in the assessment of the asset's net realizable value. Additionally, if the registrant may be liable for remediation of environmental damage relating to assets or businesses previously disposed, disclosure should be made in the financial statements unless the likelihood of a material unfavorable outcome of that contingency is remote. The registrant's accounting policy with respect to such costs should be disclosed in accordance with *Accounting Principle Board Opinion No. 22,* "Disclosure of Accounting Policies."

Question 8: A registrant expects to incur site restoration costs, post-closure and monitoring costs, or other environmental exit costs at the end of the useful life of the asset. Would the staff object to the registrant's proposal to accrue the exit costs over the useful life of the asset?

Interpretive Response: No. This is an established accounting practice in some industries. In other industries, the staff will raise no objection to that accounting provided that the criteria in paragraph 8 of SFAS 5 are met. The staff acknowledges that in some circumstances the use of the asset in operations gives rise to growing exit costs that represent a probable liability. The accrual of the liability should be recognized as an expense in accordance with the consensus on EITF Issue 90–8, "Capitalization of Costs to Treat Environmental Contamination." See interpretive responses to questions 7 and 8 for guidance on appropriate disclosures.

Topic 2: Business Combinations

A. Purchase Method

* * * * *

7. Loss contingencies assumed in a business combination.

Facts: A registrant acquires a business enterprise in a transaction accounted for by the purchase method. In connection with the acquisition, the acquiring company assumes certain contingent liabilities of the acquired company.

Question: How should the acquiring company account for and disclose contingent liabilities that have been assumed in a business combination?

Interpretive Response: In accordance with *Accounting Principles Board Opinion No. 16,* "Business Combinations," the acquiring company should allocate the cost of an acquired company to the assets acquired and liabilities assumed based on their fair values at the date of acquisition. With respect to contingencies for which a fair value is not determinable at the date of acquisition, the guidance of *Statement of Financial Accounting Standards No. 5,* "Accounting for Contingencies" and *Financial Accounting Standards Board Interpretation No. 14,* "Reasonable Estimation of the Amount of a Loss" should be applied. If the registrant is awaiting additional information that it has arranged to obtain for the measurement of a contingency during the allocation period specified by *Statement of Financial Accounting Standards No. 38,* "Accounting for Preacquisition Contingencies of Purchased Enterprises," the staff believes that the registrant should disclose that the purchase price allocation is preliminary. In that circumstance, the registrant should describe the nature of the contingency and furnish other available information that will enable a reader to understand its potential effects on the final allocation and on post-acquisition operating results. Management's Discussion and Analysis should include appropriate disclosure regarding any unrecognized preacquisition contingency and its reasonably likely effects on operating results, liquidity, and financial condition.

The staff believes that the allocation period should not extend beyond the minimum reasonable period necessary to gather the information that the registrant has arranged to obtain for purposes of the estimate. Since an allocation period usually should not exceed one year, registrants believing that they will require a longer period are encouraged to discuss their circumstances with the staff. If it is unlikely that the liability can be estimated on the basis of information known to be obtainable at the time of the initial purchase price allocation, the allocation period should not be extended with respect to that liability. An adjustment to the contingent liability after the expiration of the allocation period would be recognized as an element of net income.

Topic 10: Utility Companies

* * * * *

F. Presentation of Liabilities for Environmental Costs

Facts: A public utility company determines that it is obligated to pay material amounts as a result of an environmental liability. These amounts may relate to, for example, damages attributed to clean-up of hazardous wastes, reclamation costs, fines, and litigation costs.

Question 1: May a rate-regulated enterprise present on its balance sheet the amount of its estimated liability for environmental costs net of probable future revenue resulting from the inclusion of such costs in allowable costs for rate-making purposes?

Interpretive Response: No. *Statement of Financial Accounting Standards No. 71,* "Accounting for the Effects of Certain Types of Regulation," ("SFAS 71") specifies the conditions under which rate actions of a regulator can provide reasonable assurance of the existence of an asset. The staff believes that environmental costs meeting the criteria of paragraph 9[7] of SFAS 71 should be presented on the balance sheet as an asset and should not be offset against the liability. Contingent recoveries through rates that do not meet the criteria of paragraph 9 should not be recognized either as an asset or as a reduction of the probable liability.

Question 2: May a rate-regulated enterprise delay recognition of a probable and estimable liability for environmental costs which it has incurred at the date of the latest balance sheet until the regulator's deliberations have proceeded to a point enabling management to determine whether this cost is likely to be included in allowable costs for rate-making purposes?

Interpretive Response: No. *Statement of Financial Accounting Standards No. 5,* "Accounting for contingencies," states that an estimated loss from a loss contingency shall be accrued by a charge to income if it is probable that a liability has been incurred and the amount of the loss can be reasonably estimated. The staff believes that actions

[7] Paragraph 9 of SFAS 71 requires a rate-regulated enterprise to capitalize all or part of an incurred cost that would otherwise be charged to expense if it is probable that future revenue will be provided to recover the previously incurred cost from inclusion of the costs in allowable costs for rate-making purposes.

of a regulator can affect whether an incurred cost is capitalized or expensed pursuant to SFAS 71, but the regulator's actions cannot affect the timing of the recognition of the liability.

[FR Doc. 93-13893 Filed 6-11-93; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Kansas Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment submitted by Kansas as a modification to the State's permanent regulatory program (hereinafter referred to as the Kansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to general requirements, definitions, permit application, public hearings, civil penalties, permit review, coal exploration, bonding procedures, performance standards, underground mining, small operator assistance, lands unsuitable for surface mining, blaster certification, employee financial interests, and inspection and enforcement.

The amendment is intended to revise the State program to be consistent with the corresponding Federal standards, clarify ambiguities, and improve operational efficiency.

EFFECTIVE DATE: June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Jerry R. Ennis, Telephone: (816) 374-6405.

SUPPLEMENTARY INFORMATION:

I. Background on the Kansas Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Kansas program. General background information on the Kansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Kansas program can be found in the January 21, 1981, **Federal Register** (46 FR 5892). Subsequent actions concerning Kansas' program and program amendments can be found at 30 CFR 916.12, 916.15, and 916.16.

II. Submission of Amendment

By letter dated July 10, 1992 (Administrative Record No. KS-511), Kansas submitted a proposed amendment to its program pursuant to SMCRA. Kansas submitted the proposed amendment in response to required amendments placed on the Kansas program at 30 CFR 916.16(b) of the Federal regulations by OSM on September 13, 1991 (56 FR 46531, 46548), and at the State's own initiative to improve its programs.

The regulations that Kansas proposes to amends are: Kansas Administrative Regulations (K.A.R.) 47-1-9, Notice of Citizen Suits; 47-2-14, Complete and Accurate Application Defined; 47-2-53a, "Regulatory program" defined; 47-2-58, "Significant, imminent environmental harm to land, air, or water resources" defined; 47-2-67, Surety Bond Defined; 47-2-75, Definitions—Adoption by Reference; 47-3-2, Application for Mining Permit—Adoption by Reference; 47-3-3a, Application for Mining Permit—Maps; 47-3-42, Application for Mining Permit—Adoption by Reference; 47-4-14a, Administrative Hearing Procedure; 47-4-15, Administrative Hearings, Discovery; 47-5-5a, Civil Penalties—Adoption by Reference; 47-5-16, Civil Penalties—Final Assessment and Payment of Civil Penalties; 47-6-1, Permit Review; 47-6-2, Permit Revision; 47-6-3, Permit Renewals—Adoption by Reference; 47-6-4, Permit Transfers, Assignments, and Sales—Adoption by Reference; 47-6-6, Permit Conditions; 47-6-7, Permit Suspension or Revocation; 47-6-8, Termination of Jurisdiction—Adoption by Reference; 47-6-9, Exemption for Coal Extraction Incident to Government Financed Highway or Other Construction—Adoption by Reference; 47-6-10, Exemption for Coal Extraction Incidental to the Extraction of Other Minerals—Adoption by Reference; 47-7-2, Coal Exploration—Adoption by Reference; 47-8-9, Bonding Procedures—Adoption by Reference; 47-8-11, Use of Forfeited Bond Funds; 47-9-1, Performance Standards—Adoption by Reference; 47-9-4, Interim Program Performance Standards—Adoption by Reference; 47-10-1, Underground Mining—Adoption by Reference; 47-11-8, Small Operator Assistance Program—Adoption by Reference; 47-12-4, Lands Unsuitable for Surface Mining—Adoption by Reference; 47-13-4, Training and Certification of Blasters—Adoption by Reference; 47-13-5, Responsibilities of Operators and Blasters-in-Charge; 47-14-4, Employee Financial Interest; 47-14-7, Employee Financial Interest—Adoption by Reference; 47-15-1a, Inspection and Enforcement—Adoption by Reference; 47-15-4, Injunctive Relief; 47-15-7, State Inspections; and 47-15-8, Citizen's Request for State Inspections.

OSM published a notice in the August 18, 1992, **Federal Register** (57 FR 37132) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment. The public comment period ended September 18, 1992. The public hearing scheduled for September 14, 1992, was not held because no one requested an opportunity to testify.

During its review of the amendment, OSM identified concerns related to K.A.R. 47-2-75(a)(6), Definition of "Director"; K.A.R. 47-3-42(a)(44), Review of permit applications; K.A.R. 47-4-14a(c)(1), Rules of procedure; K.A.R. 47-4-14a(c)(11), Waiver of hearing; K.A.R. 47-4-14a(d)(13)(F), Orders, initial and final; K.A.R. 47-4-14a(d)(2)(D), Disqualification of presiding officers; K.A.R. 47-4-14a (d)(10)(D) and (d)(5)(B)(vi), The presiding officer and prehearing conference procedure; K.A.R. 47-4-15, Administrative hearings; discovery; K.A.R. 47-6-7(e), Procedure; K.A.R. 47-9-1(a)(3), Permanent program performance standards—general provisions; K.A.R. 47-9-1(c) (36) and (37), Permanent performance standards—surface mining activities; and K.A.R. 47-15-1a (a)(6), (a)(12), and (b), Inspection and enforcement. OSM notified Kansas of the concerns by letter dated October 22, 1992 (Administrative Record No. KS-540). Kansas responded in a letter dated December 23, 1992 (Administrative Record No. KS-545), by submitting revised language for the proposed amendment to address the concerns raised by OSM. On January 14, 1993, OSM published a notice in the **Federal Register** (58 FR 4381) announcing receipt of revised language for the proposed amendment and invited public comment on its adequacy (Administrative Record No. KS-547). The public comment period ended January 29, 1993.

III. Director's Findings

After a thorough review, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, the Director finds, with certain exceptions and additional requirements, that the proposed amendment as submitted by Kansas on July 10, 1992, and as revised on December 23, 1992, meets the requirements of SMCRA and 30 CFR chapter VII.

1. Provisions Not Discussed

Kansas proposes revisions to its rules that involve minor editorial and word changes, and recodification. Examples of these revisions include but are not limited to changing upper case letters to lower case, changing the word "things" to "items," and recodifying as a result of responding to required program amendments placed on the Kansas program. Kansas also proposes to revise its current adoptions by reference of OSM's regulations from those in effect as of July 1, 1990, to those in effect as of July 1, 1992.

The Director finds that these proposed revisions, unless specifically discussed below, are no less effective than the Federal regulations and is approving them.

2. Provisions Not Discussed That Are Substantively the Same as the Counterpart Federal Regulations

Kansas proposes revisions to rules that contain language that is the same or similar to the counterpart Federal regulations, replace Federal references and terms with appropriate State references and terms, or add specificity without adversely affecting other aspects of the program regulation. The Director, therefore, finds that these proposed revisions to Kansas' regulations are no less effective than the Federal regulations. These revisions are as follows (Federal regulation counterparts are indicated in brackets): K.A.R. 47–2–53a, "Regulatory program" defined [30 CFR 700.5]; K.A.R. 47–2–67, "Surety bond" defined [30 CFR 800.5(a)]; K.A.R. 47–4–14a(d)(13)(C), Orders, initial and final [43 CFR 4.1127, 4.1128]; K.A.R. 47–4–14a(d)(14) (A), (D) and (F), Review of initial order; exceptions to reviewability [43 CFR 4.1270, 4.1271, 4.1274, and 4.1275]; and K.A.R. 47–4–14a(d)(16)(B), Reconsideration [43 CFR 4.21(c), 4.1276].

3. Required Program Amendments

Kansas submitted proposed revisions in response to required program amendments at 30 CFR 916.16(b) that OSM placed on the Kansas program in the September 13, 1991, final rule **Federal Register** notice (56 FR 46531). The Director finds that the following proposed State regulations satisfy the required program amendments, are no less effective than the Federal regulations indicated in each required program amendment, and is approving them [the codified required amendments at 30 CFR 916.16 are indicated in brackets]: K.A.R. 47–2–14, removing a duplicate definition for "Complete and accurate information" [30 CFR 916.16(b)(1)]; K.A.R. 47–2–75(a), renumbering subsections and clarifying when the term "Director" referred to the Director of OSM [30 CFR 916.16(b)(2)]; K.A.R. 47–2–75(e)(6), removing that section [30 CFR 916.16(b)(3)]; K.A.R. 47–3–42(a)(9), requiring the inclusion of additional State citations in the replacement of terms [30 CFR 916.16(b)(5)]; K.A.R. 47–3–42(a)(41), clarifying that proximity may not be the decisive factor in deciding to regulate off-site processing plants [30 CFR 916.16(b)(6)]; K.A.R. 47–4–14a(c)(1), requiring that hearings locations are selected in accordance with K.A.R. 47–4–14a(c)(1) unless the Kansas act requires otherwise [30 CFR 916.16(b)(7)]; K.A.R. 47–4–14a(c)(8), replacing the word "shall" with the word "may" in the phrases "*shall* withdraw it by moving to dismiss" and "shall grant such a motion" [30 CFR 916.16(b)(9)]; K.A.R. 47–4–14a(d), removing the phrase "except as otherwise provided by subsections (e), (f), and (g)" [30 CFR 916.16(b)(11)]; K.A.R. 47–4–14a(d)(2), replacing the word "shall" with the word "may" in the sentence any party *shall* petition for the disqualification of a person promptly after receipt of notice * * *; and by providing the petitioning party the right to have an independent review of the disqualification determination [30 CFR 916.16(b)(12)]; K.A.R. 47–4–14a(d)(3), replacing the word "shall" with the word "may" in the sentence "the presiding officer designated to conduct the hearing shall conduct a prehearing conference"; and by correcting the citation at K.A.R. 47–4–14a(d)(3)(A) [30 CFR 916.16(b)(13)]; K.A.R. 47–4–14a(d)(4) and (5) removing paragraph K.A.R. 47–4–14a(d)(4)(G) and (d)(5)(B)(i) from its program [30 CFR 916.16(b)(14)]; K.A.R. 47–4–14a(d)(6)(A), (C)(iv), (C)(vii), and (e) correcting typographical errors and providing a complete citation for subsections (i) through (iv) [30 CFR 916.16(b)(15)]; K.A.R. 47–4–14a(d)(7) providing a complete sentence at K.A.R. 47–4–14a(d)(7)(C) [30 CFR 916.16(b)(16)]; K.A.R. 47–4–14a(d)(14)(I) clarifying the prescribed manner required for service [30 CFR 916.16(b)(18)]; K.A.R. 47–4–14a(d)(15) replacing the word "shall" with the word "may" in the sentence "a party shall submit to the presiding officer or agency head a petition for stay of effectiveness * * *" [30 CFR 916.16(b)(19)]; K.A.R. 47–4–14a(d)(16)(A) replacing the word "shall" with the word "may" in the phrase "shall file a petition for reconsideration with the agency head" [30 CFR 916.16(b)(20)]; K.A.R. 47–4–14a(d)(17) removing K.A.R. 47–4–14a(d)(17)(C) regarding orders [30 CFR 916.16(b)(21)]; K.A.R. 47–4–14a(e), (f), and (g) removing these sections, regarding conference hearings, emergency proceedings and summary proceedings [30 CFR 916.16(b)(22)]; K.A.R. 47–5–5a(c) *et seq.*, by changing the word "procedure" to "procedures" and the Kansas citation "K.A.R. 47–4–14" to "K.A.R. 47–4–14a," by providing a complete Kansas citation for K.A.R. 47–5–5a(a) regarding civil penalties and correcting the referenced 30 CFR part 723 to K.A.R. 47–5–5a(b)(1) through (9); by changing the citation at K.A.R. 47–5–5a(c)(4)(A) to "subsection (b)(6);" and by providing statutory citations at K.A.R. 47–5–5a(c)(1)(C) and (c)(2)(C) [30 CFR 916.16(b)(25)]; K.A.R. 47–5–5a(c)(5) requiring that the ultimate burden of persuasion as to the fact of the violation be placed with the person who petitioned the review [30 CFR 916.16(b)(26)]; K.A.R. 47–5–5a(c)(7)(D) reducing the time period in which any increase in penalty must be paid from 30 to 15 days [30 CFR 916.16(b)(27)]; K.A.R. 47–5–5a(c)(8) regarding appeals by correcting the citation from "K.A.R. 47–4–14(d)(14) or (16)" to "K.A.R. 47–4–14a(d)(14) or (16)" [30 CFR 916.16(b)(28)]; K.A.R. 47–6–1 allowing the regulatory authority to order reasonable revisions or modifications of permits at any time [30 CFR 916.16(b)(29)]; K.A.R. 47–8–9(a) removing from adoption by reference at 30 CFR 800.5, the definition for the term "self-bond" [30 CFR 916.16(b)(31)]; K.A.R. 47–9–1(a) deleting the adopting by reference of 30 CFR 810.2 and replacing the Federal terms and citations with appropriate State terms and citations [30 CFR 916.16(b)(32)]; K.A.R. 47–9–1(b), (c), (d), (e), (f), (g), and (h) making the editorial changes necessary to specify that Kansas intends to adopt only the sections of 30 CFR Parts 815, 816, 817, 819, 823, 827, and 828 listed [30 CFR 916.16(b)(33)]; K.A.R. 47–9–1(a) by not replacing the term "subchapter" with the phrase "K.A.R. 47–9–1(a)" in the adoption by reference of 30 CFR 816.61(c)(1) and at K.A.R. 47–9–1(d) by not replacing the phrase "K.A.R. 47–9–1(d)" in the adoption by reference of 30 CFR 817.61(c)(1) [30 CFR 916.16(b)(34)]; K.A.R. 47–9–1(c)(35) removing from the adoption by reference of 30 CFR 816.102 (general backfilling and grading requirements) the references to 30 CFR 785.14 and .16 (specific categories of mining for mountaintop removal and variance from approximate original contour (AOC) for

steep slope mining) [30 CFR 916.16(b)(35)]; K.A.R. 47-9-1(c)(37) and (38) providing objective formulae for defining thin and thick overburden [30 CFR 916.16(b)(36)]; K.A.R. 47-9-1(c)(43) removing the direction to delete editorial note "3" and indicating that the practices to be approved by the regulatory agency must also have been approved in advance by OSM in accordance with 30 CFR 732.17 and 816.116(c)(4) [30 CFR 916.16(b)(37)]; K.A.R. 47-9-1(d)(47) through (50) correcting the typographical error at K.A.R. 47-9-1(d)(47)-(50) by changing the adopted Federal regulation prefixes from 30 CFR 816 to 30 CFR 817 [30 CFR 916.16(b)(38)]; K.A.R. 47-9-1(f)(2) requiring that prime farmland occupied by all coal preparation plants, support facilities, and roads that are a part of the surface mining activities must meet the applicable prime farmland performance standards [30 CFR 916.16(b)(39)]; K.A.R. 47-12-4(a)(6) providing that the term "Secretary" means Secretary of the Interior, not the secretary of the Kansas Department of Health and Environment [30 CFR 916.16(b)(40)]; K.A.R. 47-13-4 removing K.A.R. 47-13-4(b)(2) and (b)(3), duplicative adoptions by reference dealing with training and certification of blasters [30 CFR 916.16(b)(41)]; and K.A.R. 47-15-1a(a)(6), (a)(12), and (b) replacing Federal terms and citations with appropriate State counterpart terms and citations [30 CFR 916.16(b)(42)].

Accordingly, the Director is removing the required program amendments as identified above from the Kansas program and as codified at 30 CFR 916.16.

4. K.A.R. 47-2-75(e)(6), Definitions

Kansas proposes to remove from its program all of K.A.R. 47-2-75(e)(6) which replaced the term "section 703" of SMCRA with the term "77-501 *et seq.*" This removal is in response to a required program amendment placed on Kansas' program at 30 CFR 916.16(b)(3). The discussion leading up to the required program amendment is found in Finding no. 8 of the **Federal Register** notice dated September 13, 1991 (56 FR 46531). This discussion pointed out that the substitution of section 703 of SMCRA (which deals with employee protection) with the Kansas Administrative Procedure Act (K.S.A.) 77-501 *et seq.* was inappropriate because K.S.A. 77-501 *et seq.* was not a State counterpart provision to section 703 of SMCRA. In addition, K.S.A. 77-501 *et seq.* was not part of the approved Kansas program.

Kansas adopts, at K.A.R. 47-2-75(e), the definitions at 30 CFR 846.5, including the definition of "violation, failure, or refusal." This definition also refers to "section 703" of SMCRA. Therefore, by removing the substitution at K.A.R. 47-2-75(e)(6), Kansas references a nonexistent section of the Kansas statute. This renders K.A.R. 47-2-75(e) less effective than the Federal program.

The Director finds that K.A.R. 47-2-75(e) is less effective than the Federal program and is not approving it to the extent that it references a nonexistent State statute. The Director is requiring Kansas to either provide that this reference is not incorporated into its definition by specifying that the phrase "or section 703 of the Act" in the Federal definition shall be deleted from the State definition or to provide OSM with a State statute that is comparable to section 703 of SMCRA for future review and approval.

5. K.A.R. 47-3-42(a)(2), Violation information, and (a)(44), Review of Permit Applications

Kansas proposes to add a statement to clarify that the term "act," as used in these subsections, means SMCRA. This proposed rule change is in response to and satisfies a required program amendment placed on the Kansas program at 916.16(b)(4).

The Director wishes to clarify that the reference to SMCRA, as used in this context, must be understood to encompass SMCRA, its implementing regulations, and all State and Federal programs approved under SMCRA. See **Federal Register's** dated September 28, 1983 (48 FR 44344, 44389), and October 3, 1988 (53 FR 38868, 38882).

Since Kansas has satisfied the required program amendment, the Director is removing 30 CFR 916.16(b)(4) and approving the proposed amendments at K.A.R. 47-3-42(a)(2) and 47-3-42(a)(44).

6. K.A.R. 47-4-14a(c)(7), Intervention

Kansas proposes to amend K.A.R. 47-4-14a(c)(7) in response to the required program amendment placed on Kansas' program at 30 CFR 916.16(b)(8). This required program amendment instructed Kansas, in part, to replace the word "shall" with the word "may" in the phrase "shall petition for leave to intervene in a proceeding" and to make the changes necessary so that Kansas' standards for intervention are no more strict than those required by the Federal regulations at 43 CFR 4.1110.

Kansas changed the word "shall" to "may" in the phrase "shall petition for leave to intervene in a proceeding." Thus, Kansas satisfied, in part, the required amendment at 30 CFR 916.16(b)(8).

However, the required amendment additionally required Kansas to make the changes necessary so that Kansas' standards for intervention are no more strict than those required by the Federal regulations at 43 CFR 4.1110. Kansas revised its proposal at K.A.R. 47-4-14a(c)(7) to make the granting of intervention mandatory if either criterion at K.A.R. 47-4-14a(c)(7)(A)(i) or (ii) is satisfied. This makes the Kansas proposal at 47-4-14a(c)(7)(A) no less effective than the counterpart Federal rule at 43 CFR 4.1110(c). However, the Kansas proposal regarding intervention at K.A.R. 47-4-14a(c)(7)(B) is still less effective than the Federal counterpart rule because the Kansas proposal simply states that the presiding officer may consider the factors set forth at K.A.R. 47-4-14a(c)(7)(B)(i) through (iv) to determine if intervention is appropriate. By comparison, the Federal counterpart regulation at 43 CFR 4.1110 requires the administrative law judge or Board to apply the factors listed at 43 CFR 4.1110 (d)(1)-(4) when, and only when, paragraph (c)(1) and (c)(2) do not apply. Thus, Kansas' rule could be interpreted to allow the presiding officer to make a decision to grant intervention based on the factors listed at K.A.R. 47-4-14a(c)(7)(B)(i)-(iv) even where the criteria for mandatory intervention at K.A.R. 47-4-14a(c)(7)(A)(i) or (ii) were satisfied. Moreover, in circumstances where the criteria for mandatory intervention at K.A.R. 47-4-14a(c)(7)(A)(i) or (ii) were not satisfied, the Kansas proposal would allow the presiding officer the discretion to ignore the factors listed at K.A.R. 47-4-14a(c)(7)(B)(i)-(iv) when determining whether intervention would be appropriate, whereas the Federal rule, under such circumstances, requires the consideration of the listed factors.

Finally, the second sentence of proposed K.A.R. 47-4-14a(c)(7) requires that the petition shall set out the interest of the petitioner and why it would be adversely affected. The Federal counterpart provision at 43 CFR 4.1110(b) requires that a petitioner for leave to intervene shall incorporate the petition a statement setting forth the interest of the petitioner and, where required, a showing of why his interest is or may be adversely affected. Thus, the Kansas proposal is less effective than the Federal regulations because the State requirements impose stricter standards on the required contents of a petition for leave to intervene.

The Director finds that the required amendment at 30 CFR 916.16(b)(8) is partially satisfied and is removing the

requirement that Kansas replace the word "shall" with the word "may" in the phrase "shall petition for leave to intervene in a proceeding." However, the Director finds that Kansas' proposed rule at K.A.R. 47–4–14a(c)(7) continues to be less effective than the Federal regulations at 43 CFR 4.1110 and is not approving it. Kansas is required to amend its program at K.A.R. 47–4–14a(c)(7) to: (1) change proposed K.A.R. 47–4–14a(c)(7)(B) so that it is no less effective than the Federal rule at 43 CFR 4.1110(d); and (2) change the standards for the required contents of a petition for leave to intervene so that they are not less effective than the Federal standards at 43 CFR 4.1110(b). The Director will modify the required amendment at 30 CFR 916.16(b)(8) in accordance with this finding.

7. K.A.R. 47–4–14a(c)(11), Waiver of Hearing

Kansas proposes to amend K.A.R. 47–4–14a(c)(11) in response to the required program amendment placed on Kansas' program at 30 CFR 916.16(b)(10). This required program amendment instructed Kansas to replace the word "shall" with the word "may" in the phrases "shall waive such a right" and "shall be deemed to have waived his right" and to require that a hearing will be held unless all parties to a proceeding who are entitled to a hearing waive their right to a hearing. Kansas addressed the concerns of the required program amendment with the exception that the word "shall" was not changed to the word "may" in the phrase "shall be deemed to have waived his right." The Director is approving the changes at K.A.R. 47–4–14a(c)(11), however, he is also amending the required program amendment at 30 CFR 916.16(b)(10) to require that Kansas change the word "shall" to the word "may" in the phrase "shall be deemed to have waived his right."

8. K.A.R. 47–4–14a(b), Definitions, 47–4–14a(d), Formal Hearings, and (d)(2)(F), Presiding Officer

Kansas's rule at K.A.R. 47–4–14a(d) requires that when a statute provides for a hearing in accordance with this act, the hearing shall be governed by this subsection, and amendments thereto. Kansas' rule at K.A.R. 47–4–14a(d)(2)(F) allows the department to enter into agreements with another State agency to provide hearing officers to conduct proceedings under this act or for other agency proceedings. OSM noted in its review of this amendment package that K.A.R. 47–4–14a(b), Definitions, also inaccurately refers to "this act." In all instances, by using the phrase "this act," Kansas is incorrectly referring to its rules and regulations as its act. If Kansas intended to reference its act it should state "the act." However, if Kansas intended to reference its rules and regulations it should amend these provisions to provide appropriate substitute terms for the term "this act."

The Director finds Kansas' rules at K.A.R. 47–4–14a(d) and (d)(2)(F) to be no less effective than the Federal program and is approving them. However, the Director is requiring Kansas to amend its program at K.A.R. 47–4–14a(b), 47–4–14a(d), and (d)(2)(F) by providing appropriate substitute terms for the term "this act" as used in these two provisions and to review its program to identify and correct any other inappropriate usages of the term "this act."

9. K.A.R. 47–4–14a(d)(4)(H), Prehearing Conference Notice

Kansas proposes at K.A.R. 47–4–14a(d)(4)(h), which deals with prehearing conference notices, to replace the word "shall" with the word "may" so that the prehearing conference notice may include any other matters that the presiding officer considers desirable to expedite proceedings. Kansas' current rule at K.A.R. 47–4–14a(d)(4)(H) already provides the presiding officer with discretion in deciding what information to include in the prehearing conference notice. Therefore, this proposed change would reinforce that discretion. While there is no direct Federal counterpart provision, general requirements for prehearing conferences are found at 43 CFR 4.1121(b).

The Director finds that proposed K.A.R. 47–4–14a(d)(4)(H) is not inconsistent with the requirements of SMCRA and the Federal regulations and is approving it.

10. K.A.R. 47–4–14a(d)(10) (D) and (E), The Presiding Officer, and K.A.R. 47–4–14a(d)(5)(B)(vi), Prehearing Conference Procedure

Kansas' rule at K.A.R. 47–4–14a(d)(10)(D) allows that the presiding officer may conduct all or part of the hearing by telephone or other electronic means, if each participant in the hearing has an opportunity to participate in the entire proceeding. Similarly, Kansas requires, at K.A.R. 47–4–14a(d)(5)(B)(vi), that the presiding officer shall conduct the prehearing conference, as appropriate, to determine the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form, and the extent to which telephone or other electronic means will be used as a substitute for proceedings, in person.

As discussed in the September 13, 1991, **Federal Register** notice (56 FR 46531, 46538), this proposal conflicts with the requirement found in the State program at K.A.R. 47–4–14a(d)(10)(f) that the hearing be open to the public (see also Kansas State Act at 49–405c, 49–407, 49–415, and 49–416a). SMCRA also requires that hearings be open to the public. The SMCRA requirements for public hearings are found throughout the Act including sections 513, 514, 518, 521, and 525. Consequently, OSM did not approve Kansas' rules at K.A.R. 47–4–14a(d)(10)(D) and (d)(5)(B)(vii) and placed a required amendment on Kansas' program, at 30 CFR 916.16(b)(17), requiring Kansas to remove the provision for the holding of hearings by telephone or other electronic means. An additional component to the required program amendment at 30 CFR 916.16(b)(17) required Kansas to replace the word "shall" with the word "may" in the phrase "shall cause a person other than the State agency to prepare a transcript * * *" at K.A.R. 47–4–14a(d)(10)(E). Kansas has proposed this change and has satisfied this component of the required program amendment.

In regard to this proposed program amendment package, OSM again notified Kansas in the October 22, 1992, issue letter (Administrative Record No. KS–540) that K.A.R. 47–4–14a(d)(10)(D) and (d)(5)(B)(vii) were not approvable because they contained provisions for conducting hearings by telephone or other electronic means. Kansas defended its language by submitting to OSM a memorandum from the Secretary of the Kansas Department of Health and Environment (DHE) requesting all State agencies to adopt procedures to increase State efficiency and conserve the public funds wherever possible. The memorandum goes on to say that telephonic proceedings are to be considered prior to request for location of the hearing outside Topeka and that K.S.A. 77–523(d) provides that hearings may be conducted by telephone or other electronic means. The secretary of DHE concluded that the Kansas statutes clearly contemplate a determination of the issues based on telephone testimony.

OSM supports the State's efforts to increase efficiency and conserve public funds. In addition, OSM believes that some of Kansas' State agencies may be free to hold hearings over the telephone. However, the Surface Mining Section of DHE, named as the State regulatory authority, operates under the Mined-

Land Conservation and Reclamation Act (K.S.A. 1979 Supp. 49–405, 49–406; effective May 1, 1980), and is obligated to hold public hearings per the requirements of the Mined-Land Conservation and Reclamation Act cited above.

The Director notes that Kansas may be able to establish that its telephonic hearings are, in fact, public hearings—that is, open and accessible to members of the public. However, based upon the administrative record at this point, the Director must find that such hearings violate the requirement for public hearings. Therefore, the Director finds that Kansas' proposal, at K.A.R. 47–4–14a(d)(10)(D) and (d)(5)(B)(vii), to conduct hearings by telephone or other electronic means is inconsistent with other provisions of the State program, less stringent than SMCRA and less effective than requirements of the Federal regulations and is not approving it. The Director will modify the required program amendment at 30 CFR 916.16(b)(17) by removing that portion satisfied at K.A.R. 47–4–14a(d)(10)(E) and by retaining the requirement that Kansas remove the provision for the holding of hearings by telephone conference.

11. K.A.R. 47–4–14a(d)(12)(D), Evidence, Official Notice

Kansas proposes to replace the word "shall" with the word "may" in the requirement that any part of evidence shall be received in written form. The effect of this proposal would be to provide the presiding officer with the license to use discretion in deciding what evidence needs to be received in written form. While there is no direct counterpart Federal regulation, 43 CFR 4.1121 outlines the general powers of the administrative law judge. The Director finds that the proposed rule at K.A.R. 47–4–14a(d)(12)(D) to be not inconsistent with the requirements of SMCRA and the Federal regulations and is approving it.

12. K.A.R. 47–4–14a(d)(18), Service of Order

Under its administrative procedures, service of order requirements, Kansas proposes to replace the phrase "take some proceedings" with the phrase "file a petition" in the requirement that whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after service of a notice or order and the notice or order is served by mail, 3 days shall be added to the prescribed period. The effect of Kansas' proposed revision is to restrict the proceedings to which 3 days will be added to the prescribed period.

While there is no direct Federal counterpart regulation, this State proposal is not inconsistent with the Federal program and is an acceptable State administrative procedure. Therefore, the Director approves the proposed rule at K.A.R. 47–4–14a(d)(18).

13. K.A.R. 47–4–15 (a), (c), (l)(7), and (m)(3)(C)

Kansas proposes to amend K.A.R. 47–4–15 (a), (c), (l)(7) and (m)(3)(C) in response to the required program amendment placed on Kansas' program at 30 CFR 916.16(b)(23) that directed Kansas to clarify that no all requests for discovery must be approved beforehand by the presiding officer, and to correct typographical errors. Kansas modified its rules to clarify that all requests for discovery are to be filed with the presiding officer. However, the presiding officer does not have to rule on the request for discovery. The intent of this modification was verified during a phone conversation between Kansas and OSM on December 3 1992 (Administrative Record No. KS–536). Therefore, the Director finds Kansas' proposed rules at K.A.R. 47–4–15 (a), (c), (l)(7), and (m)(3)(C) to be no less effective that the Federal regulations at 43 CFR 4.1130–4.1141 and is approving them. The Director is also removing the required program amendment at 30 CFR 916.16(b)(23).

14. K.A.R. 47–5–5a (a) and (b), Civil Penalties

Kansas proposes to amend K.A.R. 47–5–5a (a) and (b) in response to the required program amendment at 30 CFR 916.16(b)(24) that instructed Kansas to correct editorial errors and to replace certain Federal terms and citations with appropriate State terms and citations. Kansas corrected the typographical errors but did not replace the cited Federal terms and citations with appropriate State terms and citations. Therefore, the Director finds K.A.R. 47–5–5a(a)(10) in its adoption of 30 CFR part 846, continues to be less effective than its counterpart Federal regulation at 30 CFR 846.5. In its definition of "violation, failure, or refusal," Kansas: (1) has not replaced the phrase "A Federal program, a Federal lands program, Federal enforcement pursuant to section 502 of the Act, or Federal enforcement of a State program pursuant to section 521 of the Act" or the terms "section 521 of the Act," and "section 518(b) or section 703 of the Act" with the appropriate State terms; (2) has not replaced, at 30 CFR 846.17(b)(1), the address to where an individual files a petition for review with the appropriate State address; and, (3) at 30 CFR 846.18(d), has not replaced the references to 30 CFR 870.15(e)(1)–(5) and 30 CFR 870.15 (f) and (g) with the appropriate State citations. The Director is not approving K.A.R. 47–5–5a(a)(10) and is amending 30 CFR 916.16(b)(24) to reflect the finding above.

15. K.A.R. 47–5–5a(c)(7)(B)(i), Initial Order of Presiding Officer

Kansas proposes to amend this rule by requiring that the point system contained in the Federal regulation at 30 CFR 845.13, as well as the conversion table contained in the Federal regulation at 30 CFR 845.14, should be adhered to when establishing the amount of a penalty. Kansas' program currently refers only to 30 CFR 845.14.

The Federal counterpart regulation, 30 CFR 845.11, requires each notice of violation and cessation order shall be reviewed in accordance with the assessment procedures described in 30 CFR 845.12, 845.13, 845.14, and 845.16 to determine whether a civil penalty will be assessed and the amount of the penalty.

Kansas is incorporating the reference to 30 CFR 845.13 to clarify that 30 CFR 845.13 defines the point system whereas 30 CFR 845.14 defines the conversion table.

The Director finds the proposed rule at K.A.R. 47–5–5a(c)(7)(B)(i) to be no less effective than the Federal regulation at 30 CFR 845.11 and is approving it.

16. K.A.R. 47–5–5a(c)(7)(C), Initial Order of Presiding Officer

Kansas proposes to add language at K.A.R. 47–5–5a(c)(7)(C) that requires if the presiding officer makes a finding that no violation occurred or if the presiding officer reduces the amount of the civil penalty below the proposed assessment and a timely petition for review of the decision is not filed with the secretary or the secretary refuses to grant such a petition, the presiding officer shall order the Surface Mining Section to remit the appropriate amount to the person who made the payment.

The Federal counterpart regulation at 30 CFR 845.20(c) requires that if the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed penalty assessed, the Office shall within 30 days of receipt of the order refund to the person assessed all or part of the escrowed amount.

The effect of Kansas' proposed language is to make clear that the Surface Mining Section shall make the refund to the person who made the

payment. However, the proposed language does not place a time limit within which the State must remit the money. The Director finds the proposed changes to K.A.R. 47-5-5a(c)(7)(C) do not render it less effective than the Federal counterpart regulation at 30 CFR 845.20(c) and is approving it. However, Kansas is required to further amend its rule at K.A.R. 47-5-5a(c)(7)(C) by placing a time limit within which the Surface Mining Section must remit a refund.

17. K.A.R. 47-6-7(h)(2), Appeals

In its October 22, 1992, issue letter, OSM requested that Kansas address the required program amendment at 30 CFR 916.16(b)(30) that required Kansas to correct the citations at K.A.R. 47-6-7(e) and 47-6-7(h)(2) which established procedures for conducting hearings and appeals for permit suspension and revocation proceedings. Kansas provided the proper citation in K.A.R. 47-6-7(e) in its December 23, 1992, response; however, Kansas contended that, with regard to K.A.R. 47-6-7(h)(2), it provided the proper citation in its June 29, 1989, program amendment package and that no further action was required.

As stated in the required program amendment, K.A.R. 47-6-7(h)(2) references K.A.R. 47-4-14*(a)*(d)(14) which was revoked in its entirety effective February 11, 1991. The correct citation is K.A.R. 47-4-14*a*(d)(14). Therefore, the Director finds that the required program amendment at 30 CFR 916.16(b)(30) is partially addressed and will modify the required program amendment to reflect the remaining requirement that Kansas correct the citation in K.A.R. 47-6-7(h)(2).

18. K.A.R. 47-9-1(c)(17) and (d)(17), Use of Explosives: General Requirements

Kansas proposes at K.A.R. 47-9-1(c)(2) that "subchapter" shall be replaced by "K.A.R. 47-9-1(c)" except at K.A.R. 47-9-1(c)(17), which adopts by reference 30 CFR 816.61, where "subchapter" will remain unchanged. Similarly, Kansas proposes at K.A.R. 47-9-1(d)(2) that "subchapter" shall be replaced by "K.A.R. 47-9-1(d)" except at K.A.R. 47-9-1(d)(17), which adopts by reference 30 CFR 817.61, where "subchapter" will remain unchanged.

These revisions are in response to the required program amendment at 30 CFR 916.16(b)(34) which summarized Finding no. 48 in the September 13, 1991, **Federal Register** (56 FR 46531, 46544). This finding noted that, at K.A.R. 47-9-1(a)(4) and (d)(2), Kansas proposed to replace the term "subchapter" with the phrase "K.A.R. 47-9-1(a)" and "K.A.R. 47-9-1(d)" respectively throughout K.A.R. 47-9-1. The finding continued that, at 30 CFR 816.61(c)(1), use of explosives: general requirements for surface mining, and 30 CFR 817.61(c)(1), use of explosives: general requirements for underground mining operations, the substitution was improper. Thus, Kansas' current proposed revisions satisfy the required program amendment at 30 CFR 916.16(b)(34) and the Director is removing it from Kansas' program.

However, in conducting its review, OSM overlooked the fact that Kansas had an additional set of word substitutions at the end of Article 9 at K.A.R. 47-9-1(i)(7), which replaces the term "subchapter C" with the phrase "these rules and regulations." The effect of this substitution is that it would only require State approval of the blaster certification program, while the Federal regulations at 30 CFR 816.61(c)(1) and 917.61(c)(1) require such programs to be submitted as a State program amendment subject to approval by the Director of OSM. Since Kansas already has an approved blaster certification program, most of the language of the Federal regulations at 30 CFR 816/817.61(c)(1) no longer applies. Therefore, the Director finds K.A.R. 47-9-1(c)(17) and (d)(17) to be no less effective than the Federal program. However, the Director is requiring Kansas to amend its program at K.A.R. 47-9-1 (c)(17) and (d)(17) by deleting from its adoption by reference of 30 CFR 816/817.61(c)(1) everything but the statement that "all blasting operations shall be conducted under the direction of a certified blaster."

19. K.A.R. 47-9-1(c)(46), Postmining Land Use (Surface Mining Operations) and K.A.R. 47-9-1(d)(44), Postmining Land Use (Underground Mining Operations)

Kansas is proposing, at K.A.R. 47-9-1(c)(46) and (d)(44), to incorporate the Federal regulations at 30 CFR 816.133 and 817.133 as they existed on July 1, 1992, rather than July 1, 1990, as in their current rule. On December 17, 1991 (56 FR 65612, 65634), OSM removed the suspension of 30 CFR 816.133(d) and 817.133(d), that established criteria for AOC variances and references 30 CFR 785.16, variances from AOC for steep slope mining operations. As part of that rulemaking, OSM also promulgated a revised version of 30 CFR 785.16 that, in accordance with In re: Permanent Surface Mining Regulation Litigation II (D.D.C., October 1, 1984), provided that variances from approximate original contour (AOC) requirements may be approved only for steep slope operations. See 56 FR 65612, 65613 (December 17, 1991).

Kansas has not proposed to adopt by reference the Federal regulation at 30 CFR 785.16 or 30 CFR 816.107 and therefore must revise K.A.R. 47-9-1(c)(46) and (d)(44) to delete the adoption of 30 CFR 816.133(d) and 817.133(d), respectively since these Federal rules address requirements for steep slope mining operations for which the Kansas program has no provision.

The Director finds that K.A.R. 47-9-1(c)(46) and (d)(44) are less effective than the Federal regulation at 30 CFR 816.133 and 817.133 to the extent that they adopt by reference paragraph (d) of both Federal regulation sections. The required program amendment at 30 CFR 916.16(a) required Kansas to either (1) remove the incorporation by reference of 30 CFR 816.133(d) and 817.133(d), (2) submit revisions to K.A.R. 47-3-42 to include provisions no less effective than those of 30 CFR 785.16, or (3) otherwise propose to amend its program to be no less effective than the Federal regulations with respect to variances from approximate original contour. Kansas has chosen not to incorporate by reference the Federal regulations at 30 CFR 785.16 or 30 CFR 816.107. Therefore, the Director is amending 30 CFR 916.16(a) to require Kansas to amend its program by removing from its adoption by reference, at K.A.R. 47-9-1(c)(46) and (d) (44), the Federal regulations at 30 CFR 816.133(d) and 817.133(d), respectively.

20. K.A.R. 47-9-1(c)(52)(C) and (d)(50)(C), Backfilling and Grading: Steep Slope (For Surface and Underground Mining Operations)

Kansas proposes to delete from adoption by reference at K.A.R. 47-9-1(c)(52)(C) and (d)(50)(C) the Federal regulations at 30 CFR 816.107 and 817.107 respectively. These Federal regulations deal with the backfilling and grading requirements for steep slope mining for surface and underground mining operations. Kansas has not adopted any counterpart steep slope regulation in its program. Therefore, it is proper for Kansas to not adopt these Federal regulations. The Director finds that K.A.R. 47-9-1(c)(52)(C) and (d)(50)(C) are no less effective than the Federal program and is approving them.

21. K.A.R. 47-15-1a, Inspection and Enforcement; Adoption by Reference

Kansas adopts by reference much of the Federal regulations dealing with inspection and enforcement. However, on the first page these rules are cited as K.A.R. 47-15-1a while on the following

pages, in the upper right hand corner, they are cited as K.A.R. 47–15–5a. This confusion existed in Kansas' June 29, 1989, program amendment package and resulted in a required program amendment being placed on the Kansas program at 30 CFR 916.16(b)(42) in the September 13, 1991, **Federal Register** (56 FR 46531, 46549). This required program amendment instructed Kansas, at K.A.R. 47–15–1a, to either adopt the Federal regulation at 30 CFR 842.12 or replace it with an appropriate State counterpart, and to replace the Federal terms, "section 518(e), 518(f), 521(a)(4), or 521(c) of the Act," "Act," and "Director" with appropriate State terms. The replacement of 30 CFR 842.12 with an appropriate State counterpart and the replacement of Federal terms with appropriate State counterpart terms was preformed at K.A.R. 47–15–5a.

OSM, in its issue letter to Kansas regarding this current program amendment package, requested that Kansas address the required program amendment at 30 CFR 916.16(b)(42). Kansas responded that the required program amendment was satisfied by the substitutions already in existence in various locations of K.A.R. 47–15–5a. Herein lies the problem; Kansas provides two different citations, K.A.R. 47–15–1a and 5a for the same set of rules. Given that the rules are adequate and that the confusion stems from the improper citations, the Director finds the rules at K.A.R. 47–15–1a and 5a to be no less effective than the Federal regulations at 30 CFR part 840 and 843 and is removing the required program amendment at 916.16(b)(42). However, the Director is requiring Kansas to correct the citation problem.

22. K.A.R. 47–15–1a(a)(10), Informal Public Hearings

Kansas proposes to adopt by reference the Federal regulations at 30 CFR 843.15, addressing informal public hearings, as they existed on July 1, 1992. However, section 30 CFR 843.15(e) refers to section 554 of Title 5 of the United States Code. Kansas needs to replace this Federal citation with the appropriate State citation authority.

The Director finds Kansas' proposed rule at K.A.R. 47–15–1a(a)(10) to be no less effective than the Federal regulations at 30 CFR 843.15 and is approving it. However, the Director is requiring Kansas to further amend its program by providing the appropriate State citation for the phrase "Section 554 of Title 5 of the United States Code" K.A.R. 47–15–1a(a)(10).

23. K.A.R. 47–15–1a(a)(6), (8), and (9), Inspection and Enforcement

Kansas proposes, at K.A.R. 47–15–1a, to adopt by reference the Federal regulations at 30 CFR Parts 840 through 843, inspection and enforcement, Federal inspections and monitoring, and Federal enforcement, as they existed on July 1, 1992. At section K.A.R. 47–15–1a(b)(6) and (b)(9), Kansas proposes to replace the Federal terms "43 CFR Part 4" and "43 CFR 4.1281" with "K.S.A. 1989 Supp. 49–416a" which deals with board review of notices of violation (NOV's) or cessation order (CO's). There are three locations in the proposed State rules that adopt Federal regulations where these word substitutions are not appropriate. First, at K.A.R. 47–15–1a(a)(6), adopting by reference 30 CFR 842.15(d), the substituted State citation, 49–416a(a), does not make sense in this context. The State citation relates solely to administrative review of NOV's and CO's, while the pertinent Federal regulation relates to administrative review of decisions not to inspect or enforce.

Second, at K.A.R. 47–15–1a(a)(8), adopting by reference 30 CFR 843.12(i), the Federal regulation deals with administrative review of determinations whether to grant an abatement period. The proposed State citation does not provide for such decisions but instead deals with administrative review of NOV's and CO's.

Third, at K.A.R. 47–15–1a(a)(9), adopting by reference 30 CFR 843.13(b) and (c), the Federal regulation deals with administrative review of permit suspension and revocation decisions. The proposed State citation relates to administrative review of NOV's and CO's.

The Director finds the proposed rules at K.A.R. 47–15–1a(a)(6), (8), and (9) to be less effective than the Federal regulations at 30 CFR 842.15(d), 843.12(i), 843.13(b) and 843.13(c), respectively to the extent that they replace adopted Federal citations with incorrect State citations and is not approving them. The Director is requiring Kansas to amend its program by providing the correct counterpart State citations for the terms "43 CFR Part 4" and "43 CFR 4.1281" at K.A.R. 47–15–1a(a)(6), (8), and (9).

IV. Public and Agency Comments

Public Comments

For a complete history of the opportunity provided for public comment on the proposed amendment, please refer to "Submission of Amendment." Because no one requested an opportunity to testify at a public hearing, no hearing was held. No public comments were received.

Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), comments were solicited from the Administrator of the Environmental Protection Agency (EPA), and various other Federal agencies with an actual or potential interest in the Kansas program. Comments were also solicited from various State agencies.

The U.S. Soil Conservation Service and Fish and Wildlife Service both responded that they had no suggested changes or objections to the proposed amendment (Administrative Record Nos. KS–527 and KS–528).

Environmental Protection Agency (EPA) Concurrence

Pursuant to 30 CFR 732.17(h)(11)(ii), concurrence was solicited from the EPA for those aspects of the proposed amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act and the Clean Air Act.

By letter dated August 25, 1992 (Administrative Record No. KS–529), the EPA regional office in Kansas City, Kansas responded that it had no comment. By letter dated December 18, 1992 (Administrative Record No. KS–546), the EPA Washington, DC office responded that it concurred with the proposed amendment.

State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation Comments (ACHP)

30 CFR 732.17(h)(4) requires that all amendments that may have an effect on historic properties be provided to the SHPO and ACHP for comment. Comments were solicited from these offices. By a letter dated July 17, 1992, the SHPO responded that they had no concerns regarding the proposed amendment (Administrative Record No. KS–526). No comments were received from ACHP.

V. Director's Decision

Based on the above findings, the Director is approving, with certain exceptions, the proposed amendment submitted by Kansas on July 10, 1992, and revised on December 23, 1992, with the exception of those provisions found to be inconsistent with SMCRA or the Federal regulations.

The Director is not approving the proposed rules as discussed in findings No. 4, K.A.R. 47–2–75(e)(6), Definitions; No. 6, K.A.R. 47–4–14a(c)(7), Intervention; No. 10, K.A.R. 47–4–14a(d)(10)(D), The presiding officer, and K.A.R. 47–4–14a(d)(5)(B)(vi), Prehearing

conference procedure; No. 14, K.A.R. 47–5–5a(a)(10), Civil penalties; No. 19, K.A.R. 47–9–1(c)(46), Postmining land use (surface mining operations) and K.A.R. 47–9–1(d)(44), Postmining land use (underground mining operations); and No. 23, K.A.R. 47–15–1a(a) (6), (8), and (9), Inspection and enforcement.

The Director is approving, with further required program amendments, the proposed rules discussed in findings No. 7, K.A.R. 47–4–14a(c)(11), Waiver of hearing; No. 8, K.A.R. 47–4–14a(d), Formal hearings and (d)(2)(F), Presiding officer; No. 16, K.A.R. 47–5–5a(c)(7)(C), Initial order of presiding officer; No. 17, K.A.R. 47–6–7(h)(2), Appeals; No. 18, K.A.R. 47–9–1(c)(17) and (d)(17), Use of explosives: general requirements; No. 21, K.A.R. 47–15–1a, Inspection and Enforcement; adoption by reference; and No. 22, K.A.R. 47–15–1a(a)(10), Informal public hearings.

Except as noted above, the Director is approving the Kansas proposed rules with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 916 codifying decisions concerning the Kansas program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to the State program are not enforceable until approved by OSM. The Federal regulations at 732.17(g) prohibit any unilateral changes to approved State programs. In the oversight of the Kansas program, the Director will recognize only the statutes, regulations, and other materials approved by OSM, together with any consistent implementing policies, directives, and other materials, and will require the enforcement by Kansas of only such provisions.

VII. Procedural Determinations

Compliance With Executive Order No. 12291

On March 30, 1992, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 (Reduction of Regulatory Burden) for decisions to approve or disapprove State or Tribe abandoned mine land plans and amendments. Accordingly, for this action, OSM is exempt from the requirement to prepare a regulatory impact analysis, and this action does not require regulatory review by OMB. The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal regulations will be met by the State or Tribe.

Compliance With Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 12550) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

Compliance With the National Environmental Policy Act

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

Paperwork Reduction Act

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

Compliance With the Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 916

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 4, 1993.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

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

PART 916—KANSAS

1. The authority citation for part 916 continues to read as follows:

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

2. Section 916.15 is amended by adding paragraph (1) as follows:

§ 916.15 Approval of regulatory program amendments.

* * * * *

(1) With the exceptions of K.A.R. 47–2–75(e)(6), Definitions; K.A.R. 47–4–14a(c)(7), Intervention; K.A.R. 47–4–14a(d)(10)(D), The presiding officer and 47–4–14a(d)(5)(B)(vi), Prehearing conference procedure; K.A.R. 47–5–5a(a)(10), Civil penalties; K.A.R. 47–9–1 (c)(46) and (d)(44), Postmining land use; and K.A.R. 47–15–1a (a)(6), (8), and (9), Inspection and enforcement, the following revisions to the Kansas Administrative regulations (K.A.R.)

submitted to OSM on July 10, 1992, as revised on December 23, 1992, are approved effective June 14, 1993:

K.A.R. 47-1-9, Notice of Citizen Suits; 47-2-14, Complete and Accurate Application Defined; 47-2-53a, "Regulatory program" defined; 47-2-58, "Significant, imminent environmental harm to land, air, or water resources" defined; 47-2-67, Surety Bond Defined; 47-2-75, Definitions-Adoption by Reference; 47-3-2, Application for Mining Permit-Adoption by Reference; 47-3-3a, Application for Mining Permit-Maps; 47-3-42, Application for Mining Permit-Adoption by Reference; 47-4-14a, Administrative Hearing Procedure; 47-4-15, Administrative Hearings, Discovery; 47-5-5a, Civil Penalties-Adoption by Reference; 47-5-16, Civil Penalties-Final Assessment and Payment of Civil Penalties; 47-6-1, Permit Review; 47-6-2. Permit Revision; 47-6-3, Permit Renewals-Adoption by Reference; 47-6-4, Permit Transfers, Assignments, and Sales-Adoption by Reference; 47-6-6, Permit Conditions; 47-6-7, Permit Suspension or Revocation; 47-6-8, Termination of Jurisdiction-Adoption by Reference; 47-6-9, Exemption for Coal Extraction Incident to Government Financed . Highway or Other Construction-Adoption by Reference; 47-6-10, Exemption for Coal Extraction Incidental to the Extraction of Other Minerals-Adoption by Reference; 47-7-2, Coal Exploration-Adoption by Reference; 47-8-9, Bonding Procedures-Adoption by Reference; 47-8-11, Use of Forfeited Bond Funds; 47-9-1, Performance Standards-Adoption by Reference; 47-9-4, Interim Program Performance Standards-Adoption by Reference; 47-10-1, Underground Mining-Adoption by Reference; 47-11-8, Small Operator Assistance Program-Adoption by Reference; 47-12-4, Lands Unsuitable for Surface Mining-Adoption by Reference; 47-13-4, Training and Certification of Blasters-Adoption by Reference; 47-13-5, Responsibilities of Operators and Blasters-in-Charge; 47-14-4, Employee Financial Interest; 47-14-7, Employee Financial Interest-Adoption by Reference; 47-15-1a, Inspection and Enforcement-Adoption by Reference; 47-15-4, Injunctive Relief; 47-15-7, State Inspections; and 47-15-8, Citizen's Request for State Inspections.

3. Section 916.16 is amended by revising paragraph (a); amending paragraph (b) by revising the introductory text, removing and reserving paragraphs (b)(1) through (7), (b)(9), (b)(11) through (16), (b)(18) through (23), (b)(25) through (29), (b)(31) through (42), and revising (b)(24) and (30); and by adding paragraph (c) as follows:

§ 916.16 Required regulatory program amendments.

(a) By July 14, 1993, Kansas shall submit revisions to K.A.R. 47-9-1(c)(46) and (d)(44) to remove the incorporation by reference of 30 CFR 816.133(d) and 817.133(d), respectively.

(b) By July 14, 1993, Kansas shall amend its program as follows:

* * * * *

(8) At K.A.R. 47-4-14a(c)(7), by: (1) changing proposed K.A.R. 47-4-14a(c)(7)(B) so that it is no less effective than the Federal rule at 43 CFR 4.1110(d); and (2) changing the standards for the required contents of a petition for leave to intervene so that they are no less effective than the Federal standards at 43 CFR 4.1110(b).

* * * * *

(10) At K.A.R. 47-4-14a(c)(11), by changing the word "shall" to the word "may" in the phrase "shall be deemed to have waived his right."

* * * * *

(17) At K.A.R. 47-4-14a(d)(10)(D), by removing the provision for the holding of hearings by telephone conference and at K.A.R. 47-4-14a(d)(5)(B)(vi) by removing the phrase "and the extent to which telephone or other electronic means will be used as a substitute for proceedings in person."

* * * * *

(24) At K.A.R. 47-5-5a(a)(10), by replacing the cited Federal terms and citations with appropriate State terms and citations for the following in the definition of "violation, failure, or refusal": "A Federal program, a Federal lands program, Federal enforcement pursuant to section 502 of the Act, or Federal enforcement of a State program pursuant to section 521 of the Act" or the terms "section 521 of the Act," and "section 518(b) or section 703 of the Act;" at 30 CFR 846.17(b)(1), the address to where an individual files a petition for review with the appropriate State address; and, at 30 CFR 846.18(d), the references to 30 CFR 870.15(e) (1)-(5) and 30 CFR 870.15 (f) and (g).

* * * * *

(30) At K.A.R. 47-6-7(h)(2), by providing the correct cross-reference to the procedures to be followed for proceedings to suspend or revoke a permit.

* * * * *

(c) By July 14, 1993 Kansas shall amend its program as follows:

(1) At K.A.R. 47-2-75(e)(6), by either providing that K.S.A. 77-501 *et seq.* is not incorporated into its definition by specifying that the phrase "or section 703 of the Act" in the Federal definition shall be deleted from the State definition or by providing OSM with a State statute that is comparable to section 703 of SMCRA for future review and approval.

(2) At K.A.R. 47-4-14a(b), 47-4-14a(d), and 47-4-14a(d)(2)(F), by providing the correct references for where the phrase "this act" is improperly used and to review its program to identify and correct any other inappropriate usages of the term "this act."

(3) At K.A.R. 47-5-5a(c)(7)(C), by placing a time limit within which the Surface Mining Section must remit a refund.

(4) At K.A.R. 47-9-1(c)(17) and (d)(17), by deleting from its adoption by reference of 30 CFR 816/817.61(c)(1), everything but the statement that "all blasting operations shall be conducted under the direction of a certified blaster."

(5) At K.A.R. 47-15-1a and 5a, by resolving the citation problem between the two.

(6) At K.A.R. 47-15-1a(a)(10), by providing the appropriate State citation for the phrase "Section 554 of Title 5 of the United States Code."

(7) At K.A.R. 47-15-1a(a) (6), (8), and (9), by providing the correct counterpart State citations for the terms "43 CFR Part 4" and "43 CFR 4.1281."

[FR Doc. 93-13852 Filed 6-11-93; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4665-2]

Commonwealth of Virginia Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The Commonwealth of Virginia has applied for final authorization of a revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Commonwealth of Virginia's application and has made a decision, subject to public review and comment, that the Commonwealth of Virginia's hazardous waste program revision satisfies all the of the requirements necessary to qualify for final

authorization. Thus, EPA intends to approve the Commonwealth of Virginia's hazardous waste program revisions. The Commonwealth of Virginia's application for program revision is available for public review and comment.

DATES: Final authorization for the Commonwealth of Virginia shall be effective August 13, 1993 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on the Commonwealth of Virginia's program revision application must be received by the close of business July 14, 1993.

ADDRESSES: Copies of the Commonwealth of Virginia's revision application are available during 8:30 a.m.–4 p.m. at the following addresses for inspection and copying: Virginia Department of Environmental Quality, Waste Management Program, Monroe Building, 11th Floor, 101 North Fourteenth Street, Richmond, Virginia 23219, Phone: (804) 225–2667. U.S. EPA Region III, Library, 841 Chestnut Building, Philadelphia, PA 19107, Phone: (215) 597–9800). Written comments should be sent to Linda Miller, Mail Code: 3HW52, EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107, Phone: (215) 597–3178).

FOR FURTHER INFORMATION CONTACT: Linda Miller, Mail Code: 3HW52, EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107, Phone: (215) 597–3178.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste program are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Commonwealth of Virginia

The Commonwealth of Virginia initially received final authorization on December 18, 1984. On October 21, 1992, the Commonwealth of Virginia submitted a program revision application. Today the Commonwealth of Virginia is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed the Commonwealth of Virginia's application, and has made an immediate final decision that the Commonwealth of Virginia's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the requested program modification to the Commonwealth of Virginia. The public may submit written comments on EPA's immediate final decision up until July 14, 1993. Copies of the Commonwealth of Virginia's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of the Commonwealth of Virginia's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either; (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

The program revision submitted by the Commonwealth of Virginia and approved today transfers administration of the Commonwealth's hazardous waste program to the newly created Virginia Department of Environmental Quality effective April 1, 1993.

Operation of the program by the Department of Environmental Quality between April 1, 1993 and the effective date of this approval is hereby ratified.

Decision

I conclude that the Commonwealth of Virginia's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the Commonwealth of Virginia is granted final authorization to operate its hazardous waste program as revised.

The program revision approved today deals solely with an executive branch organizational change made by the Commonwealth of Virginia to its state government structure. No other change to the existing Virginia hazardous waste program is being approved by this action.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens or small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 93–13939 Filed 6–11–93; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–930–4210–06; WYC 050733, WYC 051835, WYW 92945]

43 CFR Public Land Order 6981

Opening of Land, Under Section 24 of the Federal Power Act, in the Executive Order Dated July 2, 1910, Power Site Reserve No. 115, and Restoration of Reconveyed Land to Tribal Ownership; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order opens 40 acres of land withdrawn for Powersite Reserve No. 115 by Executive Order of July 2, 1910, subject to section 24 of the Federal Power Act. This action will permit disposal of a parcel of land and retain the power rights to the United States. This order also restores reconveyed private land and mineral interests within the Wind River Indian Reservation to ownership of the Arapahoe and Shoshone Indian Tribes. These actions have been directed by the United States District Court, District of

Wyoming, in a judgment resolving litigation between Oliver J. Foust and the Secretary of the Interior regarding correction of errors in two homestead entry patents.

EFFECTIVE DATE: June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Jon Johnson, BLM Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307–775–6116.

In compliance with the Order and Judgment dated November 21, 1991, of the United States District Court, District of Wyoming, in the case of *Oliver J. Foust, plaintiff,* v. *Manuel Lujan, Jr., Secretary of the Interior, defendant, Northern Arapaho and Shoshone Indian Tribes of the Wind River Indian Reservation, intervenor,* 88–CV–0235–K; and by virtue of the authority vested in the Secretary of the Interior by sections 204 and 316 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, 1746 (1988); by section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818 (1988); by section 5 of the Act of July 27, 1939, 25 U.S.C. 575 (1988); and pursuant to the determination by the Federal Energy Regulatory Commission dated November 18, 1992 (DVWY–187, WYC 051835, 1865 (931), Power Site Reserve No. 115), it is ordered as follows:

1. The following described land withdrawn by Executive Order of July 2, 1910, creating Power Site Reserve No. 115, is hereby opened to disposal at 9 a.m. on June 14, 1993, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 818):

Wind River Meridian

T. 6 N., R. 6 E.,
Sec. 28, lot 13 (originally described as SW¼NE¼).

The land described contains 40.00 acres in Hot Springs County.

2. Subject to valid existing rights, the following described land and mineral interests which have been reconveyed to the United States in conjunction with Correction of Conveyance Document Applications Serial Nos. WYC 050733 and WYC 051835, are hereby restored to tribal ownership to be held by the United States of America in trust for the use and benefit of the Northern Shoshone and Arapahoe Indian Tribes, and are added to and made part of the Wind River Indian Reservation, Wyoming:

Wind River Meridian

The rights to the surface estate in the following described land:

T. 6 N., R. 6 E.,
Sec. 28, lot 5.

The rights to the surface estate and the mineral estate in the following described land:

T. 6 N., R. 6 E.,
Sec. 28, NE¼SE¼.

The land described contains 87.55 acres in Hot Springs County.

Dated: May 26, 1993.

Bob Armstrong,
Assistant Secretary of the Interior.

[FR Doc. 93–13876 Filed 6–11–93; 8:45 am]

BILLING CODE 4310–22–M

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43 CFR Public Land Order 6982

[AK–932–4210–06; AA–6139]

Revocation of Public Land Order No. 5, as Amended; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in its entirety, a public land order as it affects approximately 15 acres of public land withdrawn for use by the War Department for military purposes in the Anchorage area. The land is no longer needed for the purpose for which it was withdrawn. The land continues to be subject to overlapping Public Land Order No. 6127 and remains closed to all forms of appropriation under the public land laws, including the mining laws. The land has been and remains closed to mineral leasing.

EFFECTIVE DATE: June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

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

1. Public Land Order No. 5, as amended, which withdrew public land for military purposes is hereby revoked as it affects the following described land:

Seward Meridian

A parcel of land located within the SE¼, sec. 3, T. 12 N., R. 3 W., more particularly described as:

Commencing at the Southwest corner of the SE¼, thence north a distance of 800 feet, on the west line thereof, to the True Point of Beginning;

Thence N. 45° E., a distance of 900 feet;
Thence S. 45° E., a distance of 726 feet;
Thence S. 45° W., a distance of 900 feet;
Thence N. 45° W., a distance of 726 feet to said point of beginning.

The area described contains approximately 15 acres.

2. The land continues to be subject to the terms and conditions of Public Land Order No. 6127, and thus remains closed to settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2 (1988). The land is withdrawn from mineral leasing pursuant to Public Land Order No. 5187.

Dated: May 26, 1993.

Bob Armstrong,
Assistant Secretary of the Interior.

[FR Doc. 93–13877 Filed 6–11–93; 8:45 am]

BILLING CODE 4310–JA–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7069]

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents.

EFFECTIVE DATE: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The modified base (100-year) flood elevations are not listed for each

community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in the floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as set forth below.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: June 8, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Cleburne	Unincorporated areas.	May 5, 1993, May 12, 1993, *The Sun Times.*	The Honorable Claude Dill, County Judge, County Courthouse, Heber Springs, Arkansas 72543.	April 6, 1993	050424
California: Riverside	Unincorporated areas.	January 22, 1993, January 29, 1993, *Riverside Press Enterprise.*	The Honorable Patricia Larson, Chairperson, Riverside County Board of Supervisors, P.O. Box 1359, Riverside, California 92502–1359.	March 10, 1993	060245
California: Tulare	Unincorporated areas.	June 11, 1993, June 18, 1993, *Visalia Times Delta.*	Mr. Charles Harness, Chairman, Tulare County Board of Supervisors, Administration Building, Visalia, California 93291.	May 19, 1993	065066
Idaho: Ada	Unincorporated areas.	May 14, 1993, May 21, 1993, *Idaho Statesman.*	The Honorable Bem Bisterfeldt, Chairman, Ada County Board of Commissioners, 650 Main Street, Boise, Idaho 83702.	April 23, 1993	160001
Illinois: Cook	City of Prospect Heights.	May 25, 1993, June 1, 1993, *Daily Herald.*	The Honorable Edward Rotchford, Mayor of the City of Prospect Heights, One North Elmhurst Road, Prospect Heights, Illinois 60070–1509.	May 20, 1993	170919
Kansas: Sedgwick	City of Wichita	May 7, 1993, May 14, 1993, *The Daily Reporter.*	The Honorable Elma Broadfoot, Mayor, City of Wichita, City Hall, 1st Floor, 455 North Main Street, Wichita, Kanasas 67202.	April 22, 1993	200328

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
	Unincorporated areas.	May 27, 1993, June 3, 1993, *Wichita Eagle.*	The Honorable Mark F. Schroeder, Chairman, County Commissioners, Sedgwick County, 1250 South Seneca, Wichita, Kansas 67213–4498.	May 5, 1993	200321
Ohio: Lorain	City of Avon	June 2, 1993, June 9, 1993, *The Press.*	The Honorable Pearl Olearcik, Mayor of the City of Avon, Lorain County, Avon City Hall, 36774 Detroit Road, Avon, Ohio 44011.	May 25, 1993	390348 C
Oklahoma: Oklahoma	City of Oklahoma City.	April 22, 1993, April 29, 1993, *The Journal Record.*	The Honorable Ronald J. Norick, Mayor, City of Oklahoma City, 200 North Walker, Oklahoma City, Oklahoma 73102.	March 18, 1993	405378
Pennsylvania: Franklin	Township of Greene.	May 21, 1993, May 28, 1993, *Public Opinion.*	Mr. Richard P. Kramer, Chairman of the Township of Greene Board of Supervisors, P.O. Box 215, Scotland, Pennsylvania 17254.	May 10, 1993	421649 B
Texas: El Paso County	City of El Paso	May 27, 1993, June 3, 1993, *El Paso Times.*	The Honorable William S. Tilney, Mayor, City of El Paso, No. 2 Civic Center Plaza, El Paso, Texas 79901.	April 28, 1993	480214

[FR Doc. 93–13923 Filed 6–11–93; 8:45 am]
BILLING CODE 6718–03–M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the Office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base (100-year) flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate that appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as set forth below.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Dated: June 8, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California (FEMA Docket No. 7062):					
Sacramento	City of Sacramento	Feb. 19, 1993, Feb. 26, 1993, Sacramento Bee.	The Honorable Joe Serna, Jr. mayor, City of Sacramento, City Hall, room 205, 915 I Street, Sacramento, California 95814–2672.	Jan. 29, 1993.	060266
California (FEMA Docket No. 7052):					
Sacramento	Unincorporated areas	Feb. 17, 1993, Feb. 24, 1993, Sacramento Bee.	Mr. Douglas M. Fraleigh, Director, Sacramento County Department of Public Works, 827 Seventh Street, room 304, Sacramento, California 95814.	Jan. 29, 1993.	060262
Connecticut:					
Fairfield (FEMA Docket No. 7060).	Town of Weston	Jan. 6, 1993, Jan. 13, 1993, The Weston Forum.	The Honorable George C. Guidera, First Selectman of the Town of Weston, Fairfield County, P.O. Box 1007, Weston, Connecticut 06883.	Dec. 30, 1992.	090018 B
Illinois:					
DuPage (FEMA Docket No. 7060).	City of Darien	Dec. 23, 1992, Dec. 30, 1992, Darien Metropolitan.	The Honorable Carmen Soldado, mayor of the city of Darien, DuPage County, 1702 Plainfield Road, Darien, Illinois 60559.	Dec. 15, 1992.	170750 A
Cook (FEMA Docket No. 7043).	Village of Justice	Apr. 10, 1992, Apr. 17, 1992, Southtown Economist.	The Honorable Edward Rusch, Jr., mayor of the village of Justice, 7800 Archer Road, Justice, Illinois 60458.	Mar. 26, 1992.	170112 D
Kansas:					
Sedgwick	City of Wichita (Docket No. 7062).	Feb. 11, 1993, Feb. 18, 1993, The Wichita Eagle.	The Honorable Frank Ojile, mayor, city of Wichita, City Hall, first floor, 455 North Main Street, Wichita, Kansas 67202.	Jan. 26, 1993.	200328
New York:					
Rockland (FEMA Docket No. 7060).	Town of Ramapo	Jan. 15, 1993, Jan. 22, 1993, Rockland Journal.	The Honorable Herbert Reisman, Ramapo town supervisor, Rockland County, 237 Route 59, Suffern, New York 10901.	Jan. 6, 1993	365340 C
Oklahoma:					
Tulsa, Osago, and Rogers (FEMA Docket No. 7058).	City of Tulsa	Dec. 29, 1992, Jan. 5, 1993, Tulsa World.	The Honorable M. Susan Savage, mayor of the city of Tulsa, 200 Civic Center, Tulsa, Oklahoma 74103.	Dec. 17, 1992.	405381
Texas (FEMA Docket No. 7062):					
Bell	Unincorporated areas	Feb. 18, 1993, Feb. 25, 1993, Temple Daily Telegram.	The Honorable John Garth, judge, chairman, Bell County, board of commissioners, P.O. Box 768, Belton, Texas 76513–0768.	Jan. 29, 1993.	480706
Brazoria	City of Pearland	Feb. 24, 1993, Mar. 3, 1993, The Journal.	The Honorable Vic Coppinger, mayor, city of Pearland, P.O. Box 2068, Pearland, Texas 77588.	Feb. 15, 1993.	480077
Denton	City of Denton (Docket No. 7060).	Jan. 13, 1993, Jan. 20, 1993, Denton Record Chronicle.	The Honorable Bob Castleberry, mayor, city of Denton, 215 East McKinney Street, Denton, Texas 76201.	Dec. 10, 1992.	480194
Tarrant	City of Benbrook (Docket No. 7062).	Jan. 28, 1993, Feb. 4, 1993, The Benbrook News.	The Honorable Jerry Dunn, mayor, city of Benbrook, P.O. Box 26569, Benbrook, Texas 76126.	Jan. 15, 1993.	480586

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Wisconsin: Dane (FEMA Docket No. 7060).	Village of Cross Plains	Jan. 7, 1993, Jan. 14, 1993, Dane County News.	Mr. Richard Greffin, president for the village of Cross Plains, Dane County, 2107 Julius Street, Cross Plains, Wisconsin 53528–9499.	Dec. 23, 1992.	550081 B

[FR Doc. 93–13922 Filed 6–11–93; 8:45 am]
BILLING CODE 6718–03–M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations and modified base (100-year) flood elevations are made final for the communities listed below.

The base (100-year) flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the final determinations of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Reguatory Impact Analysis

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Newton (town), Dale County (FEMA Docket No. 7061)	
Choctawhatchee River:	
Approximately 2,000 feet downstream of the confluence of Hurricane Creek ..	*171
Downstream side of State Route 123	*174
Maps available for inspection at the Town Hall, Newton, Alabama.	
ARIZONA	
Carefree (town), Maricopa County (FEMA Docket No. 7057)	
Grapevine Wash:	
Approximately 1,300 feet upstream of the confluence with Rowe Wash	*2,517
Approximately 0.51 mile upstream of Father Kino Trail ..	*2,725
Galloway Wash-North Tributary:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 0.73 mile upstream of the confluence with Unnamed Tributary to Galloway Wash	*2,311
Approximately 0.53 mile downstream of Father Kino Trail	*2,449
Approximately 0.44 mile downstream of Father Kino Trail	*2,462
Approximately 0.8 mile upstream of Father Kino Trail	*2,629
Rowe Wash:	
Approximately 100 feet downstream of the confluence with Rowe Wash-Tributary 1	*2,537
Approximately 0.6 mile upstream of the confluence with Rowe Wash-Tributary 1	*2,704
Maps are available for review at Town Hall, 100 Easy Street, Carefree, Arizona.	
Cave Creek (town), Maricopa County (FEMA Docket No. 7057)	
Grapevine Wash:	
At the confluence with Rowe Wash	*2,482
Approximately 1,300 feet upstream of the confluence with Rowe Wash	*2,517
Galloway Wash-North Tributary:	
At the confluence with Unnamed Tributary to Galloway Wash	*2,216
Approximately 0.73 mile upstream of the confluence with Unnamed Tributary to Galloway Wash	*2,311
Approximately 0.53 mile downstream of Father Kino Trail	*2,449
Approximately 0.44 mile downstream of Father Kino Trail	*2,462
Ocotillo Wash-Tributary 1:	
Approximately 450 feet upstream of the confluence with Ocotillo Wash	*2,291
Approximately 0.84 mile upstream of the confluence with Ocotillo Wash-Tributary 1A	*2,450
Ocotillo Wash-Tributary 1A:	
At the confluence with Ocotillo Wash-Tributary 1	*2,319
Approximately 0.7 mile upstream of the confluence with Ocotillo Wash-Tributary 1	*2,453
Ocotillo Wash-Tributary 2:	
At the confluence with Ocotillo Wash	*2,228
At Echo Canyon Road	*2,274
Approximately 0.73 mile upstream of Echo Canyon Road	*2,402
Ocotillo Wash-Tributary 3:	
At the confluence with Ocotillo Wash	*2,164
At Echo Canyon Road	*2,284
Just upstream of Highland Road (upper crossing)	*2,374
Ocotillo Wash-Tributary 4:	
At the confluence with Ocotillo Wash	*2,124
Approximately 100 feet upstream of Schoolhouse Road	*2,215
Approximately 700 feet upstream of Echo Canyon Road	*2,314
Rowe Wash:	
Approximately 1,900 feet upstream of Echo Canyon Road	*2,315
At the confluence with Grapevine Wash	*2,484
Approximately 100 feet downstream of the confluence with Rowe Wash-Tributary 1	*2,537
Willow Springs Wash:	
Approximately 700 feet downstream of the confluence with Willow Springs Wash-Tributary 2	*2,188
Approximately 275 feet upstream of the confluence with Willow Springs Wash-Tributary 2	*2,218
Approximately 2,000 feet upstream of the confluence with Willow Springs Wash-Tributary 2	*2,255
Approximately 2,550 feet downstream of Sierra Vista Drive (lower crossing)	*2,273
Willow Springs Wash-Tributary 1:	
At the confluence with Willow Springs Wash	*2,101
Approximately 1,250 feet downstream of Morningstar Road	*2,162
Willow Springs Wash-Tributary 2:	
At the confluence with Willow Springs Wash	*2,211
Approximately 100 feet upstream of the confluence with Willow Springs Wash	*2,211
Willow Springs Wash-Tributary 5:	
At the confluence with Willow Springs Wash	*2,063
Approximately 100 feet upstream of Spur Cross Road	*2,118
Just downstream of Schoolhouse Road	*2,200
Just downstream of Rockway Hills Drive	*2,251
Willow Springs Wash-Tributary 5A:	
At the confluence with Willow Springs Wash-Tributary 5	*2,119
Approximately 0.6 mile upstream of the confluence with Willow Springs-Wash-Tributary 5	*2,194
Maps are available for review at the Planning Department, Town Hall, 37622 North Cave Creek Road, Cave Creek, Arizona.	
Surprise (town), Maricopa County (FEMA Docket No. 7058)	
Trilby Wash:	
At the concrete overchute at C.A.P. Canal	*1,546
Approximately 1,350 feet upstream of C.A.P. Canal (at Jomax Road Alignment)	*1,556
Map are available for review at the Building Administration and Community Development Department, 15818 North Hollyhock Street, Surprise, Arizona.	
Tucson (city), Pima County (FEMA Docket No. 7063)	
Flowing Wells Wash and Navajo Wash:	
Approximately 350 feet downstream of Fort Lowell Road	*2,296
Just upstream of Fort Lowell Road	*2,301
Approximately 150 feet upstream of Oracle Road	*2,329
At Altos Avenue	*2,348
Approximately 800 feet downstream of Mountain Avenue	*2,368
Wilson Wash:	
Approximately 200 feet upstream of East Fort Lowell Road	*2,369
At Olsen Avenue	*2,387
At Glenn Street	*2,401
Just upstream of Water Street	*2,416
Just downstream of East Grant Road	*2,419
Cemetery Wash:	
Approximately 70 feet upstream of Erma Avenue	*2,310
At Fairview Avenue	*2,316
Approximately 70 feet downstream of Oracle Road	*2,327
Just downstream of Stone Avenue	*2,335
Christmas Wash:	
Approximately 100 feet upstream of Roger Road	*2,351
Just downstream of East Prince Road	*2,373
Just downstream of Fort Lowell Road	*2,396
Just downstream of Country Club Road	*2,402
Columbus Wash and Midway Wash:	
Approximately 200 feet upstream of the confluence with Alvernon Wash	*2,412
At the intersection of Desert Avenue and Blacklidge Drive	*2,421

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 50 feet upstream of Monte Vista Drive	*2,332
Just upstream of East Grant Road	*2,453
Approximately 70 feet downstream of East Pima Street	*2,472
At East Speedway Boulevard	*2,490
Just downstream of East Fifth Street	*2,505
Van Buren Wash:	
At the confluence with Alamo Wash	*2,490
Approximately 50 feet downstream of Waverly Place	*2,493
At East Pima Street	*2,500
Just downstream of Bellevue Street	*2,513
Just downstream of East Speedway Boulevard	*2,518
Sahuara Wash:	
At the confluence with Alamo Wash	*2,503
Just upstream of East Pima Street	*2,509
Approximately 50 feet downstream of Fairmount Street	*2,516
Just downstream of East Speedway Boulevard	*2,522
El Rio Wash:	
At the confluence with Silvercroft Wash	*2,309
Just downstream of El Rio Drive	*2,311
Approximately 100 feet upstream of Riverview Boulevard	*2,321
Just downstream of Speedway Boulevard	*2,325
Bronx Wash:	
At the confluence with Santa Cruz River	*2,318
Approximately 150 feet upstream of Interstate Highway 10	*2,333
Just downstream of Miracle Mile Road	*2,356
At Seventh Avenue	*2,373
Just downstream of North First Avenue	*2,399
High School Wash:	
At Second Avenue	*2,387
Just upstream of Martin Avenue	*2,425
At Wilson Avenue	*2,444
Approximately 150 feet upstream of Wilson Avenue	*2,446
Rolling Hills Wash:	
At the confluence with Pantano Wash	*2,618
Just downstream of Samoff Drive	*2,653
Just upstream of Olympic Club Drive	*2,702
At Cathy Avenue	*2,746
Approximately 300 feet upstream of Kevin Drive	*2,802
Este Wash:	
At the confluence with Tanque Verde Creek	*2,569
Just upstream of Bonanza Avenue	*2,614
Just downstream of Fifth Avenue	*2,656
Approximately 40 feet upstream of East 22nd Street	*2,830
Just downstream of Houghton Road	*2,843

Maps are available for review at the Department of Transportation, Engineering Division, Floodplain Section, 201 North Stone Avenue, Tucson, Arizona.

ARKANSAS

Little Rock (city), Pulaski County (FEMA Docket No. 7042)

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas River:	
Approximately 2.05 river miles downstream of Interstate Route 440	*246
Approximately 1.75 river miles upstream of confluence with Little Maumelle River	*262
Fourche Creek:	
At the confluence with Arkansas River	*249
Approximately 0.7 mile upstream of State Route 5	*318
Little Fourche Creek:	
At the confluence with Fourche Creek	*257
Approximately 0.1 river mile downstream of Union Pacific Railroad	*272
Stump Creek:	
At the confluence with Little Fourche Creek	*261
Approximately 125 feet upstream of Baseline Road	*278
Field Creek:	
Approximately 0.2 river mile downstream of confluence of Field Creek Tributary	*263
Approximately 250 feet upstream of Senate Drive	*277
Field Creek Tributary:	
At confluence with Field Creek	*263
Approximately 100 feet upstream of Geyen Springs Road	*269
Smith Creek:	
At the confluence with Little Fourche Creek	*264
Approximately 0.28 river mile upstream of Chicot Road	*295
Smith Creek Tributary:	
Confluence with Smith Creek	*275
Approximately 100 feet upstream of Yorkwood Drive	*283
Rock Creek:	
At confluence with Fourche Creek	*258
Upstream corporate limits	*530
Rock Creek Tributary A:	
Approximately 0.30 mile upstream of confluence with Rock Creek	*487
Approximately 0.56 mile upstream of Chenal Valley Parkway	*548
Rock Creek Tributary 1:	
At confluence with Rock Creek	*511
Approximately 0.12 mile upstream of Chenal Parkway	*553
Grassy Flat Creek:	
At confluence with Rock Creek	*331
At Pleasant Valley Drive	*454
Brodie Creek:	
At confluence with Fourche Creek	*266
Approximately 0.43 river mile upstream of Bowman Road	*337
Panther Branch:	
At confluence with Brodie Creek	*316
Approximately 1.0 river mile upstream of Bowman Road	*395
Young Creek:	
At confluence with Fourche Creek	*268
Approximately 100 feet upstream of Union Pacific Railroad	*280
Clover Dale:	
At confluence with Young Creek	*272
Approximately 0.5 river mile upstream of Union Pacific Railroad	*286
Nash Creek:	
At confluence with Fourche Creek	*273
Approximately 50 feet upstream of Union Pacific Railroad	*308
Nash Creek Tributary:	
Confluence with Nash Creek	*290
Approximately 50 feet upstream of Mabelvale West Road	*303
McHenry Creek:	
Confluence with Fourche Creek	*280
Upstream corporate limits	*311
Otter Creek:	
Confluence with Fourche Creek	*288
Approximately 300 feet upstream of corporate limits	*312
Callagahan Branch:	
Confluence with Fourche Creek	*293
At the upstream corporate limits	*337
Crooked Creek:	
Confluence with Fourche Creek	*298
At State Route 111	*314
Haw Branch:	
Confluence with Fourche Creek	*290
Approximately 1,848 feet upstream of State Route 5	*305

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Taylor Loop Creek:	
At the Missouri-Kansas-Texas Railroad	*264
Approximately 820 feet upstream of Pleasant Valley Place	*431
Good Earth Drain:	
Confluence with Taylor Loop Creek	*280
Approximately 280 feet upstream of Private Road	*287
South Loop:	
Confluence with Taylor Loop Creek	*264
At divergence from Taylor Loop Creek	*306
South Loop Split:	
At the confluence with South Loop	*280
At divergence from South Loop	*295
Ison Creek:	
Approximately 0.3 mile upstream of confluence with Taylor Loop Creek	*264
Approximately 0.98 mile upstream of confluence with Taylor Loop Creek	*267
Little Maumelle River:	
At confluence with Arkansas River	*262
Approximately 2.7 miles upstream of confluence of Taylor Loop Creek	*264
Maps available for inspection at the Public Works Building, Room 111, 701 West Markham, Little Rock, Arkansas.	
CALIFORNIA	
Highland (city), San Bernardino County (FEMA Docket No. 7058)	
City Creek:	
Approximately 150 feet north of Third Street	*1,069
Just upstream of Del Rosa Avenue	*1,087
Just upstream of Third Street	*1,150
Just upstream of Palm Avenue	*1,190
Approximately 800 feet upstream of Church Avenue	*1,211
Sand Creek:	
At Highland Avenue	*1,269
Approximately 400 feet upstream of Highland Avenue	*1,284
Maps are available for review at City Hall, 27215 East Baseline, Suite A, Highland, California.	
San Marcos (city), San Diego County (FEMA Docket No. 7048)	
San Marcos Creek:	
Just upstream of Discovery Street	*515
Approximately 1,020 feet upstream of Discovery Street	*516
Just downstream of Via Vera Cruz	*530
Just downstream of Echo Lane	*548
Just upstream of State Highway 78	*561
Approximately 1,240 feet upstream of Twin Oaks Valley Road	*571
Approximately 280 feet upstream of Valpreda Road	*585
Approximately 240 feet upstream of the Atchison, Topeka, and Santa Fe Railroad	*592
Just downstream of the Woodland Parkway box culvert	*621
San Marcos Creek, Highway 78 Split Flow:	
At the convergence with San Marcos Creek	*534
Approximately 400 feet downstream of State Highway 78	*549
At the divergence from San Marcos Creek	*561
Along Via Vera Cruz, approximately 500 feet north of the intersection with San Marcos Boulevard	#1
Twin Oaks Valley Creek:	
At the confluence with San Marcos Creek	*566
Approximately 1,100 feet upstream of Mission Road	*580
Approximately 3,100 feet upstream of Mission Road	*596
Just downstream of Drop Structure No. 6	*645
Approximately 200 feet upstream of Drop Structure No. 7	*653
Approximately 120 feet upstream of Drop Structure No. 8	*664
Approximately 1,360 feet upstream of La Cienega Road	*682
Just downstream of Olive Drive	*697
Just downstream of the Walnut Creek Park entrance	*702
At Mulberry Drive	*715
Las Posas Creek:	
500 feet upstream of Linda Vista Drive	#1
750 feet downstream of Grand Avenue	#3
Just upstream of Grand Avenue	*543
Approximately 80 feet downstream of Descanso Avenue	*550
Approximately 850 feet upstream of Mission Road	*569
Maps are available for review at the Department of Developmental Services, 570 Rancheros Drive, Suite 101, San Marcos, California.	
Temecula (city), Riverside County (FEMA Docket No. 7055)	
Temecula Creek:	
Approximately 270 feet upstream of Dala Road	*1,002
Approximately 1,070 feet upstream of Dala Road	*1,006
Approximately 1,670 feet upstream of Dala Road	*1,009
Approximately 2,270 feet upstream of Dala Road	*1,014
Approximately 2,970 feet upstream of Dala Road	*1,018
Approximately 4,070 feet upstream of Dala Road	*1,024
Approximately 5,070 feet upstream of Dala Road	*1,030
Maps are available for review at the City of Temecula Department of Public Works, 43174 Business Park Drive, Temecula, California.	
CONNECTICUT	
Stamford (city), Fairfield County (FEMA Docket No. 7050)	
Mianus River:	
Approximately 400 feet downstream of West Glen Drive	*75
Approximately 0.4 mile upstream of Farms Road	*198
East Branch Mianus River:	
At confluence with Mianus River	*181
Approximately 75 feet upstream of Mill Road	*320
Rippowam River:	
At 50 feet downstream of Main Street	*15
Approximately 60 feet upstream of Interlaken Road	*180
Toilsome Brook:	
At confluence with Rippowam River	*30
Approximately 1,373 feet upstream of Daniel Drive	*132
Noroton River:	
Upstream side of U.S. Route 1	*12
Approximately 1.1 miles upstream of Woodway Road	*110
Springdale Brook:	
At confluence with Noroton River	*77
At upstream corporate limits	*204

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Environmental Protection Board, Stamford Government Center, 888 Washington Boulevard, Stamford, Connecticut.	
GEORGIA	
Union County (unincorporated areas) (FEMA Docket No. 7061)	
Nottely River:	
Approximately 0.4 mile downstream of Nicholson Bridge	*1,848
Approximately 1,450 feet upstream of Morris Ford Road	*1,884
Coosa Creek:	
At upstream side of Coosa Creek Road Bridge	*1,822
Approximately 1,900 feet upstream of Owltown Road Bridge	*1,865
Maps available for inspection at the Union County Courthouse, Zoning Administration, 114 Courthouse Street, Blairsville, Georgia.	
IOWA	
Emmetsburg (city), Palo Alto County (FEMA Docket No. 7058)	
West Fork Des Moines River:	
Just upstream of State Highway 4	*1,198
About 2.03 miles upstream of U.S. Highway 18	*1,215
Maps are available for review at City Hall, 2021 Main Street, Emmetsburg, Iowa.	
KENTUCKY	
Augusta (city), Bracken County (FEMA Docket No. 7061)	
Ohio River:	
At upstream corporate limits	*510
Approximately 0.5 mile downstream of upstream corporate limits	*510
Maps available for inspection at the Augusta City Hall, 219 Main Street, Augusta, Kentucky.	
Bowling Green (city) Warren County (FEMA Docket No. 7058)	
Jennings Creek:	
Approximately 650 feet downstream of Hobson Lane	*462
Approximately 0.5 mile upstream of Whispering Road	*492
Sinkhole No. 14: At Wellington Way	*479
Sinkhole No. 6: At Churchill Court	*510
Sinkhole No. 25A: At Three Springs Hollow	*536
Sinkhole No. 25B: At Three Springs Hollow	*531
Sinkhole No. 25C: At Three Springs Hollow	*540
Sinkhole No. 3: At Catherine Drive	*465
Sinkhole No. 9D: At Cave Mill Road	*511
Sinkhole No. 9G: At Cave Mill Road	*503
Sinkhole No. 9H: At Cave Mill Road	*509
Sinkhole No. 9J: At Cave Mill Road	*489
Sinkhole No. 9K: At Cave Mill Road	*510
Sinkhole No. 12A: At McDivit Court	*473
Sinkhole No. 12B: At McDivit Court	*473
Sinkhole No. 12C: At McDivit Court	*473
Sinkhole No. 12D: At McDivit Court	*481
Sinkhole No. 10: At Cave Mill Road	*514
Maps available for inspection at the City/County Planning Commission, 1141 State Street, Bowling Green, Kentucky.	
Warren County (unincorporated areas) (FEMA Docket No. 7058)	
Jennings Creek:	
Approximately 0.4 mile upstream of U.S. Highway 231	446
Approximately 75 feet upstream of Hobson Lane	473
Green River:	
At confluence of Barren River	423
At upstream county boundary	437
Sinkhole No. 25D: At Three Springs Hollow	539
Sinkhole No. 7: At Boxwood	545
Sinkhole No. 9A: At Cave Mill Road	508
Sinkhole No. 9B: At Cave Mill Road	510
Sinkhole No. 9C: At Cave Mill Road	512
Sinkhole No. 9D: At Cave Mill Road	511
Sinkhole No. 9E: At Cave Mill Road	512
Sinkhole No. 8: At University Estates	538
Sinkhole No. 11: At Memphis Junction	565
Sinkhole No. 32: At Chaney Lake	594
Sinkhole No. 31: At Dillard Road	557
Sinkhole No. 33: At Rich Pond	580
Sinkhole No. 38: Area south of Woodburn	617
Sinkhole No. 37A-North: Area north of Woodburn	624
Sinkhole No. 37A-South: Area north of Woodburn	629
Sinkhole No. 37B: Area north of Woodburn	622
Sinkhole No. 35: At Sinking Creek	584
Sinkhole No. 34: At Rich Pond Church	588
Sinkhole No. 29: At church property window	547
Sinkhole No. 27: At Scottish Manor	557
Sinkhole No. 28: At Elrod Road	538
Sinkhole No. 30: At church property	554
Sinkhole No. 36: At Plano Road (State Route 242)	588
Maps available for inspection at the City/County Planning Commission, 1141 State Street, Bowling Green, Kentucky.	
MISSISSIPPI	
Smith County, (unincorporated areas) (FEMA Docket No. 7063)	
Lyon Creek:	
At confluence with Leaf River	*250
Approximately 2.4 miles upstream of State Highway 37	*289
Tributary of Lyon Creek:	
At confluence with Lyon Creek	*251
Approximately 1,250 feet upstream of State Highway 28	*297
Leaf River:	
Approximately 1.0 mile downstream of confluence of Lyon Creek	*247
Approximately 1.4 miles upstream of State Highway 28	*257
Maps available for inspection at the Smith County Office Building, Tax Assessor's Office, Raleigh, Mississippi.	
Taylorsville (town), Smith County (FEMA Docket No. 7063)	
Tributary of Lyon Creek:	
Approximately 1,600 feet downstream of Norris Street	*257
Approximately 200 feet upstream of the Illinois Central Railroad	*277
Leaf River:	
Affecting southeast corner	*251
Affecting northeast corner	*257

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Taylorsville Town Hall, Building Official's Office, 125 Eaton Street, Taylorsville, Mississippi.	
MISSOURI	
Herculaneum (city), Jefferson County (FEMA Docket No. 7063)	
Bonacher Creek:	
Just upstream of Gravel Road	*418
Just upstream of relocated Coachman Drive	*425
At the confluence of Bonacher Tributary	*429
Maps are available for review at No. 1 Parkwood Court, Herculaneum, Missouri.	
OREGON	
Marion County (unincorporated areas) (FEMA Docket No. 7061)	
Willamette River:	
Approximately 7,200 feet downstream of South River Road	*157
Approximately 4,000 feet upstream of South River Road	*160
Croisan Creek:	
Approximately 100 feet downstream of Private Drive, at the downstream City of Salem Corporate Limits	*213
Just downstream of Croisan Creek Road	*300
Approximately 1,500 feet downstream of Kuebler Road	*384
Just upstream of Kuebler Road	*430
Approximately 2,300 feet upstream of Balyntine Road	*495
Maps are available for review at the Marion County Planning Department, 148 High Street, Salem, Oregon.	
Polk County (unincorporated areas) (FEMA Docket No. 7061)	
Glenn Creek:	
At the intersection of Glenn Creek Road and Doaks Ferry Road Northwest	*253
Approximately 600 feet downstream of Doaks Ferry Road Northwest	*268
Approximately 230 feet upstream of Doaks Ferry Road Northwest	*291
Approximately 650 feet downstream of 34th Avenue Northwest	*352
Gibson Creek:	
Approximately 450 feet upstream of Doaks Ferry Road Northwest	*155
Approximately 1.0 mile upstream of Doaks Ferry Road Northwest	*169
Maps are available for review at Polk County Courthouse, 850 Main Street, Dallas, Oregon.	
Salem (city), Marion and Polk Counties (FEMA Docket No. 7061)	
West Fork Pringle Creek:	
Approximately 1,550 feet upstream of Madrona Avenue SE	*213
Just upstream of Pringle Road SE	*244
Approximately 750 feet upstream of Pringle Road SE	*258
Croisan Creek:	
Just upstream of Burlington Northern Railroad	*145
Just upstream of South River Road	*153
Just upstream of Croisan Creek Road	*210
Approximately 1,400 feet downstream of Kuebler Road	*384
Just upstream of Kuebler Road	*430
Glenn Creek:	
Just upstream of Wallace Road	*139
At Orchard Heights Road Northwest	*175
Just upstream of Glenn Creek Road	*252
Just upstream of Doaks Ferry Road	*285
Approximately 2,970 feet upstream of Gleneden Court NW	*511
Gibson Creek:	
Just downstream of Wallace Road	*136
Just upstream of Brush College Road NW	*151
Just upstream of Doaks Ferry Road NW	*155
Approximately 2,100 feet upstream of Doaks Ferry Road NW	*159
Maps are available for review at the Department of Public Works, 555 Liberty Street, SE, Salem, Oregon.	
NEVADA	
Churchill County (unincorporated areas) (FEMA Docket No. 7058)	
Carson River:	
Approximately 3,250 feet downstream of U.S. Highway 95	*3,954
Approximately 200 feet upstream of U.S. Highway 95	*3,957
Approximately 500 feet downstream of Coleman Division Dam	*3,966
Just upstream of U.S. Highway 50	*3,974
Maps are available for review at the Department of Planning, 10 West Williams Avenue, Fallon, Nevada.	
RHODE ISLAND	
Johnston (town), Providence County (FEMA Docket No. 7063)	
Pocasset River:	
At downstream corporate limits	*76
0.8 mile upstream of Interstate Route 295 (southbound)	*255
Woonasquatucket River:	
Approximately 250 feet upstream of Manton Avenue	*69
At upstream corporate limits	*115
Maps available for inspection at the Johnston Town Hall, 1385 Harford Avenue, Johnston, Rhode Island.	
TENNESSEE	
Erin (city), Houston County (FEMA Docket No. 7057)	
Erin Branch:	
At confluence with Wells Creek	*410
At upstream corporate limits	*566
Musterground Creek:	
At confluence with Wells Creek	*410
Approximately 50 feet upstream of State Highway 49	*415
Wells Creek:	
At downstream corporate limits	*407
At upstream corporate limits	*416
Owl Hollow:	
At confluence with Erin Branch	*453
Approximately 820 feet upstream of Owl Hollow Road	*484
Rocky Hollow:	
At confluence with Erin Branch	*455
At upstream corporate limits	*499
Maps available for inspection at the City Hall, Erin Tennessee.	
TEXAS	
Burleson (city), Johnson and Tarrant Counties (FEMA Docket No. 7055)	
Hurst Creek:	
Approximately 640 feet downstream of County Road 601	*721

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 60 feet upstream of Frontage Road to Westbound Interstate Route 35	*754
Little Booger Creek:	
Approximately 0.7 mile upstream of Southwest Thomas Road	*746
Approximately 1.54 miles upstream of Southwest Thomas Road	*771
South Shannon Creek:	
Approximately 615 feet downstream of Atchison, Topeka, & Santa Fe Railway	*799
Approximately 565 feet downstream of Atchison, Topeka, & Santa Fe Railway	*799
Maps available for inspection at the City Hall, Engineering Department, 141 West Renfro Street, Burleson, Texas.	
Freeport (city), Brazoria County (FEMA Docket No. 7061)	
Velasco Drainage Area:	
At the crossing of Velasco Boulevard and Missouri Pacific Railroad	*2
North Freeport Drainage Area:	
At the intersection of Twelfth Street and Cedar Street	*0
Maps are available for review at the City Hall, 128 East Fourth Street, Freeport, Texas.	
Galveston County unincorporated areas (FEMA Docket No. 7061)	
Gulf of Mexico:	
Gulf Shore Drive at Avenue G	*16
Approximately 500 feet southwest of intersection of Broadway Avenue and 7th Street	*17
At intersection of 22nd Street and Broadway Avenue	*14
At intersection of Boyt Road State Highway 87	*15
Maps available for inspection at the Galveston County Courthouse, 722 Moody, Galveston, Texas.	
Johnson County unincorporated areas (FEMA Docket No. 7057)	
Hurst Creek:	
Approximately 150 feet downstream of County Route 601	*725
Approximately 40 feet downstream of Frontage Road to Westbound Interstate Route 35	*751
South Shannon Creek:	
Approximately 0.89 mile upstream of County Route 920	*786
Approximately 100 feet upstream of Atchison, Topeka, & Santa Fe Railway	*810
Maps available for inspection at the Public Works Department, Johnson County Courthouse, 2 Main Street, Cleburne, Texas.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: June 8, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93-13921 Filed 6-11-93; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 41

[Docket No. 48599]

RIN 2105-AB79

Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The U.S. Department of Transportation is implementing the provisions of Executive Order (E.O.) 12699, "Seismic Safety of Federal and Federally-Assisted or Regulated New Building Construction." Under the Executive Order each affected Federal agency is given the responsibility for developing and implementing its own mission-appropriate and cost-effective regulations governing seismic safety. For DOT, this includes the design and construction of any of its new buildings for use or ownership, as well as the need for seismic safety recognition in all grant and safety programs affecting federally leased, assisted or regulated buildings. The purpose is to reduce the risk of death or injury to building occupants, improve the capabilities of essential buildings to function during or after an earthquake, and to reduce earthquake losses of public buildings and investments. The rules adopted in this document may be further implemented by the DOT Operating Administrations.

EFFECTIVE DATE: This regulation becomes effective on July 14, 1993.

FOR FURTHER INFORMATION CONTACT: Paul B. Larsen, Office of the Assistant General Counsel for Environmental, Civil Rights and General Law, (202) 366-9161, or Donald R. Trilling, Director, Office of Transportation Regulatory Affairs, (202) 366-4220, U.S. Department of Transportation, 400 7th Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On January 14, 1993, DOT published a notice of proposed rulemaking in the **Federal Register** for this regulation (58 FR 4393, January 14, 1993). Interested persons were invited to submit comments, and no comments were received.

Discussion of Regulation

Introduction

Seismic hazards pose a serious threat throughout much of the United States. It is therefore important in most parts of the nation to design structures according to appropriate seismic standards in order to mitigate losses from earthquakes. The Federal government, through the Earthquake Hazards Reduction Act of 1977, has developed the National Earthquake Hazards Reduction Program (NEHRP) to reduce the risks to life and property from future earthquakes. Through work of the NEHRP, the President has issued Executive Order 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction," which calls for Federal agencies to use appropriate seismic design and construction standards in design and construction of Federally owned, leased, assisted, and regulated new buildings. To support the implementation of this order, the Interagency Committee on Seismic Safety in Construction (ICSSC) recommends the use of seismic codes and standards that are substantially equivalent to the NEHRP Recommended Provisions for the Development of Seismic Regulations for New Buildings (Provisions and Commentary). This document offers guidelines (including maps defining the seismic groundshaking hazard nationwide) which represent the state-of-the-art in seismic design, have been widely reviewed, and are currently being incorporated into national standards and codes for adoption by state and local building codes.

Seismic Hazard

An earthquake is the oscillatory, sometimes violent movement of the Earth's surface that follows a release of energy in the Earth's crust. This energy

can be generated by a sudden dislocation of segments of the crust, by volcanic eruption, and even by manmade explosions. Seismic hazards that may be induced by earthquakes include ground shaking, surface faulting, liquefaction, landslides, lateral spreading, seiches, and tsunami. Seismic risk is a measure of potential losses due to the expected seismic hazards in a given area. Therefore, an unpopulated area has a lower seismic risk than an urban area exposed to the same seismic hazards. Similarly, poorly constructed buildings are exposed to greater seismic risk than well constructed ones in the same location.

Although in the United States most earthquakes occur in areas bordering the Pacific Ocean, history shows that other areas across the U.S. are susceptible to seismic hazard. On August 31, 1886 an earthquake estimated at 7.5 on the Richter scale shook Charleston, South Carolina, causing extensive damage and killing an estimated 60 to 100 people. On the basis of geologic and geophysical studies, it appears that quakes of this magnitude are possible at geologically similar locations along the eastern seabord. In the winter of 1811–1812, the New Madrid seismic zone, located in the Central U.S., produced three of the largest earthquakes known to have occurred in North America. This area is regarded by seismologists as the most hazardous zone east of the Rocky Mountains and it remains seismically active. The Loma Prieta earthquake that hit the San Francisco/Oakland area on October 17, 1989 measured 7.1 on the Richter scale and killed 64 people. The shock caused an estimated $7.1 billion in damage, and caused failure in key transportation links including the San Francisco-Oakland Bay Bridge and a 1½ mile long section of Interstate 880 in Oakland.

On the West Coast of the U.S. most people have experienced earthquakes, and recognize that major earthquakes will occur. The absence of large-magnitude earthquakes in the Central and Eastern U.S. since the Charleston earthquake in 1886 has resulted in a lack of awareness on the part of the general public of the existence of an earthquake threat in these areas. Nevertheless, the examples above illustrate why seismic hazard is more than a West Coast issue. Forty-six states as well as many U.S. territories and possessions are at risk from earthquakes.

Ground shaking is the seismic hazard that affects all buildings in an area impacted by an earthquake. (Liquefaction, landslides, and other seismic hazards are generally localized disturbances.) Because of the universal effect of ground shaking, it is the hazard that is addressed in greatest detail by building codes.

The ground shaking hazard is generally represented on maps. The United States Geological Survey (USGS) has developed national maps of ground shaking hazard that present equal levels of expected horizontal acceleration due to ground shaking. These maps are published in the Commentary to the 1991 NEHRP Recommended Provisions. On these maps, the plotted acceleration at any location represents a 90 percent probability that it will not be exceeded in 50 years. These maps have become the basis for the hazard maps included in up-to-date seismic design guidelines and codes. Similar maps are being developed for select areas at a larger scale that portray other seismic hazards. These illustrate the significant variation that can be expected due to multiple seismic hazards within a local region.

The derivation of the ground shaking maps considered, for each location, a number of factors. These included historical seismicity, proximity to known faults, and results of geological investigations. Because of the complexity of these factors, the development of the maps required a great deal of professional judgement and expertise.

The ground shaking maps described above quantify the significant variation in the expected hazard nationwide. The maps are the basis which allows a single building code to be applicable nationwide: The design, detailing, and construction requirements are varied according to the expected hazard as presented in the maps. Thus, a single design provision results in stringent requirements in a high hazard area and less stringent requirements in a low hazard area.

Seismic Design

Unlike hurricanes, large earthquakes cannot be predicted; they strike without warning with great destructive force. Most casualties occur from the ground shaking that can cause buildings and other structures to collapse and objects to fall. Related ground failure hazards also can cause serious losses in local areas. For these reasons, buildings and other structures need to be designed to resist earthquake forces.

The importance of using sound engineering and construction practices in design and construction is evident when the effects of two very similar earthquakes are compared: the 1971 San Fernando, California earthquake and the 1972 Managua, Nicaragua earthquake, with magnitudes of 6.6 and 6.2 respectively. Both earthquakes occurred at times of day when most people were at home, and both affected a population of approximately 1 million. The San Fernando earthquake affected an area with much new construction that had been designed under a building code that included earthquake requirements. This quake caused 58 deaths and $550 million in economic losses. The Managua quake affected a city where few buildings had been designed using modern requirements. This event caused over 5,000 deaths and an economic loss comparable to the annual gross national product of the entire country. Studies of structural performance in earthquakes indicate that severe damages and collapses of buildings almost always are the consequence of inadequate design or construction. The successful performance of buildings designed and constructed in accord with modern seismic standards show that effects of severe earthquakes can be resisted economically.

In California, where the perception of earthquake hazards has been high, up-to-date seismic preparedness and mitigating practices are regularly adopted and enforced, particularly in the form of seismic design and construction provisions in building codes. However, in the Central and Eastern United States recognition of earthquake hazards is more recent. In the past, the model building codes used in the Central and Eastern United States have tended to lag behind the West Coast in adoption of modern seismic design and construction provisions. However, in 1991 these model code organizations incorporated the NEHRP Recommended Provisions into their 1992 editions, bringing the seismic requirements of their model codes up to date with the most current information available. State and local regulatory authorities may adopt, modify, and enforce these model code provisions to achieve seismic safety in new building construction in their jurisdictions.

The impact of an earthquake includes not only immediate destruction of life and property, but also potential dangers to critical facilities and services, including hospitals, fire stations, police stations and emergency operating centers. Functions of these critical facilities may be crippled leading to further losses from lack of these services in a time of great need. Modern seismic standards require a higher level of seismic design an safety for these facilities in order to support their functionality following an earthquake.

Federal Action

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 *et seq.*) was enacted by Congress to reduce risks to life and property from future earthquakes in the U.S. through establishment and maintenance of an effective earthquake hazards reduction program. The Act states that "Earthquakes have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption. With respect to future earthquakes, such loss, destruction, and disruption can be substantially reduced through the development and implementation of earthquake hazards reduction measures including improved design and construction methods and practices * * *" The Act also directs the President "to establish and maintain an effective earthquake hazards reduction program." To implement such a program, the President was to develop a plan, which specified "the roles for Federal agencies and recommended appropriate roles for State and local units of government, individuals, and private organizations." The National Earthquake Hazards Reduction Program (NEHRP) was established in response to this legislation on June 22, 1978, when it was transmitted by the President to Congress.

The objectives of the NEHRP include the development of technologically and economically feasible design and construction methods to make structures, both new and existing, earthquake resistant; the development and promotion of model codes; the development of improved understanding and capability with respect to defining and reducing seismic risk; the education of the public regarding earthquake phenomena; and research in other earthquake related areas.

The NEHRP joint memorandum to the heads of agencies transmitting the National Earthquake Hazards Reduction Program, June 22, 1978, page C-2, states that "The Federal government should set a strong example in the construction and safety of its facilities and develop guidelines and standards for Federally-assisted or licensed critical facilities. The evolutionary improvement of local building codes, which are the bases for all private construction, including Federally-assisted, non-critical construction, must be accomplished by encouragement and persuasion, particularly through working with State and local officials and professional organizations." In order to assist the Federal departments and agencies involved in construction to develop and incorporate earthquake hazards reduction measures in their ongoing programs, the Interagency Committee for Seismic Safety in Construction (ICSSC) was established. The ICSSC is composed of members representing 30 Federal departments and independent agencies involved with construction or responsible for governmental assistance for construction. Executive Order 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction" was prepared by the ICSSC to implement certain provisions of the Earthquake Hazards Reduction Act. It was signed by the President on January 5, 1990.

Executive Order 12699

The Executive Order requires all Federal agencies to ensure that new Federal buildings are designed and constructed in accord with appropriate seismic design and construction standards. The Order pertains to any new building which is federally owned, leased, assisted, or regulated. A building is defined as any structure, fully or partially enclosed, used or intended for sheltering persons or property.

Seismic safety requirements for new Federal buildings are intended to "reduce the risks to the lives of occupants of buildings owned by the Federal government and to persons who would be affected by the failure of Federal buildings in earthquakes, to improve the capability of essential Federal buildings to function during or after an earthquake, and to reduce earthquake losses of public buildings." Any new Federal building that entered the detailed design stage after January 5, 1990 must be designed and constructed in accordance with appropriate seismic standards.

Similar requirements are stated for Federally leased, assisted, or regulated buildings in order to reduce risks to the lives of persons who would be affected by earthquake failures of these buildings and to protect public investments.

For space constructed and leased for Federal occupancy, the Executive Order applies to agreements executed after January 5, 1990. For assistance, grants, and regulatory programs, the Executive Order (the Earthquake Hazard Reduction Act, 42 U.S.C. 7701 *et seq.*) requires agencies to plan and initiate within three years (i.e., by February 1, 1993) measures to assure appropriate consideration of seismic safety. This final rule responds to that requirement.

The Executive Order requires the use of nationally recognized private sector standards and practices, unless none is adequate. This is in accordance with OMB Circular A-119. Local building codes which are determined by the cognizant agency or by the ICSSC to provide adequately for seismic safety may be used as well. Special seismic standards and practices required by unique agency mission needs also may be used.

Each agency is responsible for issuing or amending its regulations or procedures, planning for implementation through its own budget process, and regularly reviewing its regulations and procedures. The Federal Emergency Management Agency (FEMA) is responsible for requesting an annual status report from each agency and reporting annually to the President and Congress on the execution of the Executive Order.

Section 4(a) of the Executive Order charges the ICSSC with recommending appropriate and cost-effective seismic design and construction standards and practices. In its official recommendation to FEMA, "Recommendation of Design and Construction Practices in Implementation of Executive Order 12699," the ICSSC recommends, as the minimum standard for all Federal agencies, the use of standards and practices which are substantially equivalent to or exceed the most recent or the immediately preceding edition of the NEHRP Recommended Provisions for the Development of Seismic Regulations for New Buildings.

An assessment prepared by the Council of American Building Officials and reviewed by the ICSSC compared the seismic provisions of major model building codes with the provisions of the 1988 NEHRP recommended provisions. Each of the following model codes was found to provide a level of seismic safety substantially equivalent to that provided by the 1988 NEHRP recommended provisions: 1991 ICBO Uniform Building Code, 1992 Supplement to the BOCA National Building Code, and the 1992 Amendments to the SBCC Standard Building Code. The ICSSC recommendation supports the use of these editions of the model codes as appropriate for use in implementing the Executive Order. In addition, the recommendation states that "state, county, local or other jurisdictional building ordinances adopting and enforcing these model codes in their entirety, without significant revisions or changes in the direction of less seismic safety, are also deemed adequate for implementing the Order."

The recommendation goes on to state that any other ordinances must be determined by the responsible cognizant agency to be substantially equivalent to

the NEHRP recommended provisions before they can be considered to be appropriate for implementing the Order. A copy of the recommendation can be found in ICSSC RP 2.1–A, "Guidelines and Procedures for Implementation of the Executive Order on Seismic Safety of New Building Construction," which includes additional ICSSC consensus guidance for implementation. ICSSC RP 2.1–A is available from the U.S. Department of Commerce, National Institute of Standards and Technology, Building and Fire Research Laboratory, Gaithersburg, MD 20899.

The NEHRP recommended provisions are not a standard or model code, but constitute a resource document that may be used to develop effective seismic standards and building codes. The primary function to the NEHRP recommended provisions is to provide the minimum criteria considered prudent and economically justified for life safety and the protection of property as it impacts life safety in buildings subject to earthquakes at any location in the United States. The provisions were developed as a NEHRP project funded by FEMA. They are reviewed, updated, and published by the Building Seismic Safety Council (BSSC), a private sector organization representing nearly 60 organizations concerned with seismic safety. The Provisions have been extensively reviewed and balloted by the building community to provide a key source for the development of seismic provisions for national standards, model building codes, and building regulations for state and local governments in seismic areas. An updated version of the NEHRP recommended provisions is prepared every three years by the BSSC.

The most recent edition available is 1991. A non-technical explanation of the background, objective, and methods related to the NEHRP recommended provisions is available from FEMA.

In late 1989, the Building Officials and Code Administrators International (BOCA) appointed an ad hoc committee to review the 1988 Edition of the NEHRP recommended provisions with the purpose of developing a comprehensive and consistent position on code requirements for earthquake loads that will reflect technology, design practices and national codes and standards. The Southern Building Code Congress (SBCC) participated in a similar cooperative effort. As a result of these efforts, the 1992 versions of the BOCA National Building Code and the SBCC Standard Building Code have incorporated the NEHRP recommended provisions into their seismic requirements. The NEHRP Recommended Provisions are also being considered by the American Society of Civil Engineers (ASCE) for adoption into the National Standard ASCE 7–88, "Minimum Design Loads for Buildings and Other Structures."

Section 3(a) of the Order requires implementation actions to "consider the seismic hazards in various areas of the country to be as shown in the most recent edition of the American National Standards Institute Standard A58, Minimum Design Loads for Buildings and Other Structures, or subsequent maps adopted for Federal use in accord with this order." The cited standard map is now available as ASCE 7. This map is based on the nationwide maps of horizontal ground acceleration developed by the USGS that also serve as the base for the design maps included with the NEHRP Recommended Provisions.

The ICSSC has recommended the use of standards and codes equivalent to the NEHRP Recommended Provisions. Therefore, the NEHRP maps are considered appropriate for Federal use in implementing the Executive Order.

Versions of the NEHRP maps have been adopted along with the NEHRP Recommended Provisions into the BOCA National and SBCC Standard building codes. The seismic zone map in the 1991 International Conference of Building Officials (ICBO) Uniform Building Code is also based on one of the USGS maps of horizontal ground acceleration. The ICBO map should be used with the ICBO code. It is not appropriate to use the NEHRP maps with the ICBO Uniform Building Code, because the design requirements of building codes are keyed to the numerical values of the map they reference.

This rule applies only to new construction. All buildings owned, leased, constructed, assisted through such methods as loans, grants or guarantees of loans, or regulated by DOT must conform to the requirements of the new rule. Under the Earthquake Hazard Reduction Act, 49 U.S.C. 7701 *et seq.*, the Department of Transportation is independently responsible for ensuring that appropriate seismic design and construction standards are applied to new construction under its purview. In the Department of Transportation the DOT Operating Administrations will further implement this rule, where necessary.

Section 41.110 states the general purpose of the rule. The rule applies to buildings. A building means any structure, fully or partially enclosed, used or intended for sheltering persons and property. "New building" is not defined. However, it is commonly accepted construction practice in this country, as expressed in the model codes, to treat additions as new buildings. Therefore, this rule should be interpreted to apply to additions to existing buildings as well as to new buildings.

Section 41.115 states that the rule applies to buildings leased for DOT occupancy. The 1988 NEHRP Recommended Provisions required that the entire building meet the most stringent requirements of any use that occupies 15 percent or more of the total building area. It is therefore reasonable to require that seismic safety provisions apply to buildings in which 15 percent or more of the total space will be leased for DOT use.

Section 41.117 provides that any buildings constructed with DOT financial assistance must be designed and constructed in accordance with approved seismic standards.

Section 41.119 provides that buildings regulated by DOT are subject to the rule.

Section 41.120 identifies the acceptable model codes. Emergency work or assistance in compliance with the Stafford Act, 42 U.S.C. 5170a, 5170b, 5174, 5178, 5192 and 5193 is not required to meet the requirements of a seismic safety program.

Finally, § 41.125 provides that nothing in this rule is intended to create any right or benefit against DOT, its Operating Administrations, its officers or any person.

Reference

The following materials are referenced in 49 CFR part 41. Each of the following model codes has been found to provide a level of seismic safety substantially equivalent to that provided by use of the 1988 NEHRP Recommended Provisions: The 1991 International Conference of Building Officials (ICBO) Uniform Building Code; the 1992 Supplement to the Building Officials and Code Administrators International (BOCA) National Building Code; and the 1992 Amendments to the Southern Building Code Congress (SBCC) Standard Building Code. Revisions of these model codes that are substantially equivalent to or exceed the then current or immediately preceding edition of the NEHRP Recommended Provisions, as it is updated, can be approved by a DOT Operating Administration to meet the requirements of this part.

Regulatory Evaluation

The rule is not considered to be major under Executive Order 12291, but is

significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040), February 26, 1979. Therefore, DOT has determined that a Regulatory Impact Analysis under Executive Order 12291 is not required. We have, however, prepared a final regulatory evaluation, which is available for review in the docket.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Department must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because, as discussed above, the Department expects the impact of this rule to be minimal, the Department certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

The Department has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule has minimal federalism implications which are insufficient to warrant the preparation of a Federalism Assessment.

Environment

The Department considered the environmental impact of this rule and concluded that this rule will not have a significant impact on the environment.

List of Subjects in 49 CFR Part 41

Buildings and facilities, Seismic safety.

For reasons set out in the preamble, the Department of Transportation adds a new 49 CFR part 41 to read as follows:

PART 41—SEISMIC SAFETY

Sec.
41.100 Purpose and applicability.
41.105 Definitions.
41.110 New DOT owned buildings and additions to buildings.
41.115 New buildings to be leased for DOT occupancy.
41.117 Buildings built with Federal assistance.
41.119 DOT regulated buildings.
41.120 Acceptable model codes.
41.125 Judicial review.

Authority: 42 U.S.C. 7701 *et seq.*; 49 U.S.C. 322; E.O. 12699, 3 CFR, 1990 Comp., p. 269.

§ 41.100 Purpose and applicability.

(a) This part implements the provisions of 49 U.S.C. 7701 *et seq.* and Executive Order (E.O.) 12699, "Seismic Safety of Federal and Federally-Assisted or Regulated New Building Construction" (3 CFR, 1990 Comp., p. 269). Under the Executive Order the DOT is given the responsibility for developing and implementing its own mission-appropriate and cost-effective regulations governing seismic safety.

(b) This part applies to new DOT owned buildings and to new DOT leased, assisted and regulated buildings. The purpose of this part is to reduce risk to lives of the building occupants, improve the capabilities of essential buildings to function during or after an earthquake, and to reduce earthquake losses of public buildings and investments.

(c) This part may be further implemented by the DOT Operating Administrations.

§ 41.105 Definitions.

As used in this part—

Operating Administration includes the Office of the Secretary.

DOT means the U.S. Department of Transportation.

§ 41.110 New DOT owned buildings and additions to buildings.

(a) DOT Operating Administrations responsible for the design and construction of new DOT Federally owned buildings will ensure that each building is designed and constructed in accord with the seismic design and construction standards set out in § 41.120 of this part.

(b) This section pertains to all building projects for which development of detailed plans and specifications was initiated after January 5, 1990. It applies to additions to existing buildings as well as to new buildings. It applies worldwide.

(c) For DOT Federally owned buildings, a certification of compliance with the seismic design and construction requirements of this part is required prior to the acceptance of the building. Such statements of compliance may include the engineer's and architect's authenticated verifications of seismic design codes, standards, and practices used in the design and construction of the building, construction observation reports, local or state building department plan review documents, or other documents deemed appropriate by the DOT Operating Administration.

§ 41.115 New buildings to be leased for DOT occupancy.

(a) DOT Operating Administrations responsible for the design and construction of new buildings to be leased for DOT occupancy or use will ensure that each building is designed and constructed in accord with the seismic design and construction standards set out in § 41.120 of this part.

(b) This section pertains to all new building projects for which the agreement covering development of detailed plans and specifications was executed after January 5, 1990.

(c) For new Federally leased buildings, a certification of compliance with the seismic design and construction requirements of this part is required prior to the acceptance of the building. Such statements of compliance may include the engineer's and architect's authenticated verifications of seismic design codes, standards, and practices used in the design and construction of the building, construction observation reports, local or state building department plan review documents, or other documents deemed appropriate by the DOT Operating Administration.

§ 41.117 Buildings built with Federal assistance.

(a) Each DOT Operating Administration assisting in the financing, through Federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed buildings will ensure that any building constructed with such assistance is constructed in accord with seismic standards set out in § 41.120 of this part.

(b) This section applies to new buildings and additions to existing buildings financed in whole or in part through Federal grants or loans administered by DOT Operating Administrations, or through guaranteed financing through loan or mortgage insurance programs administered by DOT Operating Administrations.

(c) Any building constructed with Federal financial assistance, after July 14, 1993 must be designed and constructed in accord with seismic standards approved by the DOT operating Administration under § 41.120 of this part in order to be eligible for Federal financial assistance.

(d) For buildings built with Federal financial assistance, a certification of compliance with the seismic design and construction requirements of this part is

required prior to the furnishing of such assistance. Such statements of compliance may include the engineer's and architect's authenticated verifications of seismic design codes, standards, and practices used in the design and construction of the building, construction observation reports, local or state building department plan review documents, or other documents deemed appropriate by the DOT Operating Administration.

§ 41.119 DOT regulated buildings.

(a) Each DOT Operating Administration with responsibility for regulating the structural safety of buildings and additions to existing buildings will ensure that each DOT regulated building is designed and constructed in accord with seismic design and construction standards as provided by this part.

(b) This section pertains to all new building projects for which development of detailed plans and specifications begin after July 14, 1993.

(c) Any building for which a DOT Operating Administration responsible for regulating the structural safety must comply with the seismic design and construction standards in this part.

(d) For DOT regulated buildings a certification of compliance with the seismic design and construction requirements of this part is required prior to the acceptance of the building. Such statements of compliance may include the engineer's and architect's authenticated verification of seismic design codes, standards, and practices used in the design and construction of the building, construction observation reports, local or state building department plan review documents, or other documents deemed appropriate by the DOT Operating Administration.

§ 41.120 Acceptable model codes.

(a) This section describes the standards that must be used to meet the seismic design and construction requirements of this part.

(b) (1) The following are model codes which have been found to provide a level of seismic safety substantially equivalent to that provided by use of the 1988 National Earthquake Hazards Reduction Program (NEHRP) Recommended Provisions (Copies are available from the Office of Earthquakes and Natural Hazards, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.):

(i) The 1991 International Conference of Building Officials (ICBO) Uniform Building Code, published by the International Conference of Building Officials, 5360 South Workman Mill Rd., Whittier, Cal. 90601;

(ii) The 1992 Supplement to the Building Officials and Code Administrators International (BOCA) National Building Code, published by the Building Officials and Code Administrators, 4051 West Flossmoor Rd., Country Club Hills, Ill. 60478–5795; and

(iii) The 1992 Amendments to the Southern Building Code Congress (SBCC) Standard Building Code, published by the Southern Building Code Congress International, 900 Montclair Rd., Birmingham, Ala. 35213–1206.

(2) Versions of the NEHRP seismic maps have been adopted along with the NEHRP Recommended Provisions into the BOCA National and SBCC Standard building codes. The seismic zone map in the ICBO Uniform Building Code is also based on one of the USGS maps of horizontal ground acceleration. However, the ICBO map should be used only with the ICBO code. Also, it is not appropriate to use the NEHRP maps with the ICBO Uniform Building Code, because the design requirements of building codes are keyed to the numerical values of the map they reference.

(c) Revisions to the model codes listed in paragraph (b) of this section that are substantially equivalent to or exceed the then current or immediately preceding edition of the NEHRP recommended provisions, as it is updated, may be approved by a DOT Operating Administration to meet the requirements in this part.

(d) State, county, local, or other jurisdictional building ordinances adopting and enforcing the model codes, listed in paragraph (b) of this section, in their entirety, without significant revisions or changes in the direction of less seismic safety, meet the requirements in this part. For ordinances that do not adopt the model codes listed in paragraph (b) of this section, substantial equivalency of the ordinances to the seismic safety level contained in the NEHRP recommended provisions must be determined by the DOT Operating Administration before the ordinances may be used to meet the requirements of this part.

(e) DOT Operating Administrations that, as of January 5, 1990, required seismic safety levels higher than those imposed by this part in new building construction programs will continue to maintain such levels in force.

(f) Emergencies. Nothing in this part applies to assistance provided for emergency work or for assistance essential to save lives and protect property and public health and safety performed pursuant to sections 402, 403, 502, and 503 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5170a, 5170b, 5192, and 5193, or for temporary housing assistance programs and individual and family grants performed pursuant to Sections 408 and 411 of the Stafford Act, 42 U.S.C. 5174 and 5178. However, this part applies to other provisions of the Stafford Act after a Presidentially declared major disaster or emergency when assistance actions involve new construction or total replacement of a building.

§ 41.125 Judicial review.

Nothing in this part is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the DOT, its Operating Administrations, its officers, or any person.

Issued this 26th day of May 1993 at Washington, D.C.

Federico Peña,

Secretary of Transportation.

[FR Doc. 93–13867 Filed 6–11–93; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 920407–2159; I.D. 030293A]

Atlantic Tuna Fisheries; Bluefin Tuna

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

ACTION: Announcement of fishing category quota overharvests/underharvests for the 1992 fishing season and adjustments to the 1993 quota.

SUMMARY: NMFS announces that the domestic western Atlantic bluefin tuna category quotas have either been overharvested or underharvested during the 1992 fishing season. Additionally, NMFS also announces that it is taking action, pursuant to authority in implementing regulations at 50 CFR 285.22(f), to allocate tonnage from the 1992 and 1993 reserve to cover the 1992 overharvest in the General and Harpoon categories.

These actions result in a base 1993 category quota breakdown as follows: General category—573 metric tons (mt); Harpoon category—53 mt; Purse Seine category—302 mt; Incidental Catch category—southern longline subcategory quota of 54 mt, northern longline

subcategory quota of 28 mt, and "other" subcategory quota of 7 mt; and Angling category—315 mt. The southern longline subcategory overharvest was dealt with in a separate action.

EFFECTIVE DATE: June 8, 1993.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-713-2347.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the International Commission for the Conservation of Atlantic Tunas (ICCAT) recommended U.S. quota among the various domestic fishing categories.

If a quota in any category, or as appropriate, subcategory, has been exceeded or has not been reached, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), is required under § 285.22(h) to subtract the overharvest from, or add the underharvest to, that quota for 1993; provided that the total of the 1992 harvest plus the 1993 adjusted quotas and the reserve does not exceed 2,497 mt. The Assistant Administrator is further required to publish in the **Federal Register** any amounts to be subtracted or added and the basis for the quota reductions or increases.

NMFS announces that the domestic western Atlantic bluefin tuna category quotas have either been overharvested or underharvested during the 1992 fishing season as follows: General category—overharvested its 531 mt quota by 4.6 mt; Harpoon category—overharvested its 53 mt quota by 5.4 mt; Purse Seine category—underharvested its 301 mt quota by 1.0 mt; Incidental Catch category—overharvested its southern longline subcategory quota of 104 mt by 13.2 mt, underharvested its northern longline subcategory quota of 28 mt by 9.6, and underharvested its "other" subcategory quota of 5 mt by 3.9 mt; and Angling category—underharvested its 219-mt quota by 96.2 mt. Therefore, pursuant to the 1991 ICCAT recommendations and the implementing regulations at 50 CFR 285.22(h), action is currently needed to adjust the 1993 fishing quotas accordingly for the 1993 season.

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator has the authority to allocate any portion of the reserve amount to any fishing category after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock; (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made; (3) the projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season; and (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

Allocation of the unused 1992 reserve amount of 31 mt to the reserve for 1993 would result in a total reserve of 62 mt. Experience in 1992 indicates that the commercial fishery can be managed so as to remain within close proximity to the quotas for all subcategories. Additional quota monitoring measures proposed for 1993 (e.g., daily faxing of dealer reports) should further improve NMFS ability to restrict all categories within assigned quotas. Since 1993 is the second year of the biennial quota, and one of the stated management objectives is to maximize use of the available ICCAT quota, NMFS believes a 62-mt reserve is overly conservative. Rather than allocate from the reserve later in the fishing season, it is preferable to allocate some of the reserve prior to the commencement of fishing in 1993. Allocation of the reserve beforehand will enable fishermen to better plan for fishing activities, will reduce the likelihood of disruptive premature closures, and may more fairly distribute fishing opportunities than could be accomplished late in the season.

Therefore, NMFS announces that it is taking action to allocate 10 mt from the 1992 reserve to cover the 1992 overharvest in the General and harpoon categories. This action results in a base 1993 category quota breakdown as follows: General—531 mt; Harpoon—53 mt; Purse Seine—302 mt; Incidental Catch category—southern longline subcategory quota of 54 mt, northern longline subcategory quota of 28 mt, and "other" subcategory quota of 7 mt; and, Angling—315 mt. The southern longline Incidental Catch category overharvest was dealt with in a separate action, and is further explained in the **Federal Register** at 57 FR 59310, published December 15, 1992.

Assuming an amount similar to 1992's overharvest may be needed, NMFS announces that it is taking an additional 10 mt from the 1992 reserve and transferring it for use as the 1993 reserve in order to maintain all categories within their assigned quotas. Based on the considerations discussed above, the remainder of the 1992 reserve, 11 mt, is combined with the 31-mt reserve planned for 1993, and the total, 42 mt, is allocated to the General category. These combined actions result in a revised 1993 General catagory quota of 573 mt.

The intent of these actions is to prevent overharvest of the western Atlantic bluefin tuna catch quotas established for this fishery for the 1992-93 biennial period, while assuring sufficient opportunity for fishermen to fill the 1992-93 U.S. ICCAT quota and optimum data are generated from the catches for scientific purposes.

Since the purpose of the ICCAT quota is scientific monitoring, NMFS believes that allocation of the excess reserve to the General category is warranted. Additional data should result in a more precise measure of large fish abundance and thus contribute to a more accurate assessment of stock status. Further, allocation of an addition 42 mt to the General category would mitigate some of the economic hardship resulting from the 1992 10-percent quota reduction by allowing fishing to extend into the autumn when bluefin prices are generally higher.

No adjustments are proposed for the Angling category quotas other than for overharvest/underharvest in 1992. While such treatment of the Angling category quota is in strict conformance with existing regulations, the rationale for this proposal warrants some additional explanation.

In implementing the 1991 ICCAT recommendation to limit catch of school bluefin to 8 percent of the U.S. national quota, the 1992 Angling category quota of 219 mt was split into two subquotas—100 mt of school fish and 119 mt of large school/small medium fish. Preliminary estimates indicate that the quota for school bluefin was exceeded by 8 mt, but only 15 mt of the 119—mt subquota for large school/small medium fish were taken by the Angling category in 1992, leaving 104 mt unharvested. The prohibition on the sale of bluefin less than 70 inches (178 cm) may have reduced the incentive for anglers to target on these size classes of bluefin. Alternatively, the estimated harvest of large school and small medium bluefin might imply either relatively low abundance or lack of availability on the grounds of these sizes of bluefin in 1992. It is not possible at this time to determine whether or not anglers will make full use of this subquota in the 1993 fishing season.

Since the results of only one season cannot be held to be conclusive, NMFS will attempt during 1993 to determine the magnitude of the effect of the no-

sale provision, on other factors, on landings of these size classes of bluefin by recreational anglers. Therefore, as specified at 50 CFR 285.22(h), the underharvest of 104 mt from 1992 will be added to the 1993 Angling category quota for large school and small medium bluefin. Conversely, the 8-mt overharvest for school bluefin will be subtracted from the 1993 Angling category quota. The total quota for 1993 would thus be 315 mt, with 223 mt available for large school/small medium bluefin and 92 mt available for school bluefin.

Classification

This action is required by 50 CFR 285.22(h) and complies with E.O. 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: April 7, 1993.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 93-13901 Filed 6-8-93; 5:08 pm]

BILLING CODE 3501-22-M

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50 CFR Part 675

[Docket No. 920944-3075; I.D. 031293A]

RIN 0648-AE80

Groundfish Fishery of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule.

SUMMARY: This final rule responds to public comments on the proposed rule for the 1994-1995 Western Alaska Community Development Quota (CDQ) program for the pollock fishery in the Bering Sea and Aleutian Islands area (BSAI) and provides four clarifications of the CDQ implementing regulations. This action is intended to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to groundfish management in the BSAI.

EFFECTIVE DATE: July 14, 1993.

ADDRESSES: Individual copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) may be obtained from the Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: David C. Ham, Fishery Management Biologist, Alaska Region, NMFS, 907-586-7229.

SUPPLEMENTARY INFORMATION:

Background

Domestic fisheries in the exclusive economic zone of the BSAI area are managed by the Secretary of Commerce (Secretary) in accordance with the Fishery Management Plan for the Groundfish Fishery in the BSAI (FMP). The FMP was prepared by the Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations for the U.S. fishery at 50 CFR part 675. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

Amendment 18 to the FMP, or the "inshore-offshore" amendment, was partially disapproved by the Secretary on March 4, 1992. The final rule implementing the approved portion of Amendment 18 (57 FR 23321, June 3, 1992) provided for an annual allocation of pollock for the CDQ program from 1992 through 1995. This CDQ allocation provides for 7.5 percent of the annual total allowable catch (TAC) of pollock for each BSAI subarea to be set aside in a "CDQ reserve."

The CDQ program is intended to help develop commercial fisheries in western Alaska communities. A western Alaska community or group of communities may submit a Community Development Plan (CDP), which includes a request for part of the "CDQ reserve." Approval of a CDP by the Secretary would result in an allocation of part of the CDQ reserve to specific western Alaska communities.

Public comments on the implementation of the CDQ program in 1992-1993 were invited during a 21-day period ending October 23, 1992. Public comments on the CDQ program in 1994-1995 were invited during a concurrent 45-day period ending November 16, 1992.

Public comments received on the implementation of the CDQ proposed rule for 1992-1993 were summarized and responded to in the final rule for the 1992-1993 CDQ program (57 FR 54936, November 23, 1992). Public comments on the implementation of the 1994-1995 CDQ proposed rule are summarized and responded to in this final rule.

The CDQ program was fully described in the preamble to the CDQ proposed rule (57 FR 46139, October 7, 1992) and further in the preamble to the final rule for the 1992-1993 CDQ program.

Additional information is contained in the EA/RIR/FRFA (see **ADDRESSES**).

Changes From the Proposed Rule

The 1992-1993 CDQ final rule included nine changes from the proposed rule. This final rule for the 1994-1995 CDQ program includes four additional changes to the CDQ implementing regulations as follows:

1. Section 675.27(a)(2) states that "prior to granting approval of a CDP by the Governor, the Secretary shall find that the Governor developed and approved the CDP after conducting at least one public hearing, at an appropriate time and location, in the geographical area concerned so as to allow all interested parties an opportunity to be heard." The word "recommended" was mistakenly omitted from the sentence, which should have stated that "prior to granting approval of a CDP *recommended* by the Governor, the Secretary shall find that . . ." This revision is consistent with the Secretarial review and approval process set forth at § 675.27(c).

2. Section 675.27(b)(3)(ii)(C) is revised to include an example of what would constitute a "demonstration of management and technical expertise necessary to carry out the CDP as proposed by the CDP application." This revision is necessary to clarify the types of information that demonstrate management and technical expertise so that comparable information will be available to evaluate CDPs.

3. Section 675.27(d)(5)(iv)(E) states that the Governor will consider, in his findings for recommending a CDP, "the success or failure of the applicant and/or the managing organization in the execution of a prior CDP." In order to make the successful CDP applicants clearly aware of the possible effects of violations, this final rule adds an example to that paragraph describing what may partially or fully preclude a CDP applicant from future participation.

4. Paragraph 675.27(g) is clarified to reflect NMFS's intent for the recordkeeping and reporting of the catch, discard, and production amounts of all groundfish species and the discard amounts of prohibited species that occur in conjunction with a CDQ fishery. The final rule is revised to clarify that all catch, discard, and production amounts that occur in conjunction with a CDQ operation should be recorded and reported as part of that operation. These requirements are consistent with the existing recordkeeping and reporting requirements at § 675.5.

Response to Comments on the Proposed Regulations

Forty letters of comment were received during the public comment period on the implementation of the CDQ proposed rule. Of these letters, 29 were in favor of the CDQ program, four were against, and seven letters commented on specific details of the proposed rule without expressing an opinion for or against approval. Thirty-eight of these letters were summarized and responded to in the 1992–1993 CDQ final rule notice. The remaining two letters of comment on the 1994–1995 CDQ program are summarized and responded to as follows:

Comment 1: Duty free import-export trade zones could be established in western Alaska that would lead to Russian-U.S. joint venture projects in seafood processing and trade.

Response: NMFS notes this comment. However, this comment is beyond the scope of the CDQ program as proposed by the Council. Therefore, there is no change to the final rule based on this comment.

Comment 2: (a) The managing organization is defined as "any entity undertaking any part of the plan." This would mean that a fishing company whose vessels are harvesting CDQ pollock is the managing organization. This statement is inconsistent with the requirement that a "managing organization" be composed of 75 percent resident fishermen. The fishing company cannot be expected to change the composition of its governing board to give 75 percent of the seats to resident fishermen. (b) The provisions at § 675.27(b)(2)(ii) and (viii) through (x) that request information from the applicant and managing organization about marketing, capital equipment, and financial information should apply only to profit-making investments the applicant or managing organization is making from CDQ proceeds, and not apply to past business activities unrelated to CDQ activities. The requirements should be that the applicant has ensured that they will be paid by the harvester, and that the buyer and harvester have a good track record in harvesting, processing, and selling pollock.

Response: (a) The definition of a managing organization at § 675.27(b)(3)(ii) is "any organization or firm that would assume responsibility for managing all or part of the CDP" and that would meet certain criteria relating to community support, documentation of contracts, and demonstration of necessary technical expertise. A fishing company contracted to harvest CDQ pollock is not part of the CDP managing organization, and would not be required to change the composition of its governing board. However, if a fishing company is the managing organization, then its governing board would be required to comply with the membership requirements of the CDQ regulations. (b) The business information requested as part of a CDP under § 675.27(b)(2)(ii), (viii), and (ix) is information that the applicant is required to submit as it relates to the proposed business operations of the CDP. Section 675.279b)(2)(x) was revised in the 1992–1993 CDQ final rule to state that the business information must include "a balance sheet and income statement, including profit, loss, and return on investment for the proposed CDP."

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this final rule is necessary for the conservation and management of the groundfish fishery off Alaska and that it is consistent with the Magnuson Act and other applicable law.

The Alaska Region, NMFS, prepared an EA for the Western Alaska CDQ program that discusses the impacts on the environment as a result of the CDQ program. The Assistant Administrator concluded that no significant impact on the human environment will result from its implementation. The impacts on the human environment that will result from implementation of this final rule are within those analyzed in the EA. Therefore, this final rule is categorically excluded from the requirement to prepare an environmental assessment in accordance with NAO 216–6. A copy of the EA may be obtained (see ADDRESSES.)

The FRFA prepared for the Western Alaska CDQ program as part of the EA/RIR/FRFA concludes that the CDQ program could have a significant economic impact on a substantial number of small entities. The impacts on small entities that could result from implementation of this final rule are within those analyzed in the FRFA. A copy of this analysis is available (see ADDRESSES).

NMFS concluded formal section 7 consultations on Amendment 18 to the BSAI FMP on March 4, 1992. The biological opinion issued for the consultation concluded that operation of the fishery under the amendment, including the CDQ program, is not likely to jeopardize the continued existence and recovery of any endangered or threatened species. NMFS also concluded informal section 7 consultation on the 1993 final specifications for the BSAI groundfish fishery. The informal consultation concluded that the 1993 BSAI groundfish fishery, including the CDQ pollock fishery, is not likely to adversely affect any endangered or threatened species. Adoption of the management measures described in this rule will not affect listed species in a way that was not already considered in the biological opinion or informal consultation. Therefore, NMFS has determined that no further section 7 consultation is required for adoption of this action.

The Regional Director has determined that fishing activities conducted under this rule will have no adverse impact on marine mammals.

Based on the socio-economic impacts discussed in the EA/RIR/FRFA prepared for the Western Alaska CDQ program, the Assistant Administrator determined that the final rule implementing the CDQ program is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. NMFS has concluded that none of the measures contained in this final rule will cause impacts different from those discussed in the EA/RIR/FRFA or will cause impacts considered significant for purposes of E.O. 12291. A copy of the EA/RIR/FRFA is available (see ADDRESSES).

The rule clarifies collection-of-information requirements subject to the Paperwork Reduction Act that have been approved by the Office of Management and Budget (OMB). The reporting requirements addressed in § 675.27(g) (1), (2), and (3) are approved under control number 0684–0213 and are estimated to take 15, 30, and 15 minutes, respectively, per response. This includes the time for recording and reporting the data needed for the collection of information. The CDP application addressed in § 675.27(b)(3)(ii)(C) is approved under control number 0648–0269 and is estimated to average 160 hours per response for applications. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS (see ADDRESSES) and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn: NOAA Desk Officer).

NMFS determined that the Western Alaska CDQ program will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. That determination was submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act and consistency was automatically inferred because the appropriate State agency did not reply within the statutory time period.

The Department of Commerce's Federalism Implementation Officer determined that the Western Alaska CDQ program has sufficient federalism implications to warrant preparation of a Federalism Assessment (FA) under Executive Order 12612. An FA was prepared that concluded that implementation of the rule is consistent with the principles, criteria, and requirements of Executive Order 12612. This final rule does not contain federalism implications different from those analyzed in the FA; therefore, implementation of this rule is consistent with the principles, criteria, and requirements of Executive Order 12612.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: June 9, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 675 is amended as follows:

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. The authority citation for 50 CFR part 675 continues to read as follows:

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

2. In § 675.27, the first sentence of paragraph (a)(2), and paragraphs (b)(3)(ii)(C), (d)(5)(iv)(E), and (g) are revised to read as follows:

§ 675.27 Western Alaska Community Development Quota Program (applicable through December 31, 1995).

(a) * * *

(2) Prior to granting approval of a CDP recommended by the Governor, the Secretary shall find that the Governor developed and approved the CDP after conducting at least one public hearing, at an appropriate time and location in the geographical area concerned, so as to allow all interested persons an opportunity to be heard. * * *

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(C) Demonstration of management and technical expertise necessary to carry out the CDP as proposed by the CDP application (e.g., proven business experience as shown by a balance and income statement, including profit, loss, and the return on investment on all business ventures within the previous 12 months by the managing organization).

* * * * *

(d) * * *

(5) * * *

(iv) * * *

(E) The success or failure of the applicant and/or the managing organization in the execution of a prior CDP (e.g., exceeding a CDQ allocation or any other related violation may be considered a failure and may therefore result in partially or fully precluding a CDP from a future CDQ allocation).

* * * * *

(g) *CDQ fishing requirements.* The following recordkeeping and reporting requirements will be required in addition to existing regulations at § 675.5:

(1) Operators of all vessels fishing CDQs must record all CDQ catch, including all groundfish species and prohibited species caught, taken, or harvested in the tow or set, on a Daily Fishing Logbook Sheet, as required in § 675.5(b)(2). A separate sheet must be used for CDQ catch, and the CDQ identification number must be clearly written on the sheet.

(2) An operator of a processor vessel must record all CDQ receipts, including receipts of all groundfish species and prohibited species caught, taken, or harvested in the tow or set, on a Daily Cumulative Production Log sheet, as required in § 675.5(b)(3). A separate sheet must be used for CDQ receipts, and the CDQ identification number must be clearly written on the sheet.

(3) A manager of a shoreside processing facility and the operator of a processor vessel must record all CDQ receipts, including all groundfish species and prohibited species caught, taken, or harvested in the tow or set, on a Weekly Production Report sheet, as required in § 675.5(c)(2). A separate sheet must be used for CDQ receipts, and the CDQ identification number must be clearly written on the sheet.

* * * * *

[FR Doc. 93–13951 Filed 6–11–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 112
Monday, June 14, 1993

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-248-AD]

Airworthiness Directives; Beech Aircraft Corporation Model 400A and 400T Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Beech Aircraft Corporation Model 400A airplanes, that would have required a one-time inspection to verify the installation of all rivets in the area adjacent to the upper edge of the emergency exit door, and installation of any missing rivets. That proposal was prompted by reports that, during manufacturing, 35 rivets may have been inadvertently omitted from the area adjacent to the upper edge of the emergency exit door. This action revises the applicability of the proposed rule by including certain Model 400T airplanes. The actions specified by this proposed AD are intended to prevent structural failure of the emergency door frame support, which could lead to decompression of the cabin.

DATES: Comments must be received by July 26, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-248-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Larry Engler, Aerospace Engineer, Airframe Branch, ACE-120W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; fax (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-248-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-248-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to certain Beech Aircraft Corporation Model 400A airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on March 3, 1993 (58 FR 12194). That NPRM would have required a one-time inspection to verify the installation of all rivets in the area adjacent to the upper edge of the emergency exit door, and installation of any missing rivets. That NPRM was prompted by reports that, during manufacturing, 35 rivets may have been inadvertently omitted from the area adjacent to the upper edge of the emergency exit door. That condition, if not corrected, could result in structural failure of the emergency door frame support, which could lead to decompression of the cabin.

Since the issuance of that NPRM, the FAA has determined that certain Beech Aircraft Corporation Model 400T airplanes must be included in the applicability of the proposed rule. The FAA has determined that the subject rivets may not have been installed on those airplanes; therefore, certain Model 400T airplanes may be susceptible to the same unsafe condition addressed by the originally proposed AD. Rivets missing from the area adjacent to the upper edge of the emergency exit door could result in structural failure of the emergency door frame support, which could lead to decompression of the cabin. Therefore, the applicability statement of this supplemental notice has been revised to include Beech Aircraft Corporation Model 400T airplanes.

Since this change expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

There are approximately 59 Beech Aircraft Corporation Model 400A and 400T airplanes of the affected design in the worldwide fleet. The FAA estimates that 41 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate

is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $6,765, or $165 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Beech Aircraft Corporation: Docket 92-NM-248-AD.

Applicability: Model 400A airplanes, serial numbers RK-1 through RK-41, inclusive; and Model 400T airplanes, serial numbers TT-3 through TT-20, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure of the emergency door frame support, which could lead to decompression of the cabin, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, perform a one-time inspection to verify the installation of all rivets in the area adjacent to the upper edge of the emergency exit door, in accordance with Beechcraft Service Bulletin 2482, dated December 1992.

(1) If no rivet is missing, no further action is required by this AD.

(2) If any rivet is missing, prior to further flight, install a rivet in accordance with the service bulletin.

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

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

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

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

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-13910 Filed 6-11-93; 8:45 am]

BILING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Chapter I

Rock Climbing

AGENCY: National Park Service, Interior.

ACTION: Advance notice of proposed rulemaking and management statement.

SUMMARY: The National Park Service (NPS) is seeking information and comments from the public on the need to promulgate general regulations for managing recreational rock climbing in the National Parks. While rock climbing has been a long accepted recreational activity in most park areas, because of the relatively low levels of use in many parks there have never been regulations promulgated relative to climbing (other than administrative regulations specific to a particular park area). An explosive growth of rock climbing in recent years, along with increased impacts to park resources because of this activity, suggest that regulations and guidelines need to be developed to protect park resources while providing for a quality climbing experience. The purpose of this Advance Notice of Proposed Rulemaking is to solicit comments or suggestions from the public, including climbers, on what the NPS should consider in the regulatory process, and to outline applicable NPS statutory authorities, management policies and guidelines.

DATES: Comments are requested by September 13, 1993.

ADDRESSES: All comments should be addressed to the National Park Service, Climbing Docket 1, Division of Ranger Activities, P.O. Box 37127, Washington, DC 20013-7027.

FOR FURTHER INFORMATION CONTACT: Tony Sisto, Division of Ranger Activities, Department of the Interior, Washington, DC 20240, telephone: (202) 208-4874.

SUPPLEMENTARY INFORMATION:

Background

NPS policies and practices have long recognized and allowed mountaineering and rock climbing as legitimate recreational activities (*Management Policies, Department of the Interior, National Park Service 1988*, 8:2)[1] National Parks contain many of the nation's most spectacular and challenging climbing areas, and have been the principal location for the evolution of climbing in the United States for over a century. Rock climbing in the parks has evolved with both the tacit and explicit approval of the NPS. As with any human activity, however, climbing will have impacts on park resources and values.

The protection of park resources—natural, cultural and asethetic—is the primary goal of park management. Legislation that created the NPS in 1916, commonly referred to as the Organic Act, mandates the NPS to conserve natural and cultural resources "unimpaired for the enjoyment of future generations" (16 U.S.C. 1). Subsequent legislation further states that any NPS authorized activity "shall not be exercised in derogation of the values and purposes" of a park area, except as specifically authorized by Congress (16 U.S.C. 1a-1).

Human impacts need not necessarily entail impairment. Whether an individual action is or is not an "impairment" is a management

[1] Number citation refers to "Chapter:Page"; hereafter to be referred to as "POL, (Chapter:Page)".

determination (POL, 1:3). The objective of management, and the difficult responsibility of park managers, is not simply to prevent any human-induced change from occurring, but to determine how much change will be allowed to occur (*Natural Resources Management Guideline (NPS-77)*—3:74)[2]. While only those uses that will not impair resources may be allowed (POL, 1:4), this does not mean that any human-induced impact short of impairment will be allowed. A use or activity may be restricted or prohibited when, in the judgement of the superintendent, its occurrence, continuation, or expansion would result in the derogation of the values or purposes for which the park was established, interfere significantly with other park visitors, or be inconsistent with the park's enabling legislation (POL, 8:2). These management responsibilities must necessarily be applied to climbing.

Although the impacts of the sport were probably minimal in the early phases of its development when there were relatively few climbers, many parks today are experiencing increasing resource damage due to the recent explosive growth in the popularity of the sport. In Yosemite National Park, for instance, the number of climbing routes increased from approximately 90 in 1954, to about 500 in 1970, to over 3000 in 1992. Other popular climbing parks have also shown an exponential increase in climber use days.

The impacts associated with this explosion of activity have increased proportionately. These impacts include soil compaction and erosion; vegetation damage and wildlife disturbances; impacts associated with the use of bolts, motorized drills, chalk and the creation and reinforcement of hand and foot holds; the accumulation of litter and human wastes; increased foot and vehicle traffic around popular climbing areas; impacts to the park experience and wilderness values for other park users and visitors, including visual impacts of climbers and equipment; and increased administrative activities such as search and rescue. Impacts can be found on approach and descent routes, bivouac sites, and climbing staging and viewing areas, as well as on the rock itself.

Current Management

Because park managers must ensure that visitors uses do no impair park resources, and that they do not occur in derogation of park values and purposes, each park with significant climbing activity will develop a Climbing Management Plan (CMP) consistent with NPS policy on management of recreational uses (POL, 8:2).

Among other things, CMPs, with the aid of public involvement, will determine for each applicable park area (1) what park resources and values are being or may be affected and under what circumstances; (2) what, if any, types and levels of impacts associated with climbing in the area are acceptable (do not impair park resources), and are not in derogation of park values; (3) what climbing practices are used and are necessary and appropriate for the pursuit of climbing, and what their associated impacts are; and (4) based on the above determinations, what manner and levels of climbing uses, along with attendant levels and kinds of mitigating management actions, are appropriate consistent with the protection of park resources and values, and assure no significant conflict with other park users (POL,8:1). CMPs will also address as necessary those areas where climbing is prohibited.

These determinations may vary from park to park, based on the unique resources of each park area, its enabling legislation and other general authorities, and existing and historical park uses, including climbing. Because of these differences between park areas, park managers have broad discretionary authority to manage activities within the individual parks. An activity that is entirely appropriate when conducted in one location may be inappropriate if conducted in another (POL,8:2,3). Management actions should be implemented on a graduated scale from indirect (e.g. education), to direct (e.g. route closures), and be the minimum necessary to protect park resources (NPS-77, 3:75; POL,8:2). If it is uncertain whether an activity will result in impairment or not, the activity will be managed to assure no impairment until the doubt is resolved (POL,1:4).

Need for Rulemaking

Although park managers have this discretionary authority to manage activities specific to their park areas, some impacts related to climbing activities require consistency in the management of these issues. Some climbing activities, because of their permanent or cumulative effects (or a single, direct impact), have a greater impact on park resources and values than others. For example, such practices may include gluing or chipping rock to enhance climbs, the use of motorized drills (prohibited in non-developed areas), and the extensive placement of fixed anchors.

Currently, existing general regulations at 36 CFR parts 1 and 2 can be and are being used to prohibit motorized drills, direct climbers to specific access trails or campgrounds, prescribe colors or type of chalk and equipment to protect visual impacts, close off areas to bolting or other activities to protect the resource, or other actions. Section 1.5 allows for area closures, use restrictions, or the development of special rulemaking if necessary. Section 2.12 relative to audio and mechanical devices prohibits the use of motorized equipment such as power drills in nondeveloped areas (§ 1.4 defines "developed" and "nondeveloped" areas), except where specifically permitted. In addition, § 2.1 prohibits the physical altering of rock faces, such as by chiseling or by breaking off loose rocks, and the removal of lichen or plants from rock faces.

Because of the general nature of these regulations, however, they may not be specific enough to adequately address climbing as an allowed recreational activity. It is important to note that § 2.1 is a general regulation related to the broad protection of natural and cultural resources. It prohibits, in general, consumptive or impacting uses of park resources unless otherwise provided for in separate regulation. For instance, "traditional" consumptive activities long allowed in parks, such as sport fishing and campfires, are allowed under prescribed conditions by separate regulation as exceptions to the general prohibitions of § 2.1. Because § 2.1 is generally prohibitive in nature, and because there are § 2.1 impacts inherently associated with climbing, the management of climbing may best be addressed by a separate regulation.

The intent of promulgating such regulations would be to (1) clarify that climbing is a generally allowed activity in parks; (2) clarify the role of individual parks in managing climbing; (3) address certain climbing practices having permanent or cumulative effects, such as the use of power drills, to be specifically prohibited in all parks; and (4) address climbing in designated wilderness. Prior to the promulgation of any new regulations, climbing will continue to be managed at the park level by the application of existing regulations as consistently as possible with past practices, as long as park resources and values are protected, and consistent with the development of individual park-climbing management plans.

[2] Number citation refers to "Chapter:Page"; hereafter to be referred to as "NPS-77, (Chapter:Page)".

Purpose of Advance Notice

This advance notice is for the purpose of soliciting comments on the necessity for general rulemaking on the NPS management of climbing activities. The NPS in any proposed regulations would, among other things, clarify NPS climbing management as follows:

1. Climbing would be a generally allowed activity in all park areas. Management authority to determine appropriate activities and to regulate climbing in specific park areas—including not allowing new or existing climbing, based on the unique resources and other activities in a park area, or other management responsibilities—would be left with individual park superintendents.

2. Gluing or chipping rock to create, augment, or reinforce holds, or other damaging practices such as forcibly prying off rock or destroying vegetation to enhance a route, are viewed by the NPS as not essential or appropriate for the practice of climbing and an unacceptable impact to park resources. Proposed regulations would define and prohibit such activities in all park areas.

3. Motorized drills are viewed by the NPS as not essential or appropriate for the pursuit of climbing. They allow the rapid proliferation of both fixed anchors and new routes, leading to a rapid increase in direct and associated impacts to park resources. While their general use is currently prohibited in wilderness areas and in nondeveloped areas by 36 CFR 2.12, proposed regulations would make it clear that they are specifically prohibited.

4. The use of fixed anchors (bolts, pitons, rurps, bashies, etc., often used for belay and rappel anchors, protection, and direct aid) is necessary and appropriate in some instances for the safe practice of roped climbing. Unfortunately, their use causes permanent alteration of the rock. Newer equipment (primarily various types of nuts and camming devices) allows the use of cracks for protection with no or minimal disturbance of the rock surface. These devices may reduce, but do not completely eliminate, the need for fixed anchors. Because impacts caused by fixed anchors are inherently cumulative, parks must manage their use at some level short of resource impairment and not in derogation of park values and purposes. This point should be determined by individual parks, and indeed may have already been reached or exceeded in some parks, or in some park climbing areas.

A proposed regulation would generally address the use of fixed anchors, clarifying the authority and responsibility of park managers to regulate their use at the park level, including prohibition if necessary, to protect park resources and values. The NPS is interested in hearing comments specific to the management of fixed anchors. Under what conditions should fixed anchors be allowed, prohibited or regulated? Should other climbing equipment and accoutrements be addressed in regulation?

5. Other resources potentially affected by climbing, including critical or sensitive plant and wildlife communities, and threatened or endangered species, are protected under other laws and regulations. However, prohibitions against climbing in areas of cultural and archaeological resources, or areas of critical or sensitive plant and wildlife communities or species, could be addressed in a general regulation.

6. As of 1990, the NPS had over 39 million acres of designated wilderness. Wilderness recommendations submitted to Congress total another 7.1 million acres, while wilderness studies in progress involve another 46.7 million acres (most in Alaska). Many climbing areas are currently in designated wilderness (i.e., Yosemite National Park, California; Pinnacles National Monument, California; Black Canyon of the Gunnison National Monument, Colorado).

Wilderness is defined by law to be "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions." A wilderness area must generally appear "to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." (Wilderness Act of 1964; 16 U.S.C. 1311 *et seq.*). When wilderness is designated in a park, the preservation of wilderness character becomes an additional statutory purpose of the park. The preservation of wilderness character and resources while providing for appropriate use will be the primary management responsibility other than the saving of human life (POL, 6:3). Park managers must specifically address climbing as it relates to the added protection provided wilderness areas.

The NPS would specifically like to hear comments relative to the management of climbing in designated wilderness areas in National Parks. Should climbing in wilderness areas be regulated differently than in other areas? How should fixed anchors or the use of other climbing equipment be managed in wilderness?

There is no intent by the NPS by this Notice to specifically regulate individual climber safety. Climbing is a high-risk, high-adventure sport which the NPS has neither the authority nor the ability to physically control (POL, 8:6). While the NPS has the discretionary authority to intervene in any activity for health, safety or administrative reasons, the NPS views climber safety as being primarily the responsibility of climbers.

Request for Comments

The NPS solicits comments and information from all segments of the climbing public, and from other park users with an interest in climbing management in parks, on recommended ways in which to manage rock climbing in accordance with the above discussion. The primary focus of this advance notice is on roped rock climbing using artificial devices for ascent, descent, or protection. We are not seeking comments regarding mountaineering (i.e., snow and glacial "expedition" climbing practiced in areas such as Denali National Park or Mt. Rainier National Park). Any regulations that may eventually be promulgated will be general in nature and applicable to the entire National Park System. It is not the intent of the NPS in this notice to develop individual regulations specific to any one park area. However, examples of climbing activities observed in one park area may be used to support an opinion or comment on overall climbing management.

Persons submitting comments based on the above discussion should include their name and address, and identify clearly and specifically the particular aspects of climbing that they feel should or should not be regulated and how (to what extent). Specific reasons should be provided to support such recommendations.

All comments received by the NPS at the address and by the date listed above will be reviewed and utilized in any development of proposed regulations. Comments received pursuant to this Advance Notice of Proposed Rulemaking will be analyzed and discussed in the preamble to the Proposed Rule. Any proposed rulemaking will also be made available for public review and comment.

Dated: March 10, 1993.

Herbert S. Cables, Jr.,

Director, National Park Service.

[FR Doc. 93–13958 Filed 6–11–93; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter 1

[FR-4665-6]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Meeting.

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

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

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

EPA participants in the discussions will be Sylvia Lowrance, Director of the Office of Solid Waste, and a representative from an EPA Region (individual to be determined). In addition, any interested member of the public may attend the meeting.

DATES: The meeting will take place on July 7, 1993 from 8:30 AM to 5:30 PM, and on July 8, 1993 from 8:30 AM to 12:30 PM.

ADDRESSES: The meeting will take place at the Omni Shoreham Hotel at 2500 Calvert St., NW, Washington, DC, 20008, (202) 234-0700.

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

Dated: June 9, 1993.

Deborah Dalton,

Deputy Director, Consensus and Dispute Resolution Program.

[FR Doc. 93-13941 Filed 6-11-93; 8:45 am]

BILLING CODE 6560-50-P-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7070]

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (100-year) flood elevations and proposed base flood elevation modifications for the communities listed below. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472 (202) 646-2766.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for each community listed, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Federal Insurance Administrator has determined that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Impact Analysis

This proposed rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. Section 67.4 is proposed to be amended as follows:

SOURCE OF FLOODING AND LOCATION

State	City/town/county	Source of flooding	Location	# Depth in feet above ground * Elevation in feet (NGVD)
Louisiana	Sterlington, Town, Ouachita Parish.	North Branch Chauvin Bayou.	At downstream corporate limits	*72
			Approximately 100 feet upstream of SR 2	*75

Maps available for inspection at the Sterlington Town Hall, 103 High Street, Sterlington, Louisiana.

Send comments to The Honorable J.H. Rainwater, Mayor of the Town of Sterlington, Ouachita Parish, 103 High Street, Sterlington, Louisiana 71280.

§ 67.4 [Amended]

3. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Arizona	Navajo County, Unincorporated Areas.	Silver Creek	Approximately 180 feet downstream of the northern corporate limits of the Town of Snowflake.	*5,567	*5,562
			At the northern corporate limits of the Town of Snowflake.	*5,570	*5,563
			Approximately 1,000 feet downstream of Hoyt Road.	*5,591	*5,588
			At the southern corporate limits of the Town of Taylor.	*5,646	*5,646

Maps are available for review at the Engineering Department, 100 East Carter Drive, Holbrook, Arizona.

Send comments to The Honorable Larry Layton, Chairman, Navajo County Board of Supervisors, P.O. Box 668, Holbrook, Arizona 86025.

Arizona	Town of Taylor, Navajo County.	Silver Creek	Approximately 4,700 feet downstream of the confluence with Railroad Grade Wash (at the Northern corporate limit of the Town of Taylor).	*5,609	*5,607
			Just upstream of Silver Creek Lane	*5,620	*5,617
			Approximately 500 feet upstream of Willow Lane.	*5,622	*5,620
			Approximately 3,800 feet upstream of Willow Lane.	*5,627	*5,625

Maps are available for review at Town Hall, 425 West Papermill Road, Taylor, Arizona.

Send comments to The Honorable Gerald Gullick, Mayor, Town of Taylor, P.O. Box 158, Taylor, Arizona 85939.

California	Kern County (unincorporated areas).	Sand Canyon	Approximately 5,500 feet northeast of the intersection of Three Flags Highway and Onyx Peak Avenue.	None	#2
			Approximately 2,800 feet west of the intersection of Three Flags Highway and Onyx Peak Avenue.	None	#2
			Approximately 4,000 feet west of the intersection of Three Flags Highway and Onyx Peak Avenue.	None	#3
		Grapevine Canyon	Along Three Flags Highway between 14,500 and 5,000 feet north of the intersection of Leliter Road.	#2	#1
			Approximately 3,000 feet downstream of the second Los Angeles Aqueduct.	#3	#1
			Approximately 1,500 feet downstream of the second Los Angeles Aqueduct.	#4	#2

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 700 feet downstream of the second Los Angeles Aqueduct.	#5	#3
			At the second Los Angeles Aqueduct	#7	#4
		Short Canyon	At the intersection of Brown-Inyokern Road and Willcox Avenue.	#2	#1
			Approximately 2,500 feet north of the intersection of Three Flags Highway and Leliter Road.	None	#1
			Approximately 4,000 feet south of the intersection of Three Flags Highway and Leliter Road.	None	#1
			Approximately 4,000 feet west of the intersection of Three Flags Highway and Leliter Road.	None	#2
		Indian Wells Canyon	At the intersection of Athel Street and Quail Street.	#1	#1
			Approximately 7,500 feet south of the intersection of Three Pines Canyon Avenue and Hawk Street.	#2	#1
			At the intersection of Three Pines Canyon Avenue and Sierra Vista Street.	#3	#1
			Approximately 7,000 feet south of the intersection of Placer Street and Three Pines Canyon Avenue.	None	#1
			Approximately 5,000 feet south of the intersection of Bull Run Street and Three Pines Canyon Avenue.	#2	#2
			Approximately 2,000 feet west of the intersection of Three Pines Canyon Avenue and Sierra Vista Street.	#4	#2
			Approximately 1,500 feet southwest of Indian Wells Canyon Road measured along Highway 14.	None	#2
			Approximately 300 feet north of the intersection of Indian Wells Canyon Road and Highway 14.	#8	#3

Maps are available for review at the Kern County Engineering and Survey Services Department, 2700 "M" Street, Suite 570, Bakersfield, California.

Send comments to The Honorable Roy Ashburn, Chairperson, Kern County Board of Supervisors, 1115 Truxton Avenue, Fifth Floor, Bakersfield, California 93301.

California	City of Merced, Merced County.	Bear Creek (between levees).	Downstream of U.S. Highway 99	#1	*163

Maps are available for review at Merced City Hall, Department of Public Works, 678 West 18th Street, Merced, California

Send comments to The Honorable James Lindsey, Mayor, City of Merced, City Hall, 678 West 18th Street, Merced, California 95340.

California	Merced County, Unincorporated Areas.	Bear Creek (with levees) ..	At the confluence of Black Rascal Creek .	*161	*163
			Approximately 200 feet downstream of U.S. Highway 99.	*163	*163
		Canal Creek (with levee) ..	At the confluence with Black Rascal Slough.	*146	*150
			At Landram Avenue	*146	*150
			At Elliot Avenue	*150	*150
		Black Rascal Slough (without levee).	Southeast of the south levee and north of State Route 140 across from Buhach Road.	*140	*142
		Shallow Flooding	South of Merced Municipal Airport and north of Mission Avenue.	None	*#1
			South of Childs Avenue and north of Mission Avenue between Coffee Avenue and State Route 59.	None	*#1

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at Merced County Planning Department, 2222 M Street, Merced, California.					
Send comments to The Honorable Clark Channing, County Administrator, Merced County, 2222 M Street, Merced, California 95340.					
Idaho	Elmore County, Unincorporated Areas.	Rattlesnake Creek	Approximately 440 feet downstream of 18th South Street.	None	*3,114
			Just downstream of 6th South Street	*3,128	*3,132
			Approximately 450 feet downstream of 8th North Street.	*3,144	*3,143
			Just upstream of Interstate Route 84	*3,184	*3,204
			Just downstream of Mountain Home Reservoir Spillway.	None	*3,285
		Rattlesnake Creek Diversion.	At the confluence with Rattlesnake Creek	*3,122	*3,122
			Approximately 350 feet downstream of 9th South Street.	*3,125	*3,125
			Approximately 1,000 feet upstream of 9th South Street.	*3,128	*3,129
		Rattlesnake Creek Gated Outlet.	At the confluence with Rattlesnake Creek	*3,218	*3,218
			Just downstream of the Mountain Home Reservoir Gated Outlet.	None	*3,240
Maps are available for review at the Elmore County Courthouse, Planning and Zoning Department, 150 South Fourth East Street, Mountain Home, Idaho.					
Send comments to The Honorable John Hiler, Chairperson, Elmore County Board of Commissioners, 150 South Fourth East Street, Suite 3, Mountain Home, Idaho 83647.					
Idaho	City of Mountain Home, Elmore County.	Rattlesnake Creek	Approximately 400 feet downstream of American Legion Boulevard.	None	*3,138
			Just upstream of Eighth North Street	None	*3,148
			Approximately 2,900 feet upstream of Eighth North Street.	None	*3,165
		Rattlesnake Creek Diversion.	At 12th South Street	None	*3,122
			Just upstream of Sixth South Street	None	*3,130
			Just downstream of American Legion Boulevard.	None	*3,139
Maps are available for review at City Hall, 160 South Third East Street, Mountain Home, Idaho.					
Send comments to The Honorable Donald Etter, Mayor, City of Mountain Home, 160 South Third East Street, P.O. Box 10, Mountain Home, Idaho 83647.					
Kentucky	Russellville (City), Logan County.	Town Branch	At upstream side of Newton Road	*563	*564
			At downstream face of U.S. Highway 79	*618	*621
		Town Branch Tributary C	At confluence with Town Branch	*576	*577
			Approximately 230 feet upstream of confluence with Town Branch.	*576	*577
		Town Branch Tributary D	Approximately 150 feet upstream of confluence with Town Branch.	*575	*576
			At confluence of Town Branch Tributary F	*596	*595
		Town Branch Tributary F	At confluence of Town Branch Tributary D.	*596	*595
			Approximately 60 feet downstream of East 9th Street.	*598	*597
		Town Branch Tributary G	At confluence with Town Branch	*564	*565
			Approximately 250 feet upstream of confluence with Town Branch.	*564	*565
Maps available for inspection at the City Engineering Office, 106 S.W. Park Square, Russellville, Kentucky.					
Send comments to The Honorable Ken Smith, Mayor of the City of Russellville, Logan County, 106 S.W. Park Square, Russellville, Kentucky 42276.					
Louisiana	Monroe, City, Ouachita Parish.	West Prong Young's Bayou.	Approximately 100 feet upstream of confluence with Youngs Bayou.	*70	*69
			At 18th Street	*76	*75
		East Prong Young's Bayou	Approximately 100 feet upstream of confluence with West Prong Young's Bayou.	*72	*71

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 350 feet upstream of Washington Street.	&74	*72
		Oliver Road Canal	Approximately 950 feet upstream of confluence with Rogers Street Canal.	*71	*70
			Approximately 2,200 feet upstream of N. 19th Street.	*76	*75
		East Branch Oliver Road Canal.	At confluence with Oliver Road Canal	*75	*74
			At Union Pacific Railroad	*75	*74
		Airport Canal	Approximately 4,275 feet downstream of Elm Street.	*68	*69
			At South College Avenue	*75	*76
		Rogers Street Canal	At confluence with Oliver Road Canal	*71	*70
			Approximately 100 feet downstream of White Street.	*72	*73
		Youngs Bayou	Approximately 600 feet upstream of confluence of Swayze School Canal.	*68	*67
			At the confluence of Oliver Road Canal and West Prong Youngs Bayou.	*70	*69
		Swayze School Canal	At upstream of U.S. 165	*70	*69
			Approximately 750 feet downstream of McGee Street.	*71	*70
		Ouachita River	At Interstate Route 20	*85	*84
			At upstream corporate limits	*86	*85

Maps available for inspection at the Munroe City Hall, 400 Lea Joyner Expressway, Munroe, Louisiana.

Send comments to The Honorable Robert Powell, Mayor of the City of Munroe, Ouachita Parish, 400 Lea Joyner Expressway, Munroe, Louisiana 71201.

Louisiana	Ouachita Parish	Youngs Bayou	At Ruby Road	*67	*66
			At confluence of Oliver Road Canal and West Prong Youngs Bayou.	*70	*69
		West Prong Youngs Bayou.	At confluence with Youngs Bayou	*70	*69
			Area west of confluence with East Prong Youngs Bayou.	*72	*71
		Pine Bayou	At confluence with Youngs Bayou	*67	*66
			Approximately 800 feet upstream of Burg Jones Road.	*69	*70
		Zoo Branch	At confluence with Pine Bayou	*70	*69
			At Standifer Avenue	*70	*69
		Oliver Road Canal	At confluence with Youngs Bayou	*70	*69
			Downstream side of Louberta Street	*72	*70
		Canal L-11	At confluence with Little Bayou Boeuf	None	*69
			At confluence of Chauvin Bayou	*71	*74
		North Branch Chauvin Bayou.	Approximately 0.5 mile downstream of Smith Road.	*72	*71
			Approximately 1,200 feet downstream of SR 2.	*72	*71
		Black Bayou	At confluence of Levee Ditch	*72	*70
			At extreme upstream corporate limits	*73	*71
		Black Bayou Tributary	Approximately 350 feet downstream of Hilton Street.	*96	*95
			Approximately 250 feet upstream of Hilton Street.	*101	*100
		Levee Ditch	At confluence with Black Bayou	*72	*70
			At upstream corporate limits	*73	*71
		Golf Course Creek	At downstream corporate limits	*73	*71
			At upstream corporate limits	*73	*71
		Ouachita River	Approximately 1,700 feet downstream of City of Monroe most southerly corporate limits.	None	*83
			Approximately 400 feet upstream of City of Munroe most northerly corporate limits.	None	*85
		Little Bayou Boeuf	At confluence with Bayou Lafourche	None	*69
			At the confluence of Canal L-11	None	*69
		Petticoat Bayou	At confluence with Bayou Lafourche	None	*66
			At confluence of Raccoon Bayou	None	*66
		Raccoon Bayou	At confluence with Petticoat Bayou	None	*66
			Upstream Route 165	None	*69

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Black Bayou Lake	At confluence with Bayou DeSierd	None	*75
			At Swartz Fairbanks Road	None	*96
		Airport Canal	At confluence with Youngs Bayou	*68	*67
			At Union Pacific Railroad	None	*74
		Airport Canal Lateral "A"	At confluence with Airport Canal	*68	*67
			At Illinois Central Railroad	None	*68
		Caney Creek	At confluence with Canal L-11	*70	*73
			Approximately 40 feet upstream of State Route 139.	None	*90
		East Prong Youngs	At downstream corporate limits	*72	*71
			At upstream corporate limits	*72	*71
		Bayou Lafourche	At downstream corporate limits	None	*66
			At upstream corporate limits	None	*69
		Swayze School Canal	Approximately 300 feet northeast of intersection of Peters Street and Beverly Street.	*71	#1
			Approximately 650 feet upstream of McGee Street.	*71	*70
			Approximately 1,000 feet upstream of Burg Jones Road.	#1	*70
			At confluence with Youngs Bayou	*68	*67

Maps available for inspection at the Department of Public Works, 337 Well Road, Munroe, Louisiana.

Send comments to Mr. Abe Pierce, President of the Ouachita Parish Police Jury, 300 St. John, Munroe, Louisiana 71201.

Louisiana	Richwood, (Town) Ouachita Parish.	Raccoon Bayou	At downstream corporate limits	None	*67
			At U.S. Route 165	None	*69

Maps available for inspection at the Richwood Town Hall, 5214 Brown Road, Richwood, Louisiana 71202.

Send comments to The Honorable Edward Lee Harris, Mayor of the Town of Richwood, Ouachita Parish, 5214 Brown Road, Richwood, Louisiana.

Louisiana	West Monroe, City (Ouachita Parish).	Black Bayou	Approximately 550 feet downstream of Illinois Central Railroad.	*72	*71
			At downstream side of downstream crossing of Blanchard Street.	*74	*73
		Levee Ditch	At downstream corporate limits	*73	*71
			Approximately 500 feet upstream of Interstate Route 20.	*75	*74
		Golf Course Creek	At Travis Street	*73	*71
			Approximately 100 feet downstream of U.S. Highway 80 (Claiborne Road).	*77	*76

Maps available for inspection at the West Monroe City Hall, 2305 N. Seventh Street, West Monroe, Louisiana.

Send comments to The Honorable Dave Norris, Mayor of the City of West Monroe, Ouachita Parish, 2305 N. Seventh Street, West Monroe, Louisiana 71291.

Maine	Hartford (Town) Oxford County.	Bear Pond	Entire shoreline within community	None	*374
		Lake Anasagunticook	Entire shoreline within community	None	*405
		Little Bear Pond	Entire shoreline within community	None	*374

Maps available for inspection at the Hartford Municipal, Building, Canton, Maine.

Send comments to Mr. Wes Bennoch, Chairman of the Town of Hartford Board of Supervisors, Oxford County, Hartford Municipal Building, Canton, Maine 04211.

Maryland	Princess Anne (Town) Somerset County.	Manokin River	Approximately 1.2 miles downstream of U.S. Route 13.	None	*6
			Approximately 0.7 mile upstream of State Route 675 (Somerest Avenue).	None	*6
		Manokin Branch	At confluence with Manokin River	None	6
			Approximately 720 feet upstream of West Broad Street.	None	*6
		Wesley Branch	At State Route 363	None	*6
			Approximately 1,600 feet upstream of State Route 363.	None	*6

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Municipal Building, 11786 Beckford Avenue, Princess Anne, Maryland.					
Send comments to Ms. Johanna Volandt, Town Manager for the Town of Princess Anne, Somerest County, Municipal Building, 11786 Beckford Avenue, Princess Anne, Maryland 21853.					
Mississippi	Unincorporated Areas Greene County.	Faulk Ditch	Approximately 0.5 mile downstream of State Highway 63.	None	*85
			Approximately 2.5 miles upstream of State Highway 63.	None	*109
		Chickasawhay River	Approximately 0.9 mile downstream of State Highway 63.	None	*85
			Approximately 0.82 mile upstream of State Highway 63.	None	*88
		Blakely Creek	At confluence with Chickasawhay River	None	*87
			Approximately 0.78 mile upstream of Oak Street.	None	*109
		Martin Creek	At confluence with Chickasawhay River	None	*85
			Approximately 0.6 mile upstream of Lackey Street.	None	*106
Maps available for inspection at the Greene County Courthouse, Board of Supervisors' Office, Leakesville, Mississippi.					
Send comments to Mr. Douglas Walley, President of the Greene County Board of Supervisors, P.O. Box 610, Leaksville, Mississippi 39451.					
Mississippi	Jackson, City (Hinds, Rankin, and Madison Counties).	Pearl River	At downstream corporate limits	*267	*268
			At upstream corporate limits	*283	*286
		Cany Creek	At confluence with Pearl River	*268	*270
			Approximately 450 feet upstream of County T.V. Road.	None	*341
		Hardy Creek	At confluence with Pearl River	*269	*272
			Approximately 0.19 mile upstream of Greenwood Avenue.	*271	*272
		Three Mile Creek	At confluence with Pearl River	*269	*272
			Approximately 0.02 mile downstream of Illinois Central Gulf Railroad.	*271	*272
		Lynch Creek	At confluence with Pearl River	*272	*274
			Approximately 500 feet upstream of 2nd Illinois Central Gulf Railroad crossing.	*273	*274
		Town Creek	At confluence with Pearl River	*273	*275
			At downstream side of Interstate Route 220.	*346	*349
		Town Creek Tributary No. 2.	At confluence with Town Creek	*323	*325
			Approximately 0.20 mile upstream of confluence with Town Creek.	*324	*325
		Town Creek Tributary No. 3.	At confluence with Town Creek	*282	*281
			Approximately 400 feet upstream of Marion Dunbar Street.	None	*331
		Town Creek Tributary No. 4.	Approximately 250 feet upstream of confluence with Town Creek.	*287	*288
			Approximately 100 feet downstream of Overbrook Drive.	*336	*337
		Stream 1	At confluence with Pearl River	*282	*284
			Approximately 0.25 mile downstream of Braeburn Drive.	*283	*284
		Trahon Creek	At the downstream corporate limits	*277	*279
			Approximately 100 feet downstream of Henderson Road.	*319	*320
		Trahon Creek Tributary No. 1.	At confluence with Trahon	*291	*290
			Approximately 120 feet upstream of Lakeshore Road.	*303	*304
		Hanging Moss Creek Tributary No. 4	Approximately 300 feet upstream of confluence with Hanging Moss Creek.	*293	*294
			Approximately 350 feet upstream of Old Agency Road.	None	*372
		Purple Creek	At confluence with Pearl River	*281	*283

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 450 feet upstream of Old Canton Road.	*283	*283
		Big Creek	Approximately 300 feet upstream of downstream corporate limits.	*319	*318
			At upstream with side of State Route 18	*364	*362
		Big Creek Tributary No. 5	At At confluence with Big Creek	*332	*333
			At downstream side of State Route 18	None	*386
		Big Creek Tributary No. 6	At confluence with Big Creek Tributary No. 5.	None	*356
			At the upstream corporate limits	None	*402
		Big Creek Tributary No. 7	At confluence with Big Creek	*341	*340
			At upstream crossing of State Route 18	None	*361
		Town Creek Tributary No. 5.	At confluence with Town Creek	*295	*291
			Approximately 100 feet downstream of Illinois Central Gulf Railroad.	*359	*360
		Eubanks Creek	At confluence with Pearl River	*277	*278
			Approximately 425 feet downstream of Wood Dale Drive.	*277	*278
		Twin Lakes Creek G	At confluence with Pearl River	*278	*281
			Upstream side of Kimwood Drive	*316	*317
		Twin Lakes Creek H	At confluence with Pearl River	*280	*281
			Approximately 0.3 mile upstream of confluence with Pearl River.	*280	*281
		Belhaven Creek	At confluence with Pearl River	*276	*277
			Approximately 185 feet upstream of U.S. Route 55.	*276	*277
		Hanging Moss Creek	At confluence with Pearl River	*281	*283
			Approximately 400 feet upstream of Ridgewood Road.	*282	*283
		White Oak Creek (Tributary 3 to Hanging Moss Creek).	At confluence with Hanging Moss Creek	*281	*283
			Approximately 0.24 mile upstream of Old Canton Road.	*282	*283

Maps available for inspection at the Building Official's office, Department of Planning and Development, 429 South West Street, Jackson, Mississippi.

Send comments to The Honorable Kane Ditto, Mayor of the City of Jackson, hinds, Rankin, and Madison Counties, P.O. Box 17, Jackson, Mississippi 39205.

New York	Canton (Village) St. Lawrence County.	Grass River	Approximately 1.02 miles downstream of Main Street.	None	*323
			Approximately 0.6 mile upstream of Conrail.	None	*352

Maps available for inspection at the Canton Municipal Building, 60 Main Street, Canton, New York.

Send comments to The Honorable David Button, Mayor of the Village of Canton, St. Lawrence County, 60 Main Street, Canton, New York 13617.

Pennsylvania	Honesdale (Borough) Wayne County.	Lackawaxen River	Approximately 0.5 mile downstream of Brown Street.	*961	*953
			Approximately 0.66 mile upstream of Main Street.	*991	*990
		Dyberry Creek	At confluence with Lackawaxen River	*970	*968
			At upstream corporate limits	*978	*969

Maps available for inspection at the Borough Office, 958 Main Street, Honesdale, Pennsylvania.

Send comments to Mr. William E. Rogers, President of the Borough of Honesdale Council, Wayne County, 958 Main Street, Honesdale, Pennsylvania 18431.

Pennsylvania	Palmyra (Township) Wayne County.	Lackawaxen River	Approximately 100 feet upstream of U.S. Route 6 and State Route 590 Bridge.	*896	*891
			Approximately 990 feet downstream of Park Street Bridge.	*929	*925

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Township Office, Oak Street, Hawley, Pennsylvania.					
Send comments to Mr. John Mazzga, Chairman of the Township of Palmyra Board of Supervisors, Wayne County, P.O. Box N, Hawley, Pennsylvania 18428.					
Tennessee	Mt. Juliet (City) Wilson County.	Stoners Creek	At Mt. Juliet Road	*549	*550
			Approximately 1.65 miles downstream of Pascal Drive.	*483	*484
Maps available for inspection at the Mt. Juliet City Hall, 2040 Mt. Juliet Road, Mt. Juliet, Tennessee.					
Send comments to The Honorable Ed Binkley, Mayor of the City of Mt. Juliet, Wilson County, P.O. Box 256, Mt. Juliet, Tennessee 37122.					
Tennessee	Wilson County (Unincorporated Areas).	Stoners Creek	Just upstream of Rutland Road	None	*541
			At Old Lebanon Dirt Road	*568	*569
		Sinking Creek	Approximately 100 feet of Interstate 40	*575	*572
			Approximately 800 feet upstream of Stumpy Lane.	None	*594
		Cedar Creek	Just upstream of North Posey Hill Road	*543	*542
			Approximately 0.8 mile upstream of North Posey Hill Road.	*552	*553
Maps available for inspection at the Wilson County Planning Department, 236 E. Main Street, Room 104, Lebanon, Tennessee.					
Send comments to Mr. Don Simpson, Wilson County Executive, County Courthouse, Room 104, Lebanon, Tennessee 37087.					
Washington	City of Bothell, King and Snohomish Counties.	North Creek	Just upstream of State Route 522	*23	*23
			Approximately 700 feet downstream of Interstate 405 South (Landward of West Levee/Riverward ofLeevees/ Landward of East Levee).	*25	*27/27/24
			At the intersection of 195th Street Northeast and the North Creek Parkway.	None	*31
			At the upstream crossing of North Creek Parkway (Landward of West Levee/ Riverward of Levees/Landward of East Levee).	None	*36/37/34
			Just downstream of Northeast 205th Street.	*36	*40
Maps are available for review at the City Hall, 18305 101st Avenue Northeast, Bothell, Washington.					
Send comments to The Honorable Paul Cowles, Mayor, City of Bothell, 18305 101st Avenue Northeast, Bothell, Washington 98011.					
Wyoming	Cheyenne City, Laramie County.	Crow Creek	700 feet above confluence with Dry Creek.	*5,885	*5,885
			1,440 feet above confluence with Dry Creek.	*5,890	*5,887
			38,325 feet above confluence with Dry Creek.	*6,009	*6,009
		Dry Creek	At the confluence with Crow Creek	*5,887	*5,886
			3,240 feet above confluence with Crow Creek.	*5,903	*5,904
			5,400 feet above confluence with Crow Creek.	*5,915	*5,916
			9,100 feet above confluence with Crow Creek.	*5,921	*5,921
			18,900 feet above confluence with Crow Creek.	*5,971	*5,971
Maps are available for review at the City Engineer's Office, 2101 O'Neil Avenue, Cheyenne, Wyoming.					
Send comments to The Honorable Leo Pando, Mayor, City of Cheyenne, 2101 O'Neil Avenue, Cheyenne, Wyoming 82001.					
Wyoming	Laramie County Unincorporated Areas.	Crow Creek	1,000 feet below confluence with Dry Creek.	*5,882	*5,882
			1,440 feet above confluence with Dry Creek.	*5,890	*5,887
			14,175 feet above confluence with Dry Creek.	*5,919	*5,919

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			28,097 feet above confluence with Dry Creek.	*5,977	*5,977
			37,750 feet above confluence with Dry Creek.	*6,000	*6,000
		Dry Creek	At the confluence with Crow Creek	*5,887	*5,886
			2,850 feet above confluence with Crow Creek.	*5,895	*5,895
			9,400 feet above confluence with Crow Creek.	*5,937	*5,938
			16,300 feet above confluence with Crow Creek.	*5,953	*5,953
			18,120 feet above confluence with Crow Creek.	*5,962	*5,962

Maps are available for review at Laramie County Engineering Office, 2503 East Fox Farm Road, Cheyenne, Wyoming.

Send comments to The Honorable Byran Rookstool, Chairman, Laramie County Commissioner's, P.O. Box 608, Cheyenne, Wyoming 82003.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Dated: June 8, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93-13294 Filed 6-11-93; 8:45 am]

BILLING CODE 6718-03-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 538 and 552

[GSAR Notice 5-348C]

General Services Administration Acquisition Regulation; Multiple Award Schedule Price Reductions Clause

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the General Services Administration Acquisition Regulation (GSAR) to prescribe a Price Reductions clause for use in multiple award schedule (MAS) solicitations and contracts. The clause proposed is a modification of that which is currently used. The modifications are intended to clarify the clause's applicability and reduce contractor reporting requirements.

DATES: Comments are due in writing on or before July 14, 1993.

ADDRESSES: Comments should be addressed to the GSA Desk Officer, room 3235, NEOB, Washington, DC 20503 and Marjorie Ashby, Office of GSA Acquisition Policy, 18th and F Streets, NW., room 4006, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Les Davison, Office of GSA Acquisition Policy (202) 501-4768.

SUPPLEMENTARY INFORMATION:

A. Background

The October 1, 1982, GSA Multiple Award Schedule (MAS) Policy Statement (47 FR 50242) prescribed a Price Reductions clause for use in all MAS solicitations and contracts. GSA is proposing to cancel the 1982 Policy Statement. In its place, the agency would adopt regulations based on the provisions of a test of revised MAS procedures authorized by GSA Acquisition Circular (AC-92-1) (57 FR 5862).

The Price Reductions clause is still a necessary aspect of MAS contracting. MAS contracts are negotiated and expressed as a discount from a vendor's commercial price list. Prices are determined fair and reasonable by comparing the discounts which a vender offers to the Government with the discount(s) the vender gives to its commercial customers. The Price Reductions clause is needed to assure that the Government maintains the discount advantage, negotiated at the time of award, throughout the term of the contract.

Some vendors have complained of the paperwork burden imposed by the current Price Reductions clause. The current clause requires, in paragraph (b), that contractors report all price decreases, to all commercial customers, which occur during the term of the MAS contracts. Only price decreases to the customer or category of customer, which was the basis of negotiation, result in a MAS price reduction, however. Consequently, to reduce the paperwork burden on MAS contractors, the Price Reductions clause would be revised to delete the requirement to report price reductions to commercial customers that did not serve as the basis of contract award.

Paragraphs (c) and (d) of the current Price Reductions clause contain a parenthetical phrase stating that they are not applicable to non-schedule ADP/communications/teleprocessing services contracts entered into by MAS contractors with Federal agencies. The meaning of the exclusionary language is not clear to some agencies and contractors. The parenthetical phrase would be revised by this proposal to clarify that the clause is inapplicable to "open market" sales to the Government, i.e., those not placed under an IRMS MAS contract.

Paragraph (d)(2) of the Price Reductions clause requires that all commercial price reductions be reported not later than 10 calendar days after they become effective. Some MAS contractors have stated that it is difficult to comply within the specified timeframe. In consideration of contractor concerns, the clause would be revised to require reporting within 15 calendar days. This increase in reporting time, plus the decrease in information which must be reported under paragraph (b) of the revised clause, should provide relief to MAS contractors.

Paragraph (e) of the current clause requires that, within 10 calendar days after the end of the contract period, a contractor shall submit a statement certifying that it has either reported all price reductions or that there were no applicable reductions. For each price reduction, the contractor must state the date when the price reduction was reported. Consistent with the change proposed to paragraph (d)(2) of the clause, the number of days would be changed to 15 calendar days by this

proposal. Consistent with the change proposed to paragraph (b) of the clause, the requirement to report the date on which each price reduction was reported would be deleted by this proposal.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this proposed rule.

C. Regulatory Flexibility Act

An initial regulatory flexibility analysis has been prepared and submitted to the Acting Chief Counsel for Advocacy of the Small Business Administration. Copies of the initial regulatory flexibility analysis are available from the Office identified above. The initial regulatory flexibility analysis indicates that the proposed rule will affect contractors, including small businesses, that are awarded contracts under GSA's MAS program. Historically, approximately seventy percent of MAS contractors have been small businesses. Based on the number of MAS contracts currently in effect, it is estimated that 4,288 small businesses will be impacted by the new rule.

D. Paperwork Reduction Act

The Price Reductions clause is an information collection subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et sequentia*, and has been submitted to OMB for approval under the Act. Comments on the information collection requirements may be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Washington, DC 20503. The title of the information collection is "GSAR 552.238–75 Price Reductions."

The Price Reductions clause is intended to ensure that the Government maintains its price/discount (and/or term and condition) advantage in relation to the contractor's commercial customer(s) upon which the MAS contract is predicated. The customer or category of customer upon which the award is predicated is identified at the conclusion of negotiations and reflected in the MAS contract.

The Price Reductions clause requires MAS contractors to report price decreases to the customer or category of customer which was the basis of negotiations of the MAS contract to the contracting officer within 15 calendar days. The clause also require the contractor to certify, within 15 days after the end of the contract period, either that there were no applicable price reductions during the contract's term or that any price reduction was reported to the contracting officer.

The Price Reductions clause is needed to assure that the Government maintains the relative discount position, negotiated at the time of contract award, throughout the term of the contract.

The estimated annual burden for the Price Reductions clauses is 36,762 hours. This is based upon an estimated average burden per response of 3 hours, a frequency of 2 responses per respondent, and an estimated number of likely respondents of 6,127.

List of Subjects in CFR Parts 538 and 552

Government procurement.

Accordingly, it is proposed that 48 CFR parts 538 and 552 be amended as follows:

1. The authority citation for 48 CFR parts 538 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 538.203–71 is amended by revising the heading and by adding paragraph (f) to read as follows:

538.203–71 Solicitation provisions and contract clauses.

* * * * *

(f) Contracting officers shall insert the clause at 552.238–75, Price Reductions, in all MAS solicitations and contracts.

3. Section 538.272 is added to read as follows:

538.272 MAS price reductions.

(a) Prior to the award of a MAS contract, the contracting officer and the offeror shall reach an agreement as to the customer, price lists, and discounts which will serve as the basis of contract award. The award document shall expressly state the price/discount relationship between the Government and the identified commercial customer which are the basis of contract award. The Price Reductions clause is intended to maintain this price/discount relationship (and/or term and condition) between the Government and the offeror's customer or category of customer upon which the MAS contract was predicated for the contract term.

(b) During the term of the contract any changes in discount/pricing practices by the contractor which result or will result in a less advantageous relationship between the Government and the customer or category of customer upon which the MAS contract discount/price was predicated, shall result in a price reduction to the Government to the extent necessary to reflect the original relationship.

4. Section 552.238–75 is added to read as follows:

552.238–75 Price reductions.

As prescribed in 538.203–71(f), insert the following clause:

Price Reductions (XXX 1993)

(a) *General.* This Price Reductions clause is intended to ensure that the Government maintains its price/discount (and/or term and condition) advantage in relation to the Contractor's commercial customer or category of customers, upon which this contract award was predicated. The customer or category of customers, upon which the contract award is predicated, will be identified at the conclusion of negotiations.

(b) *Price Reductions to Customers Other than the Federal Agencies.*

(1) Prior to the award of a contract, the Contracting Officer and the offeror shall reach an agreement as to the price relationship between the Government and the offeror's identified customer or category of customers upon which the contract award is predicated. This relationship shall be maintained throughout the contract period. Any change in the Contractor's commercial pricing arrangement applicable to the identified customer or category of customers, which disturbs this relationship, will constitute a price reduction.

(2) During the contract period, the Contractor shall report to the Contracting Officer all price reductions to the Contractor's identified customer or category of customers upon which the contract award was predicated. The Contractor's report shall include an explanation of the conditions under which the reductions were made.

(3)(i) A price reduction shall apply to purchases under this contract if, after the date negotiations conclude, the Contractor either:

(A) Reduces prices (or grants any more favorable discounts, or terms and conditions) contained in the commercial catalog, pricelist, schedule or other documents upon which contract award by the Government was predicated; or

(B) Crants special discounts to the identified customer or category of customers, upon which the contract award by the Government was predicated, so as to disturb the discount/price relationship of the Government to that identified customer or category of customers.

(ii) A price reduction pursuant to subparagraph (3)(i) will be effective during the remainder of the contract period, or until further reductions are required by this clause's operation; except that, in the case of a temporary price decrease, the price reduction shall be only for the duration of the temporary period.

(4) This clause will not apply to the Contractor's firm-fixed-price, definite-quantity contracts with specified deliveries in excess of the maximum order limitation specified in this contract.

(5) The Contracting Officer may exempt from the application of this clause any sale at a price below the contract price if caused by an error in quotation or billing, provided adequate documentation is furnished by the

Contractor to the Contracting Officer immediately following the discovery of the error.

(C) *Price Reductions to Federal Agencies.* (This paragraph does not apply to IRMS schedule contracts when a sale to a Federal agency is made pursuant to an open market procurement, i.e., the sale is not an order placed against an IRMS schedule contract.)

Except for temporary "Government-only" price reductions described below, if after the effective date of this contract, the Contractor reduces the price of any contract item to any Federal agency and the sale falls within the contract's maximum order limitation, an equivalent price reduction shall apply to all subsequent sales of the contract item to Federal agencies for the duration of the contract period or until the price is further reduced. The Contractor may offer to the Contracting Officer a temporary "Government-only" price reduction, which has a duration of 30 calendar days or more, except during the last month of the contract period. If offered during the final month of the contract, any such offer must be for the remainder of the contract period.

(d) *Effective Dates and Notifications.* (This paragraph does not apply to GSA IRMS schedule contracts when a sale to a Federal agency is made pursuant to an open market procurement, i.e., the sale is not an order placed against an IRMS schedule contract.)

(1) Any price reduction pursuant to paragraph (b) above, shall become effective for sales to the Government at the same time as the price reduction is made applicable to sales to other customers. Any price reduction pursuant to paragraph (c) above, shall be effective at the time of the initial purchase by the Federal agency (Government) at the reduced price, except in the case of a temporary "Government-only" price reduction, which shall be effective at the time of acceptance by a Contracting Officer. The Contractor shall invoice at such reduced price and indicate thereon that the price reduction is pursuant to this Price Reductions clause until such time as this contract is modified.

(2) The Contractor shall notify the Contracting Officer in writing of any price reduction as soon as possible, but not later than 15 calendar days after its effective date. Failure to give timely notice shall require that such price reduction (including temporary price reductions) apply to the contract for the duration of the contact period, or until the price is further reduced, and may constitute a basis for termination of the contract, as provided in the Default clause of this contract.

(e) *Contractor's Statement of Price Reductions.* The Contractor shall furnish, within 15 calendar days after the end of the contract period, a statement certifying that either (1) there was no applicable reduction during the contract's term; or (2) any price reduction to the customer or category of customers upon which the contract was predicated was reported to the Contracting Officer.

(End of Clause)

Dated: April 16, 1993.

Richard H. Hepf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 93-13592 Filed 6-11-93; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215

[Docket No. 930514-3114]

Subsistence Taking of Northern Fur Seals

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

ACTION: Proposed subsistence harvest estimate and request for comments.

SUMMARY: Regulations governing the subsistence taking of northern fur seals require NMFS to publish (1) a summary of the previous year's fur seal harvest and (2) to project the number of seals expected to be taken in the current year to meet subsistence needs of the Aleut residents of the Pribilof Islands, Alaska. This document summarizes the 1992 harvest, and provides an estimate of the number of seals likely to be taken for subsistence in 1993.

Following a 30-day public comment period, NMFS will publish the final expected harvest levels for 1993. The final expected harvest levels will be published prior to the start of the 1993 harvest season, which begins on June 23, 1 week earlier than during previous years.

DATES: Written comments must be received on or before July 14, 1993.

ADDRESSES: Comments should be addressed to Director, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Zimmerman (907) 586-7235 or Mr. Michael Payne, (301) 713-2332.

SUPPLEMENTARY INFORMATION:

Background

The Pribilof Island population of the northern fur seal, *Callorhinus ursinus*, is considered depleted under the Marine Mammal Protection Act (MMPA) (50 CFR 216.15(c)). The subsistence harvest of northern fur seals on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 215, subpart D. These regulations were published under the authority of the Fur Seal Act, 16 U.S.C. 1151 *et seq.*, and the MMPA (16 U.S.C. 1361 *et seq.*) (at 51 FR 24828, July 9, 1986). The purposes of these regulations are to limit the take of fur seals to a level providing for the subsistence needs of the Pribilof Aleuts using non-wasteful harvesting methods, and to restrict taking by sex, age, and season for herd management purposes.

This document summarizes the 1992 subsistence harvest and pursuant to § 215.32(b) of the regulations governing the taking of fur seals for subsistence purposes, discusses the number of seals expected to be taken in 1993 to satisfy the subsistence requirements of the Pribilof Aleuts for St. Paul and St. George Islands. The estimates are given as a range, the lower end of which can be exceeded if NMFS is given notice by the Pribilof Aleuts, and the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determines that the subsistence needs of the Pribilof Aleuts have not been satisfied. Conversely, the harvest can be terminated before the lower range of the estimate is reached if it is determined by NMFS that the subsistence needs of the Pribilof Aleuts have been met or the harvest has been conducted in a wasteful manner.

The subsistence harvest has been regulated to minimize negative effects on the population by limiting the harvest to a 40-day harvest season (June 23–August 8) and by limiting the harvest to subadult male fur seals. The August 8 deadline was chosen to avoid the taking of immature female fur seals, which begin arriving at rookeries and haulouts in early August. Previous regulations at 50 CFR 215.32(f)(2) allowed the Assistant Administrator to extend the harvest beyond August 8 under certain circumstances. However, on June 3, 1991, NMFS proposed to eliminate the extension option and to begin the harvest 1 week earlier (56 FR 25066). That rule was finalized on July 31, 1992 (57 FR 33900). Thus, there will be no extension of the harvest past August 8, 1993, and the harvest can begin on June 23.

Summary of Data from the 1992 Harvest Season

As required by 50 CFR 215.32(b), this document summarizes the 1992 harvest and estimates the number of seals needed for subsistence in 1993. Subsistence harvesting of northern fur seals was conducted on St. George Island on 12 days between July 3, 1992, and August 8, 1992, and on St. Paul Island on 27 days between June 30, 1992, and August 7, 1992. A total of 1,482 seals were harvested on St. Paul Island. A total of 194 seals were harvested on St. George Island. A harvest of approximately 100 seals was

scheduled to occur on St. Paul Island on August 8, 1992, the last available date of the 1992 harvest. However, due to a family emergency, the harvest foreman had to leave the island on that date, and the harvest did not occur. Had the harvest occurred on August 8, the total number of seals taken on St. Paul Island during 1992 would likely have increased by approximately 100 individuals.

A review of previous years' subsistence takes (Table 1) indicates that over the last 5 years, the number of fur seals harvested on St. Paul Island has fluctuated from a low of 1,077 (1990) to a high of 1,645 (1991). An average of 1,338 seals (with an upper 95-percent confidence limit (CI) of 1,749) has been taken on St. Paul Island since 1988. The number of seals taken for subsistence purposes on St. George Island per year has ranged from 113 (1988) to 281 (1991) (Table 1). The average number of seals taken on St. George Island per year for subsistence purposes has been 187 seals (upper 95-percent confidence limit of 294).

TABLE 1.—SUBSISTENCE HARVEST LEVELS FOR NORTHERN FUR SEALS ON THE PRIBILOF ISLANDS, 1985–1992.

	Year				
	1988	1989	1990	1991	1992
St. Paul	1,145	1,340	1,077	1,645	1,482
St. George	113	181	164	281	194
Total	1,258	1,521	1,241	1,926	1,676

Estimated Number of Fur Seals Needed for Subsistence in 1993

NMFS is required by its regulations to include in this document an estimate of the fur seal harvest levels for 1993 that will satisfy the subsistence needs of the residents of the Pribilof Islands. The subsistence harvest estimates are intended as estimates of need, not quotas. The annual estimation of the number of seals required to meet the subsistence needs of the Pribilof Aleuts has been inexact when compared to the number of seals actually taken in each harvest, reflecting difficulties inherent in such estimations. NMFS conducted a workshop on November 5, 1991, to discuss, among other issues, a better method for estimating the subsistence needs of the Pribilof Island residents. Discussion at the workshop indicated that a household survey, conducted by the Traditional Council on each island, would be the most appropriate approach to determine the number of fur seals needed during the current year. Participants at the workshop indicated that such a house-to-house survey has been conducted previously by the residents of St. George Island to make this determination. Survey were carried out in 1992, and, in part, were used to estimate the number of seals required to meet the 1992 subsistence needs of the residents of St. George Island (57 FR 22450, May 25, 1992). If any of the households on either St. George or St. Paul Islands cannot be contacted during these mid-winter surveys, then the estimate of need for those households that could not be reached by survey can be determined either by extrapolating subsistence need using (1) the number of seals taken per household in the previous years' harvests, or (2) the average number of seals requested per household contacted during that survey, multiplied by the number of households. Alternatively, NMFS has determined that using the previous year's harvest level as a baseline that can be adjusted, provided that substantiated evidence of increased or decreased subsistence need is presented to NMFS, is an acceptable method for estimating current year needs (56 FR 36735, August 1, 1991).

During 1992, 41 households estimated a subsistence need for 365 seals on St. George Island (57 FR 22450, May 25, 1992). Based in part on these survey results, NMFS estimated a range of 281–500 fur seals needed for subsistence in 1992. One hundred and ninety-four fur seals were actually taken for subsistence purposes (Table 1), 171 fewer seals than estimated by the survey. Since 1986, the lower limit of subsistence need on St. George Island has been reached only in 1990 and 1991. On February 10, 1993, the St. George Traditional Council provided a listing to NMFS indicating that 38 households would require 407 seals for 1993. However, since fewer seals were actually taken in 1992 than estimated, and since the average number taken over the past 5 years has been 187, NMFS concludes that there has not been a demonstrated need for an increase in the number of fur seals taken for subsistence over the levels estimated for 1992. Therefore, NMFS proposes that the 1993 harvest estimate remain at the 1992 levels. If the Aleut residents of St. George Island reach the lower level of estimated need, 281 animals, and still have unmet subsistence needs, they may request an additional number of seals up to a harvest total of 500 (the upper bound estimated for the 1991 and 1992 harvest).

On February 26, 1993, the Tribal Government of St. Paul Island provided the estimate of its 1993 subsistence needs to NMFS. Fifty-four households, approximately one-third of the households on the island, responded to the survey. In contrast, 156 households responded to the 1992 survey, which resulted in a NMFS estimate of 1,645–2000 fur seals needed for subsistence (57 FR 34081, August 3, 1992). The 54 households that responded to the 1993 survey stated that their subsistence need for 1993 would require the taking of 842 fur seals. Since only one-third of the households on St. Paul Island responded to the 1993 survey, it is difficult to determine whether the resulting estimate is an accurate indication of subsistence needs.

Rather than attempting to extrapolate subsistence need on St. Paul Island based on incomplete survey data, and given that there have not been any significant changes in the demographics or economics of the island that would result in a decreased need for fur seal meat, it is reasonable to assume that subsistence need would vary little between 1992 and 1993. During 1992, the lower level of estimated need on St. Paul Island (1,645) was based on the results of the household survey, and the number of animals taken in the 1991 harvest on that island (57 FR 34081, August 3, 1992). At this time, therefore, NMFS proposes that the expected harvest levels for subsistence need on St. Paul Island for 1993 remain at 1992 levels, 1,645–2,000 fur seals. If the residents of St. Paul Island reach the lower limit of the estimated range of animals, and still have unmet

subsistence needs, they may request an additional number of seals, up to the upper level of the subsistence estimate.

Based on the low response by St. Paul residents to the 1993 survey, it may be interpreted that only a small percentage of the residents of St. Paul Island are interested in the fur seal harvest, and that the estimate of subsistence need may need to be reduced in future harvests from levels set for previous years.

NMFS biologists will continue to monitor the entire harvest on St. Paul Island during 1993 to ensure that the harvest is carried out in a manner that fully complies with the regulations specified at 50 CFR 215.32, and to determine whether subsistence need on St. Paul Island is declining from levels of previous years. However, at this time, NMFS believes that the actual number of seals needed for subsistence likely falls at, or below, the upper 95-percent CI for the average number of seals killed in the harvests during the past 5 years. The upper 95-percent CI value is within the range of the 1993 subsistence estimates (upper and lower values) for each of the islands. NMFS believes, therefore, that 1993 subsistence estimates, based on 1992 data, are reflective of present subsistence need.

List of Subjects in 50 CFR Part 215

Administrative practice and procedure, Marine mammals, Penalties, Pribilof Islands, Reporting and recordkeeping requirements.

Nancy Foster,

Acting Assistant Administrator for Fisheries.

[FR Doc. 93-13934 Filed 6-9-93; 12:42 pm]

BILLING CODE 3510-22-M

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50 CFR Part 285

[Docket No. 930488-3088; ID #032293A]

RIN 0648-AE83

Atlantic Tuna Fisheries

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

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce (Secretary) issues this proposed rule governing the Atlantic tuna fisheries to: (1) Require Atlantic bluefin tuna (ABT) dealers to submit daily reports via FAX and replace the weekly report with a revised bi-weekly report; (2) require permits for vessels fishing in the Angling category; (3) require at-sea observer coverage on vessels taking Atlantic tunas, if so requested by NMFS; (4) allow only authorized gear in the Atlantic tuna fisheries except when exempted as experimental; (5) allow the Assistant Administrator to make inseason transfers of potentially underharvested quota between fishing categories; (6) raise the amount of General category set-aside for the late season fishery from 40 metric tons (mt) to 100 mt; (7) allow for inseason adjustments to the Angling category bag and boat limits for private, party and charter boats; and (8) make other technical changes to enhance administration, management and enforcement.

This action is necessary to improve management and monitoring of the U.S. Atlantic tuna fisheries, to conform more closely to the 1991 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations, and to enhance collection of data to improve the assessment of the environmental, economic, and social impacts of the fisheries.

DATES: Comments on this proposed rule must be received on or before July 8, 1993.

ADDRESSES: Comments on the proposed rule should be sent to, and copies of the Draft Background Document/ Environmental Assessment/Regulatory Impact Review, are available from, Richard H. Schaefer, Director, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service (NMFS), 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the implementing regulations at 50 CFR part 285 under the authority of the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* The ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations as may be necessary to carry out the recommendations of ICCAT. The authority to implement the ICCAT recommendations is delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (Assistant Administrator).

Purpose of Current Action

The proposed actions for the 1993 fishing season are limited in scope. They are intended to meet existing obligations to implement ICCAT recommendations and to improve the efficiency of the domestic fishery management program.

Pursuant to the 1991 ICCAT recommendations and the implementing regulations at 50 CFR part 285, action is currently needed to adjust management measures for the 1993 fishery to improve monitoring of bluefin catch to ensure that the ICCAT-recommended biannual quota of 2,496 mt is not exceeded. In addition, the proposed measures would enhance NMFS' ability to meet the stated management objectives for the domestic fishery: provide data to monitor the stock, minimize economic displacement, maximize the use of the resource, and spread fishing opportunity among as many users as possible. Also, pursuant to the 1992 ICCAT Standing Committee on Research and Statistics (SCRS) reports concerning status of bigeye/ yellowfin tuna stocks, NMFS proposes to implement experimental fisheries provisions for new gear in the Atlantic tuna fisheries to investigate and assess the environmental, economic and social effects of new gear, to enable NMFS to make future management decisions. Finally, a number of technical corrections are needed to clarify the language of existing regulations and to enhance enforcement.

Proposed Management Measures

Proposed changes would improve NMFS' ability to implement the ICCAT recommendations and would further the management objectives for the domestic tuna fisheries.

Daily Reports by FAX, Revised Bi-weekly Report, and Permit Fee

NMFS is proposing to require ABT dealers to submit daily reports by FAX, as well as by mail. This was suggested during the 1992 fishing season by fishermen and dealers to give NMFS better information for quota monitoring and to allow NMFS to make decisions on seasonal closures or adjustments on a real-time basis. It also was suggested during scoping meetings for this rulemaking. In addition, the weekly dealer report is proposed to be revised and replaced with a bi-weekly report to enhance the usefulness of information collected. The Regional Director would be authorized to collect fees to recover the administrative costs of issuing dealer permits. The amount of the fee would be calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. As an interim measure, no fee is proposed for dealer permit applications processed in 1993. Dealer permit requests processed after 1993 would be assessed the full administrative cost approved annually by the NOAA Comptroller.

Angling Category Permits

NMFS received many comments recommending permitting for all vessels in the bluefin tuna fishery. NMFS agrees with these comments and believes that, to monitor the catch in the Angling category, it is essential to have an accurate count of the universe of angling vessels. Currently, to extrapolate catch per unit of effort estimates to total catch, it is necessary to use an estimate of the total number of vessels in the fishery. With Angling category vessel permits, the catch estimation procedure will be much more timely and accurate. This will help to resolve questions concerning past estimates of catch in the Angling category and will increase confidence in future estimates. Given limited agency resources and the potentially large number of privately owned Angling category vessels, it is proposed that permits be issued first to party and charter vessels in 1993 and to private vessels in 1994.

A vessel owner applying for an Atlantic bluefin tuna permit would be required to submit a completed permit application signed by the owner or agent on an appropriate form obtained from the Regional Director. It would be required that the application be submitted to the Regional Director at least 30 days before the date on which the applicant desires to have the permit made effective. Valid permits would be required of party and charter vessels beginning July 1, 1993. Private vessel permits would be required beginning January 1, 1994.

The Regional Director would be authorized to collect fees to recover the administrative costs of issuing Angling category permits. The amount of the fee would be calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. As an interim measure, the fee would be $20.00 for permit applications processed in 1993, a level equal to that charged for other categories of Atlantic bluefin tuna permits. Angler permit requests processed after 1993 would be assessed the full administrative cost approved annually by the NOAA Comptroller.

In past years, there has not been a clear distinction between commercial and recreational users of the bluefin tuna resource, especially with regard to General category permit holders. In permitting the Angling category, NMFS recognizes a distinct category of recreational users. Therefore, NMFS proposes to designate holders of General category permits as commercial users. Vessels holding a General category permit would be classified as commercial vessels, which are subject to Coast Guard regulations pertaining to safety equipment requirements. Additionally, as commercial users, the names and addresses of General category permit holders would be subject to release under Freedom of Information Act (FOIA) requests. Those fishermen who do not want to fish for bluefin tuna commercially, but who want to retain a trophy fish (one large medium or giant bluefin annually) taken incidental to fishing under the regulations applicable to the Angling category, may apply for an Incidental Catch (Rod and Reel) category permit.

Mandatory Observer Coverage

Observer coverage is often the most efficient and effective means of scientifically validating catch, bycatch and discard data, and to collect biological samples. Mandatory observer coverage would improve collection of the scientific data necessary for management decisions affecting the Atlantic tuna fisheries. This rule change would establish the authority for NMFS to require observers for any category of vessel that is fishing for, or incidentally catching, Atlantic tunas at any time. Owners of vessels selected for observer coverage would be required to notify NMFS prior to the vessel's departure on a fishing trip. Notification procedures would be specified in the selection notice to the vessel owner. If, after notification, NMFS decides to place an observer on board for that fishing trip, the vessel owner would be instructed to wait at the dock until an observer arrives.

Prohibit Unauthorized Gear in the Atlantic Tuna Fisheries

NMFS has received numerous comments concerning the harvest of Atlantic tunas and other species by certain types of gear, including pair-trawl gear and other potential new types of fishing gear. In addition, NMFS has received a petition for rulemaking from the Center For Marine Conservation (refer to 58 FR 21967, April 26, 1993) concerning the unrestricted use of pair trawls and other new types of gear in fisheries when the effects of these gear types on protected resources are not known. Because of the overfished or fully exploited status of the Atlantic tuna stocks and the need for additional data before determinations can be made whether to allow new gear into a directed fishery, establish a bycatch quota for the new gear, establish safeguards to reduce interaction with protected species, or make other management decisions concerning the gear, NMFS proposes to designate only certain types of fishing gear as authorized for use in the Atlantic tuna fisheries and to prohibit the use of unauthorized gear.

Specifically, NMFS proposes that fishing for Atlantic tuna, with the exception of Atlantic bluefin tuna, be authorized only with handlines, rod and reel, harpoon, purse seine, longline, and drift gillnet. Authorized gear for Atlantic bluefin tuna is any gear type allocated a quota under the categories designated for directed or incidental fishing. Authorization of a gear type at any point does not establish a permanent authorized status for that gear in the Atlantic tuna fisheries. NMFS may collect information from selected vessels using authorized gear to evaluate the effects of the gear on the tuna resources and the environment. Given new information, NMFS would re-evaluate the status of any authorized gear.

It is proposed that vessels with unauthorized gear on board may not fish for, retain, or possess Atlantic tunas unless authorized under specific conditions of incidental catch. However, to obtain necessary information, NMFS proposes to allow exemptions for certain gear types under conditions of limited experimental fisheries. Exemptions may be granted to vessels employing selected gear to allow scientific assessment of the gear and to develop a data base for future decisions on managing these gear types.

Fishermen wishing to employ gear not authorized to take Atlantic tunas, either as a directed fishery, or as an incidental fishery, could submit a request to the Director of the Office of Fisheries Conservation and Management (Director) for an experimental fishing exemption. The Director may authorize, for limited experimental purposes, the directed or incidental harvest of tunas that would be otherwise prohibited. Experimental fishing may not be conducted unless authorized by an exemption issued by the Director to the participating vessel(s) in accordance with the criteria and procedures specified in the exemption letter of authorization.

Applicants for experimental fishing exemptions would be assessed a fee calculated to recover the administrative costs of issuing the exemption. The amount of the fee would be calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. As an interim measure, the fee for exemption requests processed in 1993 would be set at

$20.00, a level equal to that charged Atlantic bluefin tuna permit holders. Exemption requests processed after 1993 would be assessed the full administrative cost approved annually by the NOAA Comptroller.

Authority To Allocate Underharvest Between Fishing Categories

The implementing regulations at 50 CFR 285.22(h) provide for adjustments to 1993 quotas when fishing categories take more or less than their authorized quotas in 1992. Specifically, if the Assistant Administrator determines, based on landing statistics and other available information, that a 1992 quota in any category, or as appropriate, subcategory, has been exceeded or has not been reached, the Assistant Administrator must subtract the overharvested amount from, or add the underharvested amount to, that quota for 1993.

Large amounts of underharvested quota in any fishing category at the end of the fishing year, if used to increase quota for that category in the following year, may result in excessive allocations and continuing underharvest of quota if the particular gear segment is in fact unable to harvest the additional amount. Allocation of additional quota to a particular category that cannot make use of that amount is inconsistent with the stated management objective of maximizing use of the available quota while sharing the opportunity to fish among as many users as possible. Additionally, ATCA requires that NMFS provide a reasonable opportunity for domestic fishermen to harvest any quota allocated to the United States under an international agreement.

Under the regulations at 50 CFR 285.22(f), the Assistant Administrator has the authority to allocate any portion of the reserve amount to any fishing category as an inseason adjustment after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock; (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made; (3) the projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season; and (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

NMFS proposes to amend the regulations at 50 CFR 285.22 to provide authority for the Assistant Administrator to make adjustments to quotas by transfers of quotas between fishing categories if, during any year of a single-year quota period, or the second year of a biannual quota period as defined by ICCAT, the Assistant Administrator determines, based on landing statistics, present year catch rates, and other available information, that any category or, as appropriate, subcategory, is not likely to take its entire quota as previously allocated for that year. Given that determination, the Assistant Administrator may transfer, inseason, any portion of the quota of any fishing category to any other fishing category or to the reserve after considering the four factors indicated at § 285.22(f) and the likelihood that any transfers between categories will not result in the total single-year quota or the total 2-year quota being exceeded. The Assistant Administrator will file a notification of transfer of any inseason adjustment amount with the Office of the Federal Register before the date such transfer is to become effective .

Allowing the Assistant Administrator to make inseason transfers of unharvested quota between categories provides the flexibility needed to collect data necessary for monitoring the status of the stock, minimize economic displacement, and maximize use of the available resource.

Set-aside for the Late Season General Category Fishery

Written and oral comments have been received recommending various methods to provide a late-season fishery to allow maximum fishing opportunity for all geographic areas and to allow fishermen to take advantage of the higher prices potentially received in late summer/early fall in areas where this fishery has been traditional. Along with recommendations for delaying the opening of the season to accomplish this, NMFS has received recommendations for reserving each year 100 mt of the General category quota until September 15. NMFS agrees that this would help ensure that a portion of the annual quota would remain for traditional late-season fisheries. NMFS believes this late-season set-aside has merit from a scientific standpoint (e.g., continuing the collection of data on large ABT through September, and potentially in October) and could have positive economic impacts due to the higher prices usually received from ABT in late summer and early fall.

Angling Category In-season Adjustments

Differential bag limits were implemented in 1992 in the Angling category for ABT less than 115 cm (45 inches) in an effort to ensure that the Angling category fishery stay open as long as possible. All vessels (including charter and party boats), except purse seiners, are limited to one medium ABT per day. Private boats are allowed only two school ABT per trip, while anglers on charter and party boats are allowed one school ABT per angler per trip (day).

Additionally, the Assistant Administrator is provided the authority to adjust the bag limits for anglers fishing from charter or party vessels from one school ABT per angler per trip (day) to two school ABT per angler per trip. Comments have been received recommending that the private boat sector be treated in a similar manner, in terms of the bag limits, as the charter/party boat sector. In addition, public comment has indicated to NMFS that closures can adversely impact the recreational sector to a greater degree than lower bag or boat limits. NMFS believes the data collected during 1992 provide adequate justification for allowing the Assistant Administrator the flexibility to adjust the private boat catch from two school ABT per boat to one per angler or two per angler per trip, as in the charter/partyboat sector, and to adjust the charter/party boat sector to as few as two fish per vessel, as in the private boat sector, if necessary to avoid a closure. Such flexibility would provide more options for the private boat fishery and could help to reduce the likelihood of closures in the recreational sector if charter boat catch rates become excessive.

Technical Changes to the Regulations

A number of technical changes are proposed to clarify the language or to enhance enforcement of the existing regulations. These clarifications will facilitate a consistent interpretation of the regulations. The proposed changes will:

1. Clarify the dividing line between the northern and southern regions for management of the Angling category quota;
2. Clarify the meaning of "authorized officer", "postmarking", and "delegated authority";
3. Clarify the prohibitions and authorized activities for incidental take of ABT;
4. Clarify which categories of permit may be held concurrently;
5. Clarify that ABT may not be possessed or landed in areas otherwise closed to fishing;
6. Clarify non-transferability of vessel permits;

7. Clarify references to certain size classes of ABT;

8. Correct misspellings and incorrect cross-references;

9. Eliminate redundant sections; and

10. Clarify permit application information requirements.

These changes will not affect the conduct of the tuna fisheries except to close "loopholes" and facilitate enforcement. Without such changes, the fisheries cannot be monitored or enforced with maximum effectiveness.

In addition, NMFS has received comment that a correction to the regulatory text is needed to clarify the prohibition on landing Atlantic tuna in a form other than round (fins intact) or other than with the head removed and eviscerated. NMFS requests additional comment on the need for flexibility in the regulations governing at-sea processing of all species of Atlantic tuna, as applied to both the commercial and recreational fisheries.

Classification

This proposed rule is published under the authority of the ATCA, 16 U.S.C. 971 *et seq.* The Assistant Administrator has preliminarily determined that this proposed rule is necessary to implement the recommendations of ICCAT and is necessary for management of the Atlantic tuna fisheries.

An environmental assessment (EA) of the proposed measures was prepared by NMFS and is available for public review (see **ADDRESSES**).

The Assistant Administrator has determined, based on the Regulatory Impact Review (RIR) prepared for this rule, that this is not a "major" rule requiring a Regulatory Impact Analysis under E.O. 12291. The proposed action will not have a cumulative effect on the economy of $100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investment, productivity, innovation, or competitiveness of U.S.-based enterprises are anticipated. The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because less than 20 percent of the entities are affected by the rule. A copy of the RIR may be obtained from NMFS (see **ADDRESSES**).

The Assistant Administrator has determined that this proposed rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of the Atlantic, Gulf of Mexico, and Caribbean states that have approved coastal zone management programs. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This proposed rule contains several new collection-of-information requirements subject to review under the Paperwork Reduction Act and revises and continues requirements that were approved by the Office of Management and Budget (OMB) under OMB control numbers 0648–0202 and 0648–0239. The continuing requirements are revised because changes in the information requested on permit applications and on dealer reports involved changing or deleting several words in the existing regulatory text. The public reporting burden for permit application collections of information is estimated to remain unchanged at an average 30 minutes per response for a new vessel permit application and 15 minutes per response for a vessel permit renewal. The revised public reporting burden for collections of information on dealer reports are estimated at 2.5 minutes per response for daily dealer reports, and 33 minutes per response for bi-weekly dealer reports. The burden for inspection notification for purse seine vessels remains unchanged at 5 minutes. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

New collection-of-information requirements are associated with requests for permitting the Angling category, experimental fishing exemptions, and mandatory observer coverage. The public reporting burden for Angling category permits is expected to average 30 minutes for a new application and 10 minutes for a renewal (in the case that a vessel owner would be applying for an Angling category permit in addition to renewing a current General category permit). The public reporting burden for an experimental fishing exemption is expected to average 1 hour to apply for an exemption, and 2 hours per report on exempted fishing activities. The public reporting burden for vessel owners selected for observer coverage is estimated to average 1 hour per observed fishing trip. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspects of these collections of information, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attention NOAA Desk Officer).

NMFS has consulted under section 7 of the Endangered Species Act concerning the potential impact of this fishery and of the proposed management measures on endangered and threatened species. It has been determined that no new information is available that would provide a basis for altering the conclusions of the Biological Opinion issued on July 5, 1989. Thus, the fishery and these proposed actions are not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS.

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

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: June 8, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 285 is proposed to be amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.2, new definitions for "drift gillnet" and "postmark" are added in alphabetical order and the definitions of "authorized officer" and "Secretary" are revised to read as follows:

§ 285.2 Definitions.

* * * * *

Authorized officer means:

(1) Any commissioned, warrant, or petty officer of the U.S. Coast Guard; or any U.S. Coast Guard personnel accompanying and acting under the direction of a commissioned, warrant, or petty officer of the U.S. Coast Guard;

(2) Any special agent or fisheries enforcement officer of NMFS; or

(3) Any person designated by the head of any Federal or state agency that has

entered into an agreement with the Secretary or the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act.

* * * * *

Drift gillnet, sometimes called a drift entanglement net or drift net, means a flat net, unattached to the ocean bottom, whether or not attached to a vessel, designed to be suspended vertically in the water to entangle the head or other body parts of fish that attempt to pass through the meshes.

* * * * *

Postmark means independently verifiable evidence of date of mailing, such as U.S. Postal Service postmark, United Parcel Service (U.P.S.) or other private carrier postmark, certified mail receipt, overnight mail receipt or a receipt issued upon hand delivery to an authorized representative of NMFS.

* * * * *

Secretary means the Secretary of Commerce, or a designee.

* * * * *

3. Section 285.3 is amended by revising the introductory phrase and adding paragraphs (i) through (n) to read as follows:

§ 285.3 Prohibitions.

It is unlawful:

* * * * *

(i) For any person or vessel subject to the jurisdiction of the United States to fish for, catch or retain any species of Atlantic tuna with gear that is not authorized under § 285.9, unless authorized under § 285.7.

(j) For any person or vessel subject to the jurisdiction of the United States to possess any Atlantic tuna on board a vessel that has gear on board that is not authorized under § 285.9, unless authorized under § 285.7.

(k) For any person to assault, resist, oppose, impede, intimidate, interfere with, obstruct, delay or prevent any authorized officer in the conduct of any search, inspection, seizure or lawful investigation made in connection with enforcement of this part.

(l) For any person to assault, resist, oppose, impede, harass, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(m) Interfere with or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an at-sea observer conducting his or her duties aboard a vessel.

(n) Fail to provide an observer with the required food, accommodations, access, and assistance, as specified in § 285.8(c).

4. Sections 285.7 through 285.9 are added to subpart A to read as follows:

§ 285.7 Experimental fishing exemption.

(a) Upon a written request received at least 30 days before the desired effective date, the Director may exempt any person or vessel from the requirements of this part for the conduct of experimental fishing to gather data needed to make management decisions for the Atlantic tuna resources or fisheries.

(b) A request for an exemption must be in writing and received by the Director at least thirty (30) days before the desired effective date. The request must specify any vessel(s) involved, describe the gear to be used, the manner in which the gear will be fished, the duration of the activity, the area where the activity will be conducted, the species of tuna that will be caught, the anticipated bycatch, the port(s) involved and the disposition of the catch, both domestic and foreign. The request must include any fee specified by the Director pursuant to § 285.7(e).

(c) The Director may not grant such exemption unless it is determined that the purpose, design, and administration of the experimental fishing is consistent with the objectives of the management program, ICCAT recommendations, the provisions of the Atlantic Tunas Convention Act, and other applicable law, and that granting the exemption will not:

(1) Have a detrimental effect on the Atlantic tunas resources and fisheries; or

(2) Create significant enforcement problems.

(d) Each vessel participating in any experimental fishing activity is subject to all provisions of this part except those clearly inconsistent with the exemption granted that activity by the Director. The conditions and duration of the experimental fishing will be specified in a letter issued by the Director to each vessel or person participating in the exempted activity. This letter must be carried aboard the vessel conducting the exempted activity. Any exemption authorization that has been altered, erased, or mutilated is invalid. A letter of exemption issued under this part is not transferable or assignable.

(e) The Director may charge a fee to recover the administrative expenses of issuing a letter of exemption. The amount of the fee will be calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. The fee may not exceed such costs. Persons seeking an exemption may contact the Director at (301) 713–2334 to find out the applicable fee. Failure to pay the fee will preclude issuance of the exemption. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any letter of exemption.

§ 285.5 At-sea observer coverage.

(a) Notwithstanding the placement of on-board fishery observers under the authority of any other Federal statute, NMFS may require observers for any category of vessel engaged in directed fishing for, or incidentally taking, Atlantic tunas at any time.

(b) Owners of vessels selected for observer coverage will be required to notify the appropriate Regional or Center Director before commencing any fishing trip that may result in the harvest of any Atlantic tuna. Notification procedures will be specified in selection letters to vessel owners.

(c) An owner or operator of a vessel on which a NMFS-approved observer is embarked must—

(1) Provide accommodations and food that are equivalent to those provided to the crew;

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties;

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position;

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish; and

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 285.9 Authorized gear.

(a) Authorized fishing gear for Atlantic tuna, with the exception of Atlantic bluefin tuna, is the following: Handline, rod and reel, harpoon, purse seine, longline, and drift gillnet.

(b) Authorized gear for Atlantic bluefin tuna is any gear appropriate to the categories allocated a quota under subpart B of this part.

5. In § 285.21, paragraphs (a), (b), (c), (e), (g), (h), (k) and (l) and the OMB control number at the end of the section are revised and paragraph (m) is added to read as follows:

§ 285.21 Vessel permits.

(a) *Permit requirements.* Each vessel that fishes for or takes Atlantic bluefin tuna must have on board a valid permit issued under this section. Party and charter vessels fishing in the Angling category; must have on board a valid permit by July 1, 1993. Private vessels fishing in the Angling category must have a valid permit on board by January 1, 1994.

(b) *Categories of permits.* Except as allowed under paragraph (m) of this section, the Regional Director will issue a permit to each vessel for only one of the following categories: General (handgear), Angling, Harpoon Boat, Purse Seine, or Incidental Catch. A permitted vessel is entitled to fish for Atlantic bluefin tuna only under the quota for the category in which it is permitted, and must use gear appropriate to that category. The Regional Director will issue permits to catch and retain Atlantic bluefin tuna under § 285.22(c) only to current owners of those purse seine vessels, or their replacements, that were granted allocations under this subpart and landed Atlantic bluefin tuna in the fishery for Atlantic bluefin tuna during the period 1980 through 1982. The Regional Director will not issue a permit to take Atlantic bluefin tuna under this subpart to any vessel that was replaced with another vessel and retired from the purse seine fishery during the period 1980 through 1982, unless that vessel is replacing another vessel being retired from the fishery.

(c) *Application procedure.* Permits issued under this section must be renewed annually. A vessel owner applying for an Atlantic bluefin tuna permit under this section must submit a completed permit application signed by the owner or agent on an appropriate form obtained from the Regional Director. The application must be submitted to the Regional Director at least 30 days before the date on which the applicant desires to have the permit made effective. The application must include the name, address and telephone number of the vessel owner(s) (for each owner that owns more than a 25 percent interest in the vessel); the name of the vessel; the port where the vessel is docked; the official state registration or U.S. Coast Guard documentation number; the gross tonnage, if known; the length of the vessel; the engine horsepower; the year the vessel was built; the type of vessel construction; the type of vessel propulsion; the vessel's fish hold capacity; the type(s) of fishing gear used; the normal crew size; number of party or charter passengers licensed to carry (if applicable); and the category of the permit. In addition, if applicable, applicants must include a copy of the official state registration or U.S. Coast Guard documentation, party/charter boat license, and, if a boat is owned by a corporation or partnership, the corporate or partnership documents (copy of Certificate of Incorporation and Articles of Association or Incorporation, including the names and addresses of all shareholders owning 25 percent or more of the corporation's shares). Except for purse seine vessels, an owner may change the category of the vessel's permit by notifying the Regional Director in writing before May 15. After May 15, the vessel's permit category may not be changed for the remainder of the calendar year, regardless of any change in the vessel's ownership, unless the vessel never had recorded landings of Atlantic bluefin tuna, or unless there is sufficient evidence for the Regional Director to determine that an error involving contradictory information was made on the application.

* * * * *

(e) *Duration.* A permit issued under this section remains valid until it is suspended or revoked, or it expires. A permit issued under this section expires when the name of the owner or vessel changes, or upon the renewal date specified on the permit by the Regional Director.

* * * * *

(g) *Replacement.* The Regional Director may issue replacement permits when requested in writing by the owner or authorized representative, stating the need for replacement, the name of the vessel, and the fishing permit number assigned. An application for a replacement permit will not be considered a new application. An appropriate fee, consistent with paragraph (k) of this section, may be charged for issuance of the replacement permit.

(h) *Transfer.* A permit issued under this section, except in the case of purse seine permits as allowed under paragraph (b) of this section, is not transferable or assignable to another vessel or owner; it is valid only for the vessel and owner to which it is issued.

* * * * *

(k) *Fees.* The Regional Director may charge a fee to recover the administrative expenses of permit issuance. The amount of the fee is calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any permit.

(l) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the vessel owner must report the change in writing to the Regional Director. The permit is void if any change in the information is not reported within 15 days.

(m) *Multiple categories.* The following combinations of vessel permits, and fishing activity subject to the provisions governing these categories, are allowed to exist simultaneously aboard a single vessel, although individual fish taken under any permit category remain subject to the provisions of the regulations applicable to that category:

(1) Angling and General category; and

(2) Angling and Incidental Catch (Rod and Reel) category.

(Approved by the Office of Management and Budget under OMB control number 0648–0202)

6. Section 285.22 is amended by revising the introductory text and paragraphs (a) through (e) and adding paragraph (i) to read as follows:

§ 285.22 Quotas.

The total annual (January 1–December 31) amount of Atlantic bluefin tuna that may be caught, retained, possessed or landed by persons and vessels subject to U.S. jurisdiction in the regulatory area is subdivided as follows:

(a) *General.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the General category under § 285.21(b) is 531 mt, of which 100 mt is set aside for a late-season fishery beginning September 15. On the basis of the statistics referenced at § 285.20(b)(1), the Assistant Administrator will project a date when the catch of Atlantic bluefin tuna will equal the annual quota minus 100 mt, and will publish a notification in the **Federal Register** stating that fishing for, retaining, possessing or landing Atlantic bluefin tuna under the early-season quota must cease on that date at a specified hour, and not recommence until September 15, whereupon a quota equal to the difference between the annual quota and the estimated catch prior to September 15 will become available. If the Assistant Administrator determines (based on dealer reports, availability of

large medium or giant Atlantic bluefin tuna on the fishing grounds, and any other relevant information) that variations in seasonal distribution, abundance, or migration patterns of Atlantic bluefin tuna, and the catch rate, may prevent fishermen in an identified area from harvesting their share of the quota, the Assistant Administrator may set aside an allocation of the late-season quota for such area. The amount of any allocation will not exceed the greater of 20 mt or the maximum reported landings in the identified area in any of the preceding 3 years. The Assistant Administrator will publish notification of any set-aside allocation and its basis in the **Federal Register**. The daily catch limit for the identified area will be set at one large medium or giant Atlantic bluefin tuna per day per vessel.

(b) *Harpoon boat.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the Harpoon Boat category under § 285.21(b) is 53 mt.

(c) *Purse seine.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the Purse Seine category under § 285.21(b) is 301 mt.

(d) *Angling.* The total annual amount of school, large school, and small medium Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by anglers is 219 mt. No more than 100 mt of this quota may be school Atlantic bluefin tuna. This quota is further subdivided as follows:

(1) 47 mt of school Atlantic bluefin tuna may be caught, retained, possessed or landed south of 38°47′ N. latitude.

(2) 53 mt of school Atlantic bluefin tuna may be caught, retained, possessed or landed north of 38°47′ N. latitude.

(e) *Incidental.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the Incidental Catch category under § 285.21(b) is 226 mt for the 2-year period 1992–1993. This quota is further subdivided as follows:

(1) In 1992, 132 mt for longline vessels. No more than 104 mt may be caught, retained, possessed or landed in the area south of 36°00′ N. latitude.

(2) In years after 1992, 85 mt for longline vessels. No more than 67 mt may be caught, retained, possessed or landed in the area south of 36°00′ N. latitude.

(3) For vessels fishing for species of fish other than tuna with gear other than rod and reel, and vessels fishing with rod and reel under the regulations pertaining to the Angling category, 5 mt in 1992 and 4 mt in years after 1992 may be caught, retained, possessed or landed in the regulatory area.

* * * * *

(i) *Transfers between categories.* The Assistant Administrator is authorized to make adjustments to quotas involving transfers between vessel categories or, as appropriate, subcategories if, during any year of a single year quota period or the second year of a biannual quota period as defined by ICCAT, the Assistant Administrator determines, based on landing statistics, present year catch rates, and other available information, that any category, or as appropriate, subcategory, is not likely to take its entire quota as previously allocated for that year. Given that determination, the Assistant Administrator may transfer inseason any portion of the quota of any fishing category to any other fishing category or to the reserve after considering the four factors indicated in paragraphs (f) (1) through (4) of this section, and the likelihood that any transfers between categories will not result in the total single-year quota or the total 2-year quota being exceeded. The Assistant Administrator will file a notification of transfer of any inseason adjustment amount with the Office of the Federal Register before such transfer is to become effective.

7. Section 285.23 is amended by revising paragraphs (c)(1) and (c)(2) and removing paragraph (f) to read as follows:

§ 285.23 Incidental catch.

(c) * * *

(1) One fish per vessel per fishing trip landed south of 36°00′ N. latitude, provided that at least 2,500 pounds (1,134 kg), either dressed or round weight, of species other than Atlantic bluefin tuna are legally caught, retained, and offloaded from the same trip and are recorded on the dealer weighout as sold; and

(2) Two percent by weight, either dressed or round weight, of all other fish legally landed, offloaded and documented on the dealer weighout as sold at the end of each fishing trip, north of 36°00′ N. latitude.

* * * * *

8. Section 285.24 is amended by revising paragraphs (d)(2)(ii) and (d)(3) to read as follows:

§ 285.24 Catch limits.

* * * * *

(d) * * *

(2) * * *

(ii) The Assistant Administrator may change the per angler limit to a per boat limit or a per boat limit to a per angler limit, and may increase the bag limit for school bluefin tuna for anglers on party and charter boats from one to two, and may reduce it from two to one, based on a review of daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, to provide for maximum utilization of the quota over the longest possible period of time. The Assistant Administrator will publish a notification in the **Federal Register** of any adjustment in the bag limit made under this paragraph (d)(2)(ii).

(3) *Private boats*—(i) Private boat anglers may catch, retain, possess or land each day the bag limit for anglers specified in paragraph (d)(1) of this section for the number of anglers on board; provided, however, that no more than one small medium and two school bluefin tuna may be retained each day, regardless of the number of anglers on board.

(ii) The Assistant Administrator may change the per angler limit to a per boat limit or a per boat limit to a per angler limit, and may increase the bag limit for school bluefin tuna for anglers on private boats from one to two per angler, and may reduce it from two to one per angler, based on a review of daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, to provide for maximum utilization of the quota over the longest possible period of time. The Assistant Administrator will publish a notification in the **Federal Register** of any adjustment in the bag limit made under this paragraph (d)(3)(ii).

9. Section 285.25 is amended by revising paragraph (c) to read as follows:

§ 285.25 Purse seine vessel requirements.

* * * * *

(c) *Inspection.* Any owner of a purse seine vessel with a permit issued under § 285.21(b) must request an inspection of the vessel and fishing gear by an enforcement agent of NMFS before commencing any fishing trip that may result in the harvest of any regulated species and before offloading any Atlantic bluefin tuna. The vessel owner must request such inspection at least 24 hours before commencement of a fishing trip and offloading by calling 508–563–5721 or 508–281–9261. Purse seine vessel owners must have each large medium and giant bluefin tuna in their catch weighed (round weight), measured, and the information recorded on the appropriate forms at the time of

offloading and prior to transporting said tuna from the area of offloading.

* * * * *

10. Section 285.26 is amended by revising the entry for line two in the body of the table to read as follows:

§ 285.26 Size classes.

* * * * *

Size class	Total fork length	Pectoral fin fork length	Approx. round weight
* * *	*	* *	*
School	26 to <45 in	19 to <33 in	14 to <66 lbs.
* * *	*	* *	*

11. Section 285.28 is amended by revising paragraphs (b) and (j) to read as follows:

§ 285.28 Dealer permits.

* * * * *

(b) *Application.* An applicant must apply for a dealer permit in writing on an appropriate form obtained from the Regional Director. The application must be signed by the applicant, and be submitted to the Regional Director at least 30 days before the date upon which the applicant desires the permit to be effective. The application must contain the following information: Company name; principal place of business; owner or owners' names; applicant's name (if different from owner or owners) and mailing address and telephone number; and any other information required by the Regional Director.

* * * * *

(j) *Fees.* The Regional Director may charge a fee to recover the administrative expenses of permit issuance. The amount of the fee is calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any permit.

* * * * *

12. Section 285.29 is amended by revising paragraphs (a), (b) and (d) to read as follows:

§ 285.29 Dealer recordkeeping and reporting.

* * * * *

(a) Must submit to the Regional Director via both electronic facsimile (FAX) and the postal system a daily report on a reporting card provided by NMFS, within 24 hours of the purchase or receipt of each Atlantic bluefin tuna from the person or vessel that harvested the fish. A FAX of said card must be received at the NMFS NE Regional Office (FAX 508–281–9135) within 24 hours of the purchase or receipt of each Atlantic bluefin tuna. Additionally, said card must be postmarked and mailed within 24 hours of the purchase or receipt of each Atlantic bluefin tuna. Each reporting card must be signed by the vessel permit holder or vessel operator to verify the name of the vessel that landed the fish and must show the Atlantic bluefin tuna vessel permit number, metal tag number affixed to the fish by the dealer or assigned by an authorized officer, the date landed, the port where landed, the round or dressed weight, the fork length, gear used, and area where the fish was caught.

(b) Must submit to the Regional Director a bi-weekly report on forms supplied by NMFS.

(1) Said report must be postmarked and mailed within 10 days after the end of each 2-week reporting period week in which Atlantic bluefin tuna were purchased, received, or imported. Each report must specify accurately and completely for each tuna purchased: Date of landing or import; vessel ABT permit number (if appropriate); metal tail tag number; weight in pounds or kilograms (specify if round or dressed); nature of the sale (dockside or consignment); price per pound or kilogram (round or dressed weight); quality rating (A, B or C) for four attributes (freshness, fat, color and shape); and destination of the fish (domestic or export).

(2) At the top of each form, the dealer must indicate the company name, license number, and the name of the person filling out the report. In addition, the beginning and ending dates of the 2-week period must be specified by the dealer and noted at the top of the form.

* * * * *

(d) Must retain at his/her place of business a copy of each daily report (including proof of FAX transmission) and a copy of each bi-weekly report for a period of 2 years from the date on which each was submitted to the Regional Director.

* * * * *

13. Section 285.30 is amended by revising paragraph (c)(2) to read as follows:

§ 285.30 Metal tags.

* * * * *

(c) * * *

(2) Any person who catches a large medium or giant Atlantic bluefin tuna and does not transfer it to a permitted dealer must contact the nearest NMFS enforcement office at the time of landing said Atlantic bluefin tuna and make the tuna available so that a NMFS enforcement agent may inspect the fish and attach a metal tag to it. The offices to contact are: Portland, ME (207–780–3241); Otis Air Force Base, MA (508–563–5721); Brielle, NJ (201–528–3315); Atlantic Beach, NC (919–247–4549); Brunswick, GA (912–265–0108); Miami, FL (305–361–4224); St. Thomas, U.S. Virgin Islands (809–774–5226); San Juan, Puerto Rico (809–782–8686); St. Petersburg, FL (813–893–3145); St. Joe, FL (904–227–1879); or Corpus Christi, TX (512–888–3362). The Regional Director may designate a person other than a NMFS agent to inspect and tag the fish. Such designation will be made in writing.

* * * * *

14. Section 285.31 is amended by revising paragraphs (a) (7), (16), (26), (30) and (31), and removing paragraph (32); and redesignating paragraphs (a)(33) through (a)(38) as paragraphs (a)(32) through (a)(37), respectively, to read as follows:

§ 285.31 Prohibitions.

(a) * * *

(7) Fish for, catch, possess, or land Atlantic bluefin tuna in an area otherwise closed to fishing.

* * * * *

(16) Engage in fishing with a vessel holding a permit under § 285.21 unless the vessel travels to and from the area

where it will be fishing under its own power and the person operating that vessel brings any Atlantic bluefin tuna under control (secured to the catching vessel or aboard) with no assistance from other vessels, except in circumstances where the safety of the vessel or its crew is jeopardized or due to other circumstances beyond the control of the operator;

* * * * *

(26) Fish for, catch, retain, possess or land Atlantic bluefin tuna with longline gear except as provided in § 285.23(c);

* * * * *

(30) Fish for, catch, possess or land Atlantic bluefin tuna from the Gulf of Mexico except as specified under § 285.23 (c), (d) and (l);

(31) Fish for or catch Atlantic bluefin tuna with a gear type or in a manner other than specified in §§ 285.22, 285.23, and 285.25, or other than authorized under an experimental fishing exemption issued pursuant to the requirements of § 285.7.

* * * * *

15. Section 285.50 is revised to read as follows:

§ 285.50 Authorized fishing.

Fishing for, catching, retention or possession of yellowfin and bigeye tuna in the regulatory area by persons or fishing vessels subject to the jurisdiction of the United States is authorized only for:

(a) Vessels employing gear types specified at § 285.9 unless the gear is authorized under an experimental fishing exemption issued pursuant to the requirements of § 285.7;

(b) Yellowfin or bigeye tuna that weigh 7 pounds round weight (3.2 kg) or more, except as provided in § 285.52.

[FR Doc. 93-13902 Filed 6-8-93; 5:08 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 58, No. 112
Monday, June 14, 1993

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

DEPARTMENT OF AGRICULTURE

Forest Service

Lolo Trail; Clearwater National Forest, Idaho County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice; Intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) that will analyze and disclose the environmental impacts of the following proposals; (1) Revise the Lolo Trail System Guidelines that were adopted into the Forest Plan. The revisions would become an amendment to the Forest Plan; (2) Reconstruct segments of the Historic Lolo Motorway (FS #500 and associated road segments that access the motorway) from Musselshell Meadows and Canyon Junction to Rocky Point Lookout in 1996. Also proposed during this time and along the same route are the construction of dispersed camping spurs, interpretative and informational signing, and trail head facilities; and (3) Construct a continuous recreation trail across the Clearwater National Forest along the Lolo Trail route. It would run from Musselshell Meadows and Lolo Campground (intersecting near Rocky Ridge) and continuing east to the Idaho-Montana border near Packer Meadows. Historic routes would be used where feasible, but segments (particularly the Lewis and Clark route in Hungery Creek) would be preserved in their natural state. The Forest objective is to complete this trail by 2005, the Lewis and Clark Expedition Bicentennial. This EIS will tier to the Clearwater National Forest Land and Resource Management Plan Final EIS of September, 1987, which provides overall guidance in achieving the desired future condition for the area.

The purpose and need for each proposed action, in order, is: (1) The original 1985 draft of the Lolo Trail System Guidelines was adopted into the Forest Plan in 1987. After six years it is apparent that a revision is needed for several reasons. The original Guidelines are difficult to read and to understand, and direction for each resource was written independently with little integration between resource areas; second, the Clearwater National Forest has been unable to establish agreement with the Advisory Council for Historic Preservation; third, the current guidelines do not provide for long term planning; fourth, the Nee-Me-Poo and Q'useyn'eisskit Trails have been since designated National Historic Trails; fifth, the current guidelines do not address the recent increase in public interest in the Lolo Trail system; and finally, systematic historical resource inventories and ethnographic surveys are currently underway or planned for the Lolo Trail system. A revision of the Guidelines, that remedies the current problems and incorporates recent changes and remains flexible to accommodate those of the future, is needed to provide clear management direction for the Lolo Trail system. (2) Considered not much more than a jeep trail now, the Historic Lolo Motorway was a major improvement in transportation across the old trail when it was built by the Civilian Conservation Corps in the early 1930's. The road exists now, as it did when it was built, narrow and rough, and steep in places, with tight curves along dizzying precipices. However, much of the original road surface has disappeared, exposing large rocks making the road almost non-maintainable and creating hazardous conditions for travelers. Increased use of the road and increased interest in the Lolo Trail system have added to the problem. Minor improvements to the road are needed to restore it near to its original condition. Construction of recreation and interpretative sites or facilities are needed to safely accommodate increase public demand while providing a quality historic and recreation experience within the Lolo Trail system. (3) There has been increased public interest and use of the Lolo Trail system, and the National Historic Trails Act directs the Forest Service to provide reasonable access to the historic trails in this area. However, it is currently difficult to achieve a quality historic and/or recreation experience in this area. Most of the trails are in poor condition. Some trail segments are located in poor locations, and some have been replaced by roads or have been obliterated by past logging activities. Construction of a maintainable, cross-Forest, recreation trail would help satisfy public demand and use, preserve known existing routes, and provide a quality historic and recreation experience within the Lolo Trail system;

The agency invites written comments and suggestions on the issues and management opportunities for the area being analyzed.

DATES: Comments concerning the scope of the analysis should be received by September 30, 1993 to receive timely consideration in the preparation of the Draft EIS. The Draft EIS will be filed with the Environmental Protection Agency by December 15, 1993. The Final EIS and Record of Decision are expected in July of 1994.

ADDRESSES: Send written comments to Bert Kulesza Deputy Forest Supervisor, Clearwater National Forest, 12730 Highway 12, Orofino, ID 83544.

FOR FURTHER INFORMATION CONTACT: George Harbaugh, Lolo Trail Interdisciplinary Team Leader, Lochsa Ranger District, Clearwater National Forest, (208) 926–4275.

SUPPLEMENTARY INFORMATION: The Lolo Trail study area consists of prehistoric and historic trails, sites, roads, and surrounding areas across three ranger districts making up the Lolo Trail system corridor and is located in Townships 34–38 North, Ranges 6–15 East of the Boise Principal Meridian. Included within this corridor are the Lolo Trail, the Lewis and Clark Trail or Buffalo Trail (Q'useyn'eisskit), the Bird-Truax Wagon Road, the Nee-Me-Poo or Nez Perce Trail, and the historic Lolo Motorway. These individual travel routes follow roughly the same route over much of the Forest, but diverge occasionally.

The cultural and historical importance of this travelway has been recognized for many years. The Lolo Trail was viewed as having national significance in 1962 when it was designated a National Historic Landmark. It was subsequently listed on the National Register of Historic Places in 1966. In 1965 the Lolo Trail was

designated a part of the Nez Perce National Historical Park by the passage of Public Law 89–19. Congress passed the National Trails System Act in 1968 establishing a framework for a nationwide system of scenic, recreational, and historic trails. In 1978 the roughly 3,700 mile long route used by Lewis and Clark, from Wood River, Illinois to the mouth of the Columbia River in Oregon, was designated a National Historic Trail. When crossing the Bitterroot Mountains the Lewis and Clark route followed most of the prehistoric Buffalo Trail, called Q'useyn'eisskit by the Nez Perce Tribe. The Nez Perce or Nee-Me-Poo Trail, extending approximately 1,170 miles from the vicinity of Wallowa Lake, Oregon to the Bears Paw Battlefield near Chinook, Montana, was designated a National Historic Trail in 1986. This was the path taken by the Wallowa Nez Perce to flee General Howard and his troops, who followed the then recently completed Bird-Truax Trail in crossing the Bitterroot Mountains.

The Clearwater National Forest Land and Resource Management Plan provides overall guidance for management activities in the potentially affected area through goals, objectives, standards, guidelines, and management area direction. For management purposes the Lolo Trail system corridor has been defined as the area approximately one half mile in width (one fourth mile on either side) that encompasses the historic Lolo Trail system. Management emphasis is aimed at providing opportunity for recreational activities oriented to traveling over, understanding, and appreciating the route as a historic travel route.

Scoping for reconstructing segments of the Lolo Motorway began in 1987, which culminated in the release of a Position Statement on July 8, 1988. That project has been incorporated into the current analysis, and the Interdisciplinary Team has identified the following preliminary issues;

1. Improved access made possible by proposed trail and road activities may affect Heritage Resources related to prehistoric and historic evidence of human activity.
2. Improved access made possible by proposed trail and road activities may affect American Indian religious, sacred, and/or food gathering sites.
3. The trail and road activities may affect habitat for threatened, endangered, and sensitive species of both animals and plants.
4. Additional camping facilities and improved access may affect elk security.
5. Proposed stream crossings could affect water quality and fish habitat.
6. The location of the recreation trail may affect sensitive soils.
7. The visual quality objectives in the revised Lolo Trail System Guidelines may affect timber options and outputs.
8. The proposals could have an economic affect on the recreation, tourism, and timber industries.
9. Proposed road reconstruction and construction of recreation facilities and sites may change the current recreation experience.
10. The revised Lolo Trail System Guidelines would allow only foot and stock traffic on the proposed recreation trail.
11. The proposals may affect the roadless character of the Hoodoo, Bighorn-Weitas, Weir-Post Office Creek, and Eldorado Creek roadless areas.
12. Additional use of the trail system by stock could introduce noxious weeds into the area.
13. Location of the recreation trail may affect the Bald Mountain Research Natural Area.
14. The proposed recreation trail will require right-of-way acquisition through private land.

The Forest Service is now looking for further information and comments from Federal, State, and local agencies, industry, and from people or groups who are interested in or affected by the proposed actions. Meetings are planned, and letters, phone calls, or personal visits are invited for the purpose of providing information related to this proposal. This additional information will be used to prepare a draft EIS. This process will include:

1. Determination of significant issues to be used in developing alternatives;
2. Identification of potential cooperating agencies;
3. Identification of additional, reasonable alternatives; and
4. Identification of potential environmental effects of the alternatives.

Public participation is important all through the analysis process. Two key time periods have been identified for receipt of formal comments on the proposal and analysis:

1. Scoping period, which is now through September 30, 1993; and
2. Review of the Draft EIS in January and February, 1994.

The Forest Service expects to file the Draft EIS with the Environmental Protection Agency by December 15, 1993. The Final EIS and Record of Decision are expected in July of 1994. The responsible official is the Forest Supervisor of the Clearwater National Forest, Forest Supervisor's Office, 12730 Highway 12, Orofino, ID 83544.

The comment period on the Draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is 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 EIS.

To assist the Forest Service in identifying and considering issues on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS.

Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Dated: May 24, 1993.

Bert Kulesza,

Deputy Forest Supervisor.

[FR Doc. 93–13915 Filed 6–11–93; 8:45 am]

BILLING CODE 3410–11–M

USHK Bay Timber Sale Offerings (FY 94); Tongass National Forest Chatham Area, Sitka, Alaska; Public Hearing for Subsistence Testimony and Public Comment

The Department of Agriculture, Forest Service will hold an Open House and Public Hearing for subsistence testimony and public comment regarding the Draft Environmental Impact Statement (DEIS) for the Ushk Bay timber sale on July 19, 1993. The Open House is provided for members of the public to ask questions and receive

answers directly. Comments on the DEIS may be submitted at that time. The Hearing is intended to meet Subsistence Evaluation requirements outlined in Section 810, Alaska National Interest Lands Conservation Act (ANILCA) and provide an opportunity for public comment on the DEIS.

The Hearing is designed to receive testimony from individuals, agencies, and organizations on the alternatives proposed in the DEIS for the Ushk Bay Project Area, and how these alternatives may potentially affect users of subsistence resources of the Ushk Bay area.

The Open House and Public Hearing will be held in Sitka, Alaska on July 19, 1993. The Open House will be held from 6 to 7:30 p.m. and the Public Hearing from 7:30 to 9:30 p.m. in the Centennial Building. Written subsistence testimony is just as acceptable as oral testimony but must be received within 5 days of the Public Hearing. Send written testimony to Ushk Bay Planning Team, Forest Service, 204 Siginaka Way, Sitka, Alaska, 99835.

The ANILCA Section 810 subsistance evaluation and findings are detailed in the DEIS. The DEIS was released on June 4, 1993 and comments concerning the DEIS must be received by July 26, 1993. Copies of the DEIS and further information is available from the Ushk Bay Planning Team, Forest Service, 204 Siginaka Way, Sitka, Alaska, 99835, (907) 747-6671.

Dated: June 7, 1993.

Jere Christner,

Acting Forest Supervisor.

[FR Doc. 93-13909 Filed 6-11-93; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 920669-3101]

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Interim Exemption for Commercial Fisheries

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

ACTION: Notice of interim final list of fisheries for 1993 and request for comments.

SUMMARY: NMFS issues this interim final List of Fisheries for 1993 associated with the interim exemption for the taking of marine mammals incidental to commercial fishing operations under section 114 of the Marine Mammal Protection Act of 1972 (MMPA) to become effective June 14, 1993. NMFS is also soliciting comments on this interim final List of Fisheries. On August 5, 1992 (57 FR 34553), NMFS proposed to maintain the 1992 List of Fisheries for 1993 and requested comments and information on the proposed List of Fisheries for 1993. NMFS obtained additional interaction information since the proposed List of Fisheries for 1993 which, in addition to comments received, warranted the reclassification of all or parts of three fisheries and the redefinition of a fourth fishery in the interim final List of Fisheries of 1993.

DATES: Comments on the charges presented in this interim final List of Fisheries for 1993 must be submitted by July 14, 1993. The interim final List of Fisheries for 1993 is effective June 14, 1993. Vessel owners who will operate in Category I or II for the first time have until July 14, 1993 to register.

ADDRESSES: Comments on the changes presented in this interim final List of Fisheries for 1993 should be addressed to Dr. William W. Fox, Jr., Director, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, Attention: Victoria R. Credle.

FOR FURTHER INFORMATION CONTACT: Victoria R. Credle, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910, 301-713-2322.

SUPPLEMENTARY INFORMATION: Section 114 of the MMPA establishes an interim exemption for the taking of marine mammals incidental to commercial fishing operations and requires NMFS to publish and annually update a List of Fisheries, along with the marine mammals and number of vessels or persons involved in each fishery, in three categories, as follows:

(I) A frequent incidental taking of marine mammals;

(II) An occasional incidental taking of marine mammals; or

(III) A remote likelihood, or no known incidental taking, of marine mammals.

Based on Congressional guidance, NMFS interpretation of the 1988 Amendments, public comment, and meetings and consultations with state and Federal agencies, Regional Fishery Management Councils, and other interested parties, NMFS published the original List of Fisheries on April 20, 1989 (54 FR 16072). NMFS also published an interim rule governing the taking of marine mammals incidental to commercial fishing operations on May 19, 1989 (54 FR 219100, and a final rule governing reporting of the take of marine mammals incidental to commercial fishing operations on December 15, 1989 (54 FR 51718).

On August 5, 1992 (57 FR 34553), NMFS proposed to maintain the 1992 List of Fisheries for 1993 and requested comments and information on the proposed List of Fisheries for 1993.

The following criteria were used in classifying fisheries in the List of Fisheries:

Category I. There is documented information indicating a "frequent" incidental taking of marine mammals in the fishery. "Frequent" means that it is highly likely that more than one marine mammal will be incidentally taken by a randomly selected vessel in the fishery during a 20-day period.

Category II. (1) There is documented information indicating an "occasional" incidental taking of marine mammals in the fishery, or (2) in the absence of information indicating the frequency of incidental taking of marine mammals, other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, and species and distribution of marine mammals in the area suggest there is a likelihood of at least an "occasional" incidental taking in the fishery. "Occasional" means that there is some likelihood that one marine mammal will be incidentally taken by a randomly selected vessel in the fishery during a 20-day period, but that there is little likelihood that more than one marine mammal will be incidentally taken.

Category III. (1) There is information indicating no more than a "remote likelihood" of an incidental taking of a marine mammal in the fishery, or (2) in the absence of information indicating the frequency of incidental taking of marine mammals, other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, and species and distribution of marine mammals, in the area suggest there is no more than a remote likelihood of an incidental take in the fishery. "Remote likelihood" means that it is highly unlikely that any marine mammal will be incidentally taken by a randomly selected vessel in the fishery during a 20-day period.

Three comments were received in response to the notice of proposed list from fishermen and conservation groups. These comments are summarized below and were considered in developing the List of Fisheries for 1993. A summary of the changes to the List of Fisheries for 1993 appears after the comments sections.

General Comments

Commenters stated that NMFS should make the data from the observer program and vessel owner logbooks available so reviewers can better determine if the proposed changes are appropriate or if other changes should be recommended.

These data are available upon request in aggregate, summary, or other such form that does not disclose the identity or business of any person (50 CFR 229.10(b)).

Two commenters suggested that vessel owner data be used to reclassify certain fisheries according to reported take rates. A preliminary verification of vessel owner data suggests that the number of lethal takes reported by vessel owners is not consistent with that reported by Federal observers, even when logbooks are compared with observer reports for the same day of fishing. Due to this disparity, NMFS is reluctant to use vessel owner reports, and associated take rates, as the sole criteria for reclassifying fisheries at this time.

One commenter stated that the time lag between fishing effort, the submittal of vessel owner logbooks, and the conversion of logbook data into electronic form has hindered the ability to utilize vessel owner information in the classification of fisheries. NMFS agrees that there is a time delay in the availability of vessel owner data and is reviewing methods to hasten the collection and entry of these data.

Comments on the 1993 List of Fisheries

One commenter suggested that the Alaska Prince William Sound salmon drift gill net fishery (Table 1) be redefined as two separate fisheries to reflect the differential take rates between the Prince William Sound area and the Copper River/Bering River area.

Analysis of the Alaska Prince William Sound salmon drift gill net fishery observer data in 1991 estimated that 601 mammals were entangled in the Copper River/Bering River districts and 14 mammals were entangled in the Prince William Sound districts of Coghill, Eshamy, and Unakwik. These estimates were based on the number of entanglements reported by technicians that observered approximately 5 percent of the total fishing effort. Estimates of total fishing effort from the Alaska Department of Fish and Game are 8,883 fishing vessel days in the Copper River and Bering River districts adjacent to Prince William Sound and 9,532 fishing vessel days in the Eshamy, Coghill and Unakwik districts within Prince William Sound. Consequently, take rate estimates indicate 1.35 mammals were entangled per 20 days of fishing effort in the Copper River and Bering River districts, and 0.029 mammals were entangled per 20 days in the Eshamy, Coghill and Unakwik districts. The difference in estimated take rates for the two areas warrants splitting of this fishery into two distinct fisheries. The Alaska Prince William Sound salmon drift gill net fishery is redefined as the Alaska Copper River and Bering River (adjacent to Prince William Sound) salmon drift gill net fishery (Table 1). The Alaska Prince William Sound (Eshamy, Coghill, and Unakwik districts) salmon drift gill net fishery is added as a Category II fishery (Table 2).

One commenter suggested that the Alaska Bristol Bay salmon drift gill net fishery (Table 2) be reclassified to a Category I fishery due to the high levels of misidentified species reported in vessel owner logbooks, and to determine the actual nature of interactions in this fishery.

The absence of documented evidence, besides that submitted in vessel owner logbooks, does not allow a reclassification of this fishery at this time. Efforts are being made to make marine mammal field guides available to vessel owners in Alaska so that accurate species identifications can be made and reported in logbooks. NMFS funded, in part, the recently published "Guide to Marine Mammals of Alaska" (Alaska Sea Grant College Program, University of Alaska Fairbanks, Fairbanks, AK 99775–5040).

One commenter suggested that the Alaska Prince William Sound sablefish longline/setline fishery (Table 2) be given increased observation due to the reported mortalities of 134 unidentified species in vessel owner logbooks.

Upon further investigation of the vessel owner logbooks, it was determined that the reported mortalities of unidentified species were attributed to one vessel owner's logbook on 2 fishing days. After re-examination of the original logbook and communication with the vessel owner, it was apparent that the mortalities were reported to NMFS in error (the vessel owner had reported landing data instead).

One commenter suggested that the Alaska Bering Sea/Gulf of Alaska groundfish trawl fishery (Table 3) be reclassified to a Category II fishery due to its reported takes of Steller sea lions.

NMFS provided documented evidence that this fishery falls below the criteria for a Category I or II fishery on May 12, 1992 (57 FR 20328). The classification of fisheries is based on take rate criteria, not the type of species that the fishery interacts with.

One commenter suggested that the following fisheries be reclassified as Category I fisheries based on information obtained in vessel owner logbooks and from stranding records, which indicate a high mortality rate due to gunshot wounds:

(1) The California squid purse seine fishery (Table 2);

(2) The California squid dip net fishery (Table 2);

(3) The California herring purse seine fishery (Table 2); and

(4) The California and Oregon salmon troll fishery (Table 2).

NMFS is aware that some marine mammals are subject to harassment by certain boaters and has pursued enforcement actions against those individuals found to be responsible. Unfortunately, evidence of marine mammals with gunshot wounds does not indicate which particular fisheries, if any, were responsible for these mortalities. Based on the absence of documented evidence implicating certain fisheries as the cause of these mortalities, and the fact that vessel owner logbooks have not been verified, a reclassification of these fisheries is not warranted at this time.

Commenters suggested that the following fisheries be reclassified based on information obtained in vessel owner logbooks.

Reclassify as Category III fisheries:

(1) The Alaska South Unimak (False Pass and Unimak Pass) salmon purse seine fishery (Table 2);

(2) The Alaska Metlakatla fish trap fishery (Table 2);

(3) The Alaska Cook Inlet salmon set and drift gill net fisheries (Table 2);

(4) The Oregon salmon ranch fishery (Table 2);

(5) The California Klamath River gill net fishery (Table 2);

(6) The California squid dip net fishery (Table 2);

(7) The California herring purse seine fishery (Table 2);

(8) The California anchovy/mackerel/tuna purse seine fishery (Table 2);

(9) The California sardine purse seine fishery (Table 2); and

(10) The California squid purse seine fishery (Table 2).

Reclassify as Category I fisheries:

(11) The Oregon and California salmon troll fishery (Table 2); and

(12) The Atlantic, Caribbean, and Gulf of Mexico tuna/shark/swordfish longline fishery (Table 5).

As discussed previously, a preliminary verification of vessel owner logbooks suggests that logbook data are not consistent with observer reports. Therefore, vessel owner logbooks will not be used as the sole criteria for reclassifying fisheries at this time.

One commenter suggested that the Atlantic Ocean, Caribbean and Gulf of Mexico swordfish/tuna/shark pair trawl fishery (Table 5) be reclassified as Category I due to "insufficient characterization" of the fishery and evidence that the fishery is currently experiencing significant growth.

There is evidence from the Northeast Fisheries Science Center, NMFS, that the number of vessels and associated fishing effort in the pair trawl fishery is increasing, yet increased effort in a particular fishery is not one of the criteria used to reclassify fisheries. NMFS is required to classify a fishery as Category I if it is highly likely that more than one marine mammal will be incidentally taken by a randomly selected fishing vessel during a 20-day period. Preliminary observations of the pair trawl fishery in the Atlantic during the fall of 1992 indicates that 12 marine mammals were taken during the 67 days (nine trips) that observed vessels were absent from port. Days absent represents a maximum estimate of fishing effort. Of the 12 takes, 11 mammals were reported as dead and one was of unknown condition. NMFS has calculated a take rate of 0.18 mammals per day absent, or 3.58 mammals per 20 days absent. No extrapolations have been made as to total takes in this fishery. As this fishery was observed near what should be considered the end of the fishery season, these data may not be representative of takes made during the unobserved part of the season. However, based on the observed take rates, this fishery falls within the definition of a Category I fishery and reclassification is warranted.

Since the publication of the proposed List, new information has been received and/or analyzed that warrants that the following changes be made:

1. Redefine (and Recategorize part of) the Washington marine (areas 4, 4A, and 4B) salmon set gill net fishery (Table 1) as the Northern Washington coastal (areas 4 and 4A) salmon set gill net fishery (Table 1); and

2. Add the Washington marine area 4B salmon set gill net fishery to the Washington Puget Sound Region and inland waters south of the U.S.-Canada border, including the Strait of Juan de Fuca, Hood Canal and estuaries and lower river areas (subject to tidal action) set and drift gill net fishery (Table 2).

Observer data collected over the past 4 years indicates that the incidental takes of marine mammals in the salmon set gill net fishery in the Strait of Juan de Fuca (area 4B) are substantially lower than the incidental takes that occur in set gill nets in coastal waters of Northern Washington (areas 4 and 4A). The area 4B set gill net fishery was initially grouped with areas 4 and 4A as a Category I fishery when the original List of Fisheries was developed based on proximity to the coastal areas, the fact that many of the same vessels operated in all three areas, and the assumption that marine mammal take rates were similar in the three areas. On-board observers that covered about 43 percent of the fishing effort from 1989 to 1992 in areas 4, 4A, and 4B reported a mean incidental take rate of 4.1 mammals per 20 days in area 4; 2.2 mammals per 20 days in area 4A; and 0.07 mammals per 20 days in area 4B. Because the take rate in area 4B falls below the Category I threshold of greater than one marine mammal take per 20 days, it is being reclassified as a Category II fishery.

3. Redefine the Florida east coast shark gill net fishery (Table 5) as the Southern Atlantic shark gill net fishery.

The Florida east coast shark gill net fishery was identified in the 1991 List of Fisheries when the best available evidence suggested that the fishery was comprised of 10 to 12 vessels operating out of the Ft. Pierce, Florida, area and fishing south of the Florida-Georgia border. However, information was obtained in the fall of 1992 indicating that at least three shark gill net vessels were reported fishing in waters off Cumberland Island, Georgia, in the summer of 1992. These vessels moved north and returned to the Cumberland Island area in early fall 1992. This expansion of the fishery beyond the Florida border warrants clarification of this fishery to include all vessels participating in the shark gill net in the southern Atlantic.

Comments on the changes presented in this Interim Final List of Fisheries for 1993 are being solicited. Please restrict comments to the changes identified in this notice.

Summary of Changes to the List of Fisheries

Table 1—Category I Commercial Fisheries in the Pacific Ocean

Redefine the Alaska Prince William Sound salmon drift gill net fishery as the Alaska Copper River and Bering River districts (adjacent to Prince William Sound) salmon drift gill net fishery.

Redefine the Washington marine (areas 4, 4A, and 4B) salmon set gill net as the Northern Washington coastal (areas 4 and 4A) salmon set gill net fishery.

Add the Washington marine area 4B salmon set gill net fishery (reclassified from Category I) to the Washington Puget Sound Region and inland waters south of the U.S.-Canada border, including the Strait of Juan de Fuca, Hood Canal and estuaries and lower river areas (subject to tidal action) set and drift gill net fishery (Table 2).

Table 2—Category II Commercial Fisheries in the Pacific Ocean

Add the Alaska Prince William Sound (Eshamy, Coghill, and Unakwik districts) salmon drift gill net fishery.

Add the Washington marine area 4B salmon set gill net fishery (reclassified from Category I) to the Washington Puget Sound Region and inland waters south of the U.S.-Canada border, including the Strait of Juan de Fuca, Hood Canal and estuaries and lower river areas (subject to tidal action) set and drift gill net fishery.

Table 3—Category III Commercial Fisheries in the Pacific Ocean

No changes.

Table 4—Category I Commercial Fisheries in the Atlantic Ocean, Caribbean, and Gulf of Mexico

Reclassify the Atlantic Ocean, Caribbean, Gulf of Mexico swordfish, tuna, shark pair trawl fishery from a Category II fishery (Table 5).

Table 5—Category II Commercial Fisheries in the Atlantic Ocean, Caribbean, and Gulf of Mexico

Reclassify the Atlantic Ocean, Caribbean, Gulf of Mexico pair trawl fishery for swordfish, tuna, shark as a Category I fishery (Table 4).

Redefine the Florida east coast shark gill net fishery as the Southern Atlantic shark gill net fishery.

Table 6—Category III Commercial Fisheries in the Atlantic Ocean, Caribbean, and Gulf of Mexico

No changes.

List of Fisheries—Interim Exemption for Commercial Fisheries

TABLE 1.—CATEGORY I COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Gill Net Fisheries, Salmonids:		
AK Copper River and Bering River districts (adjacent to Prince William Sound) salmon drift gill net	547	2, 6, 13, 14, 15.
Northern WA coastal (area 4 and 4A) salmon set gill net	19	6, 13, 15, 30, 32.
WA Willapa Bay (includes rivers, estuaries, etc.) drift gill net	362	2, 3, 6, 11.
WA Grays Harbor (includes rivers, estuaries, etc.) drift gill net	222	2, 3, 6.
WA, OR Lower Columbia River (includes tributaries) drift gill net	874	2, 3, 6, 30.
Gill Net Fisheries, Other Finfish:		
CA thresher shark and swordfish drift gill net	224	2, 3, 6, 11, 14, 15, 16, 17, 18, 22, 23, 29, 30, 32, 33.
CA California halibut set gill net	273	3, 6, 41, 15, 16, 30.
CA angel shark set gill net	178	3, 6, 15, 16, 30.
CA soupfin shark, yellowtail, white sea bass set gill net	42	2, 3, 6, 14, 15, 16, 27, 41, 30.

TABLE 2.—CATEGORY II COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Gill Net Fisheries, Salmonids:		
AK Prince William Sound set gill net	30	2, 6, 13, 15.
AK Prince William Sound (Eshamy, Coghill, and Unakwik districts) drift gill net	547	2, 6, 13, 14, 15.
AK South Unimak (False Pass and Unimak Pass) drift gill net	158	2, 6, 13, 14, 15, 30.
AK Peninsula (other than South Unimak) drift gill net	158	2, 6, 13, 15, 30.
AK Southeast Alaska drift gill net	468	2, 6, 13, 14, 15, 25, 30, 31.
AK Metlakatla/Annette Island drift gill net	56	2, 6, 13, 14, 15, 25, 30, 31.
AK Yakutat set gill net	164	2, 6, 13, 14, 30.
AK Cook Inlet drift gill net	560	2, 6, 13, 15, 26.
AK Cook Inlet set gill net	743	2, 6, 13, 15, 26.
AK Kodiak set gill net	187	2, 6, 13, 15.
AK Peninsula set gill net	113	2, 6, 13, 30.
AK Bristol Bay drift gill net	1,746	2, 6, 26, 30.
AK Bristol Bay set gill net	943	2, 6, 26, 30.
WA Puget Sound Region and inland waters south of the U.S.-Canada border, including the Strait of Juan de Fuca, Hood Canal and estuaries and lower river areas (subject to tidal action) set and drift gill net.	3,900	1, 2, 3, 6, 14, 15, 25.
WA coastal river set gill net	325	2, 3, 6.
CA Klamath River gill net	504	3, 6.
Gill Net Fisheries, Other Finfish:		
AK gill net (except salmon, herring, and sunken gill nets for groundfish)	235	2, 6, 15.
CA white croaker, bonito, and flying fish gill net	41	2, 3, 6, 14, 15, 16, 27, 30, 41.
Sunken Gill Nets, Groundfish:		
AK Prince William Sound sunken gill net	3	15.
AK Kodiak (south of Cape Douglas, east of 159°W)	5	15.
AK Central Gulf of Alaska (north and east of Cape Douglas) sunken gill net	2	15.
AK Aleutian Islands (south of 55°N, west of 170°W) sunken gill net	1	15.
Purse Seine Fisheries, Salmonids:		
AK South Unimak (False Pass and Unimak Pass) salmon purse seine	115	1, 2, 13.
Troll Fisheries		
OR, CA south of 45°46′00″ (Cape Falcon, OR) salmon troll	3,400	2, 3, 6.
Round Haul (seine and lampara), Beach Seine, and Throw Net Fisheries:		
CA herring purse seine	100	3, 6.
CA anchovy, mackerel, tuna purse seine	160	3, 27.
CA sardine purse seine	120	3, 27.
CA squid purse seine	145	3, 22, 23, 27.
Long Line/Set Line Fisheries, Sablefish:		
AK Prince William Sound (NMFS Statistical Area 649) sablefish long line/set line	270	25, 28.
AK Southern Bering Sea, Aleutian Islands, (NMFS Statistical Reporting Areas 517, 518, 519, 540) and Western Gulf of Alaska (NMFS Statistical Reporting Area 610 West of 165°W) sablefish long line/set line.	226	25.
Pot, Ring Net, and Trap Fisheries:		
AK Metlakatla fish trap	4	2, 6.

TABLE 2.—CATEGORY II COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Dip Net Fisheries:		
CA squid dip net	115	3, 23.
Aquaculture, Ranch Pen Fisheries:		
WA, OR salmon net pens	21	2, 3, 6.
OR salmon ranch	8	3, 6.

TABLE 3.—CATEGORY III COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Gill Net Fisheries:		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gill nets	2,023	15.
AK herring gill net	174	2, 6.
WA, OR Upper Columbia River Basin (above Bonneville Dam) salmon and other finfish gill net	100	3.
WA, OR, CA herring, smelt, shad, sturgeon, bottom fish, mullet, perch, rockfish gill net	1,218	3, 6.
HI gill net	81	12, 27.
Troll Fisheries:		
AK salmon troll	2,873	1, 2, 6, 28, 31.
WA, OR north of 45°46'00" (Cape Falcon, OR) salmon troll	900	3.
AK North Pacific halibut, AK bottom fish, WA, OR, CA albacore, groundfish, bottom fish, CA halibut non-salmon troll fisheries.	1,354	4, 6.
HI trolling, rod and reel	903	20, 21, 24.
Guam tuna troll	<50	None documented.
Commonwealth of the Northern Mariana Islands tuna troll	<50	None documented.
American Samoa tuna troll	<50	None documented.
Purse Seine, Beach Seine, Round Haul (seine and lampara) and Throw Net Fisheries:		
AK salmon/herring beach or purse seine	1,749	2, 13, 15.
AK other finfish beach or purse seine	9	None documented.
WA salmon purse seine	440	6, 14.
WA salmon reef net	53	6.
WA, OR herring, smelt, squid purse seine	100	3, 6.
WA (all species) beach seine	199	None documented.
HI purse seine	18	None documented.
HI opelu/akule net	3	None documented.
HI throw net, cast net	24	None documented.
HI net unclassified	8	None documented.
Western Pacific yellowfin tuna purse seine (South Pacific Tuna Treaty)	32	None documented.
Long Line/Set Line Fisheries:		
AK groundfish long line/set line (except sablefish in BSAI/GOA which are in Category II)	1,296	2, 31.
AK, WA, OR North Pacific halibut long line/set line	5,893	2, 4, 25, 28.
WA, OR, CA groundfish, bottomfish long line/set line	367	3, 4, 6, 17.
CA shark/bonito long line/set line	10	3.
HI tuna, billfish, mahi mahi, wahoo, oceanic sharks long line/set line	200	21, 24.
Trawl Fisheries:		
AK Bering Sea and Aleutian Islands groundfish trawl	490	1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 25, 32
AK Gulf of Alaska groundfish trawl	490	1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 25, 32.
AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeastern Alaska groundfish trawl.	8	14.
AK food/bait herring trawl	2	None documented.
AK, WA, OR, CA shrimp trawl	382	None documented.
WA, OR, CA groundfish, squid, smelt, bottomfish trawl	585	1, 2, 3, 6, 14, 17, 27, 33.
CA California halibut trawl	25	3.
CA sea cucumber trawl	6	None documented.
Pot, Ring Net, and Trap Fisheries:		
AK shellfish pot	1,533	13.
AK finfish pot	226	None documented.
WA, OR, CA sablefish pot	176	4, 6.
WA, OR, CA dungeness crab pot	1,426	4, 6, 30, 32.
WA, OR shrimp pot	231	None documented.
CA lobster, prawns, shrimp, rock crab, fish pot	608	None documented.
OR, CA hagfish pot	7	None documented.

TABLE 3.—CATEGORY III COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery	Estimated number of vessels/persons	Marine mammal species involved
HI lobster trap	21	12.
HI crab trap	5	None documented.
HI fish trap	2	None documented.
HI shrimp trap	2	None documented.
HI other trap	6	None documented.
Handline and Jig Fisheries:		
AK North Pacific halibut	69	None documented.
AK other finfish	33	None documented.
WA groundfish, bottomfish jig	679	4, 6.
HI aku boat, pole and line	17	None documented.
HI inshore handline	76	20.
HI deep sea bottomfish	434	12, 20.
HI tuna	144	12, 20, 21.
Guam bottomfish	<50	None documented.
Commonwealth of the Northern Mariana Islands bottomfish	<50	None documented.
American Somoa bottomfish	<50	None documented.
Dip Net Fisheries:		
WA, OR smelt, herring dip net	119	None documented.
Harpoon Fisheries:		
CA swordfish harpoon	228	None documented.
Pound Fisheries:		
AK Southeast Alaska herring food/bait	1	None documented.
WA herring brush weir	1	None documented.
Bait Pens:		
WA, OR herring bait pen	12	6.
Dredge Fishery:		
Coastwide scallop dredge	106	None documented.
Dive, Hand/Mechanical Collection Fisheries:		
AK abalone	23	None documented.
AK dungeness crab	3	None documented.
AK, Prince William Sound herring spawn-on-kelp	81	2.
AK herring spawn-on-kelp	172	None documented.
AK urchin and other fish/shellfish	19	None documented.
AK clam hand shovel	64	None documented.
AK clam mechanical/hydraulic fisheries	3	None documented.
WA herring spawn-on-kelp	4	None documented.
WA geoduck	37	4.
WA, OR sea urchin, other clam, octopus, oyster, sea cucumber, scallop	647	2, 6.
CA abalone	129	None documented.
CA sea urchin	800	None documented.
HI squiding, spear	49	None documented.
HI lobster diving	16	None documented.
HI coral diving	2	None documented.
HI handpick	86	None documented.
Aquaculture, Ranch, Ponds:		
WA tribal salmon ranch	1	None documented.
WA oyster farm	316	None documented.
WA mussel/clam	224	None documented.
WA, CA kelp	4	None documented.
HI fish pond	3	None documented.
Commercial Passenger Fishing Vessel (Charter Boat) Fisheries:		
AK, WA, OR, CA all species	1,243	3, 6.
Other Fisheries:		
HI	17	None documented.

TABLE 4.—CATEGORY I COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Trawl Fisheries:		
MDA Foreign mackerel trawl	19	16, 20, 22, 23, 34.
Pair Trawl Fisheries:		
Atlantic Ocean, CB, GMX, swordfish, tuna, shark pair trawl	11	16, 20, 22, 23, 24.
Gill Net Fisheries:		
Atlantic Ocean, CB, GMX swordfish, tuna, shark gill net	75	16, 19, 20, 22, 23, 29.

TABLE 4.—CATEGORY I COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO—Continued

Fishery	Estimated number of vessels/persons	Marine mammal species involved
New England Multispecies sink gill net (includes all species as defined in the Multispecies Fishery Management Plan and spiny dogfish) for all waters east of 71°40'W.	345	6, 15, 23, 31, 32, 34, 35, 38.
GME small pelagics (which includes mackerel, herring, menhaden) surface gill net	50	6, 15, 31, 32, 34, 35.

TABLE 5.—CATEGORY II COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Gill Net Fisheries:		
MDA coastal gill net (includes, but not limited to, Atlantic croaker, Atlantic mackerel, Atlantic sturgeon, black drum, bluefish, herring, menhaden, scup, shad, striped bass, weakfish, white perch, and yellow perch).	3,230	15, 20, 31, 32.
SOA shark gill net	10	20.
Trawl Fisheries:		
MDA Atlantic mackerel trawl	250	16, 22, 23.
Longline Fisheries:		
Atlantic Ocean, CB, GMX, tuna, shark, swordfish longline	820	16, 22, 23, 24, 27, 31, 32, 26.

TABLE 6.—CATEGORY III COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Trawl Fisheries:		
GME northern shrimp trawl	320	None documented.
GME mackerel trawl	30	None documented.
GME, MDA groundfish trawl	1,052	None documented.
GME, MDA sea scallop trawl	215	None documented.
GME, SOA, GMX coastal herring trawl	5	36.
MDA squid trawl	250	16, 22, 23, 34.
MDA mixed species trawl	>1,000	None documented.
SOA, GMX shrimp trawl	18,292	20, 40.
GMX butterfish trawl	5	36.
GA, SC whelk trawl	25	None documented.
Calico scallops trawl	200	None documented.
Bluefish, croaker, flounder trawl	550	None documented.
Crab trawl	400	None documented.
Purse Seine Fisheries:		
GME Atlantic herring purse seine	30	6, 15, 35.
GME, MDA menhaden purse seine	10	20.
GME, MDA Atlantic bluefin tuna purse seine	5	31.
SOA, GMX menhaden purse seine	97	20.
FL west coast sardine purse seine	16	20.
Bottom Longline/Hook and Line Fisheries:		
GME tub trawl groundfish	46	6, 35.
SOA, GMX snapper-grouper and other reef fish	1,300	None documented.
SOA, GMX shark	124	None documented.
Pelagic Hook and Line/Harpoon Fisheries:		
GME, MDA tuna, shark, swordfish	26,223	None documented.
SOA, GMX	1,446	None documented.
Gill Net Fisheries:		
GME, SOA coastal shad, sturgeon gill net	1,285	15, 20, 32.
SOA, GMX coastal gill net	4,000	20.
FL east coast, GMX pelagics king and spanish mackerel gill net	271	20.
Fixed Gear Fisheries, Trap/Pot—Fish:		
GME, MDA mixed species	100	6, 15, 31, 32, 35.
MDA black sea bass	30	None documented.
MDA eel	500	None documented.
Fixed Gear Fisheries, Trap/Pot—Lobster, Crab:		
GME, MDA inshore lobster	10,613	6, 31, 32, 38, 39.
GME, MDA offshore lobster	2,902	None documented.

TABLE 6.—CATEGORY III COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, CARIBBEAN, AND GULF OF MEXICO—Continued

Fishery	Estimated number of vessels/persons	Marine mammal species involved
Atlantic Ocean, GMX blue crab	20,500	20, 40.
SOA, GMX, CB spiny lobster	2,500	20, 40.
SOA, GMX, CB reef fish	2,200	None documented.
FL east and west coast, GMX stone crab	500	20, 40.
Stop Seine, Weirs (Staked Fish Traps):		
GME herring and Atlantic mackerel	50	6, 15, 31, 32, 35, 38.
MDA mixed species	500	None documented.
MDA crab	2,600	None documented.
Dredge Fisheries:		
GME, MDA sea scallops	233	31.
MDA offshore clam	159	None documented.
GME mussel	>50	None documented.
MDA oyster	7,000	None documented.
Haul Seine Fisheries: SOA, CB	150	None documented.
Beach Seine Fisheries: CB	15	40.
Aquaculture, Pens: GME Atlantic salmon	30	6, 35.
Dive, Hand/Mechanical Collection Fisheries:		
GME urchins	<50	None documented.
Atlantic Ocean, GMX, CB shellfish	20,000	None documented.

List of State Abbreviations Used in Tables:

AK—Alaska
CA—California
FL—Florida
GA—Georgia
HI—Hawaii
OR—Oregon
SC—South Carolina
TX—Texas
WA—Washington

Acronyms and the Areas They Represent:

BSAI—Bering Sea and Aleutian Islands
CB—Caribbean
GME—Gulf of Maine—Canadian Border to Nantucket Island, Massachusetts (includes Georges Bank)
GMX—Gulf of Mexico—All Gulf states
GOA—Gulf of Alaska
MDA—Mid Atlantic—Nantucket Island, Massachusetts, to Cape Hatteras, North Carolina
SOA—Southern Atlantic—South Carolina to Florida

Explanation of Columns:

Fishery—Identified by gear, target species, and area.

Estimated Number of Vessels/persons—Contains the best and most recent available information on the number of vessels/persons licensed to participate in a fishery or, in the case of Alaska, the number of permits.

Marine Mammal Species Involved—Contains a list of all documented or reported instances (including rare and unique instances) of marine mammal interactions. The inclusion of a species does not address the magnitude of take and makes no statement regarding the significance of any interaction.

SPECIES CODES FOR MARINE MAMMALS TAKEN IN COMMERCIAL FISHERIES

Species codes	Common name	Scientific name
1	Northern fur seal	*Callorhinus ursinus.*
2	Steller (northern) sea lion	*Eumetopias jubatus.*
3	California sea lion	*Zalophus californianus.*
4	Unidentified sea lion	
5	Walrus	*Odobenus rosmarus.*
6	Harbor seal	*Phoca vitulina.*
7	Spotted seal	*Phoca larga.*
8	Ringed seal	*Phoca hispida.*
9	Ribbon seal	*Phoca fasciata.*
10	Bearded seal	*Erignathus barbatus.*
11	Northern elephant seal	*Mirounga angustirostris.*
12	Hawaiian monk seal	*Monachus schauinslandi.*
13	Alaska sea otter	*Enhydra lutris lutris.*
14	Dall's porpoise	*Phocoenoides dalli.*
15	Harbor porpoise	*Phocoena phocoena.*
16	Common (saddleback) dolphin	*Delphinus delphis.*
17	Pacific whitesided dolphin	*Lagenorhynchus obliquidens.*
18	Northern right whale dolphin	*Lissodelphis borealis.*
19	Striped dolphin	*Stenella coeruleoalba.*

SPECIES CODES FOR MARINE MAMMALS TAKEN IN COMMERCIAL FISHERIES—Continued

Species codes	Common name	Scientific name
20	Bottlenose dolphin	*Tursiops truncatus.*
21	Rough toothed dolphin	*Steno bredanensis.*
22	Risso's dolphin	*Grampus griseus.*
23	Pilot whale	*Globicephala spp.*
24	False killer whale	*Pseudorca crassidens.*
25	Killer whale	*Orcinus orca.*
26	Beluga whale	*Delphinapterus leucas.*
27	Unidentified small cetacean	
28	Sperm whale	*Physeter catodon.*
29	Beaked whales	*Ziphildae.*
30	Gray whale	*Eschrichtius robustus.*
31	Humpback whale	*Megaptera novaeangliae.*
32	Minke whale	*Balaenoptera acutorostrata.*
33	Unidentified large cetacean	
34	Atlantic whitesided dolphin	*Lagenorhynchus acutus.*
35	Gray seal	*Halichoerus grypus.*
36	Spotted dolphin	*Stenella spp.*
37	Pygmy sperm whale	*Kogia breviceps.*
38	Northern right whale	*Eubalaena glacialis.*
39	Fin whale	*Balaenoptera physalus.*
40	Manatee	*Trichechus manatus.*
41	Southern (California) sea otter	*Enydra lutris nereis.*

Dated: June 9, 1993.

Samuel W. McKeen,

Program Management Officer for Fisheries.

[FR Doc. 93-13935 Filed 6-9-93; 12:42 pm]

BILLING CODE 3510-22-M

Marine Mammals

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

ACTION: Issuance of Public Display Permit No. 833.

SUMMARY: On Thursday, February 18, 1993, notice as published in the **Federal Register** (58 FR 6934) that an application (P31A) had been filed by the Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520. A public display permit was requested to obtain the permanent care and custody of four California sea lions (*Zalophus californianus*) from captive stock, currently in the custody of the Gladys Porter Zoo under the terms of a NMFS temporary Letter of Agreement No. 123 pending the review of and decision on the permit application.

Notice is hereby given that on June 7, 1993, as authorized by the provisions of the Marine Mammal Protection Act, the NMFS issued a permit for the above activities subject to the special conditions set forth therein.

The permit is available for review, by appointment, in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1335 East-West Highway, room 7324, Silver Spring, MD 20910, (301) 713-2289; and

Director, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, (813) 893-3141.

Dated: June 7, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93-13906 Filed 6-11-93; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

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

ACTION: Issuance of Scientific Research Permit (P532A).

SUMMARY: On April 9, 1993, notice was published in the **Federal Register** (58 FR 18376) that Dr. Michael A. Castellini, Institute of Marine Science, University of Alaska, Dr. Randall W. Davis, Department of Marine Biology, Texas A&M University, and Dr. Terrie M. Williams, Naval Ocean Systems Center, had applied for a Permit to take Steller sea lions for scientific research purposes, including up to 40 pups and 40 adult females, the incidental harassment of up to 1000 animals, and the incidental lethal take of up to 2 pups and 2 adults during capture and handling operations.

Notice is hereby given that on June 7, 1993, as authorized by the provisions of the Marine Mammal Protection Act (MMPA) of 1972 (16 U.S.C. 1361 *et seq.*) and the Endangered Species Act of 1973 (16 U.S.C. 1543 *et seq.*), the NMFS issued a Permit for the above taking, subject to certain conditions set forth therein, except that the Applicants are authorized to take only up to 30 adult female Steller sea lions annually.

The application and accompanying documentation satisfy the issuance criteria for scientific research permits. The requested activities are consistent with the purposes and policies of the MMPA. The research will further a *bona fide* scientific purpose that does not involve unnecessary duplication of other research.

The Permit and accompanying documentation are available for review by writing to or by appointment in the Permits Division, Office of Protected Resources, NMFS, 1335 East-West Hwy., Silver Spring, MD 20910 (301/713-2289);

Director, Alaska Region, NMFS, Federal Annex, 9109 Mendenhall Mall Rd., suite 6, Juneau, AK 99802 (907/586-7221); and

Director, Alaska Fisheries Science Center, NMML, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526-4047).

Dated: June 7, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93-13907 Filed 6-11-93; 8:45 am]

BILLING CODE 3510-22-M

Endangered Species; Issuance of Permits

On March 29, 1993, notice was published (58 FR 16522) that two applications (P507D, P211E) had been filed by the Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife

(ODFW), respectively, to take listed Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*).

The above applications were submitted to receive permission to collect adult broodstock for research and enhancement programs for a period of 5 years at the WDF's Tucannon Fish Hatchery and ODFW's Imnaha River Facility, as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and NMFS regulations governing endangered fish and wildlife permits (50 CFR parts 217–227).

Notice is hereby given that on May 26 and May 28, 1993, respectively, as authorized by the provisions of the ESA, NMFS issued permits to WDF and ODFW for the above direct takes subject to certain conditions set forth therein.

Issuance of these permits, as required by the ESA, is based on the finding that the permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of the threatened species that is the subject of the permits; and (3) will be consistent with the purposes and policies set forth in section 2 of the ESA. These permits were also issued in accordance with and are subject to parts 217–222 of title 50 CFR, the NMFS regulations governing listed species permits.

The applications, permits and supporting documentation are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Suite 8268, Silver Spring, MD 20910 (301/713–2322); and

Environmental and Technical Services Division, National Marine Fisheries Service, 911 North East 11th Ave., room 620, Portland, OR 97232 (503/230–5400).

Dated: June 3, 1993.

William W. Fox, Ph.D.,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 93–13878 Filed 6–11–93; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

Field Readers

AGENCY: Department of Education.

ACTION: Notice inviting individuals to serve as field readers for grant application competitions.

SUMMARY: The Director of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) invites individuals to apply to serve as field readers to evaluate grant applications submitted for funding for fiscal year (FY) 1994 under various discretionary grant programs administered by OBEMLA.

DATES: Individuals interested in serving as field readers should submit their résumés to OBEMLA as soon as possible. (See section of this notice, **FOR FURTHER INFORMATION CONTACT.**) Because grant competitions are held throughout the year, delays in the receipt of resumes may preclude individuals from being considered for service during FY 1994. However, all individuals unable to meet FY 1994 deadlines for submitting resumes will be considered for future service.

SUPPLEMENTARY INFORMATION: Each year, field readers selected by the Secretary evaluate grant applications on the basis of criteria published in program regulations and, where applicable, in application notices in the Federal Register.

Potential field readers for the FY 1994 OBEMLA grant competitions will be selected to evaluate grant applications in their respective areas of expertise. The Department will identify an area of expertise based on the resume provided by each potential field reader.

Expertise is desirable in a variety of areas, including bilingual education, native language instruction, English-as-a-second-language (ESL) instruction, second language acquisition, early childhood education, elementary education, secondary education, special education, education of the gifted and talented, adult literacy, computer-assisted instruction, curriculum and materials development, educational personnel training, parent training, evaluation, research, and education administration. This is not an exhaustive list and individuals with expertise in related fields are encouraged to apply.

Field readers will be provided honoraria for their service and must travel to the review site in the Washington, DC metropolitan area. The Department will pay the travel expenses of the field readers under the requirements of the Federal travel regulations.

FOR FURTHER INFORMATION CONTACT: Potential field readers should send their resume to: Ms. Vernice Diggs, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Switzer Building, Washington, DC 20202–6510. Telephone: (202) 205–8071. 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: June 3, 1993.

René Gonzalez,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 93–13916 Filed 6–11–93; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Technology Transfer Guidelines for Small Businesses

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy (DOE) is announcing guidelines to facilitate and encourage the transfer of technology to small businesses. The National Defense Authorization Act for Fiscal Year 1993, Public Law 102–484, Section 3135(b)(1), requires that "The Secretary of Energy shall establish a program to facilitate and encourage the transfer of technology to small businesses and shall issue guidelines relating to the program not later than May 1, 1993."

DATES: Comments should be submitted no later than July 14, 1993.

ADDRESSES: Comments should be addressed to: Director, Office of Technology Utilization, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, Fax 202–586–8854.

FOR FURTHER INFORMATION CONTACT: Sandy Glatt, Small Business Coordinator, Office of Technology Utilization, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–5388. For additional points-of-contact, see list at the end of this document.

SUPPLEMENTARY INFORMATION: These guidelines, in order to facilitate and encourage the transfer of technology to small businesses, provide an information, access, and referral process for guiding the potential small business partner through the technology transfer process at the Department of Energy Headquarters, at regional operations offices, in the program offices, and at the laboratories. These guidelines will identify a single contact as a starting point for all small business inquiries related to the transfer of technology. These guidelines will illustrate examples of currently established programs in technology transfer aimed

at small businesses and will identify a means for accessing these programs and provide points-of-contact. These guidelines will identify goals for further activity associated with strengthening the small business technology transfer program at the Department of Energy.

Program to Facilitate and Encourage the Transfer of Technology to Small Businesses

The Department of Energy is announcing a program to facilitate and encourage the transfer of technology to small businesses. Often the most difficult element of the technology transfer process at the Department of Energy, especially for the small business with its limited resources, is locating the first and most appropriate initial contact or starting point. While the most straight-forward method of contact is for the interested party to go directly to the program or laboratory that is the technology source, this is not always an obvious path.

Currently, there are several sources for accessing technology transfer information at the Department of Energy. Those who are familiar with DOE programs can contact the appropriate program office directly or access one of the Department's regional operations offices. Those familiar with the Department's laboratories can contact the laboratories directly through the Office of Research and Technology Applications,[1] located at each laboratory. For those who are uncertain as to the appropriate starting point, the Office of Technology Utilization, DOE Headquarters, is identified as a starting point-of-contact for technology transfer inquiries for the small business.

The Office of Technology Utilization

The Office of Technology Utilization is responsible for addressing Departmentwide issues in technology transfer, implementation, and utilization activities. The Office of Technology Utilization serves as an advocate for technology transfer both internal and external to the Department.

This office will serve as a focal point for technology transfer activities and inquiries at the Department of Energy for the small business. The office will provide information and guidance on all technology transfer related activities, identify appropriate contact points, and provide detailed information on technology transfer opportunities available and the benefits afforded by these opportunities. The office will provide information on how to find and access currently established programs in technology transfer for the small business. Finally, the Office of Technology Utilization will publish, maintain, and update these small business contacts and guidelines on a regular basis.

The office will receive technology transfer-related inquiries by telephone or mail and will identify the proper source of contact for the inquiry including program office, laboratory, or other Departmental element such as the current Office of Economic Impact and Diversity, the Small Business Innovation Research Program, and others.

The office will further assist the small business technology transfer inquirer by providing reference and resource materials, such as technology transfer publications and by coordinating activities as necessary with other DOE elements. The office will promote and conduct outreach efforts aimed at identifying the small business audience and introducing them to the technology transfer activities at the Department of Energy. In addition, the office will coordinate these outreach efforts with the program offices, operations offices, and laboratories. Finally, the office will coordinate with all Departmental Elements on small business technology transfer activities. For further information, contact Sandy Glatt, Small Business Coordinator, Office of Technology Utilization, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–5388.

Regional Points-of-Contact

The resources of the Department of Energy, including Headquarters, operations offices, and laboratories provide a diverse regional complex. Due to the financial limitations of many small businesses to travel and to research opportunities, locating resources closer to the source would provide a great benefit.

Under the direction of the Office of Technology Utilization, using the DOE operations offices and laboratories as the resource base, a network of regional technology transfer contacts and resources for the small business partner will be identified. These coordinators will serve as a local point-of-contact for technology transfer inquiries and resources. The DOE Small Business Regional Technology Transfer Coordinators will identify relevant programs and activities at the DOE facilities within that region and be able to guide the small business to those resources, including State and local economic and development organizations, universities, and other non-profit entities.

The DOE Small Business Regional Technology Transfer Coordinators will conduct and promote outreach activities to help bring the small business into the DOE technology transfer system and will help identify new and emerging opportunities for the small business community. The DOE Small Business Regional Technology Transfer Coordinators will be established by September 30, 1993.

Technology Transfer at the Department of Energy

The U.S. Department of Energy performs about $6.6 billion worth of research and development each year, much of which is performed at the Department's laboratories. The Department of Energy laboratories and facilities employ more than 59,000 scientists, engineers, and technicians. These institutions have a long history of excellence in a number of areas including basic sciences, applied energy research, and weapons-related technologies. If the full benefits of these laboratories and facilities are to be realized, results of the research and development programs must be used by the Nation.

For the purpose of these guidelines, technology transfer is defined as the process of making federally funded science and technology more accessible to industry, academia, or State and local government. These collaborations can result in the further development of the technology into new products, processes, materials, and services. The science and technology developed in DOE research programs, laboratories, and non-laboratory facilities help to form a knowledge base that is one of our most valuable national assets.

While technology transfer has always been an important aspect of many DOE programs, it is now an established mission of the Department and its laboratories and facilities. Further, the Department is committed to affording special consideration in the area of technology transfer to small businesses. This can be accomplished through relationships with individual small businesses, consortia of small businesses, universities, and State and local governments.

[1] Points-of-contact at the Department of Energy Program Offices, Operations Offices and Laboratory Offices of Research and Technology Applications are provided later in this document. Not all Laboratories call their technology transfer organizations Office of Research and Technology Applications. The term Office of Research and Technology Applications is a generic designation established by the Stevenson-Wydler Technology Innovation Act of 1980.

Statutory Background

The National Competitiveness Technology Transfer Act of 1989 enabled DOE to provide new tools for U.S. industries and universities to obtain technology and participate in collaborative research and development efforts with most departmental laboratories and facilities. In particular, the National Competitiveness Technology Transfer Act enabled the Government-owned, contractor-operated laboratories of DOE to enter into Cooperative Research and Development Agreements. The Department's Government-owned and operated laboratories and other agencies' Government-owned and operated laboratories had already been given that authority under the Federal Technology Transfer Act of 1986.

Additionally, the National Competitiveness Technology Transfer Act provided that certain research and development information generated under a Cooperative Research and Development Agreement could be withheld from dissemination for a period of up to five years. This provision was particularly important in light of industry concerns about the financial risks of attempting the commercialization of technology developed in concert with Federal laboratories.

In accordance with the Stevenson-Wydler Technology Innovation Act of 1980, as amended, (15 U.S.C. 3710(c)(4)(A)), DOE Laboratory Directors, in deciding which Cooperative Research and Development Agreements to enter, shall "give special consideration to small business firms, and consortia involving small business firms." The Department's laboratories and other facilities engaging in technology transfer are encouraged to be sensitive to the special needs of the small and disadvantaged businesses and to develop innovative approaches to address those needs.

Technology Transfer Mechanisms

As mentioned previously, the Federal Technology Transfer Act of 1986 and the National Competitiveness Technology Transfer Act of 1989 enabled Federal laboratories to enter into Cooperative Research and Development Agreements with private partners. At the present time, approximately 25 percent of the Department's nearly 400 Cooperative Research and Development Agreements are with small business partners. The Department's goal is to increase that percentage through aggressive outreach activities and other programs, described below, that focus on the small business.

Cooperative Research and Development Agreements are agreements between Government laboratories and one or more non-Federal party(ies) in which both participants provide personnel, services, facilities, or equipment for the conduct of specified research and development. The non-Federal party(ies) may also provide funds to the laboratory (but no funding is provided by the laboratory to the non-Federal parties). Fairness of opportunity and conflict of interest aspects of the Management & Operating contract apply. Rights to inventions and other intellectual property are negotiated between the laboratory and participant, and certain data that are generated may be protected from public disclosure for up to five years. These are subject to statutory requirements for DOE approval or communication of disapproval. Cooperative Research and Development Agreement benefits to partners, including small businesses are:

- Access to world-class technology and technical know-how that can be applied to solving problems in manufacturing, equipment, and processes.
- Leveraging scarce research and development resources to improve competitiveness of domestic small firms.
- Reducing the time between research and development and commercialization.
- Agreements that offer shared intellectual property and protection of data for up to five years.

A Cooperative Research and Development Agreement can be used not only for joint research, but also as a mechanism to provide technical assistance. These cooperative arrangements have already shown to be of benefit to the small business community as described in the following example. A Cooperative Research and Development Agreement between a DOE laboratory, Oak Ridge National Laboratory, DOE production facilities, Y–12 and K–25, and the State of Tennessee provides for short-term technical advice and assistance to local small businesses. To date, about 80 such firms have been served. In one case, a nuclear reactor scientist helped a local pencil manufacturer. In only a couple of days, the scientist provided technical advice and assistance that enabled the pencil company to extend the life of its cutting tools. This did not result in a better pencil but reduced the cost of making pencils and reduced solid waste generated by the production process.

Cooperative Research and Development Agreements are not the only means available to work with DOE, its laboratories, and facilities to increase technical competitiveness. Many other mechanisms for sharing technology can be equally effective; they may, in fact, serve a particular company's needs more appropriately than would a Cooperative Research and Development Agreement. Other technology transfer mechanisms include:

—DOE cooperative agreements
—Cost-shared contracts/subcontracts
—Research and development consortia
—User facility agreements
—Work-for-others
—Technical personnel exchanges
—Consulting arrangements
—Technology and software licensing
—Technical assistance

Department of Energy Cooperative Agreements are made with industries, universities, non-profits, and others in order to support or stimulate research. These agreements are generally cost-shared with the non-Federal participant.

Cost-Shared Contracts/Subcontracts are collaborations, through a procurement, of mutual benefit to industry and DOE. Cost-sharing arrangements may include cash or in-kind contributions including personnel, facilities, and work commitments.

Research and Development Consortia combine a group of small businesses or combine a small business with one or more large businesses in a cooperative effort. A small company can participate in cooperative research that it could not afford to pursue on its own.

User Facility Agreements are arrangements permitting private parties to conduct research and development at Federal Laboratories. Potential users must submit research proposals, which are peer reviewed for appropriateness and quality. Access to a DOE user facility is based on the scientific merit of the proposal. For proprietary work, the laboratory is reimbursed the full cost of the work, including added factor and depreciation. If the work is to be published, there is no charge for the use of the facility. Intellectual property rights generally belong to the user.

Work-for-Others Agreements are made between DOE and outside parties under which proprietary work for Federal and non-Federal parties may be done by Government scientific professionals using the Government laboratory facilities and equipment and where no technology transfer, as defined above, takes place. Typically, both data and intellectual property rights reside with the sponsor. This does not involve jointly funded work and is not intended

to cover collaborative efforts. These agreements are not subject to any statutory time requirements for DOE approval or other action.

Technical Personnel Exchanges allow the exchange of personnel with U.S. industrial and academic laboratories, typically for about six months. They provide opportunities for laboratories/facilities and industry/universities to interact and maintain/enhance the skills of scientific and engineering staff. Intellectual property rights to work at DOE laboratories or facilities arising out of such exchanges belong to the employer of the participant.

Consulting Arrangements make available scientists and engineers from DOE laboratories to consult with outside organizations, under laboratory-by-laboratory procedures. Many Management and Operating contractors allow their employees to consult for fees. Many laboratories and facilities also have programs which allow their employees to provide free technical assistance to outside organizations on a limited and selected basis. Laboratory and facility employees are allowed to sign non-disclosure agreements with respect to their work under these arrangements.

Technology and Software Licensing is the sale of rights to use intellectual property (copyright, patent, maskwork and trademark). Such licenses may be exclusive, nonexclusive, with or without right to sub-license and further delimited by time period, end use, geographic area, or other limitation. Each DOE laboratory or facility that has accepted the technology transfer clause in its Management and Operating contract can own its own intellectual property and may negotiate licenses subject to the terms on which the contractor obtains ownership.

Technical Assistance is the provision of advice based upon expertise and experience, by a Federal source, specific to problems or issues raised by non-Federal parties within areas of expertise and experience of the Federal source.

Ongoing Programs and Contacts for the Small Business As mentioned before, the Office of Technology Utilization, DOE Headquarters, is a starting point for technology transfer inquiries at the Department of Energy when a clear path to the direct source is not known. Technology transfer inquiries can also be addressed directly to relevant program offices, regional operations offices, and laboratories. Technology transfer points-of-contact for DOE program offices, regional operations offices, and laboratories are provided at the end of this document.

Several DOE Program Offices have launched special initiatives to assist the small business in technology transfer activities. Detailed explanations of individual program office efforts in this area can be obtained from the program office point-of-contact identified above. Examples of several of these programs are identified below.

• *Small Business Technology Integration Program, DOE Office of Environmental Restoration and Waste Management*

The Small Business Technology Integration Program seeks to enhance opportunities for small businesses in the Department's Environmental Restoration and Waste Management program. The main responsibilities of the Environmental Restoration and Waste Management program are to clean up DOE sites and facilities and to treat, store, and dispose of hazardous and radioactive waste materials in an environmentally acceptable manner. The Environmental Restoration and Waste Management program conducts applied research, testing, and demonstration activities within its Office of Technology Development to advance innovative technologies that can improve the efficiency and reduce the costs of site cleanup and waste management operations. The role of the Small Business Technology Integration Program is to provide assistance to small firms interested in using the Environmental Restoration and Waste Management program to develop, apply, and adopt innovative technologies.

The Small Business Technology Integration Program focuses its efforts on providing firms with comprehensive information on Environmental Restoration and Waste Management activities and associated business opportunities as well as on improving their access to DOE funding and resources to help them develop, test, apply, and commercialize their technologies. Information is provided by means of regional workshops sponsored by the Small Business Technology Integration Program or by contacting the program office directly. The Small Business Technology Integration Program issues through the DOE Morgantown Energy Technology Center in Morgantown, West Virginia, a Research Opportunity Announcement to solicit proposals for applied research and development projects that advance environmental technologies. A minimum of 20 percent of the awards made as a result of the Research Opportunity Announcement competition is set aside for small businesses.

In addition, the Small Business Technology Integration Program and the Environmental Restoration and Waste Management Office of Technology Development participate in DOE's Small Business Innovation Research Program, which provides grants via annual solicitations. Other opportunities relative to receiving support for research and development projects or for providing environmental restoration and waste management services within the Environmental Restoration and Waste Management program exist. For further information contact: Mr. Joseph B. Paladino, Small Business Technology Integration Program, Office of Environmental Restoration and Waste Management, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 301–903–7449.

• *Defense Programs Small Business Initiative Program, DOE Office of Defense Programs*

The Small Business Initiative program seeks to enhance opportunities for small businesses in the Department of Energy Office of Defense Programs and associated laboratories. Scheduled to begin in spring of 1993, DOE National Laboratories working with the DOE operations offices and the Office of Defense Programs, will develop an integrated program targeting U.S. small businesses. The program will target the greatest opportunities for synergy and leveraging of resources in establishing small business National Laboratory technology partnerships benefitting U.S. economic competitiveness. These partnerships may require the creation of new mechanisms that provide enhanced opportunities for small businesses and DOE National Laboratories to work together quickly and responsively.

The Small Business Initiative programmatic activity slated for FY 1993 is to establish the programmatic infrastructure required to support the Small Business Initiative. This will include the establishment of working relationships with other Federal agencies, State and local governments, universities, and industry organizations that represent small businesses and understand small business needs. An important aspect of programmatic infrastructure is to develop specific objectives targeting specific needs of small business and building upon specific strengths of the DOE National Laboratories. Specific programmatic objectives will lead to further development of Small Business Initiative Program Guidance and will become the basis for the Small Business Initiative programmatic activities funded in future years. For further

information contact: Michael Snow, Small Business Program Manager, Technology Transfer Division, Office of Defense Programs, Department of Energy, Albuquerque Operations Office, Albuquerque, NM 87185–5400, 505–845–4947.

In addition to technology transfer activities, there are special departmental preference programs and initiatives to augment economic opportunities for small businesses and disadvantaged businesses. A listing of some of these programs with contacts follows:

• *The Office of Economic Impact and Diversity*

The Office of Economic Impact and Diversity manages the Departmentwide Small Business Program and directs activities for the Department that facilitate and encourage small business and labor surplus area set-asides, 8(a) procurements, women-owned businesses, and subcontracting to small business and disadvantaged business concerns.

Some of the program functions of the Office of Economic Impact and Diversity include: fulfillment of the functions and duties in sections 8 and 15 of the Small Business Act, Public Law 85–536 as amended, negotiation of departmental goals with Small Business Administration and effective implementation of these goals in cooperation with the DOE organizational elements, and facilitating communication and cooperation between all levels of the Department and the small business community including technology transfer. For further information contact: Paul Terban, Office of Economic Impact and Diversity, Department of Energy, 1707 H Street, NW., Washington, DC 20585, 202–254–5583.

• *The Small Business Innovation Research Program*

The Small Business Innovation Research program was created in 1982 by Public Law 97–219 and reauthorized in 1992 until the year 2000 by Public Law 102–564. The goal of the program is to increase private sector commercialization of technology developed through Federal research and development, to increase small business participation in Federal research and development, and to improve the Federal Government dissemination of information concerning the Small Business Innovation Research program.

The Small Business Innovation Research program provides grants via an annual solicitation process. The program is designed for implementation in three phases with Phase I determining, insofar as possible, the scientific or technical merit and feasibility of ideas proposed for investigation. Phase II is the principal research or research and development effort, and Phase III is the commercial application of the research or research and development effort by the small businesses using non-Federal funding, or alternatively, it may involve follow-on non-Small Business Innovation Research program Federal contracts for products or services desired by the Government.

The DOE Small Business Innovation Research program funding for FY 1992 was $42.6 million. These funds are used to support an annual competition of Phase I awards of up to $75,000 for about six months to explore the feasibility of innovative concepts. Phase II is the principal research or research and development effort, and awards are up to $500,000 for a two year period. The Department's Small Business Innovation Research program has two features that are unique: (1) provides for uninterrupted funding between Phase I and II for those awardees that choose to submit their Phase II applications six weeks before the end of their Phase I grants; and (2) aids awardees in seeking follow-on funding of Phase III. The Department has sponsored a Commercialization Assistance Program for the past three years that has provided individual assistance in business planning, in preparation of presentations to potential investment sponsors, and in contacting sponsors. For further information contact: Samuel J. Barish, Small Business Innovation Research Program Manager, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 301–903–3054.

• *The Inventions and Innovations Program, Office of Energy Efficiency and Renewable Energy*

The Inventions and Innovation Division has three programs that offer technical and financial assistance primarily to individual inventors and small companies, although universities and large entities are not precluded from participating in Innovation and Invention Division activities.

The major Innovation and Invention Division program is the Energy-Related Inventions Program, a joint program between the National Institute of Standards and Technology (NIST) and DOE. In response to a continuous, open solicitation that has no topics, inventors can apply for a free, confidential technical evaluation of their technologies at NIST, which then can recommend that DOE consider providing technical and financial assistance to the inventor in order to move the invention closer to the marketplace. Unlike the Energy Related Inventions Program, the Innovative Concepts Program selects a topic, conducts a request for proposals, awards seed money grants, and requires attendance at a technology transfer fair to assist the innovator in meeting potential sponsors for the technology. The States' Inventors' Initiative provides information and technical assistance to State and local organizations that help inventors.

Nonfinancial assistance efforts include the Commercialization Planning Workshop for inventors recommended to DOE by NIST. These Commercialization Planning Workshops are often conducted jointly and cost-shared with a State department of commerce or economic development agency in order to help inventors funded by programs sponsored by that organization. We are currently interested in increasing the frequency of these workshops by conducting them on a cost-shared basis with other DOE program offices and the National Laboratories.

The National Innovation Workshops are conducted at six or seven sites around the country each year in order to educate inventors, small business owners, and entrepreneurs about the skills necessary to develop a successful business around an invention or innovation. Although the curriculum may be somewhat similar, the major contrast between the National Innovation Workshops and the Commercialization Planning Workshops is that the National Innovation Workshops are open to the public. Another purpose of these workshops is to assist in the formation or enhancement of an inventor organization that can serve as a self-help group for inventors. For further information contact: Terry M. Levinson, Director, Inventions and Innovation Division, Office of Energy Efficiency and Renewable Energy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–1478.

• *Superconducting Super Collider*

The Energy and Water Appropriations Act of 1991, Public Law 102–104, mandated that 10 percent of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals including

historically black colleges and universities and other minority institutions having a student body in which more than 20 percent of the students are Hispanic Americans, Native Americans, and women. For further information contact: James Richardson-Gonzales, Director of Minority Affairs, Superconducting Super Collider, 2550 Beckleymeade Ave., Dallas, TX 75237, 214–708–1566.

• *Business and Community Development Program, Office of Economic Impact and Diversity*

The Office of Economic Impact and Diversity addresses the mandated responsibilities set forth in Public Law 95–619, Title VI, Part 3. Specifically, the program is designed to provide management and technical assistance to enable minority business enterprises to enhance their competitive skills to achieve meaningful participation in Department of Energy research, development, demonstration, and contract activities.

The primary objective of the Business and Community Development Program is to identify energy-related minority business enterprises and minority business opportunities that could benefit from the transfer of new and emerging technologies such that the communities where those business entities exist would experience economic growth, including the creation of new job opportunities and empowerment of the community residents. Emphasis will be placed on projects that will include technical and managerial assistance efforts in Black, Hispanic, and American Indian communities.

The program is designed to provide a comprehensive range of services and support systems to minority-owned, energy-related businesses. The program will use a phased approach to assisting businesses:

• *Phase I: Identification and Profile.* Minority-owned, energy-related businesses will be identified and profiled according to their geographic location, nature of energy-related enterprise, business development status, and organizational structure.

• *Phase II: Business Development Plan.* An assessment will be conducted and a business development plan will be established for each business, detailing their individual needs.

• *Phase III: Research and Analysis.* An ongoing, long-term research and analysis program will be attached to each pilot project.

• *Phase IV: Identification of Feasible Energy Technology Transfer Activities for Each Participating Business and Specific Linkage Strategies.*

• *Phase V: Acquire Venture Capital and Other Sources of Financing.*

• *Phase VI: Technology Transfer and Commercialization.* This phase will solidly join relationships with the National Laboratories and minority business enterprise, actively pursue technology transfer opportunities, and assist with the process of commercialization of the product or service.

For further information contact: Gloria B. Smith, Office of Economic Impact and Diversity, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–8383.

Finally, the Department of Energy laboratories have programs designed to facilitate small business access to laboratory technology and personnel. Because of the regional dispersion of the laboratories, many of these efforts are conducted in cooperation with State and local economic development organizations and nearby universities. In many instances, these initiatives, which are based at the local level, provide the most effective and immediate avenue to technology transfer with the Department of Energy. The laboratory Office of Research and Technology Applications contact listed below can provide the necessary information for each laboratory.

Some examples of laboratory technology transfer efforts with the small business community include:

• At *Argonne National Laboratory* eight of the current 26 Cooperative Research and Development Agreements have been with small businesses. Of 48 agreements under the High-Temperature Superconducting Pilot Center, 22 have been with small businesses. Since 1987, 37 of 52 inventions have been licensed to 10 small businesses under 15 licenses; four of those companies also have obtained an option to license additional inventions. At least four of those companies are now selling products commercially. Argonne also holds Cooperative Research and Development Agreement conferences approximately biannually to brief small businesses on cooperative research opportunities.

• *Lawrence Berkeley Laboratory* is a member of East Bay Network for Entrepreneurs and Technologies, a group of business and science professionals that aid early-stage technology companies. East Bay Network for Entrepreneurs and Technologies provides services such as technology assessment, market analysis, patent advice, and location financing. PolyPlus of Berkeley, California, licensee of an Lawrence Berkeley Laboratory battery technology, was formed and capitalized as a result of an East Bay Network for Entrepreneurs and Technologies conference.

• *Ames Laboratory* is participating in a national demonstration project sponsored by the Federal Laboratory Consortium and conducted by the National Association of Management and Technical Assistance Centers. This project will couple Ames and the Iowa State University Center for Industrial Research and Service in transferring Ames technologies to small Iowa businesses. Metal casting and foundry companies have been targeted as the first group to serve.

• During the period of time that *Los Alamos National Laboratory* has had a formal licensing program, 19 licenses have been completed. Of those, 18 have been with small businesses, five of them start-up companies. The major attraction is favorable licensing terms geared to the special needs of the small business.

• A memorandum of understanding was signed between the *National Renewable Energy Laboratory* and the Small Business Administration to promote technology transfer initiatives with small businesses in 15 states in the Midwest and Rocky Mountain region.

• *Oak Ridge National Laboratory* is processing Cooperative Research and Development Agreements that cover global assessment, chlorofluorocarbons and refrigeration efficiency, thermal performance of cellulose insulation, biodegradation of polychlorinated biphenyls, and various other research and manufacturing technologies. Approximately 20 percent of the Cooperative Research and Development Agreements are with small businesses.

• *Pacific Northwest Laboratory* is working with Decmomp of Washington, Inc., an incinerator of municipal solid waste, to develop the Nation's first commercial ash "glassification" plant.

• *Sandia National Laboratories* has developed the Technology-based Regional Economic Development Program to provide the personalized attention needed to ensure that small businesses have an effective avenue for approaching Sandia with their needs and ideas. The program includes tours of Sandia, technical seminars and workshops, and one-on-one interactions.

Request for Input

The needs and requirements of the small business often require special consideration in order to compete in our complex and global economy. Due largely to limited funding, resources,

and personnel, the small business faces obstacles and barriers to participation in opportunities such as technology transfer that are not faced by larger firms.

The Office of Technology Utilization at the Department of Energy seeks public input in identifying the requirements of the potential small business partner in technology transfer relationships.

These inputs will assist the Department in formulating internal guidance with respect to technology transfer activities for small business in conjunction with existing goals and already identified objectives and activities.

Goals

The goals identified for developing internal guidance in the area of technology transfer to the small business are:

- Encourage and facilitate the transfer of technology to small businesses;
- Coordinate and support small business technology transfer efforts throughout the DOE Programs, regional operations offices, and laboratories;
- Facilitate and strengthen the role of small businesses in meeting DOE technological needs;
- Enhance the competitiveness of small businesses within Government and private sector markets.

Objectives and Activities

- Establish mechanisms to promote small business technology transfer participation.
- Develop strategies which promote special consideration for small businesses.
- Develop and disseminate comprehensive information on DOE programs and associated business opportunities.
- Promote regional alliances between DOE facilities, State and local organizations, and universities.
- Coordinate small business technology transfer activities with other DOE small business programs, such as the Small Business Innovation Research program.
- Coordinate small business technology transfer activities throughout the DOE complex, including programs, regional operations offices, and laboratories.
- Coordinate DOE small business activities to the extent clearly defined points-of-contact can present all of the programs that are available to the small business community.
- Identify barriers and obstacles that inhibit small business participation in DOE technology transfer programs.

Department of Energy Program, Operations Office and Laboratory Technology Transfer Contacts

Programs

John Keliher, Office of Intelligence and National Security, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, 202-586-8405

Leonel Miranda, Office of Economic Impact and Diversity, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-254-5583

Keith Frye, Office of Business Operations, Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 301-903-2098

Nicholas Chumbris, Office of Congressional Operations, Office of Congressional, Intergovernmental, and International Affairs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-2764

James Bressee, Office of Program and Resources Management, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-9116

Richard Constant, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-2802

Antionette Joseph, Office of Laboratory Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-5447

Claire Sink, Office of Technology Integration and Environmental Education Development, Office of Environmental Restoration and Waste Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 301-903-7928

Chris Kielich, Office of Public and Consumer Affairs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-0581

Warren Chernock, Office of Defense Programs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-7590

Jessie Harris, Office of Technology Cooperation, Office of Policy, Planning and Program Evaluation, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-7180

Ronald Cone, Sr., Office of Human Resources and Administration, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-9065

Larry Forsythe, Office of Marketing, Technology Deployment and Strategic Planning, Office of Nuclear Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 301-903-4610

Michele Donovan, Office of Human Resources and Administration, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-7092

Helen O. Sherman, Office of Financial Policy, Office of Chief Financial Officer, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-586-4860

Jerry Kotas, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, 202-586-9220

Gerald Chappel, Office of Information Resources Management, Office of Human Resources and Administration, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, 202-586-0166

Operations Offices

V.V. Berniklau, Albuquerque Operations Office, U.S. Department of Energy, P.O. Box 5400, Albuquerque, NM 87185-5400, 505-845-4659

Rod Warner, Fernald Environmental Management Operations Office, U.S. Department of Energy, P.O. Box 398075, Cincinnati, OH 45239-8705, 513-648-3156

Charles Pietri, Chicago Operations Office, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439, 708-252-2449

Ray Barnes, Idaho Operations Office, U.S. Department of Energy, 785 DOE Place, Idaho Falls, ID 83402, 202-526-1323

John Spahn, Nevada Operations Office, U.S. Department of Energy, P.O. Box 98518, Las Vegas, NV 89193-8518, 702-295-1138

Robert Poteat, Oak Ridge Operations Office, U.S. Department of Energy, P.O. Box 2001, Oak Ridge, TN 37831, 615-576-1070

Steve Hortin, Savannah River Operations Office, U.S. Department of Energy, P.O. Box A, Aiken, SC 29802, 803-725-5537

Gail McClure, Richland Operations Office, U.S. Department of Energy, 825 Jadwin Avenue, P.O. Box 550, Richland, WA 99352, 509-376-0343

Dick Fredlund, San Francisco Operations Office, U.S. Department of Energy, 1301 Clay St., Room 700N, Oakland, CA 94612, 510-637-1654

Laboratories

Ames Laboratory

Daniel E. Williams, Office of Planning and Technology, Applications, Ames Laboratory, 119 Office and Laboratory Building, Iowa State University, Ames, IA 50011, 515-294-2635

Argonne National Laboratory

Stanley S. Borys, Technology Transfer Center, Argonne National Laboratory, 9700 S. Cass Ave., Bldg 900, Argonne, IL 60439, 708-252-2030

Bates Linear Accelerator Center

William Lobar, Bates Linear Accelerator Center, P.O. Box 846, Middleton, MA 01949, 617-245-6600

Brookhaven National Laboratory

Margaret Bogosian, Office of Technology Transfer, Building 902-C, Brookhaven National Laboratory, Upton, Long Island, NY 11973, 516-282-7338

Continuous Electron Beam Accelerator Facility

H. Frederick Dylla, Project Management, Continuous Electron Beam Accelerator Facility, 1200 Jefferson Avenue, Newport News, VA 23606, 804-249-7450

Energy Technology Engineering Center

Guy Ervin III, Energy Technology Engineering Center, P.O. Box 1449, Canoga Park, CA 91304, 818-586-5532

Environmental Measurements Laboratory

Philip W. Krey, 376 Hudson Street, Environmental Measurements Laboratory, New York, NY 10014, 212-620-3619

Fermi National Accelerator Laboratory

John T. Venard, Office of Technology Applications, Fermi National Accelerator Laboratory, P.O. Box 500, Batavia, IL 60510, 708-840-3333

Idaho National Engineering Laboratory

Richard Hitt, Office of Research and Technology Applications, Idaho National Engineering Laboratory, P.O. Box 1625, Idaho Falls, ID 83415, 208-526-1571

Inhalation Toxicology Research Institute

Charles Hobbs, Office of Technology Transfer, Inhalation Toxicology Research Institute, P.O. Box 5890, Albuquerque, NM 87185-5890, 505-845-1045

Laboratory of Radiobiology and Environmental Health

Sheldon Wolff, Laboratory of Radiobiology and Environmental Health, LR-102, University of California at San Francisco, 3rd and Parnassus Avenues, San Francisco, CA 94143-0750, 415-476-1636

Lawrence Berkeley Laboratory

Cheryl Fragiadakias, Technology Transfer Department, Lawrence Berkeley Laboratory, Mail Stop 90-1070, Berkeley, CA 94720, 510-486-7020

Lawrence Livermore National Laboratory

Gilbert R. Marguth, Technology Transfer, Lawrence Livermore National Laboratory, P.O. Box 8080, Livermore, CA 94550, 510-423-1341

Los Alamos National Laboratory

Kay V. Adams, Industrial Partnership Center, Los Alamos National Laboratory, IPC, Mail Stop K-763, P.O. Box 1663, Los Alamos, NM 87545, 505-665-9090

Michigan State University—DOE Plant Research Laboratory

Alice J. Albin, MSU-DOE Plant Research Laboratory, Michigan State University, East Lansing, MI 48824, 517-353-2270

Morgantown Energy Technology Center

William F. Lawson, Technology Transfer Program Division, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, WV 26505, 304-291-4173

National Institute for Petroleum and Energy Research

Herbert A. Tiedemann, U.S. Department of Energy, Bartlesville Project Office, P.O. Box 1398, Bartlesville, OK 74005, 918-337-4293

National Renewable Energy Laboratory

Dallas Martin, Technology Transfer Office, National Renewable Energy Laboratory, 1617 Cole Boulevard, Golden, CO 80401, 303-231-7005

New Brunswick Laboratory

Carleton Bingham, New Brunswick Laboratory, 9800 South Cass Avenue, Argonne, IL 60439, 708-252-2446

Notre Dame Radiation Laboratory

John Bentley, Notre Dame Radiation Laboratory, Notre Dame, IN 46556-0768, 219-239-6117,

Oak Ridge Associated Universities

Mary M. Loges, Oak Ridge Associated Universities, P.O. Box 117, Oak Ridge, TN 37831-0117, 615-576-3756

Oak Ridge National Laboratory

William R. Martin, Oak Ridge National Laboratory, 701 SCA Building, MS 8242, Oak Ridge, TN 37831-8242, 615-576-8368

Pacific Northwest Laboratory

Marv Clement, Office of Research & Technology Applications, Pacific Northwest Laboratory, P.O. Box 9999, Richland, WA 99352, 509-375-2789

Pittsburgh Energy Technology Center

Kay Downey, Office of Research and Development, Pittsburgh Energy Technology Center, P.O. Box 10940, Pittsburgh, PA 15236, 412-892-6029

Princeton Plasma Physics Laboratory

Lou Meixler, Office of Technology Transfer, Princeton Plasma Physics Laboratory, P.O. Box 451, Princeton, NJ 08544, 609-243-3009

Sandia National Laboratory

T. Michal Dyer, Technology Transfer Center 4200, Sandia National Laboratory, P.O. Box 5800, Albuquerque, NM 87185, 505-271-7813

Savannah River Ecology Laboratory

Robert I. Nestor, Engineering and Projects Office, Savannah River Ecology Laboratory, P.O. Box E, Aiken, SC 29802, 803-725-2472

Savannah River Laboratory

Jon C. Corey, Technology Transfer Section, Westinghouse/Savannah River Site, Savannah River Laboratory, P.O. Box 616, Aiken, SC 29802, 803-725-3020

Stanford Linear Accelerator Center

James E. Simpson, Office of Research and Technology Activity, P.O. Box 4349, Stanford Linear Accelerator Center, Stanford, CA 94309, 415-926-2213

Stanford Synchrotron Radiation Laboratory

Ms. Katherine Cantwell, Stanford Synchrotron Radiation Laboratory, P.O. Box 4349, Bin 69, Stanford, CA 94309, 415-926-3191

Superconducting Super Collider Laboratory

Anthony Montgomery, Superconducting Super Collider Laboratory, Mail Stop 1072, 2550 Beckleymeade Avenue, Dallas, Texas 75237, 214-708-1104

Westinghouse-Hanford Company

Alva L. Ward, Office of Research and Technology Applications, L5-08, Westinghouse-Hanford Company, P.O. Box 1970, Richland, WA 99352, 509-376-8656

Dated: June 1, 1993.

Hazel R. O'Leary,

Secretary of Energy, Washington, DC 20585.

[FR Doc. 93-13955 Filed 6-11-93; 8:45 am]

BILLING CODE 6450-01-P

Financial Assistance Award; Intent To Award Grant to East-West Center

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to make a noncompetitive financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(5), it is making a discretionary financial assistance award based on the criterion set forth at 10 CFR 600.7(b)(2)(i)(B) to the East-West Center (EWC), Honolulu, Hawaii, under Grant Number DE-FG01-93EP10050. The purpose of the grant is to support three studies for a period of 30 months on the energy situation in Indochina, Latin America, and the Persian Gulf. This effort will have a total estimated cost of $580,903, of which $296,779 (51.1%) will be provided by the DOE and $284,124 (48.9%) will be provided by the EWC.

FOR FURTHER INFORMATION CONTACT: Please write the U.S. Department of Energy, Office of Placement and Administration, ATTN: Jeffrey R. Dulberg, PR-322.4, 1000 Independence Avenue, SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION: The grant will provide funding to the EWC to support a 30 month study on the energy situation in Indochina, Latin America, and the Persian Gulf. The study will provide a report on each of the three regions every 15 months. The effort will also produce an investment advisory series to be published three times a year which will provide current information on trade and investment opportunities in these regions. The aforementioned reports and series will be available to the private sector. Finally, the EWC will organize and conduct workshops for the DOE and other Federal agencies to identify key energy issues and to facilitate future assistance to U.S. companies in capturing trade and investment opportunities abroad.

The project is meritorious because of its relevance to the accomplishment of an important public purpose—providing reports and serialized publications to both the private sector and the Government and utilizing workshops as forums on key energy issues and on trade and investment opportunities in Indochina, Latin America, and the Persian Gulf. Supplementing the EWC's contribution of 48.9% of the planned

total budget, the DOE's 51.1% contribution will enhance the scale of the study, thereby enhancing the benefits to both the public and the Government. The total project objective encompasses an understanding of: the emergence of regional trade areas; the increasing integration of upstream and downstream markets by oil-exporting nations; environmental consciousness in developing countries; the restructuring of the global oil supply due to the dissolution of the Soviet Union; the transition from the barter trade for oil supplies to more capitalistic trade practices; and, the furtherance of U.S. commercial interests in Indochina, Latin America, and the Persian Gulf. Finally, the DOE knows of no other entity which is planning to conduct an effort of this type with the EWC's specific focus on the energy situations in these regions.

Based on the evaluation of relevance to the accomplishment of a public purpose, it is determined that the proposal represents a beneficial method and approach to disseminate to the public, the DOE, and other Federal agencies comprehensive information on energy strategies, trade and investment opportunities, and economic security issues in Indochina, Latin America, and the Persian Gulf.

Scott Sheffield,

Acting Director, Division "B", Office of Placement and Administration.

[FR Doc. 93-13957 Filed 6-11-93; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

[BPA File No.: BCR-14.]

Decision To Sign Two Proposed Billing Credits Contracts

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Decision. BPA announces its decision to sign two billing credit contracts for two generation projects.

SUMMARY: BPA has previously signed other billing credit generation contracts, in addition to the contracts described in this Notice. These prior contract signings were addressed in previous-released **Federal Register** Notices. (57 FR 33501; July 29, 1992 and 57 FR 48792; October 28, 1992)

The Cottrell Hydroelectric project is the reconstruction of an abandoned project located on McCloskey Creek in Western Skamania County, Washington. It includes a 1.8 square mile drainage area with 30 acre-feet of storage; a new 24-foot high, 218-foot long, earth filled diversion structure on McCloskey Creek; a 9,900-foot, 28-inch diameter pipeline with 1,350 feet of hydraulic head; a 3-jet Pelton turbine and 4,400-kilowatt sychronous generator located in a restored powerhouse near the Washougal River; a 5-MVA step-up transformer; and an upgrade of the 12.5-kilovolt distribution system from the powerhouse to the Bonneville Cape Horn Substation. The project expects to begin producing power in September 1994. The Cottrell Hydroelectric project is licensed to Truman Price, Inc., under Federal Energy Regulatory Commission number 7174.

The South Fork Tolt Hydroelectric project, located in King County, Washington, includes mutual use of the existing South Fork Tolt earth dam, storage reservoir and regulating basin, all part of the City of Seattle's water supply facilities. The project will utilize approximately 1,000 feet of hydraulic head to generate hydroelectric energy. The project facilities will consist of a new 66 inch diameter 5 mile long buried steel pipeline and a powerhouse housing a 15 megawatt (MW) Pelton-type turbine and generator. A diversion outlet structure will channel the water from the powerhouse to an existing regulation basin. The South Fork Tolt Hydroelectric project is licensed to the City of Seattle, Washington, under Federal Energy Regulatory Commission number 2959.

BPA, pursuant to its Billing Credits Policy, as amended August 30, 1984, (49 FR 34395), and its Billing Credit Solicitation July 1990, has negotiated with one public utility district and one municipal body for two generation projects.

SUPPLEMENTARY INFORMATION: The Administrative Record, available for public review, contains background on BPA's Billing Credits Policy, the need for billing credit resources, a summary of the Billing Credit Solicitation, a summary of the evaluation process for proposals, and environmental considerations. The Administrative Record includes three Appendices: Appendix A—Billing Credit Solicitation, Appendix B—Issue Resolution Log. Addendum One of the Draft Administrative Record—Customer System Efficiency Improvements (CSEI) Contract Development, and Amendment A to Addendum One provide specific information about CSEI projects and how billing credits are determined. These were previously released for public review (57 FR 1161; January 10, 1992 and 57 FR 9250; March 17, 1992).

Addendum Two of the Administrative Record—Contract Development Conservation Proposals, provides specific information about the conservation projects and how billing credits are determined for these projects. This addendum was previously released for public review (57 FR 9250).

Responsible Official: Ruth Bennett, Billing Credits Project Manager, is the official responsible for BPA's Billing Credit contracts, the Administrative Record, and Addenda.

DATES: Ninety days after a **Federal Register** Notice announcing billing credit contracts have been signed is published, payment or credit will be awarded to appropriate customers.

FOR FURTHER INFORMATION CONTACT: For a copy of a specific generation billing credit contract(s), or the Administrative Record, please contact the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

Telephone numbers, voice/TTY, for the Public Involvement Office are 503-230-3478 in Portland, or toll-free 800-622-4519.

Information may also be obtained from:

Mr. George E. Bell, Lower Columbia Area Manager, 1500 NE. Irving Street, Room 250, Portland, Oregon 97208, 503-230-4551.

Mr. Robert Laffel, Eugene District Manager, Federal Building, Room 206, 211 East Seventh Street, Eugene, Oregon 97410, 503-465-6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509-353-2518.

Ms. Carol S. Fleischman, Spokane District Manager, Room 112 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509-353-3279.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, 301 Yakima Street, Room 307, Wenatchee, Washington 98807, 509-662-4377.

Mr. Terence G. Esvelt, Puget Sound Area Manager, 201 Queen Avenue North, Suite 400, Seattle, Washington 98109, 206-553-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, 1520 Kelly Place, Walla Walla, Washington 99362, 509-522-6226.

Mr. Jim Normandeau, Boise District Manager, Federal Building, 304 North Eighth Street, Room 450, Boise, Idaho 83702, 208-334-9137.

Ms. C. Clark Leone, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208-523-2706.

I. Background

BPA is a self-financing power marketing agency with the United States Department of Energy. BPA was established by the Bonneville Project

Act of 1937, 16 U.S.C. 832 et seq., to market wholesale power from Bonneville Dam and to construct power lines for the transmission of this power to load centers in the Northwest. BPA sells wholesale electric power and energy to 126 utilities, 13 direct service industrial customers (DSIs) and several government agencies.

The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) directs BPA to serve the net power requirements of any electric utility requesting service, and to serve existing DSIs in the Pacific Northwest. 16 U.S.C. 839c (b)(1) and (d). Although BPA cannot own or construct electric generating facilities, the Northwest Power Act directs BPA to acquire rights to the output or capability of electric power resources to serve increased customer requirements. See 16 U.S.C. 839a(1) and (d). The Northwest Power Act requires BPA to grant credits to BPA's customers on their power bills for electric power resources that reduce the Administrator's obligation to acquire resources to meet BPA's electric power requirements. 16 U.S.C. 839d(h). Billing credits may be adjustments to customers' power bills or equivalent cash payments. Resources eligible for billing credits include conservation and generation. Specific requirements for resources and the amount BPA can pay for these resources are outlined in the Northwest Power Act and BPA's Billing Credits Policy.

BPA's Billing Credits Policy interprets the billing credits provisions in the Northwest Power Act, prescribes criteria for customer and resource eligibility, and establishes procedures for granting billing credits.

BPA's 1990 Resource Program focused on choosing near-term resource actions for Fiscal Years 1992 and 1993. Subsequent to receiving comments from customers on the draft 1990 Resource Program that suggested BPA use billing credits, BPA developed a solicitation requesting proposals for billing credits resources. Billing credits provide a way to shift some of the risk for resource development to utilities and others, which was an objective of the chosen strategy in the 1990 Resource Program. In July 1990, BPA released the solicitation. It proposed to test the billing credit approach for acquiring energy resources by granting 50 average MW of billing credits to eligible resources. BPA's objective in the test was to ensure that the billing credit mechanism is workable for BPA customers.

II. Description of the Generation Proposals

Seventeen generation proposals representing 11 public bodies or cooperative utilities were submitted pursuant to the July 1990 Billing Credit Solicitation. Proposed generation projects included hydroelectric, biomass, and cogeneration projects to produce electricity. Five of the 17 proposals were withdrawn during the evaluation process and three proposals were rejected for not meeting the threshold criteria. BPA has released previous **Federal Register** Notices announcing the signing of generation projects.

BPA intends to sign two contracts with these public utilities for the following generation projects:

1. Skamania County Public Utility District—Cottrell Hydroelectric project—a hydroelectric project.
2. Seattle City Light—South Fork Tolt Hydroelectric project—a hydroelectric project.

These projects meet the qualifications for billing credits, and BPA has completed its obligations under NEPA. The customers will comply with all applicable environmental requirements in the construction of the project and during the operation phase.

III. Methodology for Determining Generation Billing Credits

The payment for billing credits (BC) for these customers will be calculated and paid monthly as follows:

As Skamania County Public Utility District is a Metered Requirements Customer under its Power Sales Contract with BPA, the monthly BC will be the lesser of the Adjusted Alternative Cost or Net Cost multiplied by the monthly amounts of Estimated Firm Energy of the Billing Credit Resource, less the amount of Priority Firm Rate dollars the customer avoids paying as a result of the Billing Credit Resource. The Actual BC is determined annually and compared to the Estimated BC payments for the previous year and any over or under payment is corrected.

As Seattle City Light is a Computed Requirements Customer under its Power Sales Contract with BPA, the monthly BC will be the lesser of the Adjusted Alternative Cost or Net Cost multiplied by the monthly amounts of Assured Energy Capability of the BC Resource, less the amount of Priority Firm Rate dollars the customer avoids paying as a result of the BC Resource. There is no true-up; this is because the customer is required to maintain the Assured Energy Capability for the BC Resource, as it must do for all its firm resources under the Power Sales Contract.

IV. Materials Available

Copies of the Billing Credits Policy, the Administrative Record, its Appendices, Addendum One, Amendment A to Addendum One, Addendum Two, and Addendum Three are available from BPA's Public Involvement office. Refer to the "**FOR FURTHER INFORMATION CONTACT**" section of this notice.

Issued in Portland, Oregon, on May 28, 1993.

Edward W. Sienkiewicz,

Senior Assistant Administrator.

[FR Doc. 93-13954 Filed 6-11-93; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Consent Order with Revere Petroleum Corporation and Richard E. Dobyns

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for public comments.

SUMMARY: The Economic Regulatory Administration (ERA) announces a proposed Consent Order between the Department of Energy (DOE) and Revere Petroleum Corporation (Revere) and Richard E. Dobyns. The agreement proposes to resolve matters relating to Revere's and Dobyns' compliance with the federal petroleum price and allocation regulations for the period April 1, 1979 through March 31, 1980. If this Consent Order is approved, Revere and Dobyns shall pay to the DOE $850,000.00, plus half of any proceeds over $1,200,000.00 resulting from the liquidation of Revere's assets, which must occur within nine (9) months of the effective date of a final Consent Order. To distribute these monies, the DOE's Office of Hearings and Appeals will be petitioned to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in which proceedings any persons who claim to have suffered injury from the alleged overcharges would have the opportunity to submit claims for payment.

Pursuant to 10 CFR 205.199J, ERA will receive written comments on the proposed Consent Order and will consider all comments received from the public in determining whether to accept the settlement and issue a final Order, renegotiate the agreement and issue a modified agreement as a final Order, or reject the settlement. DOE's

final decision will be published in the **Federal Register**, along with an analysis of significant written comments in response to this notice, as well as any other considerations that were relevant to the final decision.

DATES: Comments must be received by July 14, 1993.

ADDRESSES: Interested parties are invited to submit written comments concerning this proposed Consent Order to: Revere Consent Order Comments, U.S. Department of Energy, Economic Regulatory Administration, RG–30, 820 First Street, NE., suite 810, Washington, DC 20585. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the provisions of 10 CFR § 205.9(f).

FOR FURTHER INFORMATION CONTACT: Dorothy Hamid, Economic Regulatory Administration, Department of Energy, 820 First Street, NE., suite 810, Washington, DC 20585, (202) 523–3045.

SUPPLEMENTARY INFORMATION: During the period covered by the proposed Consent Order, April 1, 1979 through March 31, 1980, Dobyns was the president of Revere. During that same period, Revere was a crude oil "reseller" as that term was defined in the federal petroleum price and allocation regulations and was subject to the jurisdiction of the DOE.

As a result of DOE's investigation of Revere's compliance with the federal petroleum price and allocation regulations during the period covered by the proposed Consent Order, ERA issued a Proposed Remedial Order to Revere and Gordon Walz on January 18, 1983; and an Amended Proposed Remedial Order (PRO) to Revere, Dobyns, Gordon Walz and four others on August 9, 1990. On May 29, 1992, DOE's Office of Hearings and Appeals issued the PRO as a Remedial Order to Revere and Dobyns, the then two remaining PRO respondents. *Revere Petroleum Corp.*, 22 DOE ¶ 83,004 (1992), *appeal pending*, FERC Docket No. RO92–4–000. The Remedial Order finds Revere and Dobyns jointly and severally liable to make restitution of $54,163,195.85, plus interest, for violations of the anti-"layering" rule (10 CFR 212.186) in connection with Revere's resales of crude oil during the period April 1979 through March 1980.

The Remedial order also extinguished any assertions or claims of liability for the said violations with regard to the other PRO respondents, by reason of settlements with those parties during the course of the PRO proceeding. Upon motion of the Secretary of Energy in the Remedial Order recipients' appeal to the Federal Energy Regulatory Commission, the presiding Administrative Law Judge reduced the principal amount of Revere's and Dobyns' liability to $50,277,694.07, to reflect settlements reached with the other PRO respondents. With interest, Revere's and Dobyns' joint and several liability totals $212,347,034.00.

ERA has preliminarily agreed to the proposed settlement as resolution of Revere's and Dobyns' liability for DOE regulatory violations for the period covered by the proposed Consent Order. This agreement was reached after entering into settlement discussions with Revere and Dobyns on an ability-to-pay basis. In reliance on the financial information and documentation submitted to DOE, including a sworn statement that the information submitted is true and complete and includes all the assets of Revere and Dobyns and believing that it serves the public interest for DOE to compromise its claims against Revere and Dobyns on an ability-to-pay basis where, as here, the financial status of the parties covered can be satisfactorily determined, DOE has agreed to enter into this proposed Consent Order. Specifically, Revere's only assets consist of certain real estate located in the Harris County, Texas area, proceeds from the sale of which will be paid to DOE. Mr. Dobyns' assets, which are being administered by a court-approved guardian, consist of a modest amount of cash and certain pension benefits utilized for his nursing home care.

ERA has tentatively concluded that the resolution of its claims against Revere and Dobyns for $850,000 plus half of any proceeds over $1,200,000 from the liquidation of Revere's assets is an appropriate settlement and in the public interest.

Under the terms of the proposed settlement, Dobyns shall pay to the DOE (i) $20,000 within fifteen (15) days, and $30,000 within sixty (60) days, of the effective date of the Consent Order; and (ii) $800,000 from the liquidation of Revere's assets, which must occur within nine (9) months of the effective date of the Consent Order, plus half of any proceeds of the asset liquidation above $1,200,000.

Revere, Dobyns and DOE mutually release each other from the claims arising under the subject matter covered by the proposed Consent Order.

If the settlement is not made final by the one hundred fiftieth (150th) day following execution, Revere and Dobyns may withdraw from the proposed agreement.

Submission of Written Comments

The proposed Consent Order cannot be made effective until the conclusion of the public review process, of which this Notice is a part.

All comments received by the thirtieth day (30th) following publication of this Notice in the **Federal Register** will be considered before determining whether to adopt the proposed Consent Order as a final Order. Any modifications of the proposed Consent Order which significantly alter its terms or impact will be published for additional comments. If, after considering the comments it has received, ERA determines to issue the proposed Consent Order as a final Order, the proposed Order will be made final and effective by publication of a Notice in the **Federal Register**.

Issued in Washington, DC, on June 8, 1993.

Milton C. Lorenz,

Chief Counsel for Enforcement Litigation, Economic Regulatory Administration.

Consent Order With Revere Petroleum Corporation and Richard E. Dobyns

I. Introduction

101. This Consent Order is entered into between the Department of Energy ("DOE") and Revere Petroleum Corporation ("Revere"), a corporation organized under the laws of the State of Texas, and Richard E. Dobyns ("Dobyns") individually. Except as otherwise provided herein, this Consent Order settles and finally resolves all civil and administrative disputes, claims and causes of action, whether or not heretofore asserted, between DOE, as hereinafter defined, and Revere and Dobyns, relating to compliance by Revere and Dobyns with the federal petroleum price and allocation regulations (as defined herein) administered and enforced by DOE and its predecessor agencies during the period April 1, 1979 through March 31, 1980 ("the period covered by this Consent Order"). All the matters settled and resolved by this Consent Order are referred to as "the matters covered by this Consent Order."

II. Jurisdiction and Regulatory Authority

201. This Consent Order is entered into by DOE pursuant to the authority conferred upon it by sections 301 and 503 of the Department of Energy Organization Act ("DOE Act"), 42 U.S.C. 7151 and 7193; Executive Order 12009, 42 FR 46267 (1977); Executive Order No. 12038, 43 FR 4957 (1978); and 10 CFR 205.199J.

202. Reference herein to "DOE" includes, besides the Department of

Energy, the Economic Regulatory Administration ("ERA"), and all agencies succeeding to DOE's authority to enforce the federal petroleum price and allocation regulations. For purposes of this Consent Order, the phrase "federal petroleum price and allocation regulations" means all pricing, allocation, reporting, and recordkeeping requirements imposed by or under the Economic Stabilization Act ("ESA") of 1970, the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, the DOE Act, any and all amendments to said Acts, Presidential Proclamation 3279, all applicable DOE regulations codified in 10 CFR parts 205, 210, 211, 212, and 213 including all rules, rulings, guidelines, interpretations, clarifications, manuals, decisions, orders, forms, and reporting and certification requirements regarding such regulations. The provisions of 10 CFR 205.199J and the definitions under the federal price and allocation regulations shall apply to this Consent Order except to the extent inconsistent herewith.

III. Facts and Determinations

The stipulated facts upon which this Consent Order is based are as follows:

301. During the period covered by the Consent Order, Dobyns was the president of Revere. During the same period, Revere was a crude oil "reseller" as that term was defined in the federal petroleum price and allocation regulations and was subject to DOE's jurisdiction.

302. As a result of DOE's investigation of Revere's compliance with the price and allocation regulations, on August 9, 1983, ERA issued an Amended Proposed Remedial Order ("PRO") to Revere, Dobyns, and five others. On May 29, 1992, DOE's Office of Hearings and Appeals issued the PRO as a Remedial Order to Revere and Dobyns, the then two remaining PRO respondents. *Revere Petroleum Corp.*, 22 DOE ¶83,004 (1992), *appeal pending*, FERC Docket No. RO92–4–000. The Remedial Order finds Revere and Dobyns jointly and severally liable for violations of 10 CFR 212.186 in connection with Revere's resales of crude oil during the period April 1979 through March 1980.

303. DOE and Revere and Dobyns agreed to enter into settlement discussions on an ability-to-pay basis in order to resolve DOE's claim against them as set forth in the Remedial Order described above. Revere and Dobyns submitted to DOE certain financial information and documentation which DOE requested, to permit it to evaluate their financial ability to satisfy the aforementioned claim.

304. In reliance on the financial information and documentation that Revere and Dobyns have submitted to DOE, including the sworn statements of Dobyns's financial representative that the information submitted is true and complete and includes all of their assets, and believing that it serves the public interest for DOE to compromise its enforcement claim on an ability-to-pay basis where, as here, the financial status of the parties concerned can be satisfactorily determined, DOE has agreed to enter into this Consent Order.

305. In reliance on DOE's undertakings to consider settlement on an ability-to-pay basis, and in order to resolve DOE's claims against Revere and Dobyns as set forth in the Remedial Order cited in Paragraph 302 hereof, without the expense and inconvenience of further administrative or judicial proceedings relating thereto, Revere and Dobyns have agreed to enter into this Consent Order.

IV. Remedial Provisions

401. In full and final settlement of the matters covered by this Consent Order and in lieu of all other remedies which have been or might be sought by DOE against Revere and/or Dobyns for such matters under 10 CFR 205.199I or otherwise:

(a) Revere and Dobyns shall pay to DOE the sum of Fifty Thousand Dollars ($50,000.00) as follows: (i) Twenty Thousand Dollars ($20,000.00) within fifteen (15) days of the effective date of this Consent Order, and Thirty Thousand Dollars ($30,000.00) within sixty (60) days of the effective date of this Consent Order. In the Event that any such payment date is not a business day, payment shall be due on the first business day following such date.

(b) All of the assets of Revere shall be liquidated and Revere shall deliver to DOE within nine (9) months of the effective date of this Consent Order the proceeds of that liquidation, less reasonable expenses incurred in the liquidation; provided however, that the liquidated sum delivered to DOE must be at least Eight Hundred Thousand Dollars ($800,000.00); and further provided, that all proceeds of said liquidation above One Million Two Hundred Thousand Dollars ($1,200,000.00) shall be distributed equally between DOE and Dobyns.

402. The payments pursuant to paragraph 401 of this Consent Order shall be by certified or cashier's check made payable to the United States Department of Energy and delivered to the Office of Comptroller, Office of Washington Financial Services, Cash Management Division, P.O. Box 500, Germantown, Maryland 20874–0550.

403. If any payment provided for above becomes more than fifteen (15) days overdue, then the payment amount with interest to the date of actual payment shall become immediately due and payable at DOE's option. Between the time that any payment or portion thereof is required to be paid under this Consent Order and the time the full payment is completed, interest shall accrue on the overdue amount at the rate of 12% per annum, compounded quarterly. Such interest shall be paid to DOE with the overdue payment(s). Any late payment that is less than the amount overdue shall be applied first to pay any interest that has accrued pursuant to this paragraph, and any remaining portion of the payment shall be applied to reduce the overdue balance.

404. Payments made by Revere and Dobyns pursuant to this Consent Order shall be distributed by DOE pursuant to the special refund procedures prescribed by 10 CFR part 205, subpart V.

V. Issues Resolved

501. All pending and potential civil and administrative claims, demands, liabilities, causes of action, or other proceedings by DOE against Revere and Dobyns regarding Revere's and Dobyns's compliance with and obligations under the federal petroleum price and allocation regulations during the period covered by this Consent Order, whether or not heretofore raised by an issue letter, Notice of Probable Violation, Proposed Remedial Order, Remedial Order, actions in courts or otherwise, are resolved and extinguished by this Consent Order. This Consent Order, however, does not resolve, extinguish, or otherwise affect DOE's claims against any other person or entity.

502. Revere and Dobyns warrant that there is no litigation pending against the DOE initiated or participated in by Revere or Dobyns which in any way relates to or arises out of the matters covered by this Consent Order, or related claims arising under the Freedom of Information Act (5 U.S.C. 552). Revere and Dobyns hereby agree to release any and all claims, demands, liabilities, or causes of action that they have asserted or might be able to assert against DOE, and any employee of DOE, in any matter related to the matters covered by this Consent Order.

503. (a) Compliance by Revere and Dobyns with this Consent Order shall be deemed by DOE to constitute full compliance for civil purposes with

regard to the matters covered by this Consent Order. Except as explicitly excluded herein, in consideration for performance as required under this Consent Order by Revere and Dobyns, DOE hereby releases Revere and Dobyns completely and for all purposes from all administrative and civil judicial claims, demands, liabilities, or causes of action, including, without limitation, claims for civil penalties that DOE has asserted or might otherwise be able to assert against Revere and Dobyns before or after the date of this Consent Order for alleged violations of the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order. DOE will not initiate or prosecute any such administrative or civil judicial matter against Revere and Dobyns or cause or refer any such matter to be initiated or prosecuted, nor will DOE or its successors directly or indirectly aid in the initiation of any such administrative or civil judicial matter against Revere and Dobyns or participate voluntarily in the prosecution of such actions. DOE will not assert voluntarily in any administrative or civil judicial proceeding that Revere and Dobyns have violated the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order, or otherwise take action with respect to Revere and Dobyns in derogation of this Consent Order. However, nothing contained herein shall preclude DOE from defending the validity of the federal petroleum price and allocation regulations.

(b) DOE will not seek or recommend any criminal fines or penalties based on information or evidence presently in its possession for the matters covered by this Consent Order; provided, however, that nothing in this Consent Order precludes DOE from (1) seeking or recommending such criminal fines or penalties if information subsequently coming to its attention indicates, either by itself or in combination with information or evidence at present known to DOE, that a criminal violation may have occurred, or (2) otherwise complying with its obligations under law with regard to forwarding information of possible criminal violations to appropriate authorities. Nothing contained herein may be construed as a bar, an estoppel, or a defense: against any criminal action or against any civil action brought by an instrumentality or agency of the United States other than DOE under (i) section 210 of the ESA or (ii) any statute or regulation other than the federal petroleum price and allocation regulations.

(c) Revere and Dobyns release DOE completely and for all purposes from all administrative and civil judicial claims, or causes of action that Revere and Dobyn have asserted or may otherwise be able to assert against DOE relating to DOE's administration of the federal petroleum price and allocation regulations with respect to the matters covered by this Consent Order. This release, however, does not preclude Revere and Dobyns from asserting a factual or legal position or argument as a defense to any action, claim, or proceeding brought by DOE, the United States, or any agency of the United States. Nor does it preclude Revere and Dobyns from asserting a defense, counterclaim of offset to any action, claim or proceeding brought by any other person.

(d) Revere and Dobyns hereby release any and all claims that they may have for refunds pursuant to any special refund proceedings implemented pursuant to 10 CFR part 205, subpart V. Such proceedings include, but are not limited to, proceedings to distribute (i) consent order funds and (ii) crude oil overcharge funds.

504. Within ten (10) days after the effective date of this Consent Order, Revere and Dobyns shall file with the Commission in Docket No. RO92–4–000 a "Withdrawal of Petition for Review of Remedial Order", in the form attached hereto as Exhibit A.

505. Execution of this Consent Order constitutes neither an admission by Revere or Dobyns nor a finding by DOE of any violation by Revere or Dobyns of any statute or of any regulation. DOE has determined that it is not appropriate to seek to impose civil penalties for the matters covered by this Consent Order, and DOE will not seek any such civil penalties. The payments by Revere and Dobyns pursuant to this Consent Order are not be considered for any purpose as a penalty, fine, forfeiture, or as settlement of any potential liability for penalties, fines, or forfeitures.

506. Notwithstanding any other provision herein, and in addition to the matters excluded herein, DOE reserves the right to initiate an enforcement proceeding, including, without limitation, an action for penalties, for any newly discovered regulatory violations committed by Revere and/or Dobyns during the period covered by this Consent Order, but only if Revere or Dobyns concealed facts relating to such violations. DOE also reserves the right to seek appropriate judicial remedies other than full rescission of this Consent Order, or to rescind this Consent Order, for any misrepresentation of fact material to this Consent Order made by Revere or Dobyns during the course of ERA's audit preceding issuance of the Remedial Order cited in paragraph 302 above, during any stage of the litigation relating to Revere's and Dobyns's alleged liability for the violations asserted in FERC Docket No. RO92–4–000, or during the course of the negotiations that preceded this Consent Order.

VI. Reporting and Recordkeeping Requirements

601. Revere and Dobyns shall maintain such records as are necessary to demonstrate compliance with the terms of this Consent Order. To assist DOE in the distribution of the monies paid pursuant to this Consent Order, Revere and Dobyns shall also maintain any records in their possession for the time period covered by this Consent Order evidencing sales volume data for crude oil and refined products subject to controls and customers' names and addresses, until thirty (30) days after final distribution by DOE of the funds paid pursuant to this Consent Order. If requested, Revere and Dobyns shall make such information available to DOE. Except as otherwise provided in this paragraph, upon timely payment to DOE of the amounts required to be paid under this Consent Order, Revere and Dobyns are relieved of their obligation to comply with the recordkeeping requirements of the federal petroleum price and allocation regulations relating to the matters covered by this Consent Order.

602. Except for formal requests for information regarding compliance by other firms with the federal petroleum price and allocation regulations, Revere and Dobyns will not be subject hereafter to any audit requests, report orders, subpoenas, or other administrative discovery by DOE relating to their activities subject to such regulations regarding the matters covered by this Consent Order.

603. This Consent Order is subject to disclosure by DOE pursuant to the requirements of the Freedom of Information Act ("FOIA"), as amended, 5 U.S.C. 552. Revere and Dobyns waive all claims which they may have that some or all of the information contained in this Consent Order is exempt from the mandatory public disclosure requirements of the FOIA, as amended, is information referred to in 18 U.S.C. 1905, or is otherwise exempt by law from public disclosure.

VII. Contractual Undertaking

701. It is the understanding and express intention of Revere, Dobyns, and DOE that this Consent Order constitutes a legally enforceable contractual undertaking that is binding on the parties and their successors and assigns. Notwithstanding any other provision herein, Revere, Dobyns, and DOE each reserves the right to institute a civil action in an appropriate United States District Court, if necessary, to secure enforcement of the terms of this Consent Order, and DOE also reserves the right to seek appropriate penalties for any failure to comply with the terms of this Consent Order. Consistent with Departmental policy, DOE will undertake the defense of the Consent Order in response to any litigation challenging the Consent Order's validity in which the DOE is named as a party. Revere and Dobyns agree to cooperate with the DOE in the defense of any such challenge.

VIII. Final Order

801. Subject to Article IX, this Consent Order is a final order of DOE having the same force and effect as a Remedial Order issued pursuant to section 503 of the DOE Act, 42 U.S.C. 7193, and 10 CFR 205.199B. Revere and Dobyns hereby waive their right to administrative or judicial appeal from this Order, but they reserve the right to participate in any such review initiated by a third party.

IX. Effective Date

901. This Consent Order shall become effective as a final order of the DOE upon notice to that effect being published in the **Federal Register**. Prior to that date, the DOE will publish notice in the **Federal Register** that it proposes to make this Consent Order final and, in that notice, will provide not less than thirty (30) days for members of the public to submit written comments. DOE will consider all written comments to determine whether to adopt the Consent Order as a final order, to withdraw agreement to the Consent Order, or to attempt to renegotiate the terms of the Consent Order.

902. Until the effective date, DOE reserves the right to withdraw consent to this Consent Order by written notice to Revere and Dobyns, in which event this Consent Order shall be null and void. If this Consent Order is not made effective on or before the one hundred fiftieth (150th) day following execution by Revere and Dobyns, they may, at any time thereafter, but before the effective date, withdraw their agreement to this Consent Order by written notice to DOE, in which event this Consent Order shall be null and void.

I, the duly appointed personal representative of Richard E. Dobyns, hereby agree to and accept the foregoing Consent Order on his behalf.

David A. Jentho,

Personal Representative of Richard E. Dobyns.

Dated: May 13, 1993.

I, the undersigned, a duly authorized representative for the Department of Energy, Economic Regulatory Administration, hereby agree to and accept on behalf of said Administration the foregoing Consent Order.

M.C. Lorenz,

Chief Counsel, ERA, DOE.

Dated: June 8, 1993.

I, the undersigned, a duly authorized representative of Revere Petroleum Corporation, hereby agree to and accept the foregoing Consent Order on behalf of Revere Petroleum Corporation.

David A. Jentho,

Secretary-Treasurer.

Dated: May 13, 1993.

EXHIBIT A

[Docket No. RO92-4-000]

Revere Petroleum Corp. and Richard E. Dobyns; Withdrawal of Petition for Review of Remedial Order by Revere Petroleum Corporation and Richard E. Dobyns

Revere Petroleum Corporation ("Revere") and Richard E. Dobyns ("Dobyns") and the Economic Regulatory Administration of the Department of Energy ("DOE") have entered into a Consent Order which resolves all the matters at issue in the above-captioned proceeding. 10 CFR 205.199J. Therefore, pursuant to 18 CFR 385.916(a) of the Commission's Rules of Practice and Procedure, Revere and Dobyns hereby withdraw their petition for review of the Remedial Order issued to them on May 29, 1992.

Revere and Dobyns respectfully request that the Presiding Judge issue and serve upon all participants herein an order terminating this proceeding with prejudice.

Respectfully submitted,

David D. Aughtry,

Chamberlain, Hrdlicka, White, Williams & Martin, 1400 Harris Tower, 233 Peachtree Street, NE. Atlanta, Georgia 30303 (404) 659-1410

Counsel for Petitioners

[FR Doc. 93-13956 Filed 6-11-93; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER93-684-000, et al.]

The Montana Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

June 7, 1993.

Take notice that the following filings have been made with the Commission:

1. The Montana Power Co.

[Docket No. ER93-684-000]

Take notice that on May 28, 1993, The Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 Supplements No. 3 and No. 4 to Rate Schedule FERC No. 179. Supplement No. 3 is comprised of a "Second Amendment to Firm Capacity and Energy Purchase Agreement Between The Montana Power Company and Black Hills Power and Light Company" (Second Amendment). Supplement No. 4 is comprised of a "Third Amendment to Firm Capacity and Energy Purchase Agreement Between The Montana Power Company and Black Hills Power and Light Company" (Third Amendment). Montana requests that the Commission (a) accept the Second and Third Amendments for filing, to be effective June 1, 1993; and (b) grant a waiver of notice pursuant to 18 CFR 35.11, so as to allow the filing of the Agreement less than 60 days prior to the date on which service under the Second and Third Amendments is to commence.

A copy of the filing was served upon Black Hills Power and Light Company.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Western Resources, Inc.

[Docket No. ER93-683-000]

Take notice that on May 28, 1993, Western Resources, Inc. tendered for filing an Electric Power, Transmission and Service Contract between Kansas Gas and Electric Company (KG&E) and the Kansas Electric Power Cooperative, Inc. (KEPCo). KG&E states that the filing is a replacement to the contract currently in effect between KG&E and KEPCo. KG&E requests an effective date of June 1, 1993.

Notice of the filing has been served upon KEPCo and the Kansas Corporation Commission.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Northeast Utilities Service Co.

[Docket No. ER93-403-000]

Take notice that on May 28, 1993, Northeast Utilities Service Company (NUSCO) tendered for filing a response to the deficiency letter in Docket No. ER93-403-000 regarding transmission service between the NU System Companies and New England Power Company (NEP). NUSCO renews its request for an April 1, 1993 effective date.

NUSCO states that copies of the filing have been mailed to NEP.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. West Texas Utilities Co.

[Docket No. ER93-685-000]

Take notice that on May 28. 1993, West Texas Utilities Company (WTU) tendered for filing a Letter Agreement between WTU and the City of Brady, Texas and a Letter Agreement between WTU and the City of Coleman, Texas. Pursuant to the Letter Agreements, WTU has agreed to make additional energy available to Brady and Coleman during the on-peak hours of the summer months of 1993, pursuant to Supplemental Sales Agreements between WTU and Brady and Coleman.

Copies of the filing have been served on Brady and Coleman, Texas and on the Public Utility Commission of Texas.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Long Island Lighting Co.

[Docket No. ER93-687-000]

Take notice that Long Island Lighting Company (LILCO or Company) on June 1, 1993, tendered for filing proposed changes in its FERC Rate Schedule No. 40, pursuant to which LILCO transmits New York Power Authority (Power Authority) Economic Development Power to certain Economic Development Power Consumers in LILCO's service territory.

LILCO requests an effective date 60 days following the date of this filing. LILCO states that a copy of its filing has been served on the Power Authority, Suffolk County Electrical Agency, Nassau County Public Utility Agency, and Public Service Commission of the State of New York.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Central Vermont Public Service Corp.

[Docket No. ER93-677-000]

Take notice that on May 28, 1993, Central Vermont Public Service Corporation (CVPS) tendered for filing the Actual 1992 Cost Report required under Article 2.3(A) on Original Sheet No. 21 of FERC Electric Tariff, Original Volume No. 4, of Central Vermont Public Service Corporation (Company) under which the Company provides Unreserved System Power Service to the following Customers:

Lyndonville Electric Department
Village of Ludlow Electric Light Department
Village of Johnson Water and Light Department
Village of Hyde Park Water and Light Department

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Central Vermont Public Service Corp.

[Docket No. ER93-678-000]

Take notice that on May 28, 1993, Central Vermont Public Service Corporation (CVPS) tendered for filing the Actual 1992 Cost Report required under Article 2.4 on Second Revised Sheet No. 18 of FERC Electric Tariff, Original Volume No. 3, of Central Vermont under which Central Vermont provides transmission and distribution service to the following Customers:

Vermont Electric Cooperative; Inc.
Lyndonville Electric Department
Village of Ludlow Electric Light Department
Village of Johnson Water and Light Department
Village of Hyde Park Water and Light Department
Rochester Electric Light and Power Company

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Central Vermont Public Service Corp.

[Docket No. ER93-679-000]

Take notice that on May 28, 1993, Central Vermont Public Service Corporation (CVPS) tendered for filing the Actual 1992 Cost Report required under Paragraph Q-1 on Original Sheet No. 18 of the Rate Schedule FERC No. 135 (RS-2 rate schedule) under which Central Vermont Public Service Corporation (Company) sells electric power to Connecticut Valley Electric Company Inc. (Customer). The Company states that the Cost Report reflects changes to the RS-2 rate schedule which were approved by the Commission's June 6, 1989 order in Docket No. ER88-456-000.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Arizona Public Service Co.

[Docket No. ER93-680-000]

Take notice that on May 28, 1993, Arizona Public Service Company (APS) tendered for filing a Service Agreement and related Service Schedules A and B (Agreement) for Firm Transmission Service provided by APS to the Navajo Tribal Utility Authority (NTUA). This Agreement provides for the basic firm transmission and ancillary services to be furnished for the purpose of transmitting third party electric power that NTUA has secured from Tucson Electric Power Company (TEP) to various delivery points on the Navajo Reservation.

APS requests waiver of the Commission's Notice Requirements 18 CFR 35.3(a) under § 35.11 to allow for an effective date of June 1, 1993, the date service under the NTUA/TEP Wholesale Power Supply Agreement is scheduled to commence.

Copies of this filing have been served upon NTUA, Walter Wolf, Esq. (NTUA's attorney), R.W. Beck & Associates (NTUA's consultant), Spiegel & McDiarmid (NTUA's attorney) and the Arizona Corporation Commission.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Puget Sound Power & Light Co.

[Docket No. ER93-681-000]

Take notice that on May 28, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an unsigned Emergency Temporary Interconnection Agreement between Public Utility District No. 1 of Grant County (District) and Puget dated as of May 21, 1993. Under the Agreement, Puget is to temporarily interconnect with District's mobile substation in order to provide District with emergency transmission service until a non-functioning District transformer can be replaced.

Copies of the filing were served upon District.

Comment date: June 21, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–13885 Filed 6–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 10881–001–South Carolina]

Daniel Nelson Evans, Jr.; Availability of Environmental Assessment

June 8, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for minor license for the proposed Whitney Mills Project located on the Lawson's Fork Creek, Spartanburg County, South Carolina, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–13899 Filed 6–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2425–001 Virginia]

Potomac Edison Co.; Availability of Environmental Assessment

June 8, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new major license for the existing Luray/Newport Hydroelectric Project, located on the South Fork Shenandoah River in Page County, Virginia, near the towns of Luray and Newport, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the existing and potential future environmental effects of the project and concludes that approval of the project would not be a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–13896 Filed 6–11–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST93–3198–000 through ST93–3637–000]

Tennessee Gas Pipeline Co.; Self-Implementing Transactions

June 7, 1993.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA), section 7 of the NGA and section 5 of the Outer Continental Shelf Lands Act.[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction.

A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and section 311(a)(2) of the NGPA.

A "D" indicates a sale by an intrastate pipeline to an intestate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–I" indicates transportation by an intrastate pipeline company pursuant to a blanket certificate issued under § 284.227 of the Commission's regulations.

A "G–S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–LT" or "G–LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "G–HT" or "G–HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "K" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K–S" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's regulations.

Lois D. Cashell,

Secretary.

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[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3198	Tennessee Gas Pipeline Co.	U.S. Steel Group	03-31-93	G-S	50,000	N	I	03-01-93	Indef.
ST93-3199	Tennessee Gas Pipeline Co.	Cornerstone Production Co.	03-31-93	G-S	150,000	N	I	03-01-93	Indef.
ST93-3200	Williston Basin Inter. P/L Co.	Koch Hydrocarbon Co.	03-31-93	G-S	13,953	A	I	03-01-93	03-31-93.
ST93-3201	Colorado Interstate Gas Co.	Coastal Gas Marketing Co.	03-31-93	G-S	150,000	A	I	03-01-93	Indef.
ST93-3202	Colorado Interstate Gas Co.	North Central Oil Corp.	03-31-93	G-S	25,000	N	I	01-13-93	02-01-96.
ST93-3203	Transcontinental P/L Corp.	City of Kings Mountain.	03-31-93	B	58,500	N	I	03-24-93	Indef.
ST93-3204	Trunkline Gas Co	Amerada Hess Corp	04-01-93	G-S	50,000	N	I	03-20-93	Indef.
ST93-3205	Trunkline Gas Co	Eastex Hydrocarbons, Inc.	04-01-93	G-S	20,000	N	I	03-20-93	Indef.
ST93-3206	Trunkline Gas Co	O & R Energy, Inc ...	04-01-93	G-S	50,000	N	I	03-27-93	Indef.
ST93-3207	Trunkline Gas Co	Midcon Gas Services Corp.	04-01-93	G-S	100,000	N	I	03-13-93	Indef.
ST93-3208	Trunkline Gas Co	Western Gas Marketing, Inc.	04-01-93	G-S	100,000	N	I	03-25-93	Indef.
ST93-3209	Trunkline Gas Co	CNG Producing Co .	04-01-93	G-S	30,000	N	I	03-28-93	Indef.
ST93-3210	Colorado Interstate Gas Co.	City of Colorado Springs.	04-01-93	B	20,000	N	I	04-01-93	09-30-96.
ST93-3211	Mid Louisiana Gas Co.	Louisiana Marketing Co.	04-01-93	G-S	500,000	A	I	03-01-93	03-31-93.
ST93-3212	Dow Pipeline Co	Amoco Gas Co	04-01-93	C	25,000	N	I	02-01-93	02-01-95.
ST93-3213	Monterey Pipeline Co.	Transcontinental Gas Pipe Line Co.	04-01-93	C	25,000	N	I	03-01-93	Indef.
ST93-3214	Monterey Pipeline Co.	Columbia Gulf Transmission Co.	04-01-93	C	5,000	N	I	02-01-93	Indef.
ST93-3215	Natural Gas P/L Co. of America.	American Hunter Exploration, LTD.	04-01-93	G-S	75,000	N	I	03-18-93	Indef.
ST93-3216	Northern Natural Gas Co.	Direct Energy Marketing Limited.	04-01-93	G-S	50	N	F/I	03-05-93	Indef.
ST93-3217	Florida Gas Transmission Co.	Valero Transmission, L.P.	04-01-93	B	500	N	I	03-01-93	Indef.
ST93-3218	Florida Gas Transmission Co.	Texaco Gas Marketing, Inc.	04-01-93	G-S	50,000	N	I	03-06-93	Indef.
ST93-3219	Texas Gas Transmission Corp.	CNG Producing Co .	04-02-93	G-S	20,000	N	I	03-17-93	Indef.
ST93-3220	Texas Gas Transmission Corp.	Eagle Natural Gas Co.	04-02-93	G-S	20,000	N	I	03-25-93	Indef.
ST93-3221	Arkla Energy Resources Co.	Clinton Gas Transmission, Inc.	04-02-93	G-S	5,000	N	I	04-01-93	Indef.
ST93-3222	Delhi Gas Pipeline Corp.	Panhandle Eastern P/L Co., et al.	04-05-93	C	7,000	N	I	03-12-93	Indef.
ST93-3223	Tennessee Gas Pipeline Co.	Eastern Marketing Corp.	04-05-93	G-S	50,000	N	I	03-20-93	Indef.
ST93-3224	Tennessee Gas Pipeline Co.	CNG Transmission Corp.	04-05-93	G	37,669	N	F	03-15-93	11-01-00.
ST93-3225	ANR Pipeline Co	Yuma Gas Corp	04-05-93	G-S	50,000	N	I	03-26-93	Indef.
ST93-3226	ANR Pipeline Co	CNG Producing Co .	04-05-93	G-S	500,000	N	I	03-23-93	Indef.
ST93-3227	ANR Pipeline Co	Murphy Oil USA, Inc	04-05-93	G-S	100,000	N	I	03-20-93	Indef.
ST93-3228	ANR Pipeline Co	Monterey Pipeline co	04-05-93	B	100,000	N	I	03-16-93	Indef.
ST93-3229	ANR Pipeline Co	Triumph Gas Marketing Co.	04-05-93	G-S	200,000	N	I	03-14-93	Indef.
ST93-3230	Arkla Energy Resources Co.	Gas Energy Development.	04-05-93	G-S	1,000	N	I	04-01-93	Indef.
ST93-3231	Panhandle Eastern Pipe Line Co.	Amgas, Inc	04-05-93	G-S	40	N	I	03-20-93	Indef.
ST93-3232	Panhandle Eastern Pipe Line Co.	Semco Energy Services, Inc.	04-05-93	G-S	9,387	N	F	03-01-93	Indef.
ST93-3233	Panhandle Eastern Pipe Line Co.	Nitex, Inc	04-05-93	G-S	20,000	N	I	03-16-93	Indef.
ST93-3234	Colorado Interstate Gas Co.	KN Gas Marketing, Inc.	04-06-93	G-S	10,000	N	I	03-20-93	Indef.
ST93-3235	Colorado Interstate Gas Co.	North Canadian Marketing Corp.	04-06-93	G-S	10,000	N	I	03-24-93	Indef.
ST93-3236	Valero Transmission, L.P.	United Gas Pipeline	04-06-93	C	25,000	N	I	03-11-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3237	Northern Natural Gas Co.	North Canadian Marketing Corp.	04-06-93	G-S	18,000	N	I/F	10-15-92	10-14-94.
ST93-3238	Northern Natural Gas Co.	Wisconsin Power & Light.	04-06-93	G-S	150,000	N	I/F	12-01-92	Indef.
ST93-3239	Northern Natural Gas Co.	Seagull Marketing Services, Inc.	04-06-93	G-S	50,000	N	I/F	02-01-93	Indef.
ST93-3240	Transcontinental Gas P/L Corp.	Cape Fear Energy ...	04-06-93	G-S	700,000	A	I	03-29-93	Indef.
ST93-3241	Texas Eastern Transmission Corp.	Texas Southeastern Gas Co.	04-07-93	B	20,000	N	I	03-20-93	Indef.
ST93-3242	Texas Eastern Transmission Corp.	Public Service Electric & Gas Co.	04-07-93	B	30,000	N	I	03-26-93	Indef.
ST93-3243	Texas Eastern Transmission Corp.	Equitrans, Inc	04-07-93	G	100,000	N	I	03-18-93	Indef.
ST93-3244	Texas Eastern Transmission Corp.	Yuma Gas Corp	04-07-93	G-S	25,000	N	I	03-20-93	Indef.
ST93-3245	High Island Offshore System.	Energy Development Corp.	04-07-93	K-S	100,000	N	I	03-01-93	Indef.
ST93-3246	Northwest Pipeline Corp.	Petro-Canada Hydrocarbons, Inc.	04-07-93	G-S	30,772	N	F	03-11-93	Indef.
ST93-3247	CNG Transmission Corp.	New Jersey Natural Gas Co.	04-07-93	G-S	5,000	N	I	11-01-92	Indef.
ST93-3248	CNG Transmission Corp.	Elizabethtown Gas Co.	04-07-93	G-S	5,522	N	I	05-01-92	Indef.
ST93-3249	CNG Transmission Corp.	North Penn Gas Co .	04-07-93	G-S	2,104	N	I	10-02-91	Indef.
ST93-3250	CNG Transmission Corp.	Virginia Natural Gas	04-07-93	G-S	6,700	Y	I	12-06-92	Indef.
ST93-3251	CNG Transmission Corp.	Piedmont Natural Gas Co.	04-07-93	G-S	20,000	N	I	07-29-92	Indef.
ST93-3252	CNG Transmission Corp.	A & W and Mountaineer Gas Co.	04-07-93	G-S	4,000	N	I	04-01-92	Indef.
ST93-3253	CNG Transmission Corp.	National Fuel Gas Supply.	04-07-93	G-S	45,850	N	I	12-01-90	Indef.
ST93-3254	CNG Transmission Corp.	Long Island Lighting Co.	04-07-93	G-S	75,000	N	I	04-01-92	Indef.
ST93-3255	CNG Transmission Corp.	NGC Transportation, Inc.	04-07-93	G-S	50,000	N	I	06-01-92	Indef.
ST93-3256	CNG Transmission Corp.	Baltimore Gas & Electric Co.	04-07-93	G-S	75,000	N	I	05-05-92	Indef.
ST93-3257	Williston Basin Inter. P/L Co.	Rainbow Gas Co	04-07-93	G-S	352,836	A	I	03-11-93	07-31-94.
ST93-3258	Natural Gas P/L Co. of America.	Cimarron Gas Co., Inc.	04-07-93	G-S	20,000	N	I	03-20-93	Indef.
ST93-3259	Columbia Gas Transmission Corp.	Coenergy Venture Corp.	04-07-93	G-S	100,000	Y	I	03-17-93	Indef.
ST93-3260	Columbia Gas Transmission Corp.	Capital Oil & Gas, Inc.	04-07-93	G-S	10,000	N	I	03-12-93	Indef.
ST93-3261	Columbia Gas Transmission Corp.	Sprague Energy Corp.	04-07-93	G-S	40,000	Y	I	03-15-93	Indef.
ST93-3262	Columbia Gas Transmission Corp.	Minard Run Oil Co ..	04-07-93	G-S	950	Y	I	03-15-93	Indef.
ST93-3263	Columbia Gas Transmission Corp.	Eastern Shore Natural Gas Co.	04-07-93	G-S	50,000	Y	I	03-15-93	Indef.
ST93-3264	Columbia Gas Transmission Corp.	Three Rivers Pipeline Co.	04-07-93	B	50,000	Y	I	03-15-93	Indef.
ST93-3265	Columbia Gas Transmission Corp.	Endevco Oil & Gas Co.	04-07-93	G-S	40,000	Y	I	03-22-93	Indef.
ST93-3266	Columbia Gas Transmission Corp.	Vesta Energy Co	04-07-93	G-S	20,000	Y	I	03-15-93	Indef.
ST93-3267	Columbia Gas Transmission Corp.	Prestonsburg City's Utilities Comm.	04-07-93	B	3,000	N	I	03-15-93	Indef.
ST93-3268	Columbia Gas Transmission Corp.	Fina Natural Gas Co	04-07-93	G-S	75,000	Y	I	03-15-93	Indef.
ST93-3269	Columbia Gas Transmission Corp.	Chautauqua Energy Marketing, Inc.	04-07-93	G-S	8,500	Y	I	03-15-93	Indef.
ST93-3270	Columbia Gas Transmission Corp.	LL&E Gas Marketing, Inc.	04-07-93	G-S	10,000	Y	I	03-15-93	Indef.
ST93-3271	Columbia Gas Transmission Corp.	Torch Gas, L.C	04-07-93	G-S	100,000	Y	I	03-15-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3272	Columbia Gas Transmission Corp.	Howard Energy Co., Inc.	04-07-93	G-S	200,000	Y	I	03-15-93	Indef.
ST93-3273	Columbia Gas Transmission Corp.	Premier Enterprises, Inc.	04-07-93	G-S	50,000	Y	I	03-15-93	Indef.
ST93-3274	Columbia Gas Transmission Corp.	GTE Products Corp .	04-07-93	G-S	3,000	N	I	03-15-93	Indef.
ST93-3275	Columbia Gas Transmission Corp.	Prior Intrastate Corp	04-07-93	G-S	100,000	Y	I	03-15-93	Indef.
ST93-3276	Columbia Gas Transmission Corp.	Tejas Hydrocarbons Co.	04-07-93	G-S	100,000	Y	I	03-15-93	Indef.
ST93-3277	Columbia Gas Transmission Corp.	Williams Power Services Co.	04-07-93	G-S	54,000	Y	I	03-15-93	Indef.
ST93-3278	Natural Gas P/L Co. of America.	American Hunter Energy.	04-08-93	G-S	100,000	N	I	03-26-93	Indef.
ST93-3279	Channel Industries Gas Co.	Tennessee Gas Pipeline Co.	04-08-93	C	75,000	A	I	03-13-93	Indef.
ST93-3280	Tennessee Gas Pipeline Co.	Mountaineer Gas Co	04-09-93	G-S	5,000	N	F	04-08-93	Indef.
ST93-3281	Tennessee Gas Pipeline Co.	Mountaineer Gas Co	04-09-93	G-S	5,000	N	F	05-08-93	Indef.
ST93-3282	Transok, Inc	ANR Pipeline Co., et al.	04-09-93	C	50,000	N	I	03-25-93	Indef.
ST93-3283	Transok, Inc	ANR Pipeline Co., et al.	04-09-93	C	100,000	N	I	03-13-93	Indef.
ST93-3284	Transok, Inc	ANR Pipeline Co., et al.	04-09-93	C	50,000	N	I	03-20-93	Indef.
ST93-3285	Transok, Inc	ANR Pipeline Co., et al.	04-09-93	C	50,000	N	I	03-20-93	Indef.
ST93-3286	Delhi Gas Pipeline Corp.	Nat. Gas P/L Co. of America, et al.	04-09-93	C	3,000	N	I	03-12-93	Indef.
ST93-3287	Northern Natural Gas Co.	Midcon Marketing Corp.	04-09-93	G-S	100,000	N	F/I	12-01-92	Indef.
ST93-3288	Northern Natural Gas Co.	Mountain Iron & Supply Co.	04-09-93	G-S	300	N	F/I	11-01-92	Indef.
ST93-3289	Northern Natural Gas Co.	Transok Gas Co	04-09-93	G-S	25,000	N	F/I	11-01-92	Indef.
ST93-3290	Northern Natural Gas Co.	Bridgegas USA, Inc .	04-09-93	G-S	200,000	N	F/I	11-02-92	Indef.
ST93-3291	Northern Natural Gas Co.	Arkla Resources, Inc	04-09-93	G-S	2,600	N	F/I	11-01-92	Indef.
ST93-3292	Northern Natural Gas Co.	Gas Energy Development.	04-09-93	G-S	10,000	N	F/I	10-13-92	Indef.
ST93-3293	Gas Co. of New Mexico.	El Paso Natural Gas Co.	04-09-93	C	8,000	N	I	03-01-93	01-01-94.
ST93-3294	Lone Star Gas Co ...	Transwestern Gas Co., et al.	04-09-93	C	60,000	N	I	03-14-93	Indef.
ST93-3295	Enoglex Inc	Natural Gas Pipeline Co. of America.	04-09-93	C	20,000	N	I	04-01-93	Indef.
ST93-3296	Enogex Inc	Panhandle Eastern Pipeline Co.	04-09-93	C	10,000	N	I	04-01-93	Indef.
ST93-3297	Enogex Inc	Panhandle Eastern Pipeline Co.	04-09-93	C	10,000	N	I	04-02-93	Indef.
ST93-3298	Enogex Inc	Black Marlin Pipeline Co.	04-09-93	C	50,000	N	I	03-19-93	Indef.
ST93-3299	Enogex Inc	Panhandle Eastern Pipeline Co.	04-09-93	C	50,000	N	I	04-02-93	Indef.
ST93-3300	Enogex Inc	William Natural Gas Co.	04-09-93	C	5,000	N	I	03-23-93	Indef.
ST93-3301	Louisiana Intrastate Gas Corp.	ANR Pipeline Co., et al.	04-12-93	C	50,000	N	I	04-02-93	Indef.
ST93-3302	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	04-12-93	G-S	50,000	N	I	03-24-93	Indef.
ST93-3303	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	04-12-93	G-S	10,200,000	N	I	03-23-93	Indef.
ST93-3304	Algonquin Gas Transmission Co.	Entrade Corp	04-12-93	G-S	9,700,000	N	I	03-24-93	Indef.
ST93-3305	Algonquin Gas Transmission Co.	Distrigas of Massachusetts Corp.	04-12-93	G-S	77,500	N	F	03-12-93	Indef.
ST93-3306	K N Energy, Inc	Associated Intrastate Pipeline Co.	04-12-93	B	50,000	A	I	03-13-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3307	Natural Gas P/L Co. of America.	National Gas Resources, L.P.	04-12-93	G-S	60,000	N	I	04-01-93	Indef.
ST93-3308	Natural Gas P/L Co. of America.	PanCanadian Petroleum Co.	04-12-93	G-S	100,000	N	I	04-01-93	Indef.
ST93-3309	Arkla Energy Resources Co.	Oshe Foods, Inc	04-12-93	G-S	350	N	I	04-01-93	Indef.
ST93-3310	East Ohio Gas Co ...	General Motors Corp	04-12-93	G-ST	500	N	N/A	04-01-93	04-30-94.
ST93-3312	Texas Gas Transmission Corp.	Conoco, Inc	04-12-93	G-S	20,000	N	I	03-11-93	Indef.
ST93-3313	United Gas Pipe Line Co.	Vista Chemical Co ..	04-13-93	G-S	25,152	N	I	03-31-93	07-29-93.
ST93-3314	United Gas Pipe Line Co.	Sonat Marketing Co	04-13-93	G-S	26,200	N	I	03-31-93	07-29-93.
ST93-3315	United Gas Pipe Line Co.	Chevron U.S.A., Inc	04-13-93	G-S	104,800	N	I	03-19-93	07-17-93.
ST93-3316	United Gas Pipe Line Co.	Endevco Oil & Gas Co.	04-13-93	G-S	26,200	N	I	04-01-93	07-30-93.
ST93-3317	United Gas Pipe Line Co.	Union Pacific Fuels, Inc.	04-13-93	G-S	60,000	N	I	03-31-93	07-29-93.
ST93-3318	United Gas Pipe Line Co.	Amax Oil & Gas, Inc	04-13-93	G-S	20,960	N	I	03-31-93	07-29-93.
ST93-3319	United Gas Pipe Line Co.	Excel Gas Marketing, Inc.	04-13-93	G-S	102,704	N	I	04-01-93	07-30-93.
ST93-3320	Houston Pipe Line Co.	Tennessee Gas Pipeline Co.	04-13-93	C	50,000	N	I	04-01-93	Indef.
ST93-3321	Houston Pipe Line Co.	Enron Gas Marketing, Inc.	04-13-93	G-I	100,000	N	I	04-01-93	Indef.
ST93-3322	Houston Pipe Line Co.	Amoco Energy Trading Co.	04-13-93	G-I	15,000	N	I	04-01-93	Indef.
ST93-3323	Houston Pipe Line Co.	Mitchell Marketing Co.	04-13-93	G-I	17,500	N	I	03-27-93	Indef.
ST93-3324	Houston Pipe Line Co.	Tennessee Gas Pipeline Co.	04-13-93	G	10,000	N	I	03-20-93	Indef.
ST93-3325	Houston Pipe Line Co.	Tennessee Gas Pipeline Co.	04-13-93	G	100,000	N	I	03-14-93	Indef.
ST93-3326	Natural Gas P/L Co. of America.	Elf Exploration, Inc ..	04-14-93	G-S	100,000	N	I	04-01-93	Indef.
ST93-3327	Natural Gas P/L Co. of America.	Midcon Gas Services Corp.	04-14-93	G-S	100,000	A	I	03-19-93	Indef.
ST93-3328	Northern Border Pipeline Co.	Cibola Corp	04-14-93	G-S	100,000	Y	I	04-03-93	12-17-94.
ST93-3329	Northern Natural Gas Co.	Arkla Energy Marketing.	04-14-93	G-S	100,000	N	F/I	03-25-93	Indef.
ST93-3330	Channel Industries Gas Co.	Sabine Pipe Line Co	04-14-93	C	75,000	N	I	03-17-93	Indef.
ST93-3331	Columbia Gulf Transmission Co.	Cng Producing Co ...	04-14-93	G-S	100,000	N	I	04-03-93	Indef.
ST93-3332	Columbia Gulf Transmission Co.	Oryx Gas Marketing, L.P.	04-14-93	G-S	70,000	N	I	04-01-93	Indef.
ST93-3333	Columbia Gulf Transmission Co.	Oxy USA, Inc	04-14-93	G-S	40,000	N	I	04-01-93	Indef.
ST93-3334	Columbia Gulf Transmission Co.	Northern Natural Gas Co.	04-14-93	G	10,000	N	I	03-27-93	Indef.
ST93-3335	Columbia Gulf Transmission Co.	Kerr-McGee Corp	04-14-93	G-S	100,000	N	I	04-01-93	Indef.
ST93-3336	Columbia Gulf Transmission Co.	Elf Exploration, Inc ..	04-14-93	G-S	30,000	N	I	04-01-93	Indef.
ST93-3337	Columbia Gulf Transmission Co.	Energy Development Corp.	04-14-93	G-S	200,000	N	I	03-25-92	Indef.
ST93-3338	Phillips Gas Pipeline Co.	Phillips Texas Border Pipeline Co.	04-15-93	B	75,000	A	I	01-01-93	Indef.
ST93-3339	Tennessee Gas Pipeline Co.	Mg Natural Gas Corp.	04-15-93	G-S	160,000	N	I	01-15-92	Indef.
ST93-3340	Midwestern Gas Transmission Co.	Energy Development Corp.	04-15-93	G-S	150,000	N	I	03-20-93	Indef.
ST93-3341	El Paso Natural Gas Co.	Tristar Gas Co	04-15-93	G-S	1,500	N	I	02-01-93	Indef.
ST93-3342	Transwestern Pipeline Co.	Washington Energy Marketing, Inc.	04-15-93	G-S	200,000	N	I	03-31-93	Indef.
ST93-3343	Ozark Gas Transmission System.	Gas Energy Development Co.	04-16-93	G-S	10,000	N	F	04-01-93	Indef.

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ST93-3344	Northern Natural Gas Co.	Peninsular Gas Co ..	04-16-93	G-S	390	N	F/I	01-28-93	Indef.
ST93-3345	Northern Natural Gas Co.	Peninsular Gas Co ..	04-16-93	G-S	510	N	F/I	02-01-93	Indef.
ST93-3346	Northern Natural Gas Co.	OXY USA, Inc	04-16-93	G-S	39,296	N	F/I	01-24-93	Indef.
ST93-3347	Natural Gas P/L Co. of America.	Olympic Fuels Co	04-16-93	G-S	40,000	N	I	04-01-93	Indef.
ST93-3348	Williams Natural Gas Co.	Nebraska Municipal Gas Agency.	04-16-93	G-S	10,000	N	I	04-15-93	Indef.
ST93-3349	Williams Natural Gas Co.	Lawrence Paper Co	04-16-93	G-S	260	N	F	04-01-93	Indef.
ST93-3350	ANR Pipeline Co	Texaco Gas Marketing, Inc.	04-16-93	G-S	100,000	N	F	04-01-93	Indef.
ST93-3351	ANR Pipeline Co	Polaris Pipeline Corp	04-16-93	G-S	50,000	N	I	03-27-93	Indef.
ST93-3352	ANR Pipeline Co	Murphy Exploration & Production Co.	04-16-93	G-S	100,000	N	I	04-01-93	Indef.
ST93-3353	ANR Pipeline Co	Western Gas Marketing, Inc.	04-16-93	G-S	437,000	N	I	04-01-93	Indef.
ST93-3354	ANR Pipeline Co	MG Natural Gas Corp.	04-16-93	G-S	100,000	N	I	04-01-93	Indef.
ST93-3355	ANR Pipeline Co	Enron Gas Marketing, Inc.	04-16-93	G-S	200,000	N	I	04-01-93	Indef.
ST93-3356	ANR Pipeline Co	Columbia Gas of Ohio, Inc.	04-16-93	B	50,000	N	I	04-01-93	Indef.
ST93-3357	ANR Pipeline Co	Fina Natural Gas Co	04-16-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3358	ANR Pipeline Co	Enron Gas Marketing, Inc.	04-16-93	G-S	200,000	N	I	04-01-93	Indef.
ST93-3359	Southern Natural Gas Co.	Texas-Ohio Gas, Inc	04-16-93	G-S	2,500	N	I	04-02-93	Indef.
ST93-3360	Southern Natural Gas Co.	Allied Lime Co	04-16-93	G-S	1,000	N	I	03-31-93	Indef.
ST93-3361	CNG Transmission Corp.	Three River Health ..	04-19-93	G-S	500	N	I	03-30-93	Indef.
ST93-3362	CNG Transmission Corp.	City of Richmond	04-19-93	G-S	2,744	N	I	04-01-93	Indef.
ST93-3363	CNG Transmission Corp.	Birchwood Health Care Center.	04-19-93	G-S	500	N	I	03-30-93	Indef.
ST93-3364	CNG Transmission Corp.	Paul Wissmach Glass Co., Inc.	04-19-93	G-S	210	N	I	04-01-93	Indef.
ST93-3365	Trunkline Gas Co	Stellar Gas Co	04-19-93	G-S	50,000	N	I	04-03-93	Indef.
ST93-3366	Trunkline Gas Co	Mega Natural Gas Co.	04-19-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3367	Trunkline Gas Co	Aquila Energy Marketing Corp.	04-19-93	G-S	20,000	N	I	03-27-93	Indef.
ST93-3368	Trunkline Gas Co	Tennessee Gas Pipeline Co.	04-19-93	G	12,000	N	I	04-02-93	Indef.
ST93-3369	Trunkline Gas Co	Oryx Gas Marketing, L.P.	04-19-93	G-S	125,000	N	I	04-01-92	Indef.
ST93-3370	Panhandle Eastern Pipe Line Co.	American Hunter Energy Limited.	04-19-93	G-S	64,500	N	I	03-27-93	Indef.
ST93-3371	Columbia Gulf Transmission Co.	CNG Trading Co	04-19-93	G-S	20,000	N	I	03-20-93	Indef.
ST93-3372	Columbia Gas Transmission Corp.	New York State Electric & Gas Corp.	04-19-93	B	7,425	Y	F	04-01-93	Indef.
ST93-3373	Columbia Gas Transmission Corp.	Columbia Gas Development Corp.	04-19-93	G-S	1,182	A	F	04-01-93	Indef.
ST93-3374	Stingray Pipeline Co	Associated Natural Gas, Inc.	04-19-93	K-S	60,000	N	I	04-01-93	Indef.
ST93-3375	Natural Gas P/L Co. of America.	Torch Gas, L.C	04-19-93	G-S	20,000	N	I	04-06-93	Indef.
ST93-3376	Natural Gas P/L Co. of America.	Enron Gas Marketing, Inc.	04-19-93	G-S	150,000	N	I	04-10-93	Indef.
ST93-3377	United Gas Pipe Line Co.	Excel Gas Marketing, Inc.	04-19-93	G-S	102,704	N	I	04-05-93	08-03-93.
ST93-3378	United Gas Pipe Line Co.	Riverside Energy Resources.	04-19-93	G-S	67,072	N	I	03-31-93	03-31-95.
ST93-3379	United Gas Pipe Line Co.	Scana Hydrocarbons, Inc.	04-19-93	G-S	100,000	N	I	04-06-93	08-04-93.

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ST93-3380	Arkla Energy Resources Co.	Transok Gas Co	04-19-93	G-S	50,000	N	I	03-01-93	Indef.
ST93-3381	Tennessee Gas Pipeline Co.	Petroleum Source & Sys. Group, Inc.	04-19-93	G-S	4,000	N	I	04-01-93	Indef.
ST93-3382	Valero Transmission, L.P.	United Gas Pipeline	04-19-93	C	5,000	N	I	03-24-93	Indef.
ST93-3383	Valero Transmission, L.P.	Transcontinental Gas Pipeline Corp.	04-19-93	C	5,000	N	I	03-24-93	Indef.
ST93-3384	Valero Transmission, L.P.	Transcontinental Gas Pipeline Corp.	04-19-93	C	5,000	N	I	03-24-93	Indef.
ST93-3385	Valero Transmission, L.P.	Natural Gas Pipeline Co. of America.	04-19-93	C	3,327	N	I	03-25-93	Indef.
ST93-3386	Colorado Interstate Gas Co.	Farmer's Union Central Exchange.	04-20-93	G-S	12,327	N	I	04-01-93	Indef.
ST93-3387	Colorado Interstate Gas Co.	Tiger Natural Gas, Inc.	04-20-93	G-S	700	N	I	04-01-93	Indef.S
ST93-3388	Colorado Interstate Gas Co.	Conoco, Inc	04-20-93	G-S	10,000	N	F	04-01-93	12-06-98.
ST93-3389	Colorado Interstate Gas Co.	Mountain Fuel Supply Co.	04-20-93	G-S	500	N	F	04-01-93	Indef.
ST93-3390	Colorado Interstate Gas Co.	Coastal Oil & Gas Corp.	04-20-93	G-S	100,000	Y	I	04-01-93	Indef.
ST93-3391	Colorado Interstate Gas Co.	Mercado Gas Services, Inc.	04-20-93	G-S	5,000	N	I	04-07-93	Indef.
ST93-3392	Colorado Interstate Gas Co.	Questar Pipeline Co	04-20-93	G-S	5,000	N	I	04-01-93	Indef.
ST93-3393	Colorado Interstate Gas Co.	Coastal Oil & Gas Corp.	04-20-93	G-S	100,000	Y	I	04-01-93	Indef.
ST93-3394	Colorado Interstate Gas Co.	Grand Valley Gas Co.	04-20-93	G-S	15,000	N	I	04-01-93	Indef.
ST93-3395	Colorado Interstate Gas Co.	Texaco Gas Marketing Inc.	04-20-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3396	Gas Co. of New Mexico.	El Paso Natural Gas Co.	04-20-93	C	2,500	N	I	03-20-93	04-01-95.
ST93-3397	Gas Co. of New Mexico.	El Paso Natural Gas Co.	04-20-93	C	2,500	N	I	04-01-93	03-31-94.
ST93-3398	Gas Co. of New Mexico.	El Paso Natural Gas Co.	04-20-93	C	9,100	N	I	04-01-93	03-31-03.
ST93-3399	Gas Co. of New Mexico.	El Paso Natural Gas Co.	04-20-93	C	2,000	N	I	04-01-93	04-01-03.
ST93-3400	Webb/Duval Gatherers.	Tennessee Gas Pipeline Co.	04-20-93	C	50,000	N	I	12-01-93	Indef.
ST93-3401	United Gas Pipe Line Co.	United Gas Services Co.	04-20-93	G-S	628,800	A	I	04-02-93	07-31-93.
ST93-3402	Panhandle Eastern Pipe Line Co.	Cabot Oil & Gas Marketing Corp.	04-20-93	G-S	10,000	N	I	04-01-93	Indef.
ST93-3403	Texas Eastern Transmission Corp.	City of Pulaski	04-20-93	B	19,750	N	I	04-01-93	Indef.
ST93-3404	Panhandle Eastern Pipe Line Co.	Tristar Gas Co	04-20-93	G-S	5,000	N	I	04-01-93	Indef.
ST93-3405	Panhandle Eastern Pipe Line Co.	Enron Gas Marketing, Inc.	04-20-93	G-S	50,000	N	I	04-09-93	Indef.
ST93-3406	Panhandle Eastern Pipe Line Co.	Cabot Oil & Gas Marketing Co.	04-20-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3407	Texas Eastern Transmission Corp.	Columbia Gas of Kentucky.	04-20-93	B	195,000	N	I	04-01-93	Indef.
ST93-3408	Texas Eastern Transmission Corp.	James River Paper Co.	04-20-93	G-S	30,000	N	I	04-01-93	Indef.
ST93-3409	Panhandle Eastern Pipe Line Co.	Peoples Natural Gas Co.	04-20-93	G-S	25,000	N	I	04-01-93	Indef.
ST93-3410	Texas Eastern Transmission Corp.	Arkla Energy Marketing Co.	04-20-93	G-S	700,000	N	I	04-01-93	Indef.
ST93-3411	Columbia Gas Transmission Corp.	Columbia Gas of Kentucky, Inc.	04-20-93	B	100	Y	I	03-29-93	Indef.
ST93-3412	Columbia Gas Transmission Corp.	Mountaineer Gas Services, Inc.	04-20-93	G-S	6,000	N	I	04-01-93	Indef.
ST93-3413	Columbia Gas Transmission Corp.	Mountaineer Gas Co	04-20-93	G-S	5,000	N	I	04-01-93	Indef.
ST93-3414	Columbia Gas Transmission Corp.	Energy Transportation Mgmt., Inc.	04-20-93	G-S	1,200	Y	I	03-22-93	Indef.

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ST93-3415	Columbia Gas Transmission Corp.	Energy Marketing Services, Inc.	04-20-93	G-S	7,066	N	F	04-01-93	Indef.
ST93-3416	Texas Gas Transmission Corp.	Western Kentucky Gas Co.	04-20-93	B	148	N	I	04-01-93	Indef.
ST93-3417	Texas Gas Transmission Corp.	Equitable Resources Marketing Co.	04-20-93	G-S	20,000	N	I	04-01-93	Indef.
ST93-3418	Texas Gas Transmission Corp.	Oxy USA, Inc	04-20-93	G-S	10,000	Y	I	04-01-93	Indef.
ST93-3419	Texas Gas Transmission Corp.	Arkla Energy Marketing Co.	04-20-93	G-S	100,000	N	I	04-01-93	Indef.
ST93-3420	Texas Gas Transmission Corp.	Arkla Energy Marketing Co.	04-20-93	G-S	100,000	N	I	04-01-93	Indef.
ST93-3421	Natural Gas P/L Co. of America.	NGC Transportation, Inc.	04-21-93	G-S	100,000	N	I	10-01-93	Indef.
ST93-3422	CNG Transmission Corp.	Catex, Inc	04-21-93	G-S	30,000	N	I	04-03-93	Indef.
ST93-3423	CNG Transmission Corp.	NFGD, Quikrete, Reichhold.	04-21-93	G-S	1,500	N	I	04-02-93	Indef.
ST93-3424	Mojave Pipeline Co .	Texaco, Inc	04-21-93	G-S	50,000	N	I	12-18-93	03-03-08.
ST93-3425	Texas Gas Gathering.	Natural Gas Pipeline Co. of America.	04-21-93	C	20,000	N	I	02-01-93	Indef.
ST93-3426	Texas Gas Gathering.	Gulf States Transmission Corp.	04-21-93	C	30,000	N	I	03-01-93	Indef.
ST93-3427	Florida Gas Transmission Co.	Cargill Fertilizer, Inc	04-21-93	G-S	1,567	N	I	01-08-93	Indef.
ST93-3428	Florida Gas Transmission Co.	Heath Petra Resources.	04-21-93	G-S	100,000	N	I	01-24-93	Indef.
ST93-3429	Florida Gas Transmission Co.	Endevco Pipeline Co	04-21-93	B	40,000	N	I	03-23-93	Indef.
ST93-3430	Northern Border Pipeline Co.	Natural Gas Pipeline Co. of America.	04-21-93	G	32,000	N	I	04-17-93	02-28-94.
ST93-3431	Texas Corp	Northern Natural Gas Co.	04-21-93	C	3,000	N	I	11-01-93	Indef.
ST93-3432	Channel Industries Gas Co.	Northern Natural Gas Co.	04-21-93	C	70,000	N	I	03-22-93	Indef.
ST93-3433	National Fuel Gas Supply Corp.	Encogen Four Partners, L.P.	04-22-93	G-S	15,000	N	I	03-30-93	03-29-94.
ST93-3434	National Fuel Gas Supply Corp.	Fulton Cogeneration Assoc.	04-22-93	G-S	13,000	N	I	04-01-93	04-30-93.
ST93-3435	National Fuel Gas Supply Corp.	Direct Energy Marketing Limited.	04-22-93	G-S	20,000	N	I	04-15-93	03-30-13.
ST93-3436	National Fuel Gas Supply Corp.	Indeck-Oswego, L.P	04-22-93	G-S	3,000	N	I	03-17-93	03-14-13.
ST93-3437	Trunkline Gas Co	Arkla Energy Marketing Co.	04-22-93	G-S	100,000	N	I	03-01-93	Indef.
ST93-3438	Trunkline Gas Co	Associated Natural Gas, Inc.	04-22-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3439	Natural Gas P/L Co. of America.	NGC Transportation, Inc.	04-22-93	G-S	45,000	N	I	10-01-93	Indef.
ST93-3440	United Gas Pipe Line Co.	YUMA Gas Corp	04-22-93	G-S	78,600	N	I	04-14-93	08-12-93.
ST93-3441	United Gas Pipe Line Co.	KCS Energy Marketing, Inc.	04-22-93	G-S	78,600	N	I	04-14-93	08-12-93.
ST93-3442	United Gas Pipe Line Co.	Arkla Energy Marketing Co.	04-22-93	G-S	209,600	N	I	04-08-93	08-06-93
ST93-343	United Gas Pipe Line Co.	Pennzoil Gas Marketing Co.	04-22-93	G-S	209,600	N	I	04-13-93	08-11-93.
ST93-3444	United Gas Pipe Line Co.	Scana Hydrocarbons, Inc.	04-22-93	G-S	100,000	N	I	04-15-93	08-13-93.
ST93-3445	Williston Basin Inter. P/L Co.	William Herbert Hunt Trust Estate.	04-23-93	G-S	11,200	A	I	03-25-93	07-31-94.
ST93-3446	Northern Natural Gas Co.	Peoples Natural Gas Co.	04-23-93	B	50,000	N	F/I	12-22-92	Indef.
ST93-3447	Northwest Pipeline Corp.	Eagle-Picher Minerals.	04-23-93	G-S	184	N	F	04-01-93	Indef.
ST93-3448	Northwest Pipeline Corp.	Harvey's Resort Hotel Casino.	04-23-93	G-S	380	N	F	04-01-93	Indef.
ST93-3449	Northwest Pipeline Corp.	Caesars Tahoe	04-23-93	G-S	300	N	F	04-01-93	Indef.
ST93-3450	Northwest Pipeline Corp.	United Engine & Machine.	04-23-93	G-S	250	N	F	04-01-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3451	Northwest Pipeline Corp.	Eagle-Picher Minerals.	04-23-93	G-S	1,680	N	F	04-01-93	Indef.
ST93-3452	Northwest Pipeline Corp.	Domtar Gypsum Inc	04-23-93	G-S	3,000	N	F	04-01-93	Indef.
ST93-3453	Northwest Pipeline Corp.	Washington Natural Gas Co.	04-23-93	G-S	2,000	N	F	04-01-93	Indef.
ST93 3454	Northwest Pipeline Corp.	Northwest Natural Gas Co.	04-23-93	G-S	50,000	N	F	04-04-93	Indef.
ST93-3455	Northwest Pipeline Corp.	Harrah's Lake Tahoe Resort Casino.	04-23-93	G-S	500	N	F	04-01-93	Indef.
ST93-3456	Northwest Pipeline Corp.	James River Corp ...	04-23-93	G-S	2,341	N	F	04-01-93	Indef.
ST93-3457	Northwest Pipeline Corp.	Simpson Tacoma Kraft Co.	04-23-93	G-S	10,000	N	F	04-01-93	Indef.
ST93-3458	Northwest Pipeline Corp.	Simpson Paper Co ..	04-23-93	G-S	1,000	N	F	04-01-93	Indef.
ST93-3459	Northwest Pipeline Corp.	James River Corp ...	04-23-93	G-S	8,000	N	F	04-01-93	Indef.
ST93-3460	Northwest Pipeline Corp.	Boeing Co	04-23-93	G-S	2,156	N	F	04-01-93	Indef.
ST93-3461	Northwest Pipeline Corp.	Basic Inc	04-23-93	G-S	850	N	F	04-01-93	Indef.
ST93-3462	Northwest Pipeline Corp.	Santa Fe Pacific Minerals Corp.	04-23-93	G-S	1,100	N	F	04-01-93	Indef.
ST93-3463	Northwest Pipeline Corp.	Grand Valley Gas Co.	04-23-93	G-S	10,196	N	F	04-01-93	Indef.
ST93-3464	Northwest Pipeline Corp.	Washington Energy Exploration, Inc.	04-23-93	G-S	616	N	F	04-13-93	Indef.
ST93-3465	Northwest Pipeline Corp.	Washington Energy Exploration, Inc.	04-23-93	G-S	10,000	N	F	04-01-93	Indef.
ST93-3466	Northwest Pipeline Corp.	Columbia Aluminum Corp.	04-23-93	G-S	600	N	F	04-01-93	Indef.
ST93-3467	Northwest Pipeline Corp.	Rosenburg Forest Products.	04-23-93	G-S	1,250	N	F	04-01-93	Indef.
ST93-3468	Northwest Pipeline Corp	Development Associates, Inc.	04-23-93	G-S	40,784	N	F	04-01-93	Indef.
ST93-3469	Northwest Pipeline Corp.	Development Associates, Inc.	04-23-93	G-S	2,464	N	F	04-01-93	Indef.
ST93-3470	Northwest Pipeline Corp.	Canwest Gas Supply U.S.A., Inc.	04-23-93	G-S	51,550	N	F	04-01-93	Indef.
ST93-3471	Northwest Pipeline Corp.	TM Star Fuel Co	04-23-93	G-S	10,500	N	F	04-01-93	Indef.
ST93-3472	Northwest Pipeline Corp.	Grand Valley Gas Co.	04-23-93	G-S	2,464	N	F	04-01-93	Indef.
ST93-3473	Northwest Pipeline Corp.	Sierra Pacific Power Co.	04-23-93	G-S	9,000	N	F	04-01-93	Indef.
ST93-3474	Northwest Pipeline Corp.	IGI Resources, Inc ..	04-23-93	G-S	7,000	N	F	04-01-93	Indef.
ST93-3475	Northwest Pipeline Corp.	Cascade Natural Gas Corp.	04-23-93	G-S	1,078	N	F	04-01-93	Indef.
ST93-3476	Northwest Pipeline Corp.	TM Star Fuel Co	04-23-93	G-S	12,000	N	F	04-01-93	Indef.
ST93-3477	Northwest Pipeline Corp.	Boeing Co	04-23-93	G-S	12,600	N	F	04-01-93	Indef.
ST93-3478	Northwest Pipeline Corp.	Cascade Natural Gas Corp.	04-23-93	G-S	616	N	F	04-01-93	Indef.
ST93-3479	Arkansas Western Gas Co.	Arkla Energy Resources.	04-22-93	G-HT	10,000	N	I	02-01-93	Indef.
ST93-3480	Arkansas Western Gas Co.	Arkla Energy Resources.	04-22-93	G-HT	4,500	N	I	04-01-93	Indef.
ST93-3481	Arkansas Western Gas Co.	Arkla Energy Resources.	04-22-93	G-HT	3,500	N	I	11-01-92	Indef.
ST93-3482	Arkansas Western Gas Co.	Arkla Energy Resources.	04-22-93	G-HT	3,000	N	I	11-01-92	Indef.
ST93-3483	El Paso Natural Gas Co.	Oryx Gas Marketing, L.P.	04-23-93	G-S	100,000	N	I	03-24-93	Indef.
ST93-3484	Williams Natural Gas Co.	Kansas Municipal Gas Agency.	04-23-93	G-S	24,102	N	I	04-01-93	01-01-94.
ST93-3485	Columbia Gas Transmission Corp.	Delmarva Power & Light Co.	04-23-93	G-S	100,000	Y	I	04-01-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3486	Columbia Gas Transmission Corp.	Goetz Energy Corp .	04-23-93	G-S	5,000	Y	I	04-12-93	Indef.
ST93-3487	Columbia Gas Transmission Corp.	Quaker State Corp ..	04-23-93	G-S	5,740	N	F	04-01-93	Indef.
ST93-3488	Columbia Gas Transmission Corp.	Access Energy Corp	04-23-93	G-S	111	Y	F	04-02-93	10-31-93.
ST93-3489	Columbia Gas Transmission Corp.	R. C. Poling Co., Inc	04-23-93	G-S	4,000	N	I	04-01-93	Indef.
ST93-3490	Northwest Pipeline Corp.	City of Enumclaw	04-23-93	G-S	928	N	F	04-01-93	Indef.
ST93-3491	Northwest Pipeline Corp.	Cyanco Co	04-23-93	G-S	2,000	N	F	04-01-93	Indef.
ST93-3492	Northwest Pipeline Corp.	Northwest Natural Gas Co.	04-23-93	G-S	9,400	N	F	04-13-93	Indef.
ST93-3493	Northwest Pipeline Corp.	Texaco Gas Marketing, Inc.	04-23-93	G-S	29,000	N	F	04-08-93	Indef.
ST93-3494	Northwest Pipeline Corp.	High Sierra Hotel & Casino.	04-23-93	G-S	225	N	F	04-01-93	Indef.
ST93-3495	Northwest Pipeline Corp.	Husky Gas Marketing, Inc.	04-23-93	G-S	4,311	N	F	04-01-93	Indef.
ST93-3496	Algonquin Gas Transmission Co.	Continental Energy Marketing, Inc.	04-23-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3497	Algonquin Gas Transmission Co.	O & R Energy, Inc ...	04-23-93	G-S	300,000	N	I	04-06-93	Indef.
ST93-3498	Algonquin Gas Transmission Co.	Louis Dreyfus Energy Corp.	04-23-93	G-S	1,500,000	N	I	04-02-93	Indef.
ST93-3499	Algonquin Gas Transmission Co.	Louis Dreyfus Energy Corp.	04-23-93	G-S	1,500,000	N	I	04-01-93	Indef.
ST93-3500	Kern River Gas Transmission Co.	Hesse Gas Co .....,	04-23-93	G-S	5,000	N	I	03-31-93	Indef.
ST93-3501	Monterey Pipeline Co.	Sabine Pipe Line Co	04-26-93	C	20,000	N	I	09-02-93	Indef.
ST93-3502	K N Energy, Inc	Gerrity Oil & Gas Corp.	04-26-93	G-S	30,000	N	I	04-01-93	Indef.
ST93-3503	K N Energy, Inc	K N Gas Marketing, Inc.	04-26-93	G-S	4,930	A	F	04-01-93	Indef.
ST93-3504	Tennessee Gas Pipeline Co.	Pennzoil Gas Marketing, Co.	04-26-93	G-S	6,865	N	I	04-04-93	Indef.
ST93-3505	Tennessee Gas Pipeline Co.	Capital Oil & Gas, Inc.	04-26-93	G-S	6,300	N	I	04-01-93	Indef.
ST93-3506	Tennessee Gas Pipeline Co.	Endevco Oil & Gas Co.	04-26-93	G-S	20,000	N	I	04-01-93	Indef.
ST93-3507	Delhi Gas Pipeline Corp.	El Paso Natural Gas Co.	04-26-93	C	250,000	N	I	04-01-93	Indef.
ST93-3508	Delhi Gas Pipeline Corp.	Arkla Energy Resources, et al.	04-26-93	C	20,000	N	I	04-02-93	Indef.
ST93-3509	Delhi Gas Pipeline Corp.	Transwestern Pipeline Co., et al.	04-26-93	C	5,000	N	I	04-17-93	Indef.
ST93-3510	Noark Pipeline System, L.P.	Texas Eastern Trans. Corp., et al.	04-26-93	C	60,000	N	I	03-01-93	11-30-94.
ST93-3511	Noark Pipeline System, L.P.	Texas Eastern Trans. Corp., et al.	04-26-93	C	141,000	N	I	03-01-93	Indef.
ST93-3512	Noark Pipeline System, L.P.	Texas Eastern Trans. Corp., et al.	04-26-93	C	7,000	N	I	11-27-92	11-26-02.
ST93-3513	Natural Gas P/L Co. of America.	Midcon Gas Services Corp.	04-26-93	G-S	100,000	N	I	03-27-93	Indef.
ST93-3514	Trunkline Gas Co	Yuma Gas Corp	04-26-93	G-S	150,000	N	I	04-01-93	Indef.
ST93-3515	Trunkline Gas Co	O & R Energy, Inc ...	04-26-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3516	Trunkline Gas Co	EP Operating, L.P ...	04-26-93	G-S	10,000	N	I	04-01-93	Indef.
ST93-3517	Columbia Gulf Transmission Co.	Brooklyn Interstate Nat. Gas Corp.	04-26-93	G-S	50,000	N	I	04-15-93	Indef.
ST93-3518	Arkla Energy Resources Co.	Phoenix Gas Pipeline Co.	04-26-93	G-S	25,000	N	I	04-22-93	Indef.
ST93-3519	K N Energy, Inc	IBP, Inc	04-27-93	G-S	4,500	N	I	04-12-93	Indef.
ST93-3520	Valero Transmission, L.P.	Florida Gas Transmission Co.	04-27-93	C	20,000	N	I	04-01-93	Indef.
ST93-3521	Enercorp Pipeline Ltd.	Texas Eastern Transmission Corp.	04-27-93	C	40,000	N	I	03-25-93	Indef.
ST93-3522	Colorado Interstate Gas Co.	Texaco Gas Marketing Inc.	04-27-93	G-S	8,000	N	F	05-01-93	09-30-93.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3523	ANR Pipeline Co	Centra Gas Manitoba, Inc.	04-27-93	G-S	18,950	N	I	04-01-93	10-31-93.
ST93-3524	ANR Pipeline Co	Total Minatome Corp	04-27-93	G-S	50,000	N	F	04-01-93	Indef.
ST93-3525	ANR Pipeline Co	Total Minatome Corp	04-27-93	G-S	50,000	N	F	04-01-93	Indef.
ST93-3526	ANR Pipeline Co	Milwaukee Metropolitan Sewerage DST.	04-27-93	G-S	5,800	N	F	04-01-93	03-31-98.
ST93-3527	ANR Pipeline Co	Seagull Marketing Services, Inc.	04-27-93	G-S	75,000	N	F	04-01-93	Indef.
ST93-3528	ANR Pipeline Co	Coenergy Ventures, Inc.	04-27-93	G-S	100,000	N	F	04-01-93	Indef.
ST93-3529	ANR Pipeline Co	Anadarko Trading Co.	04-27-93	G-S	25,000	N	F	04-01-93	Indef.
ST93-3530	ANR Pipeline Co	Kohler Co	04-27-93	G-S	374	N	F	04-01-93	03-31-98.
ST93-3531	ANR Pipeline Co	Wisconsin Gas Co ..	04-27-93	G-S	7,653	N	F	04-01-93	03-31-94.
ST93-3532	Tennessee Gas Pipeline Co.	Louis Dreyfus Energy Corp.	04-27-93	G-S	100,000	N	I	04-02-93	Indef.
ST93-3533	Tennessee Gas Pipeline Co.	North Atlantic Utilities, Inc.	04-27-93	G-S	10,000	N	I	04-10-93	Indef.
ST93-3534	Tennessee Gas Pipeline Co.	Proctor & Gamble Paper Products Co.	04-27-93	G-S	600,000	N	I	04-11-93	Indef.
ST93-3535	Channel Industries Gas Co.	Northern Natural Co	04-27-93	C	50,000	N	I	04-01-93	Indef.
ST93-3536	Tennessee Gas Pipeline Co.	Nashville Gas Co	04-27-93	B	24,000	N	F	04-13-93	Indef.
ST93-3537	Tennessee Gas Pipeline Co.	UGI Utilities, Inc	04-27-93	B	30,000	N	F	04-01-93	Indef.
ST93-3538	Tennessee Gas Pipeline Co.	Tenngasco Corp	04-27-93	G-S	43,000	A	F	04-05-93	Indef.
ST93-3539	Tennessee Gas Pipeline Co.	Producers Gas Sales, Inc.	04-27-93	G-S	5,000	N	I	04-01-93	Indef.
ST93-3540	Tennessee Gas Pipeline Co.	Mountaineer Gas Services, Inc.	04-27-93	G-S	10,000	N	I	04-14-93	Indef.
ST93-3541	Tennessee Gas Pipeline Co.	Proctor & Gamble Paper Products Co.	04-27-93	G-S	30,000	N	I	04-11-93	Indef.
ST93-3542	Tennessee Gas Pipeline Co.	NGC Transportation, Inc.	04-27-93	G-S	600,000	N	I	04-01-93	Indef.
ST93-3543	Tennessee Gas Pipeline Co.	Entrade Corp	04-27-93	G-S	1,310,000	A	I	04-01-93	Indef.
ST93-3544	Panhandle Eastern Pipe Line Co.	Kimball Energy Corp	04-27-93	G-S	40,000	N	I	04-01-93	Indef.
ST93-3545	Panhandle Eastern Pipe Line Co.	United Cities Gas Co	04-27-93	G-S	3,000	N	I	04-07-93	Indef.
ST93-3546	Panhandle Eastern Pipe Line Co.	United Cities Gas Co	04-27-93	G-S	1,000	N	I	04-03-93	Indef.
ST93-3547	Panhandle Eastern Pipe Line Co.	United Cities Gas Co	04-27-93	G-S	2,000	N	I	04-04-93	Indef.
ST93-3548	Texas Gas Transmission Corp.	Tenngasco Corp	04-27-93	G-S	4,000	N	I	04-08-93	Indef.
ST93-3549	Texas Gas Transmission Corp.	Stellar Gas Co	04-27-93	G-S	352	N	I	04-01-93	Indef.
ST93-3550	Texas Gas Transmission Corp.	Interstate Gas Supply, Inc.	04-27-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3551	Columbia Gas Transmission Corp.	Commonwealth Gas Services, Inc.	04-27-93	B	40,000	Y	I	04-01-93	Indef.
ST93-3552	Columbia Gas Transmission Corp.	City of Lancaster	04-27-93	B	3,000	Y	I	04-01-93	Indef.
ST93-3553	Kern River Gas Transmission Co.	AMOCO Energy Trading Corp.	04-28-93	G-S	50,000	N	F	04-02-93	Indef.
ST93-3554	Kern River Gas Transmission Co.	Union Pacific Fuels, Inc.	04-28-93	G-S	100,000	N	F	04-02-93	Indef.
ST93-3555	Williston Basin Inter. P/L Co.	Retex Gathering Co., Inc.	04-28-93	G-S	34,112	N	I	03-29-93	09-30-94.
ST93-3556	Channel Industries Gas Co.	Amerada Hess Corp	04-28-93	G-I	50,000	N	I	03-01-93	Indef.
ST93-3557	Texas Gas Transmission Corp.	AMOCO Energy Trading Corp.	04-28-93	G-S	150,000	N	I	03-21-93	Indef.
ST93-3558	Texas Gas Transmission Corp.	Public Service Electric & Gas Co.	04-28-93	G-S	200,000	N	I	04-20-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3559	Texas Gas Transmission Corp.	Niagara Mohawk Power Corp.	04-28-93	G-S	200,000	N	I	04-22-93	Indef.
ST93-3560	Texas Gas Transmission Corp.	ANR Pipeline Co	04-28-93	G	500,000	N	I	03-01-93	Indef.
ST93-3561	Black Marlin Pipeline Co.	Superior Natural Gas Corp.	04-28-93	G-S	120,000	N	I	04-01-93	Indef.
ST93-3562	Northern Natural Gas Co.	Interenergy Corp	04-28-93	G-S	10,000	N	F/I	03-22-93	Indef.
ST93-3563	Northern Natural Gas Co.	Pancanadian Petroleum Co.	04-28-93	G-S	100,000	N	F/I	04-01-93	Indef.
ST93-3564	Northern Natural Gas Co.	Enron Gas Marketing, Inc.	04-28-93	G-S	250,000	A	F/I	04-01-93	Indef.
ST93-3565	Florida Gas Transmission Co.	Energy Transportation Mgmt., Inc.	04-28-93	G-S	800	N	I	04-01-93	Indef.
ST93-3566	Florida Gas Transmission Co.	Pennzoil Gas Marketing Co.	04-28-93	G-S	20,000	N	I	04-01-93	Indef.
ST93-3567	Florida Gas Transmission Co.	Citrus Marketing, Inc	04-28-93	G-S	600,000	A	I	04-01-93	Indef.
ST93-3568	Florida Gas Transmission Co.	Transco Energy Marketing Co.	04-28-93	G-S	25,000	N	I	04-01-93	Indef.
ST93-3569	Panhandle Eastern Pipe Line Co.	Western Resources, Inc.	04-28-93	G-S	10,000	N	I	04-01-93	Indef.
ST93-3570	Iroquois Gas Trans. Sys., L.P.	Continental Energy Marketing Inc.	04-28-93	G-S	35,000	N	I	04-01-93	05-01-93.
ST93-3571	Iroquois Gas Trans. Sys., L.P.	New York State Electric & Gas Corp.	04-28-93	B	250,000	N	I	04-01-93	Indef.
ST93-3572	Iroquois Gas Trans. Sys., L.P.	Wes Canada Energy Marketing Inc.	04-28-93	G-S	420,000	N	I	04-02-93	Indef.
ST93-3573	Panhandle Eastern Pipe Line Co.	Enron Gas Marketing, Inc.	04-28-93	G-S	10,000	N	I	04-01-93	Indef.
ST93-3574	Texas Eastern Transmission Corp.	Public Service Electric & Gas Co.	04-28-93	G-S	10,341	N	F	01-25-92	Indef.
ST93-3575	Texas Eastern Transmission Corp.	Public Service Electric & Gas Co.	04-28-93	G-S	67,542	N	F	11-01-92	Indef.
ST93-3576	Texas Eastern Transmission Corp.	City of Cairo	04-28-93	G-S	324	N	F	11-01-92	Indef.
ST93-3577	Texas Eastern Transmission Corp.	Yankee Gas Services Co.	04-28-93	G-S	5,078	N	F	11-01-92	Indef.
ST93-3578	Northwest Pipeline Corp.	Development Associates, Inc.	04-28-93	G-S	40,000	N	F	04-01-93	Indef.
ST93-3579	Natural Gas P/L Co. of America.	Tristar Gas Co	04-28-93	G-S	50,000	N	I	04-15-93	Indef.
ST93-3580	Mojave Pipeline Operating Co.	Mobil Natural Gas, Inc.	04-28-93	G-S	25,000	N	I	04-07-93	04-06-08.
ST93-3581	ANR Pipeline Co	NGC Transportation, Inc.	04-28-93	G-S	300,000	N	F	04-01-93	Indef.
ST93-3582	ANR Pipeline Co	NGC Transportation, Inc.	04-28-93	G-S	300,000	N	F	04-01-93	Indef.
ST93-3583	ANR Pipeline Co	ARCO Natural Gas Marketing, Inc.	04-28-93	G-S	100,000	N	F	04-01-93	Indef.
ST93-3584	ANR Pipeline Co	ARCO Natural Gas Marketing, Inc.	04-28-93	G-S	100,000	N	F	04-01-93	Indef.
ST93-3585	ANR Pipeline Co	Pennzoil Gas Marketing Co.	04-28-93	G-S	35,000	N	I	04-01-93	Indef.
ST93-3586	ANR Pipeline Co	Ohio Valley Gas Corp.	04-28-93	G-S	11,500	N	I	04-01-93	Indef.
ST93-3587	ANR Pipeline Co	Central Illinois Light Co.	04-28-93	B	150,000	N	I	04-02-93	Indef.
ST93-3588	ANR Pipeline Co	Coenergy Ventures, Inc.	04-28-93	G-S	100,000	N	I	04-02-93	Indef.
ST93-3589	ANR Pipeline Co	FINA Natural Gas Co.	04-28-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3590	ANR Pipeline Co	Citrus Marketing, Inc	04-28-93	G-S	75,000	N	I	04-02-93	Indef.
ST93-3591	ANR Pipeline Co	Transok Gas Transmission Co.	04-29-93	G-S	70,000	N	I	04-05-93	Indef.
ST93-3592	ANR Pipeline Co	Transo Liquids Co ...	04-29-93	G-S	150,000	N	I	04-04-93	Indef.
ST93-3593	ANR Pipeline Co	Gilbert Paper	04-29-93	G-S	700	N	F	04-01-93	03-31-94.
ST93-3594	ANR Pipeline Co	Wisconsin Tissue Mills, Inc.	04-29-93	G-S	3,500	N	F	04-01-93	03-31-95.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3595	Tennessee Gas Pipeline Co.	Kerr-McGee Corp	04-29-93	G-S	450,000	N	I	04-01-93	Indef.
ST93-3596	Tennessee Gas Pipeline Co.	Selkirk Cogen Partners, L.P.	04-29-93	G-S	50,000	N	I	04-01-93	Indef.
ST93-3597	Tennessee Gas Pipeline Co.	Orchard Gas Corp ...	04-29-93	G-S	27,000	N	I	04-01-93	Indef.
ST93-3598	Tennessee Gas Pipeline Co.	Elizabeth Gas Co	04-29-93	G-S	1,400	N	F	04-02-93	Indef.
ST93-3599	Kern River Gas Transmission Co.	Canadian Hydrocarbons Marketing.	04-29-93	G-S	20,000	N	F	04-02-93	Indef.
ST93-3600	Kern River Gas Transmission Co.	Dept. of Water & Power, Los Angeles.	04-29-93	G-S	85,500	N	F	04-02-93	Indef.
ST93-3601	Kern River Gas Transmission Co.	Canwest Gas Supply U.S.A., Inc.	04-29-93	G-S	25,000	N	F	04-02-93	Indef.
ST93-3602	Texas Eastern Transmission Corp.	New Jersey Natural Gas Co.	04-29-93	G-S	3,411	N	F	12-01-92	Indef.
ST93-3603	Texas Eastern Transmission Corp.	CNG Transmission Corp.	04-29-93	G	154,442	N	F	12-01-92	Indef.
ST93-3604	Trunkline Gas Co	Brooklyn Interstate Nat. Gas Corp.	04-29-93	G-S	50,000	N	I	03-01-93	Indef.
ST93-3605	Trunkline Gas Co	Midcon Gas Services Corp.	04-29-93	G-S	100,000	N	I	03-02-93	Indef.
ST93-3606	Natural Gas P/L Co. of America.	Aquila Energy Marketing Corp.	04-29-93	G-S	100,000	N	J	04-02-93	Indef.
ST93-3607	Lone Star Gas Co ...	Northern Natural Gas Co., et al.	04-30-93	C	50,000	N	I	04-01-93	Indef.
ST93-3608	Midcon Texas Pipeline Corp.	Nat. Gas P/L Co. of Amer., et al.	04-30-93	C	104,000	N	I	04-01-93	04-01-13.
ST93-3609	Channel Industries Gas Co.	United Gas Pipe Line Co., et al.	04-30-93	C	50,000	N	I	03-31-93	Indef.
ST93-3610	Natural Gas P/L Co. of America.	Aquila Energy Marketing Corp.	04-30-93	G-S	75,000	N	I	04-22-93	Indef.
ST93-3611	ANR Pipeline Co	Centra Gas Manitoba Inc.	04-30-93	G-S	70,829	A	I	04-01-93	10-31-13.
ST93-3612	Great Lakes Gas Trans., L.P.	Progas U.S.A., Inc ..	04-30-93	G-S	75,000	N	I	04-01-93	11-01-00.
ST93-3613	Northern Border Pipeline Co.	Bridge Gas USA Inc	04-30-93	G-S	200,000	Y	I	04-02-93	05-14-95.
ST93-3614	Northern Border Pipeline Co.	Associated Natural Gas, Inc.	04-30-93	G-S	50,000	N	I	03-31-93	Indef.
ST93-3615	Transwestern Pipeline Co.	NGC Transportation, Inc.	04-30-93	G-S	10,000	N	I	04-01-93	Indef.
ST93-3616	Transwestern Pipeline Co.	Sid Richardson Gasoline Co.	04-30-93	G-S	10,000	N	I	03-31-93	Indef.
ST93-3617	Transcontinental Gas P/L Corp.	American Hunter Exploration Ltd.	04-30-93	G-S	360,000	N	I	04-01-93	Indef.
ST93-3618	Transcontinental Gas P/L Corp.	Bayou Cuba Production Co.	04-30-93	G-S	1,000	N	I	01-15-93	Indef.
ST93-3619	Transcontinental Gas P/L Corp.	Pennzoil Gas Marketing Co.	04-30-93	G-S	55,000	N	I	04-01-93	Indef.
ST93-3620	Valero Transmission, L.P.	Arkla Energy Resources.	04-30-93	C	25,000	N	I	04-01-93	Indef.
ST93-3621	Delhi Gas Pipeline Corp.	ANR Pipeline Co., et al.	04-30-93	C	10,000	N	I	04-13-93	Indef.
ST93-3622	Delhi Gas Pipeline Corp.	El Paso Natural Gas Co.	04-30-93	C	1,500	N	I	04-01-93	Indef.
ST93-3623	Delhi Gas Pipeline Corp.	El Paso Natural Gas Co., et al.	04-30-93	C	900	N	I	04-01-93	Indef.
ST93-3624	United Gas Pipeline Co.	Ledco Inc	04-30-93	G-S	488,629	N	I	04-19-93	08-17-93.
ST93-3625	United Gas Pipeline Co.	Endevco Oil & Gas Co.	04-30-93	G-S	26,200	N	I	04-16-93	08-14-93.
ST93-3626	United Gas Pipeline Co.	Enserch Gas Co	04-30-93	G-S	209,600	N	1	04-21-93	08-19-93.
ST93-3627	United Gas Pipeline Co.	Monsanto Co	04-30-93	G-S	31,000	N	F	04-21-93	08-19-93.
ST93-3628	United Gas Pipeline Co.	MG Natural Gas Corp.	04-30-93	G-S	41,920	N	I	04-19-93	08-17-93.
ST93-3629	United Gas Pipeline Co.	Stellar Gas Co	04-30-93	G-S	524,000	N	I	04-19-93	08-17-93.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST93-3630	United Gas Pipeline Co.	Excel Gas Marketing, Inc.	04-30-93	G-S	102,704	N	I	04-21-93	08-19-93.
ST93-3631	Williston Basin Inter. P/L Co.	Prairielands Energy Marketing, Inc.	04-30-93	G-S	237,719	A	I	03-31-93	09-30-94.
ST93-3632	Williston Basin Inter. P/L Co.	Hiland Partners	04-30-93	G-S	91,550	A	I	04-16-93	05-31-93.
ST93-3633	Trunkline Gas Co	Northern Indiana Public Service Co.	04-30-93	G-S	10,000	N	F	04-01-93	Indef.
ST93-3634	Panhandle Eastern Pipe Line Co.	Appalachian Gas Sales.	04-30-93	G-S	450	N	F	04-01-93	Indef.
ST93-3635	Panhandle Eastern Pipe Line Co.	Appalachian Gas Sales.	04-30-93	G-S	50	N	F	04-01-93	Indef.
ST93-3636	Panhandle Eastern Pipe Line Co.	Clinton Gas Transmission, Inc.	04-30-93	G-S	50,000	N	I	04-02-93	Indef.
ST93-3637	Panhandle Eastern Pipe Line Co.	Peoples Natural Gas Co.	04-30-93	G-S	1,500	N	F	04-01-93	Indef.

[1] Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with Order No. 436 (final rule and notice requesting supplemental comments, 50 FR 43,372, 10/10/85).
[2] Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, Mcf and DT.
[3] Affiliation of reporting company to entities involved in the transaction. A "Y" indicates affiliation, an "A" indicates marketing affiliation, and a "N" indicates no affiliation.

[FR Doc. 93-13886 Filed 6-11-93; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP93-135-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

June 8, 1993.

Take notice that Algonquin Gas Transmission Company (Algonquin) on June 4, 1993, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets with proposed effective date of July 7, 1993, respectively:

Original Sheet No. 20A
Original Sheet No. 97
Sheet Nos. 98-99

Algonquin states that the purpose of this filing is to provide for the recovery of certain transition costs associated with upstream capacity retained by Algonquin. Specifically, Algonquin seeks to recover gas supply realignment costs (GSR Costs) associated with retained capacity that are to be paid by Algonquin to Texas Eastern Transmission Corporation. Algonquin requests that the Commission waive § 154.22 of the Commission's regulations to the extent necessary in order to permit this application to take effect on July 7, 1993.

Algonquin states that copies of this tariff filing were mailed to all customers of Algonquin and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 15, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 93-13897 Filed 6-11-93; 8:45 am]
BILLING CODE 6717-01-P

[Docket No. RP93-134-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

June 8, 1993.

Take notice that Algonquin Gas Transmission Company (Algonquin) on June 4, 1993, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets with the proposed effective dates of Sheet Nos. 95 and 95A are June 1, 1993, and July 7, 1993, respectively:

Original Sheet No. 95
Original Sheet No. 95A

Algonquin states that the purpose of this filing is to provide for the recovery of transition costs to be paid by Algonquin to Texas Eastern Transmission Corporation (Texas Eastern) pursuant to Texas Eastern's second direct bill of Account No. 191 purchased gas costs filed on May 28, 1993, and to include in Algonquin's Fourth Revised Volume No. 1 a tariff sheet that was previously accepted by the Commission as part of Algonquin's Third Revised Volume No. 1 in Docket No. RP93-113-000 on May 28, 1993. Algonquin requests that the Commission waive § 154.22 of the Commission's regulations to the extent necessary in order to permit this application to take effect as requested.

Algonquin states that copies of this tariff filing were mailed to all customers of Algonquin and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 15, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 93-13898 Filed 6-11-93; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP93-99-000]

Colorado Interstate Gas Co.; Technical Conference

June 8, 1993.

By order issued April 30, 1993, the Commission directed its staff to convene a technical conference in the above-captioned proceeding. The conference was established to address the Uinta Basin Lateral "at-risk" condition and some Account No. 106 issues. The conference has been scheduled for Thursday, June 17, 1993 at 10 am in a room to be designated at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426. All interested persons and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-13884 Filed 6-11-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP93-196-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

June 8, 1993.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on June 4, 1993, tendered for filing certain tariff sheets to Third Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff, with proposed effective date of July 1, 1993.

Transco states that the tariff sheets and the rates contained therein are being filed pursuant to the Commission's May 14, 1993 Order on Compliance With Restructuring Order issued in Docket Nos. RP92-86-000, *et al., Transcontinental Gas Pipe Line Corporation*, 63 FERC ¶ 61,194 (1993) and Section 4 of the Natural Gas Act and Part 154 of the Commission's regulations.

Transco states that the purpose of the filing is to comply with the Commission's directive in its May 14 order that Transco submit a limited Section 4 filing to amend and replace its currently pending Interruptible Pooling Service Rate Schedule (IPS) proposal in the instant docket with Transco proposed "firm to wellhead" FT service structure (and related TABS service).

Transco states that copies of the filing have been served upon all parties listed on the official service list for Docket No. RP92-108-000 and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 15, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-13895 Filed 6-11-93; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4665-3]

Disclosure of Confidential Business Information Obtained Under the Comprehensive Environmental Response, Compensation and Liability Act

In the matter of EPA Contractor Science Applications International Corp.—Technology Services Co. and its Subcontractor, Cotton & Co., Certified Public Accountants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: EPA hereby complies with the requirements of 40 CFR 2.301(h) for authorization to disclose to its contractor, Science Applications International Corporation—Technology Services Company (hereinafter "SAIC-TSC") of San Francisco, California and SAIC-TSC's subcontractor, Cotton & Company, Certified Public Accountants (hereinafter "Cotton") of Alexandria, Virginia, Superfund confidential business information ("CBI") which has been submitted to EPA Region 9, Comptroller Branch pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"). SAIC-TSC's principal offices are located at 20 California Street, Suite 400, San Francisco, California 94111. Cotton's principal offices are located at 100 South Royal Street, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: David Wood, Comptroller Office, Cost Accounting Team, Environmental Protection Agency Region 9, 75 Hawthorne Street, San Francisco, CA 94105 (415) 744-1747.

SUPPLEMENTARY INFORMATION:

Notice of Required Determinations, Contract Provisions and Opportunity to Comment

The Comprehensive Environmental Response, Compensation, and Liability Act of 1960 ("CERCLA"), as amended, (commonly known as "Superfund") and other Federal laws require the maintenance of site records, including those relevant to cost recovery. EPA has entered into a contract, No. 68-W9-0008, Work Assignment No. CO9056, (the "Contract") with SAIC-TSC to provide financial cost documentation support, including documentation, verification and development of proof to support cost recovery for EPA Region 9 Superfund sites. SAIC-TSC has, in turn, entered into a contract with Cotton to perform the work required by the Contract. EPA Region 9 has determined that disclosure of CBI to SAIC-TSC and Cotton employees is necessary in order that they may carry out the work required by the Contract. The Contract complies with all requirements of 40 CFR 2.301(h)(2)(ii). EPA Region 9 will require each SAIC-TSC and Cotton employee working under this work assignment, who may have access to CBI, to sign a written non-disclosure agreement that he or she: (1) Will use the information only for the purpose of carrying out the work required by the Contract; (2) shall refrain from disclosing the information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office; and (3) shall return to EPA all copies of the information (and any abstracts or extracts therefrom) upon request from the EPA Region 9 Comptroller office, whenever the information is no longer required by SAIC-TSC and Cotton for performance of the work required by the Contract, or upon completion of the Contract. These non-disclosure agreements shall be maintained on file with the Region 9 Work Assignment Manager. SAIC-TSC and Cotton employees will be trained on Superfund CBI requirements.

EPA hereby advises affected parties that they have ten working days from the date of this notice to submit comments pursuant to 40 CFR 2.301(h)(2)(iii). Comments should be sent to: Environmental Protection Agency, Region 9, David Wood (P-4-2-3), 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1747

Dated: June 1, 1993.

David S. Mowday,

Acting Assistant Regional Administrator for Policy and Management.

[FR Doc. 93-13943 Filed 6-11-93; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

June 9, 1993.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, Suite 140, Washington, DC 20037 (202) 857-3800. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632-0276. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

Please note: The Commission has requested expedited review of these items by June 17, 1993, under the provisions of 5 CFR 1320.18.

OMB Number: None.

Title: Section 76.911, Petition for Reconsideration of Certification.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 450 responses; 2 hours average burden per response; 900 hours total annual burden.

Needs and Uses: On 4/1/93, the Commission adopted a Report and Order in MM Docket No. 92-266, Implementation of sections 623, 612, and 622(c) of the Communications Act of 1934, as amended, by the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"). To implement this statutory requirement, the Commission added new § 76.911(b)(2) which requires competing video programmers, when requested by cable operators, to provide information regarding the competitor's reach and number of subscribers. The information will be used by cable operators to rebut a franchising authority's certification to the FCC that the cable system is not subject to effective competition. FCC staff will use the data to achieve the goals of the Communications Act, the Cable Act, by ensuring that the threshold effective competition determination is based on a complete record and to resolve disputes concerning the presence or absence of effective competition.

OMB Number: None.

Title: Section 76.913, Assumption of Jurisdiction by the Commission.

Action: New collection.

Respondents: State or local governments and federal agencies or employees.

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 500 responses; 8 hours average burden per response; 4,000 hours total annual burden.

Needs and Uses: New § 76.913(b) provides that a franchising authority that has insufficient resources to regulate rates or lacks the legal authority to do so may petition the Commission to regulate the rates for basic cable service and associated equipment of its franchisee. If the franchising authority lacks the resources to administer rate regulation, its petition must be accompanied by a demonstration that franchise fees are insufficient to fund any additional activities required to administer basic service rate regulation. In cases where the franchising authority lacks the legal authority to regulate rates, it must submit with its petition a statement detailing the legal infirmity. The data will be used by FCC staff to identify situations where it should exercise jurisdiction over basic service and equipment rates in place of a local franchising authority. If the information was not collected, the basic cable rates of some franchise areas not subject to effective competition would remain unregulated in contravention of the goals of the 1992 Cable Act.

OMB Number: None.

Title: Section 76.915, Change in Status of Cable Operator.

Action: New collection.

Respondents: State or local governments, businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 465 responses; 2.39 hours average burden per response; 1,111 hours total annual burden.

Needs and Uses: New § 76.915 provides that (1) franchising authorities notify the Commission of any decision changing the regulatory status of a cable operator (§ 76.915(b)); (2) to effectuate a change in the regulatory status of a cable operator, a cable operator and a franchising authority may submit a joint statement that effective competition exists (§ 76.915(d)); (3) cable operators denied a change in status by a franchising authority may seek review of that finding at the Commission by filing a petition for revocation of the franchise authority's certification (§ 76.915(d)); and (4) a cable operator may petition the Commission for change in its regulatory status in cases where a local franchising authority has not been certified to regulate rates (§ 76.915(f)). These new requirements will ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment.

OMB Number: None.

Title: Section 76.916, Petition for Recertification.

Action: New collection.

Respondents: State or local governments.

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 1,300 responses; 2.5 hours average burden per response; 3,250 hours total annual burden.

Needs and Uses: New § 76.916 provides that a franchising authority wishing to assume jurisdiction to regulate basic service and associated equipment rates after its request for certification has been denied or revoked must file a "Petition for Reconsideration." If the collection of information was not conducted, such franchise authorities would not have an opportunity to establish their qualifications after their initial request for certification was denied or revoked.

OMB Number: None.

Title: Section 76.924, Cost Accounting and Cost Allocation Requirements.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 30,070 recordkeepers; 80 hours average burden per recordkeeper; 2,405,600 hours total annual burden.

Needs and Uses: While the requirements adopted in the Report and Order, MM Docket No. 92-266, will permit immediate implementation of its rules, the Commission has an insufficient record on which to determine the optimum level of rate averaging for the cable industry. The Commission determined that it will

include in a Second Further Notice of Proposed Rulemaking issues pertaining to what cost accounting and cost allocation requirements it should adopt on a permanent basis. The rate regulations adopted by the Commission impose a price cap on cable rates service with certain categories of costs defined as external to the cap. The cost accounting and cost allocation requirements are necessary in order to assure that costs that are intended to receive external treatment are in fact accorded such treatment. The regulations adopted by the Commission additionally authorize cable operators to make cost-of-service showings to justify a rate higher than the capped level. Cost accounting and cost allocation requirements are also necessary to permit identification of costs that will justify a rate above the cap.

OMB Number: None.

Title: Section 76.944, Commission Review of Franchising Authority Decisions on Rates for the Basic Service Tier and Associated Equipment.

Action: New collection.

Respondents: State or local governments, businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 2,000 responses; 40 hours average burden per response; 80,000 hours total annual burden.

Needs and Uses: New § 76.944 provides that any participant at the franchising authority level in a ratemaking proceeding may file an appeal of the franchising authority's decision with the Commission within 30 days of release of the text of the franchising authority's decision. The data will be used to ensure that franchising authority's decisions regarding cable rates are consistent with the provision of the 1992 Cable Act and the Commission's rules regarding cable rate regulation. Commission review of appeals is necessary to ensure uniformity of interpretation of these federal guidelines. Otherwise, rulings by state or local courts in different parts of the country could produce varying and conflicting determinations about section 623 of the Commission's Rules which could frustrate the purpose of having federal guidelines.

OMB Number: None.

Title: Section 76.952, Information to be Provided by Cable Operator on Monthly Subscriber Bills.

Action: New collection.

Respondents: Individuals or households, businesses or other for-profit (including small businesses).

Frequency of Response: Other: One-time requirement.

Estimated Annual Burden: 31,000 responses; 8 hours average burden per response; 248,000 hours total annual burden.

Needs and Uses: New § 76.952 requires cable operators to provide on monthly subscriber bills the name and mailing address of the relevant franchising authority and the FCC community unit identifier for the cable system. The information will be used by subscribers wishing to file a complaint concerning a cable operator's rates for cable programming service or associated equipment, to properly complete FCC Form 329, Cable Programming Service Complaint Form. Upon receipt of FCC Form 329, the information will be used by the FCC to efficiently and accurately determine the identity of the cable operator in question and the relevant franchising authority. If the collection of information was not conducted, complainants would not be able to adequately identify the cable system in question or the relevant franchising authority so that the FCC could resolve the complaint expeditiously as required by the Cable Act. Also, absent the information, the confusion that would ensue would make it impossible for FCC staff to properly process in an efficient manner the voluminous number of complaints expected to be filed.

OMB Number: None.

Title: Section 76.962, Implementation and Certification of Compliance.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 2,900 responses; 0.5 hours average burden per response; 1,450 hours total annual burden.

Needs and Uses: New § 76.962 provides that a cable operator must certify to the Commission its compliance with any Commission order requiring prospective rate reductions, refunds or other remedial relief to subscribers. This new requirement will ensure that cable subscribers nationwide enjoy the rates that would be charged by cable systems operating in a competitive environment. The data will be collected to monitor a cable operator's compliance with FCC orders.

OMB Number: None.

Title: Section 76.970, Commercial Leased Access Rates.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Estimated Annual Burden: 31,000 responses, 8 hours average burden per response, 248,000 hours total reporting burden; 31,000 recordkeepers, 1 hour average burden per recordkeeper, 31,000 hours total recordkeeping burden; 279,000 hours total annual burden.

Needs and Uses: New § 76.970 requires cable operators to (1) calculate the maximum reasonable rates for each rate classification annually; (2) to provide a schedule of rates upon request to prospective leased access programmers; and (3) maintain sufficient supporting documentation to justify scheduled rates, including supporting contracts, calculations of the new implicit fees, and justifications for all adjustments. These new requirements are designed to assure that the leased access option brings about the intended diversity of programming and competition in programming delivery. The data will be used by the prospective leased access programmers and the Commission to verify rate calculations for leased access channels. Setting maximum rates will eliminate uncertainty in negotiations for leased commercial access as required by section 612 of the 1992 Cable Act.

OMB Number: None.

Title: Section 76.975, Commercial Leased Access Dispute Resolution.

Action: New collection.

Respondents: Individuals or households, businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 500 responses; 8 hours average burden per response; 4,000 hours total annual burden.

Needs and Uses: New § 76.975 provides that (1) any person aggrieved by the failure or refusal of a cable operator to make commercial channel capacity available or to charge rates for such capacity may file a petition for relief with the Commission; (2) this petition must state concisely the facts constituting a violation of the FCC's leased access rules and the specific rule or regulation violated, and certify that the petition was served on the cable operator; and (3) any petition for relief must be filed within 60 days of the alleged violation. A cable operator would then have 30 days from the date of filing the petition in which to respond. These new requirements are designed to assure that the leased access option brings about the intended diversity of programming and

competition in programming delivery. The data will be reviewed by the Commission to resolve leased access disputes. These expedited leased access procedures may obviate the need for oral rulings or other emergency processing of leased access disputes.

OMB Number: None.

Title: Section 76.982, Continuation of Rate Agreements.

Action: New collection.

Respondents: State or local governments, businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 150 responses; 0.5 hours average burden per response; 75 hours total annual burden.

Needs and Uses: New § 76.982 provides that franchise authorities who were regulating basic cable rates pursuant to a rate agreement executed before July 1, 1990, may continue to regulate rates during the remainder of the agreement. Franchise authorities must notify the Commission of their intentions to continue regulating rates under the rate agreement. This notification will give the Commission the information we need regarding these systems regulated under the 1984 Cable Act to assess the impact of our new regulatory scheme under the 1992 Cable Act.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-14090 Filed 6-11-93; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 052493 AND 060493

Name of acquiring person, name of acquired person and name of acquired entity	PMN No.	Date terminated
Phillips Petroleum Company, Mobil Corporation and Mobil Corporation	93-1007	05/24/93
Mobil Corporation, Phillips Petroleum Company and Phillips Petroleum Company	93-1008	05/24/93
Morristown Memorial Health Foundation, Inc., Chilton Memorial Corporation and Forrest S. Chilton, 3rd Memorial Hospital, Inc.	93-1010	05/24/93
George R. Roberts, Connecticut Mutual Life Insurance Company and Sunriver Properties Oregon, Ltd.	93-0987	05/25/93
CPI Corp., Melville Corporation and Ridgedale Prints Plus, Inc.	93-1044	05/25/93
Aon Corporation, Lincoln National Corporation and K&K Insurance Specialties, Inc.	93-1055	05/25/93
Pulitzer Voting Trust, H&C Communications, Inc. and H&C Communications, Inc.	93-1057	05/25/93
Beneficial Corporation, Consolidated International Insurance Group, Inc. and Wesco Insurance Company	93-1075	05/25/93
The Society of the New York Hospital, MHB Corporation and Methodist Hospital of Brooklyn	93-0979	05/26/93
The Society of the New York Hospital, Brooklyn Community Health Management Services, Inc. and Community Hospital of Brooklyn, Inc.	93-0980	05/26/93
Alco Standard Corporation, Erskine House Group PLC and Erskine House Group PLC	93-1042	05/26/93
Zell/Chilmark Fund, L.P., Scott Sports Group, Inc. and Scott Sports Group, Inc.	93-0989	05/27/93
SCANA Corporation, NICOR, Inc. and NICOR Exploration and Production Company	93-1004	05/27/93
Ray C. Anderson, First Chicago Corporation and Bentley Mills, Inc.	93-1050	05/27/93
Cyprus Minerals Company, USX Corporation and U.S. Steel Mining Co.	93-1060	05/27/93
Citicorp, Alco Standard Corporation and Paper Corporation of America and MDR Corporation	93-1037	05/28/93
Tomen Corporation, Goldtex, Inc. and Goldtex, Inc.	93-1043	05/28/93
Citicorp, Inc., N.V. Amev and General Furniture Leasing Co.	93-1048	05/28/93
Citicorp, Inc., Compagnie Financiere et de Reassurance du Groupe AG and General Furniture Leasing Co.	93-1049	05/28/93
Michael T. Reinbold, c/o PAMCORP Holdings, Inc., Primark Corporation and Triad International Maintenance Corporation	93-1076	05/28/93
The B.F. Goodrich Company, Abex, Inc. and Pneumo Abex Corporation	93-1079	05/28/93
Ford Motor Company, Regie Nationale des Usines Renault S.A. and Mack Trucks, Inc.	93-1082	05/28/93
The Minnesota Mutual Life Insurance Company, Ministers Life—A Mutual Life Insurance Company and Ministers Life—A Mutual Life Insurance Company	93-1086	05/28/93
Pearson plc, THORN EMI plc and Thames Television PLC	93-1088	05/28/93
MDL Information Systems, Inc., Maxwell Communication Corporation plc and Molecular Design Limited	93-1089	05/28/93
SLK Investing Co., LIT Holdings PLC and LIT America, Inc.	93-1098	05/28/93
Plaza Home Mortgage Corporation, Douglas E. Heitne and Sandia Mortgage Corporation	93-1106	05/28/93
Edwards Dunlop and Company Limited, The Meade Corporation and Seaboard Paper Company	87-1488	05/30/98
AIF II, L.P., Ronald O. Perelman and SCI Television, Inc.	93-1091	06/01/93
AIF II, L.P., United International Holdings and United International Holdings, Inc.	93-1092	06/01/93
Pitney Bowes Inc., Ameriscribe Corporation and Ameriscribe Corporation	93-0999	06/02/93
Energy Service Company, Inc., NGP No. I, L.P. and Penrod Holding Corporation	93-1065	06/02/93
SAGASCO Holdings Limited, Magellan Petroleum Corporation and Magellan Petroleum Corporation	93-1072	06/02/93
Bausch & Lomb Incorporated, H.F. Johnson Distributing Trust f/t/b of Samuel Johnson and S.C. Johnson & Son, Inc.	93-1081	06/02/93
Airgas, Inc., Phoenix Distributors, Inc. and PDI Western Distributing Group	93-1090	06/02/93
O. Gene Bicknell, NRH Corporation and NRH Corporation	93-1100	06/02/93
Roger H. Elton, International Game Technology and CMS-International	93-1109	06/02/93

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 052493 AND 060493—Continued

Name of acquiring person, name of acquired person and name of acquired entity	PMN No.	Date terminated
Apache Corporation, Gary L. Hall and Hall-Houston Oil Company	93-1077	06/03/93
Equitable Resources, Inc., Arkla, Inc. and Louisiana Intrastate Gas Corporation	93-1080	06/03/93
NationsBank Corporation, Mr. Joseph J. Ritchie and Chicago Research & Trading Group, Ltd.	93-1104	06/03/93
NationsBank Corporation, CRT Japan, Inc. and CRT Japan, Inc.	93-1105	06/03/93
SPX Corporation, The Allen Group Inc. and The Allen Group Inc. (Test Products Division)	93-0855	06/04/93
IVAX Corporation, Societe Nationale Elf Aquitaine and Newco	93-1038	06/04/93
The Olsten Corporation, Lifetime Corporation and Lifetime Corporation	93-1084	06/04/93

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93-13927 Filed 6-11-93; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3427]

The Clorox Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a California-based manufacturer of various household and food products from misrepresenting the total fat, saturated fat, cholesterol, or sodium content of any salad dressing.

DATES: Complaint and Order issued May 17, 1993.[1]

FOR FURTHER INFORMATION CONTACT: Anne Maher, FTC/S-4002, Washington, DC 20580. (202) 326-2987.

SUPPLEMENTARY INFORMATION: On Thursday, October 29, 1992, there was published in the **Federal Register**, 57 FR 49085, a proposed consent agreement with analysis In the Matter of The Clorox Company, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdiction findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,

Secretary.

[FR Doc. 93-13930 Filed 6-11-93; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

[Dkt. C-3428]

Fleetwood Manufacturing, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an Arizona-based company and its officer from representing that use, in a manner requiring little or no effort, of their continuous passive motion ("CPM") exercise tables: Reduces or helps to reduce body fat; results in or contributes to weight-loss or inch loss; tones or firms human tissue; removes or eliminates cellulite; or provides health or physical fitness benefits similar or superior to those provided by rigorous exercise. In addition, respondents are prohibited from making similar representations, with respect to any passive exercise machine, or fitness or diet program, unless they possess competent and reliable scientific evidence to substantiate such claims. Furthermore, the order also prohibits the respondents from representing that a consumer endorsement or testimonial represents the typical or ordinary experience of those who use the exercise program or CPM machines, unless that is the case.

DATES: Complaint and Order issued May 18, 1993.[1]

FOR FURTHER INFORMATION CONTACT: C. Steven Baker or Theresa McGrew, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., suite 1437, Chicago, IL. 60603. (312) 353-8156.

SUPPLEMENTARY INFORMATION: On Wednesday, March 10, 1993, there was published in the **Federal Register**, 58 FR 13267, a proposed consent agreement with analysis In the Matter of Fleetwood Manufacturing, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.

Donald S. Clark,

Secretary.

[FR Doc. 93-13928 Filed 6-11-93; 8:45 am]

BILLING CODE 6750-01-M

[Docket No. 9251]

Synchronal Corp., et al.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a New York-based

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

infomercial company and two of its former officers from making any unsubstantiated product claims and from disseminating the two infomercials for a purported baldness cure and a cellulite treatment, and from misrepresenting the results of any tests or studies used for marketing any product or service. In addition, the consent agreement would require Synchronal to pay $3.5 million into a consumer redress fund, and Ira Smolev, a former officer, to maintain a $500,000 escrow account before advertising various consumer products in the future.

DATES: Comments must be received on or before August 13, 1993.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard Cleland, FTC/S–4002, Washington, DC 20580. (202) 326–3088 or Michael Bloom, New York Regional Office, Federal Trade Commission, 150 William St., suite 1300, New York, NY 10038. (212) 264–1207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

In the Matter of: Synchronal Corporation, Synchronal Group, Inc., Smoothline Corporation, and Omexin Corporation, corporations, Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group, Inc., Richard E. Kaylor, individually and as an officer and director of Synchronal Corporation, Synchronal Group, Inc., Smoothline Corporation, and Omexin Corporation, Thomas L. Fenton, individually and as an officer and director of Synchronal Corporation and Synchronal Group, Inc., Ana Blau a/k/a Anushka, and Steven Victor, M.D., individually.

The agreement herein, by and between Synchronal Corporation, Synchronal Group, Inc., Smoothline Corporation, and Omexin Corporation, corporations, by their duly authorized officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group, Inc.; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Inc., Smoothline Corporation, and Omexin Corporation; and Ana Blau a/k/a Anushka, and Steven M. Victor, M.D., individually, hereinafter sometimes referred to as respondents, and their attorneys, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Synchronal Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business at 1515 Broadway, New York, New York, 10036.

Respondent Synchronal Group, Inc. ("Synchronal Group"), is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business at 1515 Broadway, New York, New York, 10036.

Respondent Smoothline Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business at 171 Mariner Drive, Southampton, New York, 11968.

Respondent Omexin Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business at 171 Mariner Drive, Southampton, New York, 11968.

Respondent Ira Smolev ("Smolev") is or was at relevant times herein an officer and director of Synchronal Corporation and Synchronal Group. He formulated, directed and controlled the policies, acts and practices of said corporations. His home address is 120 Meadow Lane, Southampton, New York, 11968.

Respondent Richard E. Kaylor ("Kaylor") is or was at relevant times herein an officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation. He formulated, directed and controlled the policies, acts and practices of said corporations. His home address is 2 Woodside Lane, Rye, New York, 10580.

Respondent Ana Blau a/k/a Anushka ("Blau") is or was at relevant times herein the founder and co-owner of the Anushka Institute. Her business address is 241 East 60th Street, New York, New York, 10022.

Respondent Steven Victor, M.D. ("Victor") is or was at relevant times herein a medical doctor licensed to practice by the State of New York, with a specialty in dermatology. Victor's business address is 30 East 76th Street, New York, New York, 10022.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violations of sections 5(a) and 12 of the Federal Trade Commission Act and the provisions of the Postal Reorganization Act, 39 U.S.C. 3009, and have filed answers to said complaint denying said charges.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

(d) Any claims under the Equal Access to Justice Act.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents of facts, other than jurisdictional facts, or of violations of law as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents, (1) issue its amended complaint corresponding in form and substance with the draft of complaint

here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order:

1. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted by others in the profession to yield accurate and reliable results.

2. "Shipping" shall mean sending, or causing to be sent, any product or products by mail, by carrier, or by any other means.

3. "Continuity program" shall mean any plan, arrangement, or system by which a consumer is periodically shipped a product or products, and is charged by credit card or otherwise billed for each shipment.

4. "Expressed consent" shall mean the affirmative agreement of the consumer to the terms and conditions of a continuity program obtained only after a description of the material conditions and terms of the continuity program, and the material duties and obligations of a subscriber thereto, have been clearly and prominently provided to the subscriber, and shall not be construed to allow the interpretation of a consumer's silence as affirmative agreement to the material terms and conditions of any continuity program.

5. "Subscriber" shall mean any person who has given his or her expressed consent to receive the benefits of and assume the obligations entailed in any continuity program.

6. "Video advertisement" shall mean any advertisement intended for dissemination through television broadcast, cablecast, home video, or theatrical release.

I

It is ordered, That respondents Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; Ana Blau a/k/a Anushka and Steven Victor, M.D. individually; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from selling, broadcasting or otherwise disseminating, or assisting others to sell, broadcast or otherwise disseminate, in part or in whole:

A. The program-length television advertisement for the Anushka Bio-Response Body Contouring Program described and identified in the complaint as "Cellulite Free: Straight Talk with Erin Gray;" or

B. The program-length television advertisement for Omexin described and identified in the complaint as "Can You Beat Baldness?"

II

It is further ordered, That respondents, Synchronal Corporation, Synchronal Group, and Smoothline Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division or other device, do forthwith cease and desist from:

A. Representing, directly or by implication, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of the Anushka Bio-Response Body Contouring Program or any other substantially similar cellulite treatment product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. Such product or service contains any ingredient that can or will substantially reduce or eliminate cellulite from the body;

2. Users of such product or service can or will achieve a visible reduction in cellulite after a single or a few treatments;

3. Use of such product or service can or will cause a substantial reduction in the size of the hips and thighs;

4. The use of such product or service can or will cause the loss of a substantial amount of weight; or

5. For thousands of women, such product or service has substantially reduced or eliminated cellulite from the body.

For purposes of this Order a "substantially similar cellulite treatment product or service" shall be defined as any product or service that is advertised to treat, reduce, or eliminate cellulite from the body through the application of ingredients to the skin and that contains or purportedly contains seaweed or any extract thereof as an ingredient.

B. Representing, directly or by implication, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. The use of such product or service can or will reduce or eliminate cellulite from body;

2. The use of such product or service can or will cause a reduction in the size of the hips or thighs;

3. The use of such product or service can or will enable users to lose weight; or

4. The use of such product or service can or will achieve any reduction of cellulite, reduction in the size of the hips or thighs, or any loss of weight within or for a specific period of time or after a specific number of treatments, unless such representation is true and unless, at the time of making such

representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III

It is further ordered, That respondent Ana Blau a/k/a Anushka and her agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, do forthwith cease and desist from:

A. Representing, directly or by implication, in connection with the endorsing, advertising, packaging, labeling, promotion, offering for sale, sale, or distribution of the Anushka Bio-Response Body Contouring Program or any other substantially similar cellulite treatment product or service, as that term is defined in Part II.A herein, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. Such product or service contains any ingredient that can or will substantially reduce or eliminate cellulite from the body; or

2. For thousands of women, such product or service has substantially reduced or eliminated cellulite from the body.

B. Representing, directly or by implication, in connection with the endorsing, advertising, packaging, labeling, promotion, offering for sale, sale, or distribution of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. The use of the product or service can or will reduce or eliminate cellulite from the body;

2. The use of the product or service can or will cause a reduction in the size of the hips or thighs;

3. The use of the product or service can or will enable users to lose weight; or

4. The use of the product or service can or will achieve any reduction of cellulite, reduction in the size of the hips or thighs, or any loss of weight within or for a specific period of time or after a specific number of treatments, unless such representation is true and unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation. *Provided that,* For any representation made as an expert endorser, respondent must possess and rely upon competent and reliable scientific evidence, and an actual exercise of her represented expertise, in the form of an examination or testing of the products or services at least as extensive as an expert in that field would normally conduct in order to support the conclusions presented in the representation.

IV

It is further ordered, That respondents Synchronal Corporation, Synchronal Group, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Inc., Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, do forthwith cease and desist from:

A. Representing, directly or by implication, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of Omexin or any other substantially similar hair loss treatment product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. Such product or service contains an ingredient that can or will curtail hair loss for a large majority of balding men and women;

2. Such product or service contains an ingredient that can or will promote the growth of significant numbers of new, pigmented terminal hairs where hair has previously been lost for a large majority of men and women;

3. Such product or service contains an ingredient that has been scientifically proven to curtail hair loss for a large majority of men and women;

4. Such product or service contains an ingredient that has been scientifically proven to promote the growth of new, pigmented terminal hairs where hair has previously been lost for a large majority of men and women; or

5. Such product or service has successfully curtailed hair loss and promoted new hair growth for thousands of balding men and women.

For purposes of this Order a "substantially similar hair loss treatment product or service" shall be defined as any product or service that is advertised or intended for sale over-the-counter to treat, cure or curtail hair loss and which contains omentum or any extract thereof.

B. Representing, directly or by implication, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. The use of the product or service can or will prevent, cure, relieve, reverse, or reduce hair loss;

2. The use of the product or service can or will promote the growth of hair where hair has already been lost;

3. The product or service is an effective remedy for hair loss in a substantial number of cases; or

4. Any test or study establishes that the product or service relieves, cures, prevents or reverses hair loss.

unless such representation is true and unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

C. Advertising, packaging, labeling, promoting, offering for sale, selling, or distributing any product that is represented as promoting hair growth or preventing hair loss, unless the product is the subject of an approved new drug application for such purpose under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 *et seq., provided that,* This subpart shall not limit the requirements of Part IV.A and B herein.

V

It is further ordered, That respondent Steven Victor, M.D., and respondent's agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, do forthwith cease and desist from:

A. Representing, directly or by implication, in connection with the endorsing, advertising, packaging, labeling, promotion, offering for sale, sale or distribution of Omexin or any other substantially similar hair loss treatment product or service, as that term is defined in Part IV.A herein, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. Such product or service contains an ingredient that can or will curtail hair loss for a large majority of balding men and women;

2. Such product or service contains an ingredient that can or will promote the growth of significant numbers of new, pigmented terminal hairs when the hair has previously been lost for a significant number of balding men and women;

3. Such product or service contains an ingredient that has been scientifically proven to curtail hair loss for a large majority of men and women;

4. Such product or service contains an ingredient that has been scientifically proven to promote the growth of significant numbers of new, pigmented

terminal hairs where hair has previously been lost for a large majority of men and women; or

5. Such product or service has successfully curtailed hair loss and promoted hair growth for thousands of balding men and women.

B. Representing, directly or by implication, in connection with the endorsing, advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, that:

1. The use of the product or service can or will prevent, cure, relieve, reverse or reduce hair loss;

2. The use of the product or service can or will promote the growth of hair where hair has already been lost;

3. The product or service is an effective remedy for hair loss in a substantial number of cases; or

4. Any test or study establishes that the product or service relieves, cures, prevents, or reverses hair loss, unless such representation is true and unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation. *Provided that,* For any representation made as an expert endorser, respondent must possess and rely upon competent and reliable scientific evidence, and an actual exercise of his represented expertise, in the form of an examination or testing of the products or services at least as extensive as an expert in that field would normally conduct in order to support the conclusion presented in the representation.

C. Endorsing, advertising, packaging, labeling, promoting, offering for sale, selling, or distributing any product that is represented as promoting hair growth or preventing hair loss, unless the product is the subject of an approved new drug application for such purpose under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 *et seq., provided that,* This subpart shall not limit the requirements of Part V.A and B herein.

It is further ordered, That respondents Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the contents, validity, results, conclusions, or interpretations of any test or study.

VII

It is further ordered, That respondents Ana Blau a/k/a Anushka and Steven Victor, M.D., and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the endorsing, advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the contents, validity, results, conclusions, or interpretations of any test or study.

VIII

It is further ordered, That respondents Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, regarding the performance, benefits, efficacy or safety of any food, drug or device, as those terms are defined in section 15 of the Federal Trade Commission Act, 15 U.S.C. 55, unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

B. Making any representation, directly or by implication, regarding the performance, benefits, efficacy or safety of any product or service (other than a product or service covered under Part VIII.A herein), unless, at the time of making such representation, respondents possess and rely upon competent and reliable evidence that substantiates the representation.

IX

It is further ordered, That respondents Ana Blau a/k/a Anushka and Steven Victor, M.D., and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the endorsing, advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, regarding the performance, benefits, efficacy or safety of any food, drug or device, as those terms are defined in section 15 of the Federal Trade Commission Act, 15 U.S.C. 55, unless at the time of making such representation respondents possess and rely upon competent and reliable evidence that substantiates the representation. *Provided that,* For any representation made as an expert endorser, respondents Blau and Victor must possess and rely upon competent and reliable scientific evidence, and an actual exercise of his or her represented expertise, in the form of an examination or testing of the products or services at least as extensive as an expert in that field would normally conduct in order to support the conclusions presented in the representation.

B. Making any representation, directly or by implication, regarding the performance, benefits, efficacy or safety of any product or service (other than a product or service covered under Part IX.A herein), unless at the time of making such representation respondents possess and rely upon a reasonable basis consisting of competent and reliable evidence that substantiates the representation. *Provided that,* For any representation made as an expert endorser, respondents Blau and Victor must possess and rely upon competent and reliable evidence, and an actual exercise of his or her represented expertise, in the form of an examination or testing of the products or services at least as extensive as an expert in that

field would normally conduct in order to support the conclusions presented in the representation.

X

It is further ordered, That respondents, Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from creating, producing, selling, or disseminating:

A. Any advertisement that misrepresents, directly or by implication, that it is not a paid advertisement;

B. Any commercial or other video advertisement fifteen (15) minutes in length or longer or intended to fill a broadcasting or cablecasting time slot of fifteen (15) minutes in length or longer that does not display visually, in a clear and prominent manner and for a length of time sufficient for an ordinary consumer to read, within the first thirty (30) seconds of the commercial and immediately before each presentation of ordering instructions for the product or service, the following disclosure:

THE PROGRAM YOU ARE WATCHING IS A PAID ADVERTISEMENT FOR [THE PRODUCT OR SERVICE].

Provided that, For the purposes of this provision, the oral or visual presentation of a telephone number or address for viewers to contact to place an order for the product or service shall be deemed a presentation of ordering instructions so as to require the display of the disclosure provided herein.

XI

It is further ordered, That respondents, Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service through a continuity program in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Selling or distributing or causing to be sold or distributed any product by means of a continuity program without first obtaining the expressed consent of the consumer. Prior to obtaining the consumer's expressed consent, respondents shall convey to the consumer, in the manner set forth in Part XI.B herein, all material terms and conditions of the program, including but not limited to:

1. The fact that periodic shipments of the product will be made without further action by the consumer;

2. A description of each product included in each shipment;

3. The approximate interval between each shipment;

4. A description of the billing procedure to be employed, including the total cost to be charged to the subscriber's credit card, or otherwise billed to the subscriber, for each shipment;

5. The minimum number of purchases required under the program, if any; and

6. A description of the terms and conditions under which and the procedures by which a subscriber may cancel further shipments, as set forth in Part XI.D herein.

B. Failing to convey the terms and conditions of the continuity program to the consumer in the following manner:

1. For any solicitation initiated or completed by telephone, the terms and conditions set forth in Part XI.A.1–6 herein shall be disclosed during that conversation in clear and understandable language;

2. For any solicitation by a print advertisement or direct mail, the terms and conditions set forth in Part XI.A.1–6 herein shall be disclosed in a clear and prominent manner in close proximity to the ordering instructions, *provided that,* If the advertisement or mailing contains an order form or coupon on a separate page or document from the advertising material, the disclosure shall be made both in the advertising materials and on the order form or coupon;

3. For any solicitation by a video advertisement, the following information shall be disclosed in a clear and prominent superscript with a simultaneous voice-over recitation of the superscript, during the presentation of ordering instructions for the product:

a. That the products must be purchased through a continuity program and that periodic shipments of the product will be made without further action by the consumer, if such is the case; and

b. The minimum number of purchases required under the continuity program, if any.

C. Once the subscriber has been sent an initial shipment of the product pursuant to a continuity program, failing to send to the subscriber, at least fourteen (14) days prior to the mailing date of the next shipment a written statement of the material conditions and terms of the continuity program, and the material duties and obligations of a subscriber thereto, including but not limited to those described in Parts XI.A.1–6 herein. The statement shall be sent by first class mail to each subscriber and disclose clearly and prominently the date, which in any event, shall not be less than 14 days from the date the statement was sent to the subscriber, by which the subscriber must cancel in order to avoid being billed for the next shipment. For purposes of Part XI.E., if cancellation is by mail, respondents shall be deemed to be notified on the date the subscriber mails the postage-paid mailing or other communication cancelling further shipments.

D. Failing to provide in conjunction with each shipment made pursuant to any continuity program a clear and prominent description of the terms and conditions under which and the procedures by which the subscriber may cancel further shipments. Such description shall include either a toll-free "800" telephone number the subscriber may call or a postage-paid mailing the subscriber may return to notify respondents of the subscriber's cancellation of further shipments. *Provided that,* The requirements of this subpart shall not apply to those shipments coming within a minimum purchase requirement to which the subscriber has given expressed consent, except that this subpart shall apply to the last shipment of any minimum purchase requirement.

E. Shipping any product or products to, mailing any bill or dunning communication to, or billing the credit card of any subscriber who, having once

subscribed to a continuity program and having fulfilled any minimum purchase requirement to which the subscriber has given expressed consent, notifies respondents by the means described in Part XI.D herein, or by any other reasonable means, of the subscriber's cancellation of further shipments.

F. Shipping any products to any consumer who receives the Anushka Bio-Response Body Contouring Program pursuant to the terms of any continuity program, without first informing the consumer in writing that respondents have entered into a Consent Order with the Federal Trade Commission, and setting forth the specific provisions that relate to the Anushka Bio-Response Body Contouring Program and providing an opportunity to cancel further shipments.

G. Shipping any products to any consumer who receives the Omexin System for Hair pursuant to the terms of any continuity program, without first informing the consumer in writing that respondents have entered into a Consent Order with the Federal Trade Commission, and setting forth the specific provisions that relate to the Omexin System for Hair and providing an opportunity to cancel further shipments.

XII

It is further ordered, That respondents, Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Shipping products or causing products to be shipped without the expressed, informed request of the recipient unless such merchandise shall have attached to it a clear and conspicuous statement that the recipient may treat the merchandise as a gift and that the consumer has the right to retain, use, discard, or dispose of it in any manner that he or she sees fit without any obligation whatsoever to the sender.

B. Representing that any person can or will receive a "free sample," "free trial," or other receipt of product at no cost, unless such is the fact.

XIII

It is further ordered, That respondents, Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that a consumer may avoid charges or not be billed if a product is returned within a specified time period unless:

A. At the time of making the representation, the representation is true; and

B. If respondents represent directly or by implication that the product is free for a period of time,

1. respondents disclose clearly and prominently through written notice contained within the product shipment that consumers can return the product by calling respondents' designated "800" telephone number, and that the cost of the return will be paid by respondents; and

2. respondents maintain such "800" telephone lines as are necessary to process requests for return of the product; and

3. upon request, respondents pay the cost of return of the product in the manner designated by the consumer, or advise the consumer that the consumer can keep the product with no return required and no further obligations.

C. The date for returning the product in order to avoid charges or not be billed is computed from the date the consumer receives the product, and, for purposes of determining whether the product has been returned within the specified time period, the date the consumer mails or causes the product to be shipped to the respondents is considered the date the product was returned; and

D. Complete instructions for returning the product, including, but not limited to, the address to which the product may be returned and, if applicable, directions for shipping, or in the event that it is not necessary to return the product to avoid the charge, instructions for avoiding the charge, are clearly and prominently disclosed to the consumer at the time the consumer receives the product.

Provided that, A consumer's credit card shall be deemed "billed" if the charge appears on the consumer's credit card statement, whether or not a credit is subsequently issued.

XIV

It is further ordered, That respondents, Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to comply with the requirements of section 166 of the Truth in Lending Act, 15 U.S.C. 1666e and 12 CFR 226.12(e)(1).

XV

It is further ordered, That respondents Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, packaging, labeling, promotion, offering for sale, sale or distribution of any product or service in

or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any endorsement (as "endorsement" is defined in 16 CFR 255.0(b)) of the product or service represents the typical or ordinary experience of members of the public who use the product or service, unless such is the fact.

XVI

It is further ordered, That respondents Synchronal Corporation and Synchronal Group, corporations, their successors and assigns are jointly and severally liable for consumer redress in the amount of three million five hundred thousand dollars ($3,500,000.00) and shall:

A. No later than the date that this Order becomes final, deposit into an escrow account, to be established by the Commission for the purpose of receiving payments due under the provisions of this Order ("escrow account"), the total sum of one million three hundred thousand dollars ($1,300,000.00);

B. Within ninety (90) days of the date that this Order becomes final, deposit into said escrow account the sum necessary to bring the total sum of the deposits to one million six hundred sixty-six thousand six hundred sixty-six dollars and sixty-six cents ($1,666,666.66), exclusive of any interest that may have accrued;

C. Within one hundred eighty (180) days of the date that this Order becomes final, deposit into said escrow account the sum necessary to bring the total sum of the deposits to two million thirty-three thousand three hundred thirty-three dollars and thirty-two cents ($2,033,333.32), exclusive of any interest that may have accrued;

D. Within two hundred seventy (270) days of the date that this Order becomes final, deposit into said escrow account the sum necessary to bring the total sum of the deposits to two million three hundred ninety-nine thousand nine hundred ninety-nine dollars and ninety-eight cents ($2,399,999.98), exclusive of any interest that may have accrued;

E. Within three hundred sixty-five (365) days of the date that this Order becomes final, deposit into said escrow account the sum necessary to bring the total sum of the deposits to two million seven hundred sixty-six thousand six hundred sixty-six dollars and sixty-four cents ($2,766,666.64), exclusive of any interest that may have accrued;

F. Within four hundred fifty-five (455) days of the date that this Order becomes final, deposit into said escrow account the sum necessary to bring the total sum of the deposits to three million one hundred thirty-three thousand three hundred thirty-three dollars and thirty cents ($3,133,333.30), exclusive of any interest that may have accrued; and

G. Within five hundred forty-five (545) days of the date that this Order becomes final, deposit into said escrow account the sum necessary to bring the total sum of the deposits to three million five hundred thousand dollars ($3,500,000.00), exclusive of any interest that may have accrued.

Notwithstanding the provisions of Parts XVI.A–G herein, respondents Synchronal Corporation and Synchronal Group shall deposit into said escrow account the sum necessary to bring the total sum of the deposits to three million five hundred thousand dollars ($3,500,000.00), exclusive of any interest that may have accrued, within five (5) business days of the receipt by Regal Communications Corporation or any person authorized or designated by Regal Communications Corporation of any proceeds in excess of two million two hundred thousand dollars ($2,200,000.00) from the Offering of Convertible Subordinated Debentures pursuant to Registration Statement No. 33–61424 filed with the Securities and Exchange Commission on April 22, 1993, or any other securities offered by Regal Communications Corporation after April 22, 1993.

In the event of any default of an obligation to make a deposit pursuant to Parts XVI.A–G herein, which default continues for ten (10) calendar days beyond the date the deposit is due, the entire unpaid amount shall immediately become due and payable.

These funds, together with accrued interest, shall be used to provide redress to consumers injured by respondents in connection with the acts or practices alleged in the complaint, and to pay any attendant costs of administration. The final determination for, and amount of, refunds to be paid to consumers shall rest with the Commission; *provided that,* Nothing contained herein shall be construed to require the payment by respondents of an amount in excess of three million five hundred thousand dollars ($3,500,000.00) for consumer redress. If the Commission determines that direct payment of said funds to eligible consumers is wholly or partially impracticable, then, in lieu of making direct consumer redress, the Commission shall cause said funds to be paid to the United States Treasury.

At any time after this Order becomes final, the Commission may direct the escrow agent to transfer funds from the escrow account, including accrued interest, to the Commission to be disbursed as herein provided. Respondents shall be notified as to how the funds are distributed, but shall have no right to contest the manner of distribution chosen by the Commission. No portion of the payment as herein described shall be deemed a payment of any fine, penalty, or punitive assessment against respondents with respect to the acts and practices which are the subject matter of the complaint and which occurred prior to the date of entry of the Order. The Commission, or its representative, shall, in its sole discretion, select the escrow agent. Costs associated with the administration of the escrow account, if any, shall be paid from the accrued interest.

Respondents relinquish all dominion, control and title to the funds paid into the escrow account, and all legal and equitable title to the amounts vests in the Treasurer of the United States and in the designated consumers. Respondents shall make no claim to or demand for the return of the funds, directly or indirectly, through counsel or otherwise; and in the event of bankruptcy of respondents acknowledge that the funds are not part of the debtor's estate, nor does the estate have any claim or interest therein.

XVII

It is further ordered, That respondent Ira Smolev, and respondent Smolev's agents, representatives, and employees, directly or through any partnership, corporation, subsidiary, division, joint venture or other device, do forthwith cease and desist from advertising, promoting, offering for sale, selling, or distributing to the general public, the following:

A. Any health-related product or service, including but not limited to, any product or service purporting to treat, cure, or mitigate impotence;

B. Any weight loss product or service, including but not limited to, any product or service purporting to treat, cure, or eliminate cellulite or obesity;

C. Any hair care product or service, including but not limited to, any product or service purporting to grow new hair or prevent, cure, relieve, reverse, or reduce loss of hair;

D. Any personal improvement product or service, including but not limited to, any product or service purporting to enhance motivation or provide educational development;

E. Any cosmetic product or service; or

F. Any houseware item, including but not limited to, any cleaning product, cooking utensil, or appliance,

unless, prior to advertising, promoting, offering for sale, selling, or distributing to the general public any product or

service set forth in subparts A through F above, respondent Smolev establishes and funds, pursuant to the terms set forth herein, an escrow account in the principal sum of five hundred thousand dollars ($500,000) in cash, or such other assets of equivalent value, which the Commission, or its representative, in its sole discretion may approve, and maintains such amount in that account until at least five years after he last advertised, promoted, offered for sale, sold, or distributed such product or service described herein, *provided, however,* That until July 1, 1993, or the date the final decree is entered in *Ava Ross Smolev* v. *Ira Smolev,* Index No. 64795/91 (N.Y. Sup. Ct.), whichever shall occur first, respondent Smolev shall not be in violation of this provision so long as he maintains in the escrow account at least three hundred seventy-five thousand dollars ($375,000) in cash, or other approved assets of equivalent value.

Respondent Smolev shall pay all costs associated with the creation, funding, operation, and administration of the escrow account. The Commission, or its representative, shall, in its sole discretion, select the escrow agent.

The escrow agreement shall be in substantially the form attached to this Order as Exhibit A. The escrow agreement shall provide that the escrow agent, within thirty days following receipt of notice that a final judgment or an order of the Commission against respondent Smolev for consumer redress or disgorgement in an action brought under the provisions of the Federal Trade Commission Act has been entered, or, in the case of an order of the Commission, has become final, finding that he has violated the terms of the Consent Order in this proceeding or the provisions of the Federal Trade Commission Act, and determining the amount of consumer redress or disgorgement to be paid, shall pay to the Commission so much of the funds of the escrow account as does not exceed the amount of consumer redress or disgorgement ordered, and which remains unsatisfied at the time notice is provided to the escrow agent, *provided that,* If respondent Smolev has agreed to the entry of a court order or an order of the Commission, a specific finding that Smolev has violated the terms of the Consent Order or the provisions of the Federal Trade Commission Act shall not be necessary. A copy of the notice provided for herein shall be mailed to respondent Smolev at his last known address.

Respondent Smolev may not disclose the existence of the escrow account to any consumer, or other purchaser or prospective purchaser, to whom a product or service is advertised, promoted, offered for sale, sold, or distributed, without also disclosing at the same time and in a like manner that the escrow account is required by order of the Federal Trade Commission in settlement of charges that respondent Smolev engaged in false and misleading representations.

XVIII

It is further ordered, That respondents Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Synchronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and Ana Blau a/k/a Anushka and Dr. Steven Victor, individually, shall, for three (3) years after the date of the last dissemination to which they pertain, maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. All materials that were relied upon by respondent(s) in disseminating any representation covered by this Order; and

B. All reports, tests, studies, surveys, demonstrations or other evidence in any respondent's possession or control that contradict, qualify, or call into question such representation, or the basis upon which respondent relied upon for such representation, including complaints from consumers.

It is further ordered, That respondents Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation shall:

A. Within thirty (30) days after service of this Order, provide a copy of this Order to each of respondents' current principals, officers, directors and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order.

B. For a period of ten (10) years from the date of issuance of this Order, provide a copy of this Order to each of respondents' principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order who are associated with respondents or any subsidiary, successor, or assign, within three (3) days after the person assumes his or her position.

XX

It is further ordered, That respondents, Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in their corporate structures, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, the planned filing of a bankruptcy petition, or any other corporate change that may affect compliance obligations arising out of this Order.

XXI

It is further ordered, That respondents Ira Smolev, Richard E. Kaylor, Ana Blau a/k/a Anushka and Steven Victor, M.D., shall, for a period of ten (10) years from the date of issuance of this Order, notify the Commission within thirty (30) days of the discontinuance of his or her present business or employment and of his or her affiliation with any new business or employment. Each notice of affiliation with any new business or employment shall include respondent's new business address and telephone number, current home address, and a statement describing the nature of the business or employment and his or her duties and responsibilities. The expiration of the notice provision of this Part XXI shall not affect any other obligation arising under this Order.

XXII

It is further ordered, That respondents Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation, corporations, their successors and assigns, and their officers; Ira Smolev, individually and as a former officer and director of Synchronal Corporation and Sychronal Group; Richard E. Kaylor, individually and as a former officer and director of Synchronal Corporation, Synchronal Group, Smoothline Corporation, and Omexin Corporation; and Ana Blau a/k/a Anushka and Dr. Steven Victor, individually, shall, within sixty (60) days after service of this Order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Exhibit A

Escrow Agreement

This Escrow Agreement, made and entered into this _____day of _____, 1993, by and between Ira Smolev (hereinafter called "Smolev"); and the Federal Trade Commission, an agency of the Government of the United States of America, by and through _____(herein called "FTC"); and _____(herein called "Escrow Agent");

Witnesseth:

Whereas, The FTC has issued an administrative complaint against Smolev, Docket No. 9251; and

Whereas, The FTC and Smolev have entered into an Agreement Containing Consent Order to Cease and Desist (herein called "Consent Order") in that matter, a copy of which is attached hereto and marked Exhibit A; and

Whereas, The Consent Order requires that Smolev cease and desist from advertising, promoting, offering for sale, selling, or distributing any product or service listed therein to the general public unless he first establishes and maintains an escrow account, under the terms and conditions specified in the Consent Order;

Now, wherefore, In accordance with the terms of the Consent Order, the terms of which are incorporated herein by reference, the parties covenant and agree as follows:

1. Smolev shall establish an escrow account at _____, to be styled *Smolev Escrow Account*, _____, *Escrow Agent*. Smolev shall deposit into the Escrow Account an initial sum of at least three hundred seventy-five thousand dollars ($375,000) in cash, or other approved assets of equivalent value. On or before July 1, 1993, or the date the final decree is entered in *Ava Ross Smolev* v. *Ira Smolev*, Index No. 64795/91 (N.Y. Sup. Ct.), whichever occurs first, Smolev shall deposit an additional one hundred twenty-five thousand dollars ($125,000) into the Escrow Account. Thereafter, Smolev shall deposit such additional amounts into the Escrow Account as are necessary to maintain the total amount in the Escrow Account at five hundred thousand dollars ($500,000). Smolev shall pay the one hundred twenty-five thousand dollars ($125,000) and such additional amounts as may be necessary by a certified or cashier's check or cash.

2. The Escrow Agent shall be the sole signatory on the Escrow Account and access to the funds held in that account shall be solely through the Escrow Agent. It is understood by the parties to this Escrow Agreement that upon the signing of this Agreement, Smolev relinquishes to the Escrow Agent, all legal title to the escrow funds, except as to such amounts in the Escrow Account that are in excess of Five Hundred Thousand Dollars ($500,000). Until and unless the Escrow Account is terminated as provided for herein, Smolev agrees to make no claim to or demand for the return of the funds, directly or indirectly, through counsel or otherwise; and, in the event of bankruptcy, Smolev acknowledges that the funds are not part of Smolev's estate, nor does the estate have any claim or interest therein.

3. The Escrow Agent and the parties hereto agree that the escrow funds shall be held only in accordance with the terms of the Consent Order and the Escrow Agreement. Smolev shall pay all costs associated with the creation, funding, operation, and administration of the Escrow Account as they become due. In the event that Smolev fails to pay such costs as they become due, the Escrow Agent shall pay the costs from the interest earned on the escrow funds.

4. The Escrow Agent, within thirty days following receipt of notice that a final judgment or an order of the Commission against Smolev for consumer redress or disgorgement in an action brought under the provisions of the Federal Trade Commission Act has been entered, or, in the case of an order of the Commission, has become final, finding that he has violated the terms of the Consent Order in this proceeding or the provisions of the Federal Trade Commission Act, and determining the amount of consumer redress or disgorgement to be paid, which notice shall also be mailed to Smolev at his last known address, shall pay to the Commission so much of the funds of the Escrow Account as does not exceed the amount of consumer redress or disgorgement ordered, and which remains unsatisfied at the time notice is provided to the Escrow Agent, *provided that*, If Smolev has agreed to the entry of a court order or an order of the Commission, a specific finding that Smolev has violated the terms of the Consent Order or the provisions of the Federal Trade Commission Act shall not be necessary. The Escrow Agent shall have the power to convert to cash so much of the Escrow Account assets as are necessary to satisfy the obligations of the judgment or order.

5. The Escrow Account shall continue until at least five years after Smolev last advertised, promoted, offered for sale, sold, or distributed any product or service specified in the Consent Order, at which time, if there are no pending FTC investigations, legal or administrative actions by the FTC against Smolev, or unsatisfied obligations pursuant to a judgment or order described in paragraph 4 herein, for which a claim could be made against the escrow funds under the terms of the Consent Order, the FTC shall, upon Smolev's request, instruct the Escrow Agent to terminate the Escrow Account and return the balance of the Escrow Account to Smolev. At such time, the Escrow Agent shall be fully and completely released from its agency as herein described. The legal title to the escrow funds shall vest in Smolev at such time as the Escrow Agent, pursuant to instructions from the FTC, returns the funds to Smolev.

Witness the signatures of the parties, the day and year first above written.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Synchronal Corporation, Synchronal Group, Inc., Smoothline Corporation, Omexin Corporation, Ira Smolev, Richard E. Kaylor, Ana Blau a/k/a Anushka, and Steven Victor, M.D.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising and promotional practices related to the sale of the Anushka Bio-Response Body Contouring Program ("the Anushka products"), which was advertised on the infomercial "Cellulite Free: Straight Talk with Erin Gray"; the Omexin System for Hair ("Omexin"), which was advertised on the infomercial "Can You Beat Baldness?"; and Chae Basics.

The Commission's Complaint, issued on October 28, 1991, charges that respondents Synchronal Corporation and Synchronal Group ("Synchronal"), Smoothline Corporation, Smolev, and Kaylor falsely represented that the Anushka products will reduce or eliminate cellulite, will achieve a visible reduction in cellulite after only a few treatments, will reduce hips and thighs, will cause weight loss, and has reduced or eliminated cellulite for thousands of women. The Complaint also alleges that respondent Blau falsely represented as an expert endorser that the Anushka products will reduce or eliminate cellulite and has reduced or eliminated cellulite for thousands of women.

The Complaint alleges that Synchronal, Omexin Corporation, Smolev, Kaylor, and Victor falsely represented that Omexin will curtail hair loss, will promote hair growth, is scientifically proven to curtail hair loss and promote hair growth, and has successfully curtailed hair loss and promoted hair growth for thousands of balding men and women.

According to the allegations of the Complaint, the two infomercials were falsely represented to be independent programming, rather than paid advertisements. The Complaint further charges that consumer testimonials on the infomercials were falsely represented to reflect the typical experience of members of the public who used the products.

The Complaint alleges that once consumers ordered a product, Synchronal, Smoothline Corporation, Omexin Corporation, Smolev, and Kaylor periodically sent a number of them additional shipments without their consent and billed their credit cards without their authorization. Synchronal, Smolev, and Kaylor are also charged with representing that consumers would receive free supplies

of merchandise, when, in fact, their credit cards were charged for the products.

The proposed consent order contains provisions which are designed to remedy the advertising violations charged and to prevent respondents from engaging in similar acts and practices in the future. Part I of the proposed order prohibits respondents from disseminating the infomercials "Cellulite Free: Straight Talk with Erin Gray" and "Can You Beat Baldness?"

With regard to the Anushka products or any substantially similar product, Parts II.A and III.A prohibit Synchronal, Smoothline Corporation, Smolev, Kaylor, and Blau from making the claims alleged in the Complaint to be false. Parts II.B and III.B prohibit the same respondents from representing that any product or service will reduce or eliminate cellulite, reduce hips and thighs, cause weight loss, or achieve any of these results within a specific period of time, unless such representations are true and substantiated by competent and reliable scientific evidence.

With regard to Omexin or any substantially similar product, Parts IV.A and V.A prohibit Synchronal, Omexin Corporation, Smolev, Kaylor, and Victor from making the claims alleged in the Complaint to be false. Parts IV.B and V.B prohibit them from representing that any product or service will prevent or reduce hair loss, will promote hair growth, is an effective remedy for hair loss, or is proven through any test or study to relieve hair loss unless the claim is true and substantiated by competent and reliable scientific evidence. Parts IV.C and V.C forbid these respondents from advertising or promoting any hair loss product unless it is the subject of an approved New Drug Application by the Food and Drug Administration.

Parts III.B and V.B further specify that for any representation Blau or Victor make as expert endorsers they must both possess competent and reliable scientific evidence that substantiates the claim and rely upon an actual exercise of their represented expertise in the form of an examination or testing at least as extensive as an expert in that field would normally conduct to support the conclusions presented in the representation.

Parts VI and VII of the proposed order prohibit respondents from misrepresenting the validity, results, conclusions, or interpretations of any test or study. Parts VIII.A and IX.A prohibit them from making any representation about the performance, benefits, efficacy, or safety of any food, drug, or device unless they possess competent and reliable scientific evidence that substantiates the representation. Under Parts VIII.B and IX.B, respondents must possess competent and reliable evidence to substantiate any representation regarding the performance, benefits, efficacy, or safety of any other product of service. In addition, Parts IX.A and IX.B specify that for any representations made as expert endorsers, Blau and Victor must rely on both the required level of substantiation and an actual exercise of their represented expertise as defined in Parts III.B and V.B.

Part X.A of the proposed order prohibits Synchronal, Smoothline Corporation, Omexin Corporation, Smolev, Kaylor from disseminating any advertisement that misrepresents that it is not a paid advertisement. Part X.B requires that any advertisement fifteen minutes or longer display visually, in a clear and prominent manner and for a length of time sufficient for an a ordinary consumer to read, within the first thirty seconds of the commercial and immediately before each presentation of ordering instructions, the following disclosure: "THE PROGRAM YOU ARE WATCHING IS A PAID ADVERTISEMENT FOR [THE PRODUCT OR SERVICE]." Part X.B specifies that an oral or visual presentation of an ordering address or telephone number shall also require the display of this disclosure.

Part XI relates to any products that Synchronal, Smoothline Corporation, Omexin Corporation, Smolev, and Kaylor distribute through a continuity program, defined as a plan by which consumers receive and are billed for periodic shipments of products. Parts XI.A and XI.B prohibit them from selling any product through a continuity program without first obtaining the consumer's expressed consent and disclosing all material terms and conditions of the program. Part XI.C specifies that once a consumer has agreed to receive products through a continuity program, these respondents must send the consumer a written statement disclosing all material terms of the program. Part XI.D requires they include in each shipment a clear and prominent explanation of how to cancel future shipments, including either an 800 number or a postage-paid mailer. Once a consumer cancels further shipments, Part XI.E prohibits these respondents from sending the consumer merchandise or billing their credit card. Parts XI.F and XI.G require that these respondents notify any consumers who receive the Anushka products or Omexin through any continuity program of the settlement in this case.

Part XII.A prohibits Synchronal, Smoothline Corporation, Omexin Corporation, Smolev, and Kaylor from shipping products to consumers without their expressed consent unless a statement is attached that the recipient may treat the merchandise as a gift. According to Part XII.B, these respondents may not represent that any person will receive a "free sample," "free trail," etc., unless such is the fact.

Part XIII relates to representations that consumers may avoid being billed if a product is returned within a specific time period. Part XIII.A prohibits Synchronal, Smoothline Corporation, Omexin Corporation, Smolev, and Kaylor from making such a representation unless it is true. If these respondents represent that a product is free for a period of time, Part XIII.B specifies that they must clearly disclose through written notices within the product shipment that consumers can return the product by calling a designated toll-free telephone number and that respondents will pay the cost of the return. Part XIII.C specifies how the deadlines for returns are to be calculated. Part XIII.D requires that instructions for returning the product must be clearly and prominently disclosed at the time the consumer receives the product. Part XIII specifies that a consumer's credit card shall be deemed "billed" if the charge appears on the consumer's statement, whether or not a credit is later issued. Part XIV requires these respondents to comply with section 166 of the Truth in Lending Act.

Under the terms of Part XV, Synchronal, Smoothline Corporation, Omexin Corporation, Smolev, and Kaylor may not represent that any endorsement of a product or service represents the typical or ordinary experience of members of the public, unless such is the fact.

Part XVI of the proposed order requires Synchronal to pay consumer redress in the amount of $3,500,000. Part XVI also states that if the Commission should determine that direct payment of the fund to eligible consumers is impracticable, then the Commission shall cause the funds to be paid to the United States Treasury.

Part XVII requires respondent Smolev to maintain a $500,000 escrow account prior to the advertising of a wide variety of consumer products, which shall be used to fund consumer redress or disgorgement ordered in any action alleging a violation of the Federal Trade Commission Act.

Parts XVIII, XIX, XX, and XXI relate to respondents' obligation to maintain records, distribute the Order to current

and future officers and employees, notify the Commission of changes in business or corporate structure, and file compliance reports with the Commission.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 93-13931 Filed 6-11-93; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Notice of Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress:

Council on Graduate Medical Education

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue SE., Washington, DC. Copies may be obtained from: Marc L. Rico, M.D., Executive Secretary, Council on Graduate Medical Education, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6190.

Dated: June 8, 1993.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 93-13880 Filed 6-11-93; 8:45 am]

BILLING CODE 4160-15-P

Special Projects of National Significance

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Advance notice of application deadline date for Special Projects of National Significance for Fiscal Year 1993.

SUMMARY: The Health Resources and Services Administration's Bureau of Health Resources Development (BHRD) will provide funding for new grant applications during fiscal year 1993 to support innovative programs to advance knowledge and skills in the delivery of health and support services for adolescents with HIV/AIDS or who are at high risk for infection under the Special Projects of National Significance program. The purpose of this announcement is to give early notice to potential applicants of the amount of funding and application deadline date.

FOR FURTHER INFORMATION CONTACT: Potential applicants may contact the Grants Management Officer, Ms. Glenna Wilcom, Bureau of Health Resources Development, Health Resources and Services Administration, 5600 Fishers Lane, room 13A38, Rockville, MD 20857, (301) 443-2280.

SUPPLEMENTARY INFORMATION: A notice of Availability of Funds will be published in the **Federal Register** announcing program provisions, priorities, and evaluation criteria for this program.

Program	Application deadline	Number of awards (Est.)	Funds available (Est.)
Special projects of national significance	July 28, 1993	4-6	$1.2 mil.

Dated: June 9, 1993.

William A. Robinson,

Acting Administrator.

[FR Doc. 93-13917 Filed 6-11-93; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary—Office of Lead-Based Paint Abatement and Poisoning Prevention

[Docket No. N-93-3617; FR-3444-C-02]

NOFA for Lead-Based Paint Hazard Reduction in Priority Housing: Category I and Category II Grants; Correction

AGENCY: Office of the Secretary—Office of Lead-Based Paint Abatement and Poisoning Prevention, HUD.

ACTION: Notice of funding availability; correction.

SUMMARY: This notice corrects a date that appeared in Section 8.5 of the NOFA document that was published in the **Federal Register** on June 4, 1993 (58 FR 31848).

FOR FURTHER INFORMATION CONTACT: Ellis G. Goldman, Director, Program Management Division, Office of Lead-Based Paint Abatement and Poisoning Prevention, room B-133, 451 Seventh Street SW., Washington, DC 20410, telephone 1-800-RID-LEAD (1-800-743-5323). TDD numbers for the hearing-impaired are: (202) 708-9300 (not a toll-free number), or 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On June 4, 1993, the Department published a Notice of Funding Availability for this program (58 FR 31848). An incorrect date was included on page 31859 in the text under Section 8.5, Selection Criteria and Process, under paragraph (b), Stage One. In order to avoid confusion about the requirements, the Department is publishing this correction notice to clarify the application deadlines referenced in paragraph (b) of Section 8.5.

Accordingly, in FR Doc. 93-13101, a NOFA for Lead-Based Paint Hazard Reduction in Priority Housing: Category I and Category II Grants, published in the **Federal Register** on June 4, 1993 (58 FR 31848), on page 31859, in column 3, "8.5, Selection Criteria and Process", paragraph (b) introductory text is corrected to read as follows:

8.5 Selection Criteria and Process

* * * * *

(b) *Stage One.* A State that does not have a statute or that has existing legislation that is not consistent with the currently identified elements of a State certification program may file a formal grant application at any time after an enabling statute, or amendment to existing legislation, is signed into law, but not sooner than 9 a.m. (Eastern time), Tuesday, September 21, 1993. States that have existing enabling legislation that is consistent with the currently identified elements of a satisfactory State program may file a formal Stage One grant application at any time after 9 a.m. (Eastern time),

Tuesday, September 21, 1993. Upon acceptance by HUD and EPA of the statute, the implementation plan, and the budget, the State may apply for one-half its total grant sum.

* * * * *

(Authority: 42 U.S.C. 3535(d) and 4821–4846)

Dated: June 8, 1993.

Brenda W. Gladden,

Acting Assistant General Counsel for Regulations.

[FR Doc. 93–13911 Filed 6–11–93; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Walker's Manioc for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for Walker's Manioc (*Manihot walkerae*), which the Service listed as a threatened species on October 2, 1991. The plant, Walker's manihot, is known from one location on private land in Hidalgo County, Texas. The species is also known to occur at two locations on private lands in Tamaulipas, Mexico. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 13, 1993 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the U.S. Fish and Wildlife Service, c/o Corpus Christi State University, Campus Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Angela Brooks, U.S. Fish and Wildlife Service Botanist, telephone (512) 994–9005 or at the above address.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened plant or animal to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe site-specific management actions considered necessary for conservation and survival of the species, establish objective, measurable criteria for the recovery levels for downlisting or delisting species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Walker's manihot is an endangered species known to occur on a single site in the United States; that being on private land in Hidalgo County, Texas. The species is known to occur also at two sites on private lands in Tamaulipas, Mexico. The species is endemic to the Tamaulipan grassland-thornscrub community of South Texas and Tamaulipas, Mexico, where it grows on fine, sandy soils underlaid by caliche. Walker's manihot occurs in openings within native brush or grows up through thornscrub. Destruction and fragmentation of native brush threaten the species' continued existence. The majority of this species' habitat has been altered through clearing for agriculture, urban development and for recreation purposes. Invasion of non-native plants such as buffelgrass (*Cenchrus ciliaris*) further threaten the species' existence.

The Walker's manihot recovery plan has been reviewed by the appropriate Service staff in Region 2 and selected experts on the biology of the species. The plan will be finalized and approved following incorporation of comments and materials received during this comment period.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to the approval of the plan.

Authority

The Authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: June 7, 1993.

John G. Rogers,

Regional Director.

[FR Doc. 93–13914 Filed 6–11–93; 8:45 am]

BILLING CODE 4310–55–M

Availability of a Draft Recovery Plan for the Cochise Pincushion Cactus for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Cochise pincushion cactus (*Coryphantha robbinsorum*), which the Service listed as a threatened species on January 9, 1986. The plant, Cochise pincushion cactus, occurs in southeastern Cochise County, Arizona and northern Sonora, Mexico. Small colonies of this species occur sporadically on three isolated limestone hills. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 13, 1993 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the U.S. Fish and Wildlife Service, 3616 West Thomas Road, suite 6, Phoenix, Arizona 85019. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Susan Rutman, U.S. Fish and Wildlife Service Botanist, telephone (602) 379–4720 or at the above address.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened plant or animal to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most listed species native to the United States. Recovery plans describe site-specific management actions considered necessary for conservation and survival of the species, establish objective, measurable criteria for the recovery levels for downlisting or delisting species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Cochise pincushion cactus is a threatened species found only on three isolated limestone hills in southeastern Cochise County, Arizona, and northern Sonora, Mexico. Small colonies of this species occur sporadically throughout the habitat. Management issues and concerns include illegal collecting, livestock and wildlife management, oil and gas drilling, material extraction, and pesticide application.

The Cochise pincushion cactus recovery plan has been reviewed by the appropriate Service staff in Region 2 and selected experts on the biology of the species. The plan will be finalized and approved following incorporation of comments and materials received during this comment period.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to the approval of the plan.

Authority

The Authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: June 7, 1993.

John G. Rogers,

Regional Director.

[FR Doc. 93-13912 Filed 6-11-93; 8:45 am]

BILLING CODE 4310-55-M

Availability of a Draft Recovery Plan for the Sentry Milk-Vetch for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the sentry milk-vetch (*Astragalus cremnophylax* var. *cremnophylax*), which the Service listed as an endangered species on December 5, 1990. The plant, sentry milk-vetch, occurs on the south rim of the Grand Canyon, Coconino County, Arizona. There are two known populations, both occurring on public land managed by the Grand Canyon National Park. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before August 13, 1993 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the U.S. Fish and Wildlife Service, 3616 West Thomas Road, Suite 6, Phoenix, Arizona 85019. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Bruce Palmer, U.S. Fish and Wildlife Service Ecologist, telephone (602) 379-4720 or at the above address.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened plant or animal to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe site-specific management actions considered necessary for conservation and survival of the species, establish objective, measurable criteria for the recovery levels for downlisting or delisting species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The endangered sentry milk-vetch is known from only two populations. One population consists of three plants, the other has fewer than 350 plants. The small number of populations, small population size, declining numbers, low plant vigor, insufficient reproduction, and disturbance by park visitors are the principal threats to the continued existence and recovery of sentry milk-vetch.

The objective of the plan is to recover the species to the point where it can be downlisted to threatened status. Preliminary criteria for downlisting are given in the plan. Recovery efforts outlined in the draft plan focus on protecting currently known populations, searching for additional populations, managing the two known populations to increase plant numbers and vigor, conducting biological studies needed to improve management, and developing an off-site propagation program.

The sentry milk-vetch recovery plan has been reviewed by the appropriate Service staff in Region 2 and selected experts on the biology of the species. The plan will be finalized and approved following incorporation of comments and materials received during this comment period.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to the approval of the plan.

Authority

The Authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: June 7, 1993.

John G. Rogers,

Regional Director.

[FR Doc. 93-13913 Filed 6-11-93; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-940-4110-03; NMNM 64491]

Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 97-451, a petition for reinstatement of Oil and Gas Lease NMNM 64491, Chaves County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from February 1, 1993, the date of termination. No valid lease has been issued affecting the land. The lessee has agreed to new lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, and 16⅔ percent, respectively. Payment of a $500.00 administrative fee has been made. Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188 (d) and (e)), the Bureau of Land Management (BLM) is proposing to reinstate the lease effective February 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Martha A. Rivera, BLM, New Mexico State Office, (505) 438-7584.

Dated: June 4, 1993.

Dolores L. Vigil,

Chief, Adjudication Section.

[FR Doc. 93-13875 Filed 6-11-93; 8:45 am]

BILLING CODE 4310-FB-M

[CA-060-03-3110-10-B010; CA-30339FD/PT].

Realty Action; Exchange of Public and Private Lands, San Bernardino and Kern Counties, CA

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action; exchange of public and private lands in San Bernardino & Kern Counties, CA.

SUMMARY: The following described public land has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

San Bernardino Meridian, California

T. 11 N., R. 6 W.,
Sec. 30: Lot 5.

Containing 21.88 acres of public land, more or less.

In exchange for these lands, the United States will acquire the following private lands in Kern County from Luz Solar Partners Ltd., V:

Mount Diablo Meridian, California

T. 31 S., R. 38 E.,
Sec 21: N½SE¼NE¼, E½SE¼SE¼, E½W½SE¼SE¼.

Containing 50 acres of non-Federal lands, more or less.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire private land in the designated Desert Tortoise Research Natural Area. The designated area encompasses lands which have historically supported the highest and most stable population of tortoise within its range. The desert tortoise has been listed as a threatened species under the Endangered Species Act of 1973. Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the general mining laws, but not the mineral leasing laws. The segregative effect will end upon issuance of patent or two years from the date of publication, whichever occurs first.

The exchange will be on an equal value basis. Full equalization of value will be achieved by acreage adjustment or by cash payment in an amount not to exceed 25 percent of the fair market value of the selected lands.

The public land will be transferred out of Federal ownership with a reservation of right-of-way to the United States for ditches and canals, pursuant to the Act of August 30, 1890 (43 U.S.C. 945), and subject to a right-of-way for electric power distribution facilities, Serial Number LA0145482, held by Southern California Edison Company.

The private lands will be acquired subject to easements and mineral reservations of record. The exchange is scheduled to be completed in August of 1993.

For further information concerning this exchange, contact Becki Gonzales, California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507.

For a period of 45 days after publication of this notice in the **Federal Register** interested parties may submit comments to the District Manager, California Desert District, in care of the above address. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action.

Dated: June 2, 1993.

Henri R. Bisson,

District Manager.

[FR Doc. 93-13874 Filed 6-11-93; 8:45 am]

BILLING CODE 4310-40-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-319 (Sub-No. 2X)]

Florida Central Railroad Company, Inc.—Abandonment Exemption—In Lake County, FL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 10903-05 the abandonment by Florida Central Railroad Company, Inc., of a 3,315-foot segment of rail line in Lake County, FL, between milepost FCEN 33.41 and the end of the line at milepost FCEN 34.05, subject to standard labor protective conditions.

DATES: The exemption will be effective on July 14, 1993, unless a formal expression of intent to file an offer of financial assistance is filed. Formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [1] must be filed by June 24, 1993, petitions to stay must be filed by June 29, 1993, requests for a public use condition must be filed by July 6, 1993, and petitions to reopen must be filed by July 9, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB-319 (Sub-No. 2X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and

(2) Petitioner's representative: Robert L. Calhoun, Suite 1000, 1025 Connecticut Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 927-5610 [TDD for hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate

[1] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C. 2d 164 (1987).

Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: June 7, 1993.

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

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–13920 Filed 6–11–93; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any change in the Substance or in the Method of Collection

(1) Controlled Substances Import/Export Declaration.
(2) DEA Form 236, Drug Enforcement Administration (DEA).
(3) On occasion.
(4) Businesses or other for-profit. Form 236 provides DEA with control measures over the importation and exportation of controlled substances as required by both domestic and international drug control laws and treaties.
(5) 2,760 annual responses at .25 hours per response.
(6) 690 annual burden hours.
(7) Not applicable under 3504(h).

(1) U.S. Official Order Forms for Schedules I and II Controlled Substances.
(2) DEA Forms 222 and 222a, Drug Enforcement Administration.
(3) On occasion.
(4) Individuals or households, State or local governments, businesses or other for-profit, Federal agencies or employees. DEA–222 is used to transfer or purchase Schedule I or II controlled substances, and data is needed to provide an audit record of the transfer or purchase. DEA–222a Requisition Form is used to obtain the DEA–222 Form. Respondents are DEA registrants desiring to handle these controlled substances.
(5) 436,000 annual responses at .25 hours per response.
(6) 109,000 annual burden hours.
(7) Not applicable under 3504(h).

(1) ACROS Transaction Reporting.
(2) DEA Form 333, Drug Enforcement Administration.
(3) Quarterly.
(4) Businesses or other for-profit. Drug, narcotic, and controlled substance manufacturing data collection is necessary for the U.S. to meet obligations under two international treaties: the Single Convention on Narcotic Drugs, and the Convention on Psychotropic Substances. The DEA Form 333 is the means by which this information is collected.
(5) 2468 annual responses at 1 hour per response.
(6) 2468 annual burden hours.
(7) Not applicable under 3504(h).

(1) Registrants Inventory of Drugs Surrendered.
(2) DEA Form 41, Drug Enforcement Administration
(3) On occasion
(4) Businesses or other for-profit. Section 1307.21 of 21 CFR requires that any registrant desiring to voluntarily dispose of controlled substances shall list them on DEA Form 41 and submit it to the nearest DEA office. The DEA 41 is used to account for surrendered or destroyed controlled substances and its use is mandatory.
(5) 20,000 annual responses at .5 hours per response
(6) 10,000 annual burden hours
(7) Not applicable under 3504(h)

(1) Visa Waiver Nonimmigrant Arrival/Departure Document
(2) I–94W, Immigration and Naturalization Service
(3) On occasion
(4) Individuals or households. The data collected on this form will be used by the Service to determine eligibility for admission to the United States. The form serves the purpose of standardizing requests for the benefit, and ensuring that the basic information required to assess eligibility is provided by applicants.
(5) 4,000,000 annual responses at .105 hours per response.
(6) 420,000 annual burden hours
(7) Not applicable under 3504(h)

(1) National Institute of Justice/NCJRS Registration for Service Form, and Renewal Form
(2) NIJ Form 1431/2 and NIJ Form 1431/7; Office of Justice Programs, National Institute of Justice
(3) Annually
(4) Individuals or households, State or local governments. The National Institute of Justice/NCJRS was established to meet technical information needs of the law enforcement, criminal justice, juvenile justice, and investigative communities. Information is collected and used only by NCJRS to tailor its products and services.
(5) NIJ Form 1431/2: 1800 annual responses at .1 hours per response; NIJ Form 1431/7: 45600 annual responses at .01 hours per response
(6) 2256 annual burden hours (combined total for both forms)
(7) Not applicable under 3504(h)

New Collections

(1) Emergency Federal Law Enforcement Assistance
(2) No form number. Immigration and Naturalization Service
(3) On occasion
(4) State or local governments. The Immigration Act of 1990 includes a new section which authorizes the Attorney General to expend up to

$20,000,000 of the Immigration Emergency Fund for the reimbursement of States and localities in three additional immigration-related emergency circumstances. This collection of information is necessary for the States and localities to submit claims for such reimbursement.

(5) 10 annual responses at 30 hours per response

(6) 300 annual burden hours

(7) Not applicable under 3504(h)

Public comment on these items is encouraged.

Dated: June 8, 1993.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 93-13929 Filed 6-11-93; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 93-052]

NASA Advisory Council (NAC) Task Force on National Facilities; Aeronautics R&D Facilities Task Group; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC Task Force on National Facilities, Aeronautics R&D Facilities Task Group.

DATES: June 22, 1993, 8 a.m. to 4:30 p.m.; and June 23, 1993, 8 a.m to 4:30 p.m.

ADDRESSES: ARC Professional Services Group, Suite 950, 500 E Street SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne McKinney, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 23681 (804/864-8686).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Facility Working Group Reports

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: June 7, 1993.

Timothy M. Sullivan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 93-13882 Filed 6-11-93; 8:45 am]

BILLING CODE 7510-01-M

[Notice 93-053]

NASA Advisory Council (NAC), Space Station Advisory Committee (SSAC); Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Station Advisory Committee.

DATES: June 30, 1993, 8:30 a.m. to 5 p.m., and July 1, 1993, 8:30 a.m. to 12 Noon.

ADDRESSES: 300 E Street SW., room 7-C61, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. W.P. Raney, Code D, National Aeronautics and Space Administration, Washington DC 20546, 202/358-1857.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Office of Space Systems Development Overview

—Space Station Redesign Status

—Utilization Activities

—Congressional Status

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: June 7, 1993.

Timothy M. Sullivan,

Advisory Committee Management Officer.

[FR Doc. 93-13881 Filed 6-11-93; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/606-8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4) and (6) of section 552b of title 5, United States Code.

1. *Date:* July 1, 1993.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Elementary and Secondary Education in the Humanities, submitted to the Division of Education Programs, for projects beginning after November 1, 1993.

2. *Date:* July 8-9, 1993.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications in Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs, for projects beginning after January 1, 1994.

3. *Date:* July 9, 1993.
Time: 9 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review proposals for the May 1, 1993 deadline in the Challenge Grants Program, submitted to the Division of Education Programs, for projects beginning after January, 1994.

4. *Date:* July 12, 1993.
Time: 9 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review proposals for the May 1, 1993 deadline in the

Challenge Grants Programs, submitted to the Division of Education Programs, for projects beginning after January, 1994.

5. *Date:* July 14, 1993.
Time: 9 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review proposals for the May 1, 1993 deadline in the Challenge Grants Program, submitted to the Division of Education Programs, for projects beginning after January, 1994.

6. *Date:* July 15–16, 1993.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications in Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs, for projects beginning after January 1, 1994.

7. *Date:* July 22–23, 1993.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications in Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs, for projects beginning after January 1, 1994.

8. *Date:* July 29–30, 1993.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications in Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs, for projects beginning after January 1, 1994.

David C. Fisher,
Advisory Committee Management Officer.

[FR Doc. 93–13948 Filed 6–11–93; 8:45 am]

BILLING CODE 7536–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Value Engineering; Final Revision of OMB Circular No. A–131

AGENCY: Office of Management and Budget.

ACTION: The Office of Management and Budget (OMB) is publishing the final revision of OMB Circular No. A–131, "Value Engineering." The Circular has been revised in accordance with the sunset provisions contained in the January 1988 Circular.

PRESIDENT'S COUNCIL ON MANAGEMENT IMPROVEMENT: At the request of the Administrator for Federal Procurement Policy, the President's Council on Management Improvement (PCMI) made recommendations to OMB for a revised Government-wide policy on value engineering. The PCMI membership consists of senior-level officials from all the major agencies and their review of Circular A–131 has helped assure a truly Government-wide approach to value engineering. The attached revision of Circular A–131 is the culmination of the combined efforts of OFPP, a PCMI task force chaired by the General Services Administration, and extensive deliberations of the full PCMI.

SUMMARY: OMB Circular No. A–131 requires agencies to establish value engineering programs and to use value engineering techniques, where appropriate, to reduce nonessential procurement and program cost. As defined in OMB Circular No. A–131, VE is an organized effort to analyze the functions of systems, equipment, facilities, services, and supplies for the purpose of achieving the essential functions at the lowest life-cycle cost consistent with required performance, reliability, quality and safety.

The Circular requires that agencies implement the following management and procurement practices: (1) Emphasize, through training and other means, the potential of value engineering to reduce unnecessary cost; (2) Establish a focal point within each agency to monitor, manage and maintain data on agency value engineering programs; (3) Establish criteria and guidelines for screening programs and projects which might benefit from the application of value engineering techniques; (4) Establish guidelines to evaluate value engineering proposals; and (5) Actively solicit value engineering ideas from contractors.

CHANGES FROM THE PREVIOUS CIRCULAR NO. A–131: This revision adds new requirements to Circular A–131 by requiring each agency to develop annual VE plans. Agency plans must identify both the inhouse and contractor projects, programs, systems, and products to which VE will be applied in the next fiscal year, and the estimated costs of those projects. The revision emphasizes that value engineering is one of many management tools that can be used alone or in concert with other management techniques, such as total quality management, to improve operations and reduce costs. In addition, the revision imposes on agencies a revised annual reporting requirement to OMB in lieu of the previous ad hoc requirements. The new reporting requirement has three parts: Part I requires agencies to report agency dollar thresholds for VE, agency VE expenditures, dollar share of savings provided to contractors, agency VE cost savings, and VE cost savings by category (acquisition, program, or other). Part II requires agencies to identify their top twenty fiscal year VE projects and the associated net life-cycle cost savings and quality improvements achieved by the agency through application of VE. Part III requires agencies to submit a detailed schedule of year-by-year cost savings, cost avoidances and cost sharing with contractors for each program/project for which the agency s reporting cost savings or cost avoidances. The aggregate total of all schedules shall equal the totals reported in the Part I.A. of the annual report.

FOR FURTHER INFORMATION CONTACT: The Office of Federal Procurement Policy at 395–6893.

Dated: June 8, 1993.

Allan V. Burman,
Administrator.

Circular No. A–131

To the Heads of Executive Departments and Establishments

Subject: Value Engineering

1. *Purpose.* This Circular requires Federal Departments and Agencies to use value engineering (VE) as a management tool, where appropriate, to reduce program and acquisition costs.

2. *Supersession Information.* This Circular supersedes and cancels OMB Circular No. A–131, Value Engineering, dated January 26, 1988.

3. *Authority.* This Circular is issued pursuant to 31 U.S.C. 1111.

4. *Background.* For the purposes of this Circular, value analysis, value management, and value control are considered synonymous with VE. VE is an effective technique for reducing costs, increasing productivity, and improving quality. It can be applied to hardware and software; development, production, and manufacturing; specifications, standards, contract requirements, and other acquisition program documentation; facilities design and construction. It may be successfully introduced at any point in the life-cycle of products, systems, or procedures. VE is a technique directed toward analyzing the functions of an item or process to determine "best value," or the best relationship between worth and cost. In other words, "best value" is represented by an item or process that consistently performs the required basic function and has the lowest total cost. In this context, the application of VE in facilities construction can yield a better value when construction is approached in a manner that incorporates environmentally-sound and energy-efficient practices and materials.

VE originated in the industrial community, and it has spread to the Federal Government due to its potential for yielding a large return on investment. VE has long been recognized as an effective technique to

lower the Government's cost while maintaining necessary quality levels. Its most extensive use has been in Federal acquisition programs.

An August 1991 audit of VE in the Federal Government by the President's Council on Integrity and Efficiency concluded that more can and should be done by Federal agencies to realize the benefits of VE. Reports issued by the General Accounting Office and agency Inspectors General have also consistently concluded that greater use of this technique would result in additional savings to the Government.

5. *Relationship to other management improvement processes.* VE is a management tool that can be used alone or with other management techniques and methodologies to improve operations and reduce costs. For example, the total quality management process can include VE and other cost cutting-techniques, such as life-cycle costing, concurrent engineering, and design-to-cost approaches, by using these techniques as analytical tools in process and product improvement.

VE contributes to the overall management objectives of streamlining operations, improving quality, reducing costs, and can result in the increased use of environmentally-sound and energy-efficient practices and materials. The complementary relationship between VE and other management techniques increases the likelihood that overall management objectives are achieved.

6. *Definitions.*

a. *Agency.* As used in this Circular, the term "agency" means an executive department or an independent establishment within the meaning of sections 101, 102, 103(1) and 104(1), respectively, of title 5, United States Code.

b. *Life-cycle cost.* The total cost of a system, building, or other product, computed over its useful life. It includes all relevant costs involved in acquiring, owning, operating, maintaining, and disposing of the system or product over a specified period of time, including environmental and energy costs.

c. *Cost savings.* A reduction in actual expenditures below the projected level of costs to achieve a specific objective.

d. *Cost avoidance.* An action taken in the immediate time frame that will decrease costs in the future. For example, an engineering improvement that increases the mean time between failures and thereby decreases operation and maintenance costs is a cost avoidance action.

e. *In-house savings.* Net life-cycle cost savings achieved by in-house agency staff using VE techniques.

e. *Contracted savings.* Net life-cycle cost savings realized by contracting for the performance of a VE study or by a Value Engineering Change Proposal submitted by a contractor.

f. *Total Quality Management (TOM).* A customer-based management philosophy for improving the quality of products and increasing customer satisfaction by restructuring traditional management practices. An integral part of TOM is continuous process improvement, which is achieved by using analytical techniques to determine the causes of problems. The goal is not just to fix problems but to improve processes so that the problems do not recur. Value engineering can be used as an analytical technique in the TOM process.

g. *Value Engineering.* An organized effort directed at analyzing the functions of systems, equipment, facilities, services, and supplies for the purpose of achieving the essential functions at the lowest life-cycle cost consistent with required performance, reliability, quality, and safety. These organized efforts can be performed by both in-house agency personnel and by contractor personnel.

h. *Value Engineering Change Proposal (VECP).* A proposal submitted by a contractor under the VE provisions of the Federal Acquisition Regulations (FAR) that, through a change in a project's plans, designs, or specifications as defined in the contract, would lower the project's life-cycle cost to the Government.

i. *Value Engineering Proposal (VEP).* An in-house agency-developed proposal, or a proposal developed by a contractor under contract to provide VE service, to provide VE studies for a Government project/program.

7. *Policy.* Federal agencies shall use VE as a management tool, where appropriate, to ensure realistic budgets, identify and remove nonessential capital and operating costs, and improve and maintain optimum quality of program and acquisition functions. Senior management will establish and maintain VE programs, procedures and processes to provide for the aggressive, systematic development and maintenance of the most effective, efficient, and economical and environmentally-sound arrangements for conducting the work of agencies, and to provide a sound basis for identifying and reporting accomplishments.

8. *Agency responsibilities.* To ensure that systemic VE improvements are achieved, agencies shall, at a minimum:

a. Designate a senior management official to monitor and coordinate agency VE efforts.

b. Develop criteria and guidelines for both in-house personnel and contractors to identify programs/projects with the most potential to yield savings from the application of VE techniques. The criteria and guidelines should recognize that the potential savings are greatest during the planning, design, and other early phases of project/program/system/product development. Agency guidelines will include:

(1) Measuring the net life-cycle cost savings from value engineering. The net life-cycle cost savings from value engineering is determined by subtracting the Government's cost of performing the value engineering function over the life of the program from the value of the total saving generated by the value engineering function.

(2) Dollar amount thresholds for projects/programs requiring the application of VE. The minimum threshold for agency projects and programs which require the application of VE is $1 million. Lower thresholds my be established at agency discretion for projects having a major impact on agency operations.

(3) Criteria for granting waivers to the requirement to conduct VE studies, in accordance with the FAR 48.201(a).

(4) Guidance to ensure that the application of VE to construction projects/programs and other projects/programs, will include consideration of environmentally-sound and energy efficient considerations to arrive at environmentally-sound and energy efficient results.

c. Assign responsibility to the senior management official designated pursuant to section 8a above, to grant waivers of the requirement to conduct VE studies on certain programs and projects. This responsibility may be delegated to other appropriate officials.

d. Provide training in VE techniques to agency staff responsible for coordinating and monitoring VE efforts and for staff responsible for developing, reviewing, analyzing, and carrying out VE proposals, change proposals, and evaluations.

e. Ensure that funds necessary for conducting agency VE efforts are included in annual budget requests to OMB.

f. Maintain files on projects/programs/systems/products that meet agency criteria for requiring the use of VE techniques. Documentation should include reasons for granting waivers of VE studies on projects/programs which met agency criteria. Reasons for not implementing recommendations made in VE proposals should also be documented.

g. Adhere to the acquisition requirements of the FAR, including the use of VE clauses set forth in Parts 48 and 52.

h. Develop annual plans for using VE in the agency. At a minimum, the plans should identify both the in-house and contractor projects, programs, systems, products, etc., to which VE techniques will be applied in the next fiscal year, and the estimated costs of these projects. These projects should be listed by category, as required in the agency's annual report to OMB. VEP's and VECP's should be included under the appropriate category. Annual plans will be made available for OMB review upon request.

i. Report annually to OMB on VE activities, as outlined below.

9. *Reports to OMB.* Each agency shall report the Fiscal Year results of using VE annually to OMB, except those agencies whose total budget is under $10 million or whose total procurement obligations do not exceed $10 million in a given fiscal year. The reports are due to OMB by December 31st of the calendar year, and should include the current name, address, and telephone number of the agency's VE manager.

The report format is provided in the Attachment.

Part I of the report asks for net life-cycle cost savings achieved through VE. In addition, it requires agencies to show the project/program dollar amount thresholds the agency has established for requiring the use of VE if greater than $1 million. If thresholds vary by category, show the thresholds for all categories. Savings resulting from VE proposals and VE change proposals should be included under the appropriate categories.

Part II asks for a description of the top 20 fiscal year VE projects (or all projects if there are fewer than 20). List the projects by title and show the net life-cycle cost savings and quality improvements achieved through application of VE.

Part III requires agencies to submit a detailed schedule of year-by-year cost savings, cost avoidances and cost sharing with contractors for each program/project for which the agency is reporting cost savings or cost avoidances. The aggregate total of all schedules shall equal the totals reported in Part I.A. of the annual report.

10. *Inspectors General audits.* Two years after the issuance of this revised Circular, Agency Heads shall ask the Inspectors General (IGs) to audit agency value engineering programs to (1) validate the accuracy of agency reported value engineering savings and (2) assess the adequacy of agency value engineering policies, procedures and implementation of this revised Circular.

Periodically thereafter, agency IGs should audit agency reported VE savings as the need arises.

11. *Related Guidance.* In general, value engineering investments should have positive net present value when discounted with the appropriate interest rate, as described in OMB Circular No. A–94, section 8.c. For detailed guidance on value engineering, refer to the appropriate sections of the Federal Acquisition Regulations.

12. *Effective date and Implementation.* This Circular takes effect within 30 days of its publication in the **Federal Register**. Heads of departments and agencies are responsible for taking all necessary actions to assure effective implementation of these policies, such as disseminating this Circular to appropriate program and other staff, developing implementation strategies and initiating staff training. Since these policies must be implemented in the Federal Acquisition Regulation (FAR), agencies should not duplicate the development of implementing procurement regulations being undertaken by the Federal Acquisition Regulatory Councils. However, implementation of these policies in the FAR must be accomplished within the time period specified below, with inclusion in agency solicitations and resulting contracts, as appropriate, to occur immediately thereafter.

Pursuant to subsections 6(a) of the Office of Federal Procurement Policy Act, as amended, (41 U.S.C. 401 *et seq.*), the Federal Acquisition Regulatory Councils shall ensure that the policies established herein are incorporated in the FAR within 180 days from the date this Circular is published in final form in the **Federal Register**. Promulgation of final FAR regulations within that 180 day period shall be considered issuance in a "timely manner" as prescribed in 41 U.S.C. 405(b)."

13. *Sunset review.* The policies contained in this Circular will be reviewed by OMB five years from the date of issuance.

14. *Inquiries.* Further information about this Circular may be obtained from the Office of Management and Budget (OMB), 725 17th Street, NW., Washington, DC 20503, Telephone (202) 395–6803.

Leon Panetta,

Director.

Attachment

Agency Fiscal Year XXXX—Annual Value Engineering Report

Part I.

Name, Title, Address and Phone Number of Agency Senior Official Responsible for VE Program:

Agency VE Expenditures ($'s invested in VE this fiscal year): $_____

Dollar Share of Savings Provided to Contractors: $_____

Dollar Thresholds for each VE category (if different from $1 million):

TOTAL AGENCY NET LIFE-CYCLE COST SAVINGS ATTRIBUTABLE TO VE

Cost savings			Cost avoidance			Grand total in-house+contractor savings+avoidance
In-house	Contractor	Total cost savings	In-house	Contractor	Total cost avoidance	

A. Summary of cost savings and avoidances reported by category (See B. below):

B. Total Agency VE Net Life-Cycle Cost Savings and Cost Avoidances by Category:
Category
1. Acquisition
2. Administrative
3. Other (be specific)
a.
b.
c.

C. Please describe the steps you have taken to validate the reported cost savings, whether through IG audit or other measures. Attach additional sheets, if necessary.

Agency Fiscal Year XXXX—Annual Value Engineering Report

Part II

VE Project Description

List the top 20 VE projects by name. Show the VE expenditures, VE savings, and VE cost avoidances. Describe any quality or other non-quantifiable improvements resulting from VE.

Project title [1]	VE expenditure		Cost savings		Cost avoidance	
	In-house	Contractor	In-house	Contractor	In-house	Contractor

Description of Quality or other Non-Quantifiable Improvements: [1]

[1] Use additional sheets as necessary to include top 20 VE projects. Also, for each project listed, indicate what steps you have taken to validate the reported cost savings, whether through IG audit or other measures.

Part III.

AGENCY FISCAL YEAR XXXX—ANNUAL VALUE ENGINEERING REPORT

Program/Project Name: Construction of John Doe Bridge

	1994	1995	1996	1997	1998	1999	2000

1. Cost Savings:
2. Cost Avoidance:
3. Dollar Share of Savings Provided to Contractors:
4. VE Expenses Attributable to this Program/Project: (including a pro rata share of Salary/Expenses)
5. For programs/projects not discussed in part II of the report, please discuss what steps you have taken to validate the reported cost savings, whether through IG audits or other measures. Attach additional sheets if necessary.

[FR Doc. 93-13900 Filed 6-11-93; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-32428; File No. SR-Amex-93-20]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Appointment of Additional Senior Floor Officials

June 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] notice is hereby given that on May 14, 1993, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1) (1988).
[2] 17 CFR 240.19b-4 (1991).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 21(a) to provide for the appointment of additional Senior Floor Officials from among the Exchange officials who previously served as Floor Governors.

The Amex requests accelerated approval of the proposed rule change. The Exchange states that its five Senior Floor Officials are overburdened by their responsibilities and that it has an urgent and immediate need to appoint additional qualified individuals to serve as Senior Floor Officials as expeditiously as possible.

The text of the proposed rule change is available at the Office of the

Secretary, 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 self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Recently, concerns have been raised as to whether there are sufficient number of Senior Floor Officials[3] to assist the Senior Supervisory Officer[4] on the Floor in overseeing Floor matters. Only the five Floor Governors are designated as Senior Floor Officials pursuant to Exchange Rule 21(a), and they alone are the ultimate source for speedy resolution of on-Floor disputes. While Floor Officials (including Exchange Officials who spend a substantial part of their time on the Floor)[5] are empowered to make a wide variety of rulings on questions or disputes that arise on the Floor, certain matters require approval of a Senior Floor Official (*e.g.* to allow an options specialist to exceed established position limits),[6] and under Amex Rule 22(d) on-Floor appeals of the rulings of a Floor Official are made to the Senior Supervisory Officer on the Floor and the available Senior Floor Officials. These responsibilities have, at times, placed an undue burden on the existing Senior Floor Officials, particularly when one or more of the Floor Governors are absent or are engaged in other Exchange activities.

Therefore, the Exchange is proposing to amend Rule 21(a) to provide that the Chairman of the Exchange, with the approval of the Board, and in consultation with the Senior Supervisory Officer on the Floor, may also appoint additional Senior Floor Officials from among the Exchange Officials who have previously served on the Exchange's Board of Governors, and who continue to be active on the Floor.[7] Such individuals would be empowered to perform any duty, make any decision or take any action assigned to or required of a Senior Floor Official pursuant to the Exchange Constitution and Rules.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objective(s) of section 6(b)(3), in particular, in that it is concerned with the fair and expeditious administration of the Exchange's affairs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no 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. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-93-20 and should be submitted by July 6, 1993.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the Amex's proposal to amend Exchange Rule 21(a) to provide for the appointment of additional Senior Floor Officials 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 sections 6 (b)(1), (b)(3) and (b)(5) of the Act.[8] The Commission believes that the proposal is consistent with section 6(b)(1) of the Act which requires that an exchange be organized and have the capacity to carry out the purposes of the Act and to enforce compliance with the rules of the Exchange by its members and persons associated with its members, and 6(b)(3) of the Act which requires, among other things, the fair representation of members in the administration of the affairs of an exchange. The Commission also believes that the Amex proposal is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest in accordance with section 6(b)(5) of the Act.

The Commission believes that the Amex proposal is a reasonable measure designed to provide the Exchange with flexibility to increase the number of Senior Floor Officials on its Floor. Under the Amex's current rule, only Floor Governors may serve as Senior Floor Officials.[9] As noted above, as a result of the proposal, the Chairman of the Exchange, subject to the approval of the Board, and in consultation with the Senior Supervisory Officer on the Floor,

[3] Amex Rule 21(a) provides that each governor of the Exchange who spends a substantial part of his time on the floor shall serve as a Senior Floor Official. Under Amex's Constitution there are five Floor Governors. *See* Article II, Section 1(a)(1). A Senior Floor Official's duties include, on request of any member, participating in a prompt, on-Floor review of a Floor Official's market decision. *See* Amex Rule 22(d).

[4] Amex Rule 21(a) specifies that the Vice Chairman of the Board, if he is a member who spends a substantial part of his time on the Floor of the Exchange, shall serve as the Senior Supervisory Officer on the floor. If the Vice Chairman does not spend a substantial part of his time on the floor, the Chairman, subject to the approval of the Board, designates one of the governors serving as Senior Floor Official to act as a Senior Supervisory Officer on the floor. The authority of a Senior Supervisory Officer is set forth in Amex Rule 22.

[5] Amex Rule 21(b) provides that the Chairman, subject to approval of the Board, shall appoint as Floor Officials Exchange Officials who spend a substantial part of their time on the Floor, and such other persons familiar with the Floor as the Chairman shall determine to be necessary for the effective and orderly supervision of the operations on the floor. The authority of a Floor Official is set forth in Amex Rule 22.

[6] *See* Amex Rule 904, Commentary .05.

[7] The additional Senior Floor Officials who will be appointed pursuant to this proposal would, pursuant to Rule 21(b), also be acting as Floor Officials at the time of their appointment.

[8] 15 U.S.C. 78f (1988).

[9] *See* Amex Rule 21(a).

would be able to appoint additional Senior Floor Officials from among Exchange officials who have previously served as Floor Governors, and who continue to spend a substantial part of their time on the Exchange Floor. In this regard, the Amex has stated that the additional Senior Floor Officials would only be appointed as necessary to assist the Floor Governors in performing the Senior Floor Official functions.[10] The Commission recognizes that Senior Floor Officials serve a vital role in the resolution of disputes and the issuance of rulings [11] on the Floor. The Commission believes that the addition of Senior Floor Officials on the Exchange Floor should enhance the Exchange's efforts to enforce compliance with the rules of the Exchange by its members and persons associated with its members. This, in turn, should enhance the members' ability to engage in transactions in securities and thereby, protect investors and the public interest. Accordingly, the Commission believes that it is appropriate to permit the Amex to appoint additional Senior Floor Officials, as provided in the proposal, to meet the demands of its marketplace.

The Commission also believes that the proposal establishes appropriate qualifications for the additional Senior Floor Officials and appropriate procedures for their appointment. First, only those Exchange officials who have previously served as Floor Governors and who continue to spend a substantial part of their time on the Exchange Floor would be eligible for appointment as one of the additional Senior Floor Officials.[12] The Commission believes that this requirement should help to ensure that only qualified Exchange officials, with requisite skills, knowledge and experience, are appointed as additional Senior Floor Officials. Moreover, an appointment would be made by the Chairman of the Exchange, subject to Board approval and in consultation with the Senior Supervisory Officer on the Floor. Once appointed, the additional Senior Floor Officials would serve for a limited time period. In accordance with Amex Rule 21, Commentary .01, the additional Senior Floor Officials would serve until the next annual meeting of the Exchange in April.[13] The Commission believes that these requirements should help to ensure that the appointment of additional Senior Floor Officials is consistent with the fair representation requirement of section 6(b)(3) of the Act.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Exchange has represented that its five current Senior Floor Officials are overburdened and that there is an urgent and immediate need to appoint additional Senior Floor Officials. The proposed rule change does not alter the authority or responsibility of the Amex's Senior Floor Officials but simply provides the Exchange with flexibility to increase the number of qualified Senior Floor Officials on its Floor. The Commission finds that accelerated approval of the proposal will permit the Amex to effectuate its proposal in a timely manner upon approval.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR-Amex-93-20) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13944 Filed 6-11-93; 8:45 am]

BILLING CODE 8010-01-M

[10] *See* letter from Claudia Crowley, Special Counsel, Legal and Regulatory Policy Division, Amex, to Diana Luka-Hopson, Branch Chief, Exchange Branch, Division of Market Regulation, Commission, dated May 13, 1993.

[11] *See supra* note 3 and accompanying text.

[12] The Amex has stated that the additional Senior Floor Officials would be chosen from among those members who have already been determined to have the knowledge, experience and other qualifications necessary to function as Exchange Officials. The Exchange believes that such persons will command the respect of the membership and the Exchange administration, and can be expected to be eminently well qualified for the position. According to the Exchange, there is a limited pool of individuals who are both Exchange officials and former Floor Governors that would qualify for appointment as an additional Senior Floor Official under this proposal. The Amex states that currently seven persons meet this criteria. *See* letter from Claudia Crowley, Special Counsel, Legal and Regulatory Policy Division, Amex, to Diana Luka-Hopson, Branch Chief, Exchange Branch, Division of Market Regulation, Commission, dated May 13, 1993.

[13] The Exchange has stated that, although Senior Floor Officials may be appointed at any time during the year, all appointments will expire in April of each year. *See* letter from Claudia Crowley, Special Counsel, Legal and Regulatory Policy Division, Amex, to Diana Luka-Hopson, Branch Chief, Exchange Branch, Division of Market Regulation, Commission, dated May 13, 1993.

[14] 15 U.S.C. 78s(b)(2) (1988).

[15] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-32430; File No. SR-CBOE-92-42]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to an Agreement with the Board of Trade of the City of Chicago.

June 8, 1993.

I. Introduction

On January 4, 1993 the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a request for Commission approval of a revised version of CBOE Rule 3.16(c) and an agreement dated September 1, 1992 ("Agreement") between the Board of Trade of the City of Chicago ("CBOT") and the CBOE interpreting the right of full members of the CBOT to become members of the CBOE pursuant to paragraph (b) of Article Fifth of the CBOE's Certificate of Incorporation ("Article Fifth(b)").[3] The CBOT has amended its rules in order to implement the agreement.[4]

Notice of the proposed rule change was published for comment in Securities Exchange Act Release No. 31977 (March 10, 1993), 58 FR 14453 (March 17, 1993). No comment letters were received on the proposed rule change. This order approves the proposal.

II. Description of Proposal

Article Fifth(b) provides, in part, that CBOT members shall be entitled to become members of the CBOE upon application therefore, notwithstanding any limitations on the number of CBOE members and without the necessity of acquiring that membership for consideration or value from the CBOE,

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1991).

[3] The CBOE has proposed revising CBOE Rule 3.16(c) in two other separate rule filings submitted to the Commission, File Nos. SR-CBOE-90-11 and SR-CBOE-90-21. File No. SR-CBOE-90-11 was filed with the Commission on May 2, 1990, and subsequently withdrawn on June 27, 1990. File No. SR-CBOE-90-21 was filed with the Commission on July 13, 1990 and amendment No. 1 to File No. SR-CBOE-90-21 was filed with the Commission on January 9, 1991. The CBOE agrees to withdraw File No. SR-CBOE-90-21 upon Commission approval of the current rule proposal, File No. SR-CBOE-92-42.

[4] See Letter from David P. Van Wagner, Special Counsel, CFTC, to Paul J. Draths, Vice President and Secretary, Chicago Board of Trade, dated December 29, 1992 (stating that the CBOT proposed adoption of Rules 210.00 and 221.00(g) does not require CFTC approval under section 5a(12) of the Commodity Exchange Act and may be made effective immediately).

its members, or otherwise. From time to time, the CBOE, the CBOT, and their respective members have disagreed about how to interpret Article Fifth(b). To resolve these matters the CBOE and CBOT have entered into an agreement ("Agreement"), interpreting the right of certain CBOT members to exercise the right to become members of the CBOE pursuant to Article Fifth(b). The Agreement provides that only an individual who is an "Eligible CBOT Full Member" or an "Eligible CBOT Full Member Delegate" is a member of the CBOT within the meaning of Article Fifth(b). The Agreement defines the term "Eligible CBOT Full Member," in pertinent part, to include only those individuals who are holders of one of the 1,402 existing CBOT full memberships (and only those memberships), as of September 1, 1992, the date of the Agreement, and who are in possession of all trading rights and privileges appurtenant to that CBOT full membership. The term "Eligible CBOT Full Member Delegate," in turn, would include only the individual to whom a CBOT full membership is delegated (leased) and who is in possession of all trading rights and privileges appurtenant to such CBOT full membership. For purposes of the Agreement, a trading right and privilege appurtenant to a CBOT full membership is the right and privilege of a CBOT full membership which entitles a holder or a delegate (*i.e.*, a lessee of a CBOT membership) to trade as principal and broker for others in all contracts traded on the CBOT, whether by open outcry, by electronic means, or otherwise, during any segment of a trading day when trading is authorized, as well as every other right or privilege granted, assigned or issued by the CBOT after September 1, 1992 to holders of CBOT full memberships as a class (but excluding any right or privilege which is the subject of an option that is granted, assigned or issued by the CBOT to a CBOT full member and which is not exercised by that CBOT full member).

The CBOT has agreed that it will maintain an effective record of every trading right and privilege granted, assigned or issued in respect of each CBOT full membership and every delegation or lease of any CBOT full membership (or of any trading right or privilege appurtenant thereto) and to make such records available to the CBOE promptly upon reasonable request. In furtherance of these and other provisions of the Agreement, the CBOT has agreed to amend its rules and regulations to reflect these terms.

The Agreement states that all "Exerciser Members"—*i.e.*, "Eligible CBOT Full Members" or "Eligible CBOT Full Member Delegates" who have exercised their right to become CBOE members pursuant to Article Fifth(b)—have the same rights and privileges of CBOE regular membership as do other "CBOE Regular Members," with the qualification that an "Exerciser Member" does not have the right to transfer (whether by sale, lease, gift, bequest or otherwise) his or her CBOE regular membership or any of the trading rights and privileges appurtenant thereto.

An "Exerciser Member" has the right to purchase or participate in the offer or distribution of any optional or additional CBOE membership or trading right or privilege offered or distributed by the CBOE after September 1, 1992 to other CBOE "Regular Members," as a class, on the same terms and conditions as other "CBOE Regular Members." In such a case, the Agreement expressly provides that any such additional membership, trading right, or privilege would be separately transferable by the "Exerciser Member" on the same basis as it may be separately transferable by other "CBOE Regular Members." Similarly, in the event that the CBOE were to make a cash or property distribution to "CBOE Regular Members" as a class which has the effect of diluting the value of a CBOE membership, the Agreement stipulates that any such distribution is to be made on the same terms and conditions to "Exerciser Members."

The Agreement further provides that the CBOE shall establish a reasonable record date for any such offer, distribution or redemption and, solely for such purpose, to waive all membership dues, fees and other charges and all qualification requirements,[5] other than those that may be imposed by law, that may be applicable to the application for CBOE membership of each "Eligible CBOT Full Member" and "Eligible CBOT Full Member Delegate" who wishes to exercise the rights conferred by Article Fifth(b). Any such waiver would be effective only during the period commencing on the date on which the CBOE, acting pursuant to the Agreement, gives notice to CBOT of such offer, distribution, or redemption and ending on the date that individual participates in such offer, distribution, or redemption. In such circumstances, an "Exerciser Member" for whom dues, fees and other charges and qualification requirements have been waived will not have any rights as a CBOE member other than to participate in that offer, distribution or redemption. Further, the CBOE membership of each such "Exerciser Member" will terminate immediately following the time that individual participates in that offer, distribution or redemption.

As noted, the CBOE has agreed to revise its Rule 3.16(c) in the form and manner set forth in an exhibit to the Agreement. Revised Rule 3.16(c) gives effect to the Agreement by declaring that for purposes of Article Fifth(b), the term "member of the Board of Trade of the City of Chicago" is interpreted to mean an individual who is either an "Eligible CBOT Full Member" or an "Eligible CBOT Full Member Delegate," as those terms are defined in the Agreement, and shall not mean any other person. In addition, revised Rule 3.16(c) implements the anti-dilution provisions, the notice requirements, and the fee and qualification waivers of the Agreement.

III. Discussion

The Commission believes 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 of the Securities Exchange Act of 1934, in general. Specifically, the Commission believes that the proposed rule change is consistent with section 6(b)(2) of the Act, which provides that the reuls of the CBOE are designed to provide that any registered broker dealer, or person associated with a broker dealer, may become a member, or associated with a member, of the CBOE, section 6(c)(3), which provides, among other things, that the CBOE may examine and verify the qualifications of an applicant to become a member and the natural persons associated with such an applicant, and section 6(c)(1), which states that an exchange shall deny membership to any person, other than a natural person, which is not a registered broker or dealer or any natural person who is not, or is not associated with, a registered broker or dealer.

The Agreement provides that the CBOE will waive all membership dues, fees and other charges and all qualification requirements, other than those imposed by law, in order to permit Eligible CBOT Full Members and Eligible CBOT Full Member Delegates to participate in certain offers, distributions, or redemptions. Eligible CBOT Full Members or Eligible CBOT Full Member Delegates, similarly to other securities brokers and dealers,

[5] Before an Eligible CBOT Full Member or Eligible CBOT Full Member Delegate could utilize trading privileges on the CBOE floor they would have to comply with all the requirements of the Act and CBOE Rules for trading on the CBOE floor.

must nevertheless comply with all the requirements of the Act and CBOE Rules in order to utilize their trading privileges on the CBOE floor. Accordingly, the Commission believes that the changes to CBOE Rule 3.16 are appropriate. Finally, the Commission believes that, by specifying more clearly in the CBOE's rules the requirements for certain CBOT members to become members of the CBOE, the Exchange community will be better informed as to such requirements.

IV. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act and section 6 the Act, in particular.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change (SR-CBOE-92-42) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13945 Filed 6-11-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32419; File No. SR-NASD-92-50]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Excess Spread Parameters

June 4, 1993.

On November 24, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder.[2] The proposal amends Part VI, Section 2 of Schedule D to the NASD By-Laws[3] to reduce excess spread parameters[4] for Nasdaq and Consolidated Quotation Service ("CQS") securities.

Notice of the proposed rule change, together with its terms of substance, appeared in the **Federal Register** on December 17, 1992.[5] No comments were received on the proposal. This order approves the proposed rule change.

I. Background

The rule change amends Schedule D to the NASD's By-Laws to reduce excess spread parameters for securities quoted in the Nasdaq system. The NASD is concerned that its current excess spread parameters are excessively wide, in some instances permitting spreads of 200 percent of the average dealer spread. The rule change establishes new excess spread parameters for Nasdaq and CQS securities,[6] limiting a dealer's spread in a security to 125% of the average of the narrowest three dealer spreads in that security.[7] The current system of excess spread parameters uses all market maker spreads in the calculation of average dealer spread, which gives undue weight to spreads that may reflect one-sided buying or selling interest on the part of a few part of a few market makers. After study of the impact on the members of reducing spread parameters as described above, the NASD determined that an average of the three best dealer spreads was an appropriate benchmark for calculating maximum allowable spreads.

The rule change would simplify the current system of excess spread parameters, which is cumbersome and unwieldy. Currently, the maximum allowable spread in a security varies, depending upon the average dealer spread at that time. These excess spread parameters—set out in a chart in Part VI, Section 2 of Schedule D—vary between 125% and 200% of the average dealer spread in a security, depending upon the size of the prevailing average dealer spread.[8] The rule change eliminates the chart in Schedule D and applies a uniform standard for calculating maximum permissible spreads—125% of the average of the narrowest three dealer spreads in a security.[9]

The NASD believes that an important benefit of reducing excess spread parameters may be to reduce dealer spreads overall, which would redound to the benefit of investors.[10] Nasdaq market makers are required to maintain continuous, two-sided quotations that are reasonably related to the transactions they are effecting.[11] During rapidly moving markets, dealers may be paying more attention to that side of the market where their buy or sell interest lies, resulting in less than careful monitoring of the other side of their quotes. In this fashion, spreads may widen, impairing market efficiency. Accordingly, the NASD believes that more stringent excess spread parameters will result in a reduction in dealer spreads and will thereby result in a more competitive market.

II. Commission Findings

The Commission believes that the proposed excess spread parameters will help reduce dealer spreads overall. Calculating excess spread parameters based on the three narrowest dealer spreads—as opposed to an average of all dealer spreads in a stock—eliminates the effect of a few aberrant dealer quotes that may not accurately reflect buying or selling interest, and results in more narrow permissible spreads. Moreover, while current parameters provide for spreads as high as 200% of the average dealer spread, the rule change limits spreads to 125% of the average of the three narrowest spreads. The

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[6] 15 U.S.C. 78s(b)(2) (1982).

[7] 17 CFR 200.30-3(a)(12) (1993).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1992).

[3] NASD Securities Dealers Manual, Part VI, Section 2(d) of Schedule D to the By-Laws, CCH ¶1819.

[4] Excess parameters establish the maximum allowable bid-ask spreads that individual dealers may quote in a market.

[5] Securities Exchange Act Release No. 31583 (December 9, 1992), 57 FR 60017.

[6] The rule change also modifies Section 2 to clarify that excess spread parameters apply to both Nasdaq and CQS securities.

[7] Where there are fewer than 3 market makers in a security, the rule change limits the maximum allowable spread to 125% of the average spread. In no case, however, will the maximum allowables spread in a security be less than ¼ point.

[8] For example, a security with an average dealer spread of ⅜ is subject to a maximum allowable spread of ¾—that is, 200% of the average spread—whereas a security with an average dealer spread of 3 is subject to a maximum allowable spread of 3¾—125% of the average spread.

[9] The Nasdaq system automatically calculates the maximum allowable spread in a security and alerts market makers when they have entered a quote that exceeds the maximum allowable spread. Market makers may then override the alert if they still wish to enter a quote that exceeds the spread parameters. An exception report is produced whenever a market maker enters a quote that exceeds the maximum allowable spread. The NASD will continue to use exception reports for surveillance of its excess spread parameters. These reports include the time of quote entry, the amount of the excessive spread, and the time when the spread returned to within allowable limits. Firms maintaining excessive spreads are routinely queried a to why their spreads are exceeding the spread parameters, and are fined if the Compliance Subcommittee of the NASD's Market Surveillance Committee concludes that there is a pattern of abuse. Disciplinary actions for violations of the excess spread rules involving fines that do not exceed $2,500 and/or a censure may now be brought under the NASD's new Minor Rule Violations Plan. *See* Securities Exchange Act Release No. 32383 (May 28, 1993) (Order approving SR-NASD-93-6 establishing the Minor Rule Violations Plan).

[10] In connection with this rule change, the NASD will conduct a study of dealer spreads in the Nasdaq/NMS market in the month prior to, and the month following the effective date of the rule change. *See* letter from Robert E. Aber, Vice President and General Counsel/Corporate Subsidiaries, NASD, to Selwyn Notelovitz, Branch Chief, Over-the-Counter Regulation, SEC (May 14, 1993).

[11] *NASD Securities Dealers Manual,* Part VI, Section 2(a), (c) of Schedule D to the By-Laws, CCH ¶1819. See also section 3(a)(38) of the Act, 15 U.S.C. 78c(a)(38), and Rule 3b-8(a)-(b) thereunder, 17 CFR 240.3b-8(a)-(b).

Commission believes that these reductions in the NASD's excess spread parameters should help reduce spreads overall, which could contribute to a more competitive dealer market.

The Commission believes that the rule change is an appropriate means of reinforcing the obligations of Nasdaq market makers to buy and sell on a continuous basis and to maintain two-sided quotations that are reasonably related to the prevailing market. The Commission is concerned about firms that register as market makers in various Nasdaq securities even though they have no intention of actually making markets in those stocks. These market makers often maintain very wide spreads in order to avoid their market making obligations. More stringent excess spread parameters will compel market makers to maintain quotations that are reasonably related to the prevailing market, reinforcing their obligations to make continuous markets. More stringent excess spread parameters will also oblige market makers to update their quotes on both sides of the market, discouraging market makers from focusing on that side of the market where their buy or sell interest lies.

The Commission believes that reinforcing market makers' dealer obligations is an encouraging step in addressing the issue of very wide spreads in certain Nasdaq securities. Nevertheless, the Commission recognizes that narrower excess spread parameters will have little impact on the inside spread—that is, the prevailing best bid and ask prices in a security—or on the quality of customer executions. Excess spread parameters merely compel market makers to maintain quotes that are consistent with the quotes of the other market makers in a security. Tighter inside spreads and better executions are the product of more efficient price competition in the Nasdaq market.

For these reasons, and for the reasons stated above, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A(b)(6) of the Act.[12] Section 15A(b)(6) requires that the NASD's rules be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing and settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In addition, the Commission finds that the proposed rule change is consistent with section 15A(b)(11) of the Act,[13] which requires that the Association's rules relating to quotations be designed to produce fair and informative quotations. Indeed, the proposal also furthers Congressional expectations in enacting the Securities Acts Amendments of 1975 which were intended, in part, to assure the accurate, reliable, and fair publication of quotations and the economically efficient execution of securities transactions.[14]

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the instant rule change be, and hereby is, approved, effective July 26, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13892 Filed 6-11-93; 8:45 am]

BILLING CODE 8010-01-M

[12] 15 U.S.C. 78o-3(b)(6).

[13] 15 U.S.C. 78o-3(b)(11).

[14] 15 U.S.C. 78k-1(a)(1)(C); S. Rep. No. 94-75, 94th Cong., 1st Sess. 104, reprinted in 1975 U.S. Code Cong. and Admin. News 179, 282.

[15] 17 CFR 200.30-3(a)(12).

[Release No. 34-32422; File No. SR-NYSE-93-14]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change Relating to Floor Conduct and Safety Guidelines.

June 7, 1993.

I. Introduction

On March 9, 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 amend the Exchange's Floor Conduct and Safety Guidelines ("Guidelines")[3] to adopt a provision governing clearance procedures for floor clerical personnel. The NYSE requests accelerated approval of the proposed rule change.[4]

The proposed rule change was noticed in Securities Exchange Act Release No. 32294 (May 11, 1993), 58 FR 29019 (May 18, 1993). No comments were received on the proposal.

II. Description of the Proposal

The NYSE proposes to amend its Guidelines to establish a clearance procedure for Floor clerical employees[5] and to provide for the imposition of a $1,000 fine on members or member organizations that fail to comply with the Exchange's floor clerical personnel clearance procedures. The proposal emphasizes that floor clerical personnel must be cleared by the Exchange before they are employed by a member or member organization and have access to the NYSE floor.

The Exchange states that the purpose of the proposed rule change is to ensure the safety and welfare of all individuals on the Exchange Floor, and to foster membership compliance with NYSE Rule 35. NYSE Rule 35 provides, among other matters, that an employee of a member or member organization may not be admitted to the trading floor unless such employee is registered with, and approved by, the Exchange for admittance and until the employer and employee have complied with requirements set forth by the Exchange. The Exchange believes that the imposition of a fine for failure to adhere to these procedures is an appropriate means of insuring compliance with Rule 35.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, with the requirements of sections 6(b) (5), (6) and (7) of the Act.[6] The Commission believes that the NYSE's proposal is

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1991).

[3] The Guidelines were originally adopted in 1977 to ensure that the behavior and practices of individuals on the floor of the Exchange contribute to the efficient, undisrupted conduct of business, and do not jeopardize the safety or welfare of others. See Securities Exchange Act Release No. 13893 (August 26, 1977), 42 FR 45402 (September 9, 1977) (Order announcing immediate effectiveness of File No. SR-NYSE-77-23).

[4] The Exchange states that accelerated effectiveness will enable the Exchange to provide an effective regulatory measure to control access to the floor. *See* letter from Donald Siemer, Director, Market Surveillance, NYSE, to Diana Luka-Hopson, Branch Chief, Commission, dated June 3, 1993.

[5] The proposed clearance procedure states that temporary clerks to be employed up to six weeks must first obtain a form from the ID Card Office, 8 Broad Street lobby, to be completed by the member or member organization and returned to Security, at which time an access control card will be issued for the period requested. Clerks to be employed in excess of six weeks must first be formally registered with Floor Services, 20th Floor, 11 Wall Street. Floor Services will process the clerks and Security will issue access control cards with no time limitations.

[6] 15 U.S.C. 78e, 78f and 78g (1988).

designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Commission also believes that the NYSE's proposal will provide the Exchange with the ability to enforce compliance by its members with the rules of the Exchange and will establish fines for appropriate discipline of members for violation of the floor clerical personnel clearance procedures in accordance with sections 6(b)(6) and 6(b)(7) of the Act.

The Commission believes that the NYSE proposal is a reasonable measure which should help to ensure the security of NYSE staff, members, and the Exchange facility. The proposal addresses important security concerns by establishing a clearance procedure for floor clerical personnel prior to their admission on the floor. In this regard, the proposed rule change is consistent with NYSE Rule 35 which, among other things, prohibits the admittance of an employee of a member or member organization to the trading floor without such employee being registered and approved by the Exchange. The Commission believes that the proposal should contribute to the NYSE's efforts to monitor Exchange security, as well as contribute to the efficient, undisrupted conduct of business on the Exchange.

The Commission believes that the proposal provides appropriate penalties for violations of the clearance procedure. Specifically, the proposed fine for failure to comply with the procedures is reasonable in relation to the infraction because of the NYSE's interest in ensuring the safety of its trading floor and the floor personnel thereon.[7] In addition, because the proposal defines the scope of prohibited conduct, provides notice to members, and is tailored to serve a legitimate Exchange regulatory interest, the proposal provides fair and reasonable procedures for the regulation of trading floor conduct. As a result, the proposal should enhance the members' ability to engage in transactions in securities and thereby, protect investors and the public interest.

Finally, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The NYSE proposal does not substantially alter current NYSE Guidelines nor its procedures. Moreover, the proposal is consistent with NYSE Rule 35 which prohibits the admittance of an employee of a member or member organization on the trading floor without such employee being registered and approved by the Exchange. The Commission finds that accelerated approval will permit the NYSE to effectuate its proposal in a timely manner upon approval.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR-NYSE-93-14) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13889 Filed 6-11-93; 8:45 am]

BILLING CODE 8010-01-M

[7] A member or member organization would be able to appeal any fine levied under this proposal pursuant to the procedures outlined in the Guidelines. *See* letter from Donald Siemer, Director, Market Surveillance, NYSE, to Diana Luka-Hopson, Branch Chief, Commission, dated April 5, 1993.

[8] 15 U.S.C. 78s(b)(2) (1988).

[9] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-32421; File No. SR-NYSE-93-24]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to the Addition of Rule 410B to the "List of Exchange Rule Violations and Fines Applicable Thereto Pursuant to Rule 476A" and Amending Minor Rule Violation Enforcement and Reporting Plan

June 7, 1993

Pursuant to section 19(b)(1) and (d)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rules 19b-4 and 19d-1(c)(2) thereunder[2] notice is hereby given that on May 12, 1993, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

This proposal would revise the List of Exchange Rule Violations and Fines Applicable Thereto Pursuant to Rule 476A ("List") for imposition of fines for minor violations of rules and/or policies by adding to the List Exchange Rule 410B.[3]

The Exchange requests accelerated approval of the proposed rule change. The NYSE believes that accelerated approval would enable it to expedite efforts to improve compliance with Rule 410B.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 476A[4] provides that the Exchange may impose a fine, not to exceed $5,000, on any member, member organization, allied member, approved person, or registered or non-registered employee of a member or member

[1] 15 U.S.C. 78s(b)(1) and (d)(1) (1988).

[2] 17 CFR 240.19b-4 and 19d-1(c)(2) (1991).

[3] The NYSE also has requested approval, under Rule 19d-1(c)(2), 17 CFR 240.19d-1(c)(2), to amend its Rule 19d-1 Minor Rule Violation Enforcement and Reporting Plan ("Plan") to include Rule 410B. See letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Sharon Lawson, Assistant Director, Exchange and Options Regulation, Division of Market Regulation, Commission, dated May 11, 1993.

[4] Rule 476A was approved by the Commission on January 25, 1985 in Securities Exchange Act Release No. 21688, 50 FR 5025 (February 5, 1985). Subsequent additions of rules to the Rule 476A Violations List were made in: Securities Exchange Act Release No. 22037 (May 14 1985); 50 FR 12213 (May 21, 1985); Securities Exchange Act Release No. 22415 (September 17, 1985), 50 FR 38600 (September 23, 1985); Securities Exchange Act Release No. 22496 (October 2, 1985), 50 FR 41084 (October 8, 1985); Securities Exchange Act Release No. 23104 (April 11, 1986), 51 FR 13307 (April 18, 1986); Securities Exchange Act Release No. 24985 (October 22, 1987), 52 FR 23820 (October 29, 1987); Securities Exchange Act Release No. 25763 (May 2, 1988), 54 FR 20925 (June 7, 1988); Securities Exchange Act Release No. 27878 (April 4, 1990), 55 FR 13345 (April 10, 1990); Securities Exchange Act Release No. 28003 (May 9, 1990), 55 FR 20004 (May 14, 1990); Securities Exchange Act Release No. 28505 (October 2, 1990), 55 FR 41288 (October 10, 1990); Securities Exchange Act Release No. 28995 (March 28, 1991), 56 FR 12967 (March 28, 1991); Securities Exchange Act Release No. 30280 (January 22, 1992), 57 FR 34522 (January 29, 1992); Securities Exchange Act Release No. 30536, (March 31, 1992) 57 FR 12357 (April 9, 1992).

organization for a minor violation of certain specified Exchange rules.[5]

The purpose of the Rule 476A procedure is to provide for a response to a rule violation when a meaningful sanction is appropriate but when initiation of a disciplinary proceeding under Rule 476 is not suitable because such a proceeding would be more costly and time-consuming than would be warranted given the minor nature of the violation.[6] Rule 476A provides for an appropriate response to minor violations of certain Exchange rules while preserving the due process rights of the party accused through specified, required procedures. The list of rules which are eligible for 476A procedures specifies those rule violations which may be the subject of fines under the rule and also includes a schedule of fines.

In Exchange filing SR-NYSE-84-17, which initially set forth the provisions and procedures of Rule 476A, the Exchange indicated it would amend the list of rules from time to time, as it considered appropriate, in order to phase-in the implementation of Rule 476A as experience with it was gained. The Exchange's regulatory divisions have amended the List since its initial implementation to include either existing rules or newly approved ones, which are appropriate for inclusion in this particular disciplinary process when violations occur.[7]

The Exchange is presently seeking approval to add Exchange Rule 410B to the List of Rules subject to possible imposition of fines under Rule 476A procedures. Rule 410B requires members and member organizations to report trades in Exchange listed stocks, not otherwise reported to the Consolidated Tape, to the Exchange in an automated format by the next business day.[8]

The purpose of the proposed change to Rule 476A is to facilitate the Exchange's ability to induce compliance with all aspects of the above-named rule.

The Exchange believes that failure to comply with the requirements of this Rule should be addressed with an appropriate sanction and it seeks Commission approval to add violations of these requirements to the rule 476A List.

2. Statutory Basis

The proposed rule change will advance the objectives of section 6(b)(6) of the Act in that it will provide a procedure whereby member organizations can be "appropriately disciplined" in those instances when a rule violation is minor in nature, but a sanction more serious than a warning or cautionary letter is appropriate. The proposed rule change provides a fair procedure for imposing such sanctions, in accordance with the requirements of section 6(b)(7) and 6(d)(1) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-93-24 and should be submitted by July 6, 1993.

IV. Commission's Discussion and Conclusion

In 1984, the Commission adopted amendments to paragraph (c) of Securities Exchange Act Rule 19d-1 to allow SROs to submit, for Commission approval, plans for the abbreviated reporting of minor rule violations.[9] Subsequently, in 1985, the Commission approved an NYSE Plan for the abbreviated reporting of minor rule violations pursuant to Rule 19d-1(c) under the Act. The Plan relieves the NYSE of the current reporting requirements imposed under section 19(d)(1) for violations listed in NYSE Rule 476A. The NYSE Plan, as embodied in NYSE Rule 476A, provides that the Exchange may designate violations of certain rules as minor rule violations. The Exchange may impose a fine, not to exceed $5,000, on any member, member organization, allied member, approved person, or registered or non-registered employee of a member or member organization for a violation of the delineated rules by issuing a citation with a specific penalty.[10] Such person can either accept the penalty, or opt for a full disciplinary hearing on the matter. Fines assessed pursuant to NYSE Rule 476A in excess of $2,500 are not considered pursuant to the Plan and must be reported in a manner consistent with the current reporting requirement of section 19(d)(1) of the Act. The Exchange also retains the option of bringing violations of rules included under NYSE Rule 476A to full disciplinary proceedings, and the Commission expects the Exchange to do so for egregious or repeat violations.

In adopting Rule 19d-1, the Commission noted that the Rule was an attempt to balance the informational needs of the Commission against the reporting burdens of the SROs.[11] In promulgating paragraph (c) of the Rule, the Commission was attempting further to reduce those reporting burdens by permitting, where immediate reporting was unnecessary, quarterly reporting of minor rule violations. The Rule is

[5] See notes 8 and 9, *infra*.

[6] NYSE Rule 476 sets forth procedures for disciplinary proceedings involving charges against members, member organizations, allied members, approved persons or employees.

[7] See note 4, supra.

[8] See Securities Exchange Act Release No. 31358 (October 26, 1992), 57 FR 49736 (November 3, 1992), (File No. SR-91-45).

[9] See Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23833 (June 8, 1984). Pursuant to paragraph (c)(1) of Rule 19d-1, an SRO is required to file promptly with the Commission notice of any "final" disciplinary action taken by the SRO. Pursuant to paragraph (c)(2) of Rule 19d-1, any disciplinary action taken by an SRO for a violation of an SRO rule that has been designated a minor rule violation pursuant to the Plan shall not be considered "final" for purposes of section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his or her administrative remedies. By deeming unadjudicated minor violations as not final, the Commission permits the SRO to report violations on a periodic, as opposed to immediate, basis.

[10] The List is contained under Supplementary Material to Exchange Rule 476A. As discussed in note 8, *supra* only those fines imposed that are not in excess of $2,500 are subject to periodic reporting. Fines imposed pursuant to Rule 476A in excess of $2,500 are deemed final and therefore are subject to immediate reporting to the Commission.

[11] See Securities Exchange Act Release No. 13782 (July 8, 1977), 42 FR 35411 (July 14, 1977).

intended to be limited to rules which relate to areas, such as record keeping or record retention, that can be adjudicated quickly and objectively.

The Commission believes that the Rule 410B reporting requirements meet this criteria and should be added to the list of minor rule violations subject to the Rule 476A minor rule violation plan. In particular, the Commission believes that whether a member or member organization has met the Rule 410B requirement that it report trades in Exchange listed stocks, not otherwise reported to the Consolidated Tape, to the Exchange in an automated format by the next business day, is amenable to quick, objective determinations of compliance. Efficient and equitable enforcement of a violation of the Rule 410B reporting requirement should not entail the complicated factual and interpretative inquiries associated with more sophisticated Exchange disciplinary actions.

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) (1), (6) and (7), 6(d)(1) and 19(d).[12] The proposal is consistent with the section 6(b)(6) requirement that the rules of an exchange provide that its members and persons associated with its members shall be appropriately disciplined for violations of rules of the exchange. In this regard, the proposal provides an efficient procedure for appropriate disciplining of members for a rule violation that is technical and objective in nature. Moreover, because the Plan provides procedural rights to the person fined and permits a disciplined person to request a full hearing on the matter, the proposal provides a fair procedure for the disciplining of members and persons associated with members which is consistent with section 6(b)(7) and 6(d)(1) of the Act.

The Commission also believes that the proposal provides an alternate means by which to deter violations of the reporting requirements of Rule 410B, thus furthering the purposes of section 6(b)(1) of the Act. An exchange's ability to effectively enforce compliance by its members and member organizations with Commission and Exchange rules is central to its self-regulatory functions. Inclusion of a rule in an exchange's minor rule violation plan should not be interpreted to mean it is an unimportant rule. On the contrary, the Commission recognizes that inclusion of rules under a minor rule violation plan may not only reduce reporting burdens on an SRO but also may make its disciplinary system more efficient in prosecuting violations of these rules.

In addition, because the NYSE retains the discretion to bring a full disciplinary proceeding for any violation included on the List, the Commission believes that adding the Rule 410B reporting requirement to the List will enhance, rather than reduce, the NYSE's enforcement capabilities regarding this Exchange Rule.

Finally, the Commission believes that the inclusion of Rule 410B on the List will prove to be an effective alternate response to a violation when the initiation of a full disciplinary proceeding is unsuitable because such a proceeding may be more costly and time-consuming in view of the minor nature of the particular violation.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Commission approved Rule 410B on October 26, 1992, to require members and member organizations to report trades in NYSE listed stocks, not otherwise reported to the Consolidated Tape, to the Exchange in an automated format by the next business day. All members or member organizations have been notified by Exchange Circular of their obligations under the rule. Accordingly, the Commission believes that accelerated approval is appropriate to enable the NYSE to expedite its efforts to improve compliance with Rule 410B.

It therefore is ordered, Pursuant to section 19(b)(2) and Rule 19d-1(c)(2) under the Act,[13] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13894 Filed 6-11-93; 8:45 am]

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[12] 15 U.S.C. 78f(b) (1), (6) and (7), 78f(d)(1) and 78s(d) (1988).

[13] 15 U.S.C. 78s(b)(2) (1988) and 17 CFR 240.19d-1(c)(2) (1991).

[14] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-32429; File No. SR-PSE-93-09]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Amendments to its Equity Transaction Charges

June 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 25, 1993, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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 PSE proposes to amend the Equity Transaction Charges published in the Schedule of Rates for Exchange Services. The Exchange proposes the following amendments to its Schedule of Rates for Exchange Services:[1]

I. PSE EQUITY TRANSACTION CHARGES

A. EXCHANGE TRANSACTIONS PER MONTH

Note: Transaction fees are capped at 50,000 shares per trade side *and at an $80 price per share.*

[C. KEYPUNCH SERVICES

$0.15 for PSE-keypunched side]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] With respect to the following schedule, italicizing indicates new material and brackets indicate material to be deleted.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make two changes to its charges to members for certain equity transactions as published in the Exchange's Schedule of Rates. First, the Exchange proposes to impose an $80 cap on the price per share of stock traded in block trades for purposes of calculating transaction costs. Accordingly, block trades would be calculated at the rate of the actual share price up to $80, and any share price over $80 would be calculated, for PSE charges, using an $80 price. The Exchange believes that the proposed change will make the Exchange a more competitive marketplace for the execution of block trades.

Second, the Exchange is proposing to eliminate its keypunch charge of $0.15 for PSE-keypunched sides of transactions. The elimination of this charge results from the Exchange's improvements to its automated systems, which have substantially eliminated the need for manual trade processing. The Exchange believes that the proposed change will result in charges that are more consistent with the services that the Exchange provides to its members.

2. Statutory Basis

The proposed filing is consistent with Section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable charges among its members and persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange and therefore has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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 PSE. All submissions should refer to File No. SR–PSE–93–09 and should be submitted by July 6, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–13891 Filed 6–11–93; 8:45 am]

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[Release No. 34–32423; File No. SR–PHLX–92–21]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Fines for Infractions of Position/Exercise Limits and Hedge Exemptions

June 7, 1993.

On August 19, 1992, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange"), submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposal to amend its rules by adopting Options Floor Procedure Advice ("OFPA") F–15, entitled "Minor Infractions of Position/Exercise Limits and Hedge Exemptions."[3]

Notice of the proposed rule change was published for comment and appeared in the **Federal Register** on December 29, 1992.[4] No comments were received on the proposal.

Paragraph (a) of OFPA F–15 establishes a fine schedule for minor violations of the Exchange's position and exercise limits.[5] The PHLX proposes to include OFPA F–15 in its minor rule violation plan.[6] Specifically, for position and exercise limit violations amounting to less than 5% of the applicable limit, paragraph (a) provides a fine of $500 for the first occurrence, $1000 for the second occurrence, $2000 for the third occurrence, and a sanction discretionary with the Exchange's Business Conduct Committee ("BCC") for subsequent infractions. Any violation which exceeds the 5% threshold is subject to review by the BCC for formal disciplinary action. The fines established under paragraph (a) also apply to position and exercise limit infractions resulting from lapsed hedged position limit exemptions.

Paragraph (b) of OFPA F–15 exempts from the position and exercise limit aggregation count each option of a stock option position that is hedged by 100

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1992).

[3] The Exchange amended its proposal on December 18, 1992. *See* Letter from Edith Hallahan, Attorney, Market Surveillance, PHLX, to Yvonne Fraticelli, Staff Attorney, Options Branch, Division of Market Regulation ("Division"), Commission, dated December 18, 1992 ("Amendment No. 1"), and again on April 21, 1993. *See* Letter from Edith Hallahan, Attorney, Market Surveillance, PHLX, to Sharon Lawson, Assistant Director, Division, Commission, dated April 21, 1993 ("Amendment No. 2"). Amendment No. 2 provides that (1) OFPA F–15 applies to "minor" rather than "inadvertent" violations of the Exchange's position and exercise limits; and (2) OFPA F–15 and the fine schedule established therein are intended to be incorporated into the PHLX's minor rule violation enforcement and reporting plan, and applied pursuant to PHLX Rule 970.

[4] *See* Securities Exchange Act Release No. 31621 (December 18, 1992), 57 FR 61939.

[5] *See* Exchange Rule 1001, "Position Limits," and Exchange Rule 1002, "Exercise Limits."

[6] *See* Amendment No. 2, *supra* note 3. Pursuant to paragraph (c)(1) of Securities Exchange Act Rule 19d–1, a self-regulatory organization ("SRO") is required to file promptly with the Commission notice of any "final" disciplinary action taken by the SRO. Pursuant to paragraph (c)(2) of Rule 19d–1, any disciplinary action taken by the SRO for violation of an SRO rule that has been designated a minor rule violation pursuant to the plan shall not be considered "final" for purposes of section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his or her administrative remedies. By deeming unadjudicated minor violations as not final, the Commission permit the SRO to report violations on a periodic (quarterly), as opposed to immediate, basis.

shares of the underlying stock or securities convertible into the stock.[7] The exemption is limited to an amount of option contracts no greater than twice the standard limit of the option, and is available for the following permissible hedges: (i) Long stock-short call; (ii) long stock-long put; (iii) short stock-long call; (iv) short stock-short put. A party utilizing the exemption must report his position to the Exchange's Market Surveillance Department in a manner prescribed by the Exchange no later than the close of the business day following the day the exemption is availed upon. Under paragraph (b)(1), failures to provide the Exchange with the requisite hedge exemption form are subject to fines of $100 for the first occurrence, $250 for the second occurrence, $500 for the third occurrence, and a sanction discretionary with the BCC for subsequent infractions.

Paragraph (b)(ii) indicates that the hedge exemptions apply only as long as the hedge is maintained. Accordingly, when the stock side to a hedge exemption is decreased, the appropriate number of options must be liquidated prior to or simultaneously with stock decrease in order to continue to maintain the exemption. Under paragraph (b)(ii), the failure to reduce the respective option position following a decrease in the stock position may result in a fine of $500 for the first occurrence, $2000 for the second occurrence, and a sanction discretionary with the BCC for subsequent infractions, in the case of options positions that exceed the applicable limit by less than 5%. Options positions that exceed the applicable limit by more than 5% are also subject to the disciplinary review by the BCC in accordance with the procedures set forth under the PHLX's Disciplinary Rules.[8]

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)(5), in that proposal is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Specifically, the Commission believes that the fines and sanctions established by OFPA F-15 for position and exercise limit violations not exceeding 5% of the limits should provide the Exchange with a prompt, efficient, and effective means to enforce compliance with its position and exercise limits. As the Commission has noted in the past, the Exchange's position and exercise limits are designed to help the Exchange prevent the establishment of large options positions that can be used to manipulate or disrupt the underlying market so as to benefit the options position.[9] Accordingly, by enhancing the PHLX's ability to enforce its position and exercise limits, the proposal should help the PHLX to provide fair and orderly markets.

In addition, the Commission believes that the fines provided in paragraph (b) should help the PHLX to monitor the use of the hedge exemption by providing a means to sanction individuals who utilize the exemption but fail to provide the Exchange's Market Surveillance Department with the requisite documentation. By helping the PHLX monitor the use of the hedge exemption, the proposal should assist the Exchange in its efforts to detect and deter trading abuses that might arise from the increased position and exercise limits provided by the hedge exemption.

The Commission also believes that the fines provided in paragraph (b)(ii) for failures to reduce an options position after a decrease in the corresponding stock position should encourage members who utilize the exemption to remain fully hedged under the terms of the exemption. In this regard, the Commission believes, as it has found in the past,[10] that when an options position is fully hedged with an offsetting stock position, potential disruptions in the underlying stock market are lessened because the entity with the options position is not required to enter the market to buy or sell the stock if the options are exercised or assigned. In addition, to the extent that an options position is fully hedged with stock, it would be more difficult to profit from an intermarket manipulation because an increase in the value of the options position usually would be accompanied by a corresponding decrease in the value of the stock position.

Section 6(b)(6) of the Act requires that the rules of the Exchange provide that its members be appropriately disciplined for violations of the Act, the rules and regulations thereunder, and the Exchange's rules. The Commission believes that the proposed fines, and enforcement of the violations through the PHLX's minor rule plan as set forth in PHLX Rule 970, are an appropriate disciplinary measure because violations not exceeding 5% of the Exchange's position and exercise limits and the hedge exemption are objective in nature and easily verifiable, and, therefore, the enforcement of these provisions should not entail the complicated factual and interpretive inquiries associated with more sophisticated disciplinary actions. Accordingly, the Commission believes that such violations of the Exchange's position and exercise limits and the hedge exemption lend themselves to the use of the PHLX's minor rule plan and the fines provided for in OFPA F-15. The Commission notes, finally, that the provisions authorizing the Exchange's BCC to impose discretionary sanctions for infractions where the resulting position exceeds 5% of the position and exercise limits, and for infractions after the third violation of the position and exercise limits and the hedge exemption, should provide the Exchange with the flexibility to impose more stringent sanctions for repeated or more egregious violations of the position and exercise limits and the hedge exemption.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change (File No. SR-PHLX-92-21), is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13946 Filed 6-11-93; 8:45 am]

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[7] *See* Securities Exchange Act Release No. 32174 (April 20, 1993) 58 FR 25687 (order extending the PHLX's equity hedge exemption pilot program and expanding the pilot to include securities convertible into stock as a basis for the exemption). Paragraph (b) of OFPA F-15 corresponds to the hedge exemption provided currently in Exchange Rule 1001, Commentary .07. Commentary .07 establishes an exemption from position limits for stock options "hedged" by 100 shares of stock or securities convertible into stock for the following hedge positions: (i) Long call and short stock; (ii) short call and long stock; (iii) long put and long stock; and (iv) short put and short stock. *See also* Securities Exchange Act Release No. 25738 (May 24, 1988), 53 FR 20201 (order approving File Nos. SR-Amex-87-13, SR-CBOE-87-27, and SR-PHLX-87-32) ("Hedge Exemption Approval Order"). Under Commentary .07, a member or member organization who utilizes the automatic hedge exemption must file a form with the Exchange's Market Surveillance Department no later than the close of the business day following the day the exemption is utilized.

[8] *See* Amendment No. 1, *supra* note 3.

[9] *See* Hedge Exemption Approval Order, *supra* note 7.

[10] *See* Hedge Exemption Approval Order, *supra* note 7.

[11] 15 U.S.C. 78s(b)(2) (1982).

[12] 17 CFR 200.30-3(a)(12) (1992).

[Rel. No. IC-19516; 811-3362]

PMI Fund, Inc.; Notice of Application

June 7, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: PMI Fund, Inc. (the "Fund").

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that the Fund has ceased to be an investment company under the Act.

FILING DATE: The application on Form N-8F was filed on July 6, 1992 and amended on February 1, 1993, May 11, 1993, and May 20, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 1, 1993, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington DC 20549. Applicant, 211 Corporation Way, Medford, MA 02155.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272-2190, or Barry D. Miller, Senior Special Counsel, (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. The Fund is a closed-end, non-diversified, management investment company incorporated under the laws of Delaware. The Fund registered as an investment company under the Act on December 24, 1981. Prior to registration, the Fund was an operating company.

2. On March 25, 1992, the Fund's board of directors approved a plan of liquidation and dissolution (the "Plan"). On that date, a majority of the Fund's shareholders also approved the Plan by written consent. Pursuant to Delaware law, the Fund mailed a notice of the liquidation to each shareholder of record as of April 6, 1992.

3. Pursuant to the liquidation, the Fund offered its portfolio of municipal bonds to several institutions for competitive bids and sold the portfolio to the highest bidder, the Bank of Boston, the Fund's custodian. No brokerage commissions were incurred in this transaction.

4. On or after April 7, 1992, applicant paid its shareholders their proportionate share of applicant's net asset value in the form of a cash dividend of $.089 per share, a long-term capital gain distribution of $.4079 per share, and a final liquidating distribution of $4.585 per share.

5. At the time of filing the application, applicant could not locate 83 shareholders to distribute their *pro rata* portion of the Fund's net asset value. Applicant represents that Delaware law requires applicant to distribute the unclaimed assets to the unclaimed property administration of the states in which the shareholders reside. After several attempts to locate the shareholders, applicant distributed a total of $109,559.96 to eight states on January 26, 1993.

6. Applicant paid $2,736.42 in legal, bookkeeping and mailing expenses related to the liquidation.

7. As of the date of the application, applicant has filed a certificate of dissolution with the State of Delaware.

8. As of the date of the application, the Fund had no assets, debts, liabilities or securityholders, and was not a party to any litigation or administrative proceeding.

9. The Fund is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-13890 Filed 6-11-93; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2629]

California; Declaration of Disaster Loan Area; Amendment #6

The above-numbered Declaration is hereby amended, effective June 1, 1993, to include the Pit River Indian Tribe in Shasta County, California as a disaster area as a result of damages caused by winter storms, mud and rock slides, and flooding which occurred January 5 through January 22, 1993.

Because the termination date for filing applications for physical damage closed on June 1, 1993, victims located in the above-named area may file applications for physical damage until the close of business on July 1, 1993, 30 days from the date of the amendment. The termination date for filing applications for economic injury remains the close of business on November 3, 1993.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 7, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93-13919 Filed 6-11-93; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2644]

Missouri; Declaration of Disaster Loan Area, Amendment #2

The above-numbered Declaration is hereby amended according to notifications from the Federal Emergency Management Agency dated May 26 and May 29, 1993 to include Ralls County as a disaster area as a result of damages caused by severe storms and flooding, and to establish the incident period for this disaster as beginning on April 15 and continuing through May 29, 1993.

All counties contiguous to the above-named county have previously been declared.

All other information remains the same, i.e., the termination date for filing applications for physical damage is July 10, 1993 and for economic injury the date is February 11, 1994.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 7, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93-13918 Filed 6-11-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

DATES: June 8, 1993.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to Edward Clarke, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395–7340. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB official of your intent immediately.

FOR FURTHER INFORMATION CONTACT: Copies of the DOT information collection requests submitted to OMB may be obtained from Susan Pickrel or Annette Wilson, Information Management Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4735.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to OMB for approval or renewal under that Act. OMB reviews and approves agency submissions in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Items Submitted to OMB for Review

The following information collection requests were submitted to OMB on June 8, 1993:

DOT No.: 3728.
OMB No.: 2133–0011.
Administration: Maritime Administration.
Title: War Risk Insurance—Applications and Related Information.
Need for Information: The information is needed to obtain War Risk Insurance from the U.S. Government when such insurance is unavailable on reasonable terms from the commercial market.
Proposed Use of Information: The information collected is used to determine the eligibility of the applicant and the vessel for participation in the War Risk Insurance program.
Frequency: On occasion.
Burden Estimate: 930 hours.
Respondents: Vessel owners and charterers.
Form(s): MA–528, MA–942, MA–355, and MA–828.
Average Burden Hours Per Response: 32 minutes reporting.

DOT No.: 3729.
OMB No.: 2115–0105.
Administration: U.S. Coast Guard.
Title: Evidence of Competency; Person in Charge.
Need for Information: This information collection is needed to reduce the risk of accidents caused by human error that may occur at waterfront facilities which handle dangerous cargo.
Proposed Use of Information: Coast Guard will use this information to determine if persons in charge of bulk liquid dangerous cargo transfer operations are qualified to transfer this type of cargo.
Frequency: On occasion.
Burden Estimate: 3 hours.
Respondents: Persons in charge of waterfront facilities.
Form(s): None.
Average Burden Hours Per Response: 30 minutes reporting.

DOT No.: 3730.
OMB No.: 2133–0504.
Administration: Maritime Administration.
Title: Regulations for Making Excess or Surplus Federal Property Available to the U.S. Merchant Marine Academy, the State Maritime Academies and Approved Non-Profit Maritime Training Institutions.
Need for Information: The information collection provides a justification for the intended use of excess or surplus property by a maritime training institute.
Proposed Use of Information: MARAD will use the information to facilitate the process of transferring excess or surplus property to the requesting institution.
Frequency: As required.
Burden Estimate: 120 hours.
Respondents: Maritime training institutions.
Form(s): None.
Average Burden Hours Per Response: 1 hour reporting.

DOT No.: 3731.
OMB No.: New.
Administration: U.S. Coast Guard.
Title: Periodic Gauging and Engineering Analyses.
Need for Information: This information collection requirement is needed by the Coast Guard to ensure that minimum standards are established for plating thickness of tank vessels over 30 years old in accordance with the Oil Pollution Act of 1990.
Proposed Use of Information: Coast Guard will use this information to evaluate and verify the structural integrity of tank vessels over 30 years old before reissuing a Certificate of Inspection.
Frequency: Every five years.
Burden Estimate: 23,664 hours.
Respondents: Owners and operators of tank vessels.
Form(s): None.
Average Burden Hours Per Response: 58 hours reporting.

DOT No.: 3732.
OMB No.: 2132–0549.
Administration: Federal Transit Administration.
Title: Technical Activities Form.
Need for Information: Data is needed to indicate how the planning process responds to identified goals, objectives, and policies of Congress and the Administration.
Proposed Use of Information: Data is used by FTA grantees to specify how funds are utilized for pre-defined work activities and on annual reports to Congress.
Frequency: On occasion.
Burden Estimate: 150 hours.
Respondents: State or local governments, business or other for-profit organizations.
Form(s): None.
Average Burden Hours Per Response: 1 hour reporting; 1 hour recordkeeping.

DOT No.: 3733.
OMB No.: 2132–0540.
Administration: Federal Transit Administration.
Title: Title VI as it Applies to FTA Grant Programs.
Need for Information: FTA needs this information to determine grantee compliance with Title VI of the 1964 Civil Rights Act.
Proposed Use of Information: The information will enable FTA to ensure non-discrimination in the distribution of transportation services and related benefits.
Frequency: On occasion, every three hours.
Burden Estimate: 2,883 hours.
Respondents: Grant applicants, recipients, and subrecipients.
Form(s): None.
Average Burden Hours Per Response: 7 hours reporting; 1 hour recordkeeping.

DOT No.: 3734.
OMB No.: 2132–0542.
Administration: Federal Transit Administration.
Title: Section 19 (EEO) as it Applies to FTA Grant Programs.
Need for Information: The data is needed to aid FTA in monitoring transit operation compliance with applicable EEO laws, rules, regulations, and statutes.
Proposed Use of Information: The information will be used to ensure that minorities and women have equitable access to employment opportunities and that recipients of Federal funds do not discriminate against any employee or applicant because of race, color, religion, sex, or national origin.
Frequency: On occasion, every three years, annually.
Burden Estimate: 6,000 hours.
Respondents: Grant recipients.
Form(s): None.
Average Burden Hours Per Response: 39 hours reporting; 1 hour recordkeeping.

DOT No.: 3735.
OMB No.: 2115–0594.
Administration: U.S. Coast Guard.
Title: Additional Requirements for Prince William Sound, Alaska.
Need for Information: This information collection is needed to ensure that spill response organizations and vessels carrying oil in bulk have oil spill response plans available while operating in Prince William Sound, Alaska.
Proposed Use of Information: This information will be used to determine if the response plans provide for prepositioned oil spill containments, removal equipment, an oil spill removal organization, training of local residents in oil spill removal, containment techniques, practice exercises, periodic testing and certification of equipment to protect this environmentally sensitive area.
Frequency: On occasion.
Burden Estimate: 1,280 hours.
Respondents: Spill response facilities and tank vessel owners.
Form(s): None.
Average Burden Hours Per Response: 293 hours and 20 minutes reporting; 400 hours recordkeeping.

DOT No.: 3736.
OMB No.: 2115–0096.
Administration: U.S. Coast Guard.
Title: Oil and Hazardous Materials Pollution Prevention and Safety Records, Equivalents/Alternatives and Exemptions.
Need for Information: The information collection requirement contained in this regulation is needed to: (1) Prevent or mitigate the result of an accidental release of bulk liquid hazardous materials being transferred at waterfront facilities; (2) ensure that facilities and vessels which use vapor control systems are in compliance with the safety standards developed by the Coast Guard; (3) provide equipment and operational requirements for facilities and vessels that transfer oil or hazardous materials in bulk to and from vessels with a 250 or more barrel capacity; and (4) provide procedures for vessel or facility operators who request exemption or partial exemption from the requirements of the pollution prevention regulations.
Proposed Use of Information: This information collection requirement will be used to minimize the number and impact of pollution discharges and accidents occurring during transfer of oil or hazardous materials. This requirement will also be used to evaluate proposed alternatives and requests for exemptions.
Frequency: On occasion.
Burden Estimate: 112,094 hours.
Respondents: Facility and vessel operators of bulk oil and hazardous materials.
Form(s): None.
Average Burden Hours Per Response: 4 hours and 21 minutes reporting; 5 minutes recordkeeping.

DOT No.: 3737.
OMB No.: 2115–0539.
Administration: U.S. Coast Guard.
Title: Special Requirements for Cargo Lightering Operations.
Need for Information: This information collection is needed to comply with the requirements of the Port and Tanker Safety Act of 1978 regarding lightering of oil and hazardous materials in the navigable waters of the United States or the high seas.
Proposed Use of Information: This information collection will be used to allow the Coast Guard to respond to an oil or hazardous material spill in a timely manner, which in turn, will minimize the environmental damage caused by such spills.
Frequency: On occasion.
Burden Estimate: 125 hours.
Respondents: Owners and operators of tank vessels.
Form(s): None.
Average Burden Hours Per Response: 15 minutes reporting.

DOT No.: 3738.
OMB No.: 2115–0078.
Administration: U.S. Coast Guard.
Title: Operations Manual and Amendments.
Need for Information: This information collection is needed to ensure that operations manuals are maintained at marine bulk oil and hazardous materials facilities. The operations manual establishes proper procedures in the transfer of oil in order to prevent or reduce oil spills caused by human error. Periodic amendments are required to accommodate changes in circumstances or in the regulations.
Proposed Use of Information: The operations manual and amendments, once approved by the Coast Guard, will be used by the person in charge of transfer operations.
Frequency: On occasion.
Burden Estimate: 3,536 hours.
Respondents: Owners or operators of marine bulk oil or hazardous materials facilities.
Form(s): None.
Average Burden Hours Per Response: 54 minutes reporting; 5 minutes recordkeeping.

DOT No.: 3739.
OMB No.: New.
Administration: U.S. Coast Guard.
Title: Structural and Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls.
Need for Information: This information collection is needed by the Coast Guard to ensure that tank vessels over 5,000 gross tons that carry oil comply with certain structural and operational requirements. These requirements will provide substantial protection to the environment. It will also reduce oil outflow from single hull vessels until they are required to be fitted with a double hull.
Proposed Use of Information: Coast Guard will use this information to determine if a vessel's construction, arrangement and/or equipment meet the standards as required by the regulations.
Frequency: One time.
Burden Estimate: 592,956 hours.
Respondents: Owners or operators of single hull tank vessels over 5,000 gross tons.
Form(s): None.
Average Burden Hours Per Response: 2,534 hours reporting.

DOT No.: 3740.
OMB No.: 2132–0550.
Administration: Federal Transit Administration.
Title: Bus Testing Requirements.
Need for Information: The information is needed to provide performance information on new bus models.
Proposed Use of Information: The information will be used by transit agencies in their lease and purchase decisions regarding new bus models.
Frequency: On occasion.

Burden Estimate: 60 hours.
Respondents: Business or other for-profit organizations.
Form(s): None.
Average Burden Hours Per Response: 3 hours reporting.
DOT No.: 3741.
OMB No.: 2115–0077.
Administration: U.S. Coast Guard.
Title: Letter of Intent.
Need for Information: This information collection requirement is needed by the Coast Guard to ensure that waterfront facilities that transfer oil or hazardous materials or change ownership are in compliance with the Ports and Waterways Safety Act.
Proposed Use of Information: The information collection will be used by the Coast Guard to alert its enforcement personnel, in case of an emergency, that a transfer of hazardous materials or change in ownership is to take place.
Frequency: On occasion.
Burden Estimate: 720 hours.
Respondents: Owners or operators of marine bulk oil or hazardous materials facilities.
Form(s): None.
Average Burden Hours Per Response: 1 hour and 20 minutes reporting; 6 minutes recordkeeping.
DOT No.: 3742.
OMB No.: 2115–0541.
Administration: U.S. Coast Guard.
Title: Barges Carrying Bulk Hazardous Materials.
Need for Information: The information collection is needed by the Coast Guard to determine if tank barges transporting hazardous materials in bulk are in compliance with the safety standards of 46 CFR part 151.
Proposed Use of Information: Coast Guard will use this information collection to evaluate barge design, conduct inspections to determine if barges are in compliance with the regulations and to ensure that crew members have the necessary information to operate the barges safely.
Frequency: On occasion.
Burden Estimate: 12,009 hours.
Respondents: Owners or operators of barges.
Form(s): None.
Average Burden Hours Per Response: 1 hour and 41 minutes reporting; 5 hours and 20 minutes recordkeeping.
DOT No.: 3743.
OMB No.: 2133–0516.
Administration: Maritime Administration.
Title: Tug Operators Report.
Need for Information: This information collection provides a current and detailed knowledge of the tug resources which could be made available for towing Ready Reserve Force vessels to activation facilities.
Proposed Use of Information: The information will be used to plan allocation of Ready Reserve Force vessels to specific layup locations and activation facilities and to establish activation priorities.
Frequency: On occasion.
Burden Estimate: 40 hours.
Respondents: Tug operators.
Form(s): None.
Average Burden Hours Per Response: 20 minutes reporting.
DOT No.: 3744.
OMB No.: 2115–0089.
Administration: U.S. Coast Guard.
Title: Recordkeeping/Reporting Requirements in Rules for Ships Carrying Bulk Hazardous Liquid.
Need for Information: This information requirement is needed to ensure the safe transport of bulk hazardous liquids on chemical tank vessels and to protect the environment from pollution.
Proposed Use of Information: This information collection requirement will be used by the Coast Guard to enforce Annex II of MARPOL and to ensure that crew members have sufficient information to operate vessels that are carrying hazardous materials.
Frequency: On occasion.
Burden Estimate: 7,544 hours.
Respondents: Owners or operators of chemical tanks.
Form(s): CG 4602B.
Average Burden Hours Per Response: 3 hours and 27 minutes reporting; 17 hours and 55 minutes recordkeeping.
DOT No.: 3745.
OMB No.: 2115–0100.
Administration: U.S. Coast Guard.
Title: Marine Transport of Bulk Solid Hazardous Materials.
Need for Information: This information collection is needed by the U.S. Coast Guard to administer and enforce the laws and regulations for the safe transportation and stowage of hazardous materials, including bulk solids.
Proposed Use of Information: This information collection will be used to make a well-informed determination by the Coast Guard as to the severity of the hazard posed by the material being shipped. This will allow the Coast Guard to set sufficient guidelines for safe carriage of the hazardous material or deny permission for shipping the material if it presents a great hazard to the environment.
Frequency: On occasion.
Burden Estimate: 550 hours.
Respondents: Owners or operators of solid bulk cargo vessels or barges.
Form(s): None.
Average Burden Hours Per Response: 52 minutes reporting.
DOT No.: 3746.
OMB No.: 2127–0510.
Administration: National Highway Traffic Safety Administration.
Title: Consolidated Vehicle Identification Number Requirements and Motor Vehicle Theft Prevention Standards, 49 CFR 571.115, and parts 541, 565 and 567.
Need for Information: This information collection is needed to ensure that motor vehicle manufacturers assign a unique vehicle identification number to each new vehicle and mark major component parts on high theft motor vehicle lines.
Proposed Use of Information: The information will be used to identify motor vehicles subject to recall; to calculate motor vehicle theft rates; to monitor manufacturer compliance with safety standards; to aid in law enforcement activities; to decrease the market for stolen parts; and to decrease the incentive for motor vehicle theft.
Frequency: On occasion.
Burden Estimate: 376,592 hours.
Respondents: Manufacturers.
Form(s): None.
Average Burden Hours Per Response: 11 minutes reporting; 10 hours recordkeeping.
DOT No.: 3747.
OMB No.: 2127–0021.
Administration: National Highway Traffic Safety Administration.
Title: National Accident Sampling System (NASS) Crashworthiness Data System.
Need for Information: This information collection is needed to provide NHSTA with nationally representative data on motor vehicle crashes.
Proposed Use of Information: The data is used to analyze circumstances, mechanisms and consequences of high severity motor vehicle crashes; to determine traffic safety problems; to design countermeasures; and to evaluate the effects of existing and proposed safety measures.
Frequency: On occasion.
Burden Estimate: 5,807 hours.
Respondents: Individuals/State or Local Governments.
Form(s): HS–433A and HS–433B.
Average Burden Hours Per Response: 20 minutes reporting.
DOT No.: 3748.
OMB No.: 2115–0505.
Administration: U.S. Coast Guard.
Title: Plan Approval for Various Vessels Certificated under 46 CFR subchapters D, H, I, I–A, J, R, and U.

Need for Information: This information collection requirement is needed to determine if a vessel's construction, arrangement and equipment are in full compliance with the marine safety regulations and in addition, meet the standards of the Safety of Life at Sea Convention.

Proposed Use of Information: Coast Guard will use this information collection to review and approve plans prior to the construction of various vessels to assure that they are designed in accordance with regulatory standards. This requirement is also intended to ensure that sufficient information is provided to vessel personnel is the safe operation of the vessel.

Frequency: On occasion.

Burden Estimate: 8,288 hours.

Respondents: Shipbuilders and owners.

Form(s): None.

Average Burden Hours Per Response: 30 minutes reporting.

DOT No.: 3749.

OMB No.: 2125–0536.

Administration: Federal Highway Administration.

Title: Motor Carrier Safety Assistance Program.

Need for Information: This information collection is needed to determine State compliance with specific legislative and administrative requirements for grant funds.

Proposed Use of Information: The FHWA will use the information to monitor and evaluate the progress of each State program for grants and to justify grants.

Frequency: Quarterly.

Burden Estimate: 1,540 hours.

Respondents: State highway agencies.

Form(s): FHWA Form MCSAP–3.

Average Burden Hours Per Response: 3 hours and 6 minutes reporting; 12 hours recordkeeping.

DOT No.: 3750.

OMB No.: 2105–0508.

Administration: Federal Highway Administration.

Title: Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs.

Need for Information: This information collection is needed to monitor changes in the level of activity and expenditures; and (2) to measure the impact on grantee agencies and affected families and businesses.

Proposed Use of Information: The information will be used to ascertain the utility of the program, the number of people affected and the cost.

Frequency: Once every three years.

Burden Estimate: 30,689 hours.

Respondents: State highway, transit and airport agencies.

Form(s): Statistical Report Form.

Average Burden Hours Per Response: 8 hours and 30 minutes reporting; 22 hours and 20 minutes recordkeeping.

DOT No.: 3751.

OMB No.: 2127–0554.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR part 538, Minimum Driving Range for Dual Energy and Natural Gas Dual Energy Passenger Automobiles.

Need for Information: NHTSA established driving ranges for dual energy and natural gas dual energy passenger cars when operating on alternative fuel. Data is needed to track the minimum driving range standards.

Proposed Use of Information: The information will be used by NHTSA to determine whether a manufacturer qualifies for a reduced driving range standard, to evaluate the need for a lower standard, and to establish a level for that standard.

Frequency: On occasion.

Burden Estimate: 800 hours.

Respondents: Manufacturers.

Form(s): None.

Average Burden Hours Per Response: 80 hours.

DOT No.: 3752.

OMB No.: 2120–0098.

Administration: Federal Aviation Administration.

Title: Airplane Operator Security—FAR 108.

Need for Information: The information is needed to ensure that air carriers are carrying out their responsibilities under the law with regard to the protection of persons and property against acts of criminal violence and aircraft piracy.

Proposed Use of Information: The information is used to ensure compliance, and is reviewed at least annually by FAA civil aviation security inspectors to ensure that the contents are current, complete, and correct.

Frequency: On occasion.

Burden Estimate: 6,986 hours.

Respondents: Air carriers.

Form(s): FAA Form 1650–17.

Average Burden Hours Per Response: 1 hour and 22 minutes reporting.

DOT No.: 3753.

OMB No.: 2120–0063.

Administration: Federal Aviation Administration.

Title: Airport Operating Certificate.

Need for Information: The information is needed to determine eligibility for issuance of an Airport Operating Certificate.

Proposed Use of Information: The information is used to ensure safe operating conditions at airports serving air carriers. To operate an airport serving air carriers, a person must obtain and maintain an Airport Operating Certificate. The application initiates the certification process including airport inspection and documentation of safe airport operations and equipment. The certification remains valid if safety standards are maintained as verified by inspections, records, and reports.

Frequency: On occasion.

Burden Estimate: 173,069 hours.

Respondents: State or local governments.

Form(s): FAA Forms 5280–1 and 5280–2.

Average Burden Hours Per Response: 58 hours and 28 minutes reporting; 243 hours recordkeeping.

DOT No.: 3754.

OMB No.: 2120–0500.

Administration: Federal Aviation Administration.

Title: Aviation Safety Inspector Employment Application.

Need for Information: The information is needed to examine and evaluate applicants' qualifications for aviation safety inspector positions, establish competitive registers, and issue certificates of eligibles.

Proposed Use of Information: The information collection will be used for computerized rating and ranking of aviation safety inspector applicants on civil service registers of eligibles maintained by FAA.

Frequency: On occasion.

Burden Estimate: 6,655 hours.

Respondents: Individuals applying for Aviation Safety Inspector positions.

Form(s): FAA Form 3330–47–1, FAA Form 3330–47–2, and FAA Form 3330–47–3.

Average Burden Hours Per Response: 1 hour and 20 minutes reporting.

DOT No.: 3755.

OMB No.: 2120–0507.

Administration: Federal Aviation Administration.

Title: SFAR–36 Development of Major Repair Data.

Need for Information: The information is needed to provide authorization that will enable the certificate holder to use major repair data it develops for approving an aircraft, airframe, aircraft engine, propellers, or appliance for return to service after a major repair.

Proposed Use of Information: SFAR–36 relieves qualifying applicants (repair stations, air carriers, air taxis and commercial operators) of the burden of

obtaining FAA approval of data developed by them for major repairs on a case-by-case basis and provides for one-time approvals.

Frequency: On occasion.

Burden Estimate: 658 hours.

Respondents: Repair stations, air carriers, air taxis and commercial operators.

Form(s): None.

Average Burden Hours Per Response: 43 hours reporting; 10 hours recordkeeping.

DOT No.: 3756.

OMB No.: 2127–0521.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR 571.116, Motor Vehicle Brake Fluids.

Need for Information: The information is needed to ensure compliance with Federal Motor Vehicle Safety Standard 116, which requires manufacturers and packagers of brake fluids to furnish certain information to buyers when purchasing brake fluids.

Proposed Use of Information: The information will be used by owners or operators and service people to select the proper brake fluids and mineral oils for use in vehicles and to properly store the materials. The labeling on fluid containers will help ensure that only complying fluid is sold, and facilitate NHTSA's enforcement efforts by identifying the packagers or manufacturers not complying.

Frequency: On occasion.

Burden Estimate: 140,000 hours.

Respondents: Manufacturers, Packagers.

Form(s): None.

Average Burden Hours Per Response: 7 seconds.

DOT No.: 3757.

OMB No.: 2127–0002.

Administration: National Highway Traffic Safety Administration.

Title: Motor Vehicle Importation.

Need for Information: Title 49 CFR parts 591, 592, 593 and 594 provide procedural guidelines and regulations for importing motor vehicles into the United States. The information collection is needed to ensure compliance with applicable safety standards.

Proposed Use of Information: The information will be used by NHTSA to authorize motor vehicle importation. The importer must be registered and accepted by NHTSA or have a contract with a person that is registered to import vehicles. The importer must submit a petition for determination that the nonconforming vehicle is eligible for importation. Any person importing a motor vehicle that has not been manufactured by its original manufacturer for sale in the United States, shall furnish an appropriate bond to ensure that the vehicle will be brought into conformance with all applicable safety standards.

Frequency: On occasion.

Burden Estimate: 16,876 hours.

Respondents: Individuals and manufacturers.

Form(s): HS–7 and HS–474.

Average Burden Hours Per Response: 5 minutes reporting.

DOT No.: 3758.

OMB No.: 2125–0032.

Administration: Federal Highway Administration.

Title: A Guide to Reporting Highway Statistics.

Need for Information: The FHWA needs highway-related statistical information to monitor and evaluate the effectiveness of the Federal-aid highway program, and to analyze the effect of changes in the program.

Proposed Use of Information: The information collection serves as a reference to the reporting system that FHWA desires the States to use in reporting State and local highway statistical data.

Frequency: On occasion, monthly, annually, biennially.

Burden Estimate: 33,508 hours.

Respondents: State highway agencies.

Form(s): FHWA–531, 532, 534, 541, 543, 551M, 556, 561, 562, 571, 536, 566, and 524.

Average Burden Hours Per Response: 8 hours and 42 minutes reporting.

DOT No.: 3759.

OMB No.: 2133–0012.

Administration: Maritime Administration.

Title: Requirements for Establishing U.S. Citizenship.

Need for Information: Shipowners and others seeking benefits under the Merchant Marine Act of 1936, as amended, including certain participants in the ship financing guarantee program, must qualify as a citizen of the United States. This information collection provides MARAD with a sworn affidavit as evidence of U.S. citizenship from each participant in a given transaction.

Proposed Use of Information: MARAD will use the information to determine whether or not a corporation, partnership or association meets the requirements for U.S. citizenship, and to enforce statutory compliance.

Frequency: Annually.

Burden Estimate: 1,500 hours.

Respondents: Shipowners, charterers, equity owners.

Form(s): None.

Average Burden Hours Per Response: 5 hours reporting.

DOT No.: 3760.

OMB No.: 2130–0516.

Administration: Federal Railroad Administration.

Title: Remotely Controlled Railroad Switch Operations.

Need for Information: The information collection is needed to ensure that remotely controlled switches are lined so as to protect the lives and safety of railroad workmen or occupants of camp cars. Title 49 CFR parts 218.30 and 218.67 require the operators of remotely controlled switches to maintain a record of each notification requesting blue signal protection.

Proposed Use of Information: The information will be used by operators as a record of protection provided under blue signal protection of workmen and camp cars. The information serves as a valuable tool for use by railroad supervisory personnel, as well as FRA inspectors in regulatory enforcement compliance activity.

Frequency: Recordkeeping.

Burden Estimate: 240,608 hours.

Respondents: Railroads.

Form(s): None.

Average Burden Hours Per Response: 601 hours recordkeeping.

DOT No.: 3761.

OMB No.: 2138–0013.

Administration: Research and Special Programs Administration.

Title: Report of Financial and Operating Statistics for Large Certificated Air Carriers.

Need for Information: Large certificated air carriers are required by 14 CFR part 241 to file Form 41, which comprises financial and statistical schedules, including balance sheet, profit and loss information and operating statistics.

Proposed Use of Information: The data will be used for monitoring the condition of the air transport industry; evaluating trends and new innovations; monitoring individual carrier operations; negotiating international agreements; and determining air carrier fitness and regulatory compliance.

Frequency: Monthly, quarterly, semiannually, annually.

Burden Estimate: 21,011 hours.

Respondents: U.S. large certificated air carriers.

Form(s): RSPA Form 41.

Average Burden Hours Per Response: 5 hours reporting.

DOT No.: 3762.

OMB No.: 2120–0027.

Administration: Federal Aviation Administration.

Title: Application for Certificate of Waiver or Authorization.

Need for Information: The information is needed to determine the type and extent of the intended deviation from prescribed regulations.

Proposed Use of Information: After reviewing the information collected on FAA Form 7711–2, Application for Certificate of Waiver or Authorization, a certificate of waiver or authorization to deviate is generally issued to the applicant if the proposed operation does not create a hazard to person, property, or other aircraft.

Frequency: On occasion.

Burden Estimate: 13,646 hours.

Respondents: Individuals and businesses.

Form(s): FAA Form 7711–2.

Average Burden Hours Per Response: 32 minutes reporting.

DOT No.: 3763.

OMB No.: 2130–0517.

Administration: Federal Railroad Administration.

Title: Supplemental Qualifications Statement for Railroad Safety Inspection Applicants.

Need for Information: The information is needed to determine the specialized skills of applicants for Railroad Safety Inspector positions.

Proposed Use of Information: The information is used to evaluate and rank the qualifications of applicants for Railroad Safety Inspector positions.

Frequency: On occasion.

Burden Estimate: 6,000 hours.

Respondents: Individuals.

Form(s): FRA–F–120.

Average Burden Hours Per Response: 3 hours reporting.

DOT No.: 3764.

OMB No.: 2127–0049.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR part 575, Consumer Information Regulations.

Need for Information: The information collection is needed to provide performance and safety information to new motor vehicle purchasers.

Proposed Use of Information: NHTSA will use the information to monitor and enforce regulatory compliance; dealers selling the vehicles will provide the consumer with information to compare the safety performance attributes of various vehicles before making a purchase; and the first purchaser of a motor vehicle will be provided with a permanent record of the vehicle's performance capabilities.

Frequency: On occasion.

Burden Estimate: 507 hours.

Respondents: Manufacturers.

Form(s): None.

Average Burden Hours Per Response: 13 hours reporting.

DOT No.: 3765

OMB No.: 2125–0033.

Administration: Federal Highway Administration.

Title: Statement of Materials and Labor Used by Contractors on Highway Construction Involving Federal Funds.

Need for Information: The information collection provides the FHWA with information on usage of materials and labor in Federal-Aid highway construction.

Proposed Use of Information: FHWA uses the information to estimate current material usage and cost distribution on Federal-aid highway construction contracts. The information is also used by the Department of Labor in its studies in labor and materials requirements by industry.

Frequency: On occasion.

Burden Estimate: 7,475 hours.

Respondents: State highway agencies.

Form(s): FHWA–47.

Average Burden Hours Per Response: 5 hours reporting.

DOT No.: 3766.

OMB No.: 2125–0037.

Administration: Federal Highway Administration.

Title: Inspection, Repair and Maintenance.

Need for Information: Title 49 CFR 396 requires motor carriers to maintain records on inspection, repair and maintenance activities.

Proposed Use of Information: The information is used by FHWA and State personnel when conducting audits of motor carrier operations to determine a carrier's overall level of compliance with safety regulations.

Frequency: Recordkeeping.

Burden Estimate: 16,632,939 hours.

Respondents: Motor carriers.

Form(s): None.

Average Burden Hours Per Response: Recordkeeping requirement (one year retention period).

DOT No.: 3767.

OMB No.: 2115–0003.

Administration: U.S. Coast Guard.

Title: Chemical Drug and Alcohol Testing of Commercial Vessel Personnel and Commercial Vessel and Personnel Accidents.

Need for Information: This information collection is needed: (1) to improve the Coast Guard's capability to detect or reduce drug use by the commercial mariner; (2) to deny the issuance of seaman's papers to users of dangerous drugs; and (3) to be informed of marine accidents that involve death, serious injury and material damage affecting the seaworthiness of a vessel.

Proposed Use of Information: This information will be used by the Coast Guard to identify users of dangerous drugs and alcohol in the merchant marine industry and to determine if certain applicants are qualified to be issued seaman's papers. The marine casualty information will be used to determine the extent of an investigation and what corrective action is to be taken. This information will also be used by other Federal, state or local agencies for civil or criminal enforcement actions.

Frequency: On occasion.

Burden Estimate: 16,883 hours.

Respondents: Commercial marine industry.

Form(s): CG–2692, CG–2692–A, CG–2692–B.

Average Burden Hours Per Response: 54 minutes reporting; 24 minutes recordkeeping.

DOT No.: 3768.

OMB No.: New.

Administration: Federal Aviation Administration.

Title: Special Federal Aviation Regulation—Special Flight Authorization for Noise Restricted Aircraft.

Need for Information: Under part 91, operators of large turbojet aircraft (Stage 1 and some Stage 2 noise level) are prohibited at U.S. airports unless compliance with Part 36 noise levels is demonstrated. Therefore, operators (foreign, domestic, and corporate) will need a special flight authorization to bring into the United States, or move within the United States, aircraft that need to be modified to meet compliance or to be disposed of.

Proposed Use of Information: The FAA will use the information to issue special flight authorizations for the operation of a Stage 1 or Stage 2 aircraft at U.S. airports.

Frequency: On occasion.

Burden Estimate: 75 hours.

Respondents: Operators of noise restricted aircraft.

Form(s): None.

Average Burden Hours Per Response: 1 hour and 30 minutes reporting.

DOT No.: 3769.

OMB No.: 2120–0565.

Administration: Federal Aviation Administration.

Title: Federal Aviation Administration, Alaskan Region Air Traffic Division Aviator Questionnaire.

Need for Information: The FAA has initiated Total Quality Management throughout the agency, requiring that every element have contact with their customers to assure that customers' needs are being met and that service is improved.

Proposed Use of Information: This information will be used by FAA

regional air traffic personnel to solve problems that are brought to their attention and to generally improve service to the public.

Frequency: Annual.

Burden Estimate: 69 hours.

Respondents: Customers serviced by FAA regional air traffic personnel.

Form(s): Questionnaire.

Average Burden Hours Per Response: 15 minutes reporting.

DOT No: 3770.

OMB No.: 2130–0004.

Administration: Federal Railroad Administration.

Title: Railroad Locomotive Safety Standards.

Need for Information: The information is needed to record that a locomotive has been inspected and is in proper condition for service.

Proposed Use of Information: This information is utilized to assure and promote safe and suitable locomotives and as the written record in post-accident investigations.

Frequency: Recordkeeping, on occasion.

Burden Estimate: 1,186,661 hours.

Respondents: Railroad.

Form(s): FRA F 6180.49A.

Average Burden Hours Per Response: 15 minutes reporting; 1,961 hours and 25 minutes recordkeeping.

DOT No.: 3771.

OMB No.: New.

Administration: U.S. Coast Guard.

Title: Job Task Analysis Survey of Recreational Boating Safety Tasks Performed by State Boating Safety/Law Enforcement Officers.

Need for Information: This information collection requirement is needed to update and validate national training classes for Marine Law Enforcement Officers in the 50 States and 5 U.S. territories. This request will also identify any areas of boating safety that are not covered in current programs so that it may be included in future training programs.

Proposed Use of Information: This information collection will be used by the Coast Guard: (1) To identify specific boating safety trends, issues and other areas that need to be covered in future training programs; (2) to tailor training classes to specific regions since boating safety tasks vary from state to state; and (3) to determine which boating safety tasks warrant additional emphasis and training.

Frequency: One time.

Burden Estimate: 1,000 hours.

Respondents: Marine Law Enforcement Officers.

Form(s): Survey.

Average Burden Hours Per Response: 1 hour reporting.

DOT No.: 3772.

OMB No.: New.

Administration: Federal Railroad Administration.

Title: Remedial Actions Reporting.

Need for Information: This information collection is needed to identify railroads for inspection.

Proposed Use of Information: FRA will use this information in systematically targeting inspections by integrating available accident and injury data with inspection and compliance data, to determine if affected entities are minimizing and correcting safety problems.

Frequency: On occasion.

Burden Estimate: 2,597 hours.

Respondents: Railroads.

Form(s): FRA–F–6180.93.

Average Burden Hours Per Response: 23 minutes reporting.

DOT No.: 3773.

OMB No.: New.

Administration: Federal Highway Administration.

Title: Entry Level Commercial Motor Vehicle Driver Training in the Private Sector.

Need for Information: The FHWA is mandated by the Intermodal Surface Transportation Efficiency Act of 1991 to report to Congress on the effectiveness of private sector efforts to ensure adequate training of entry-level drivers of commercial motor vehicles.

Proposed Use of Information: FHWA will use the information collected to assess the effectiveness of the efforts of the private sector to provide adequate training to commercial motor vehicle entry-level drivers.

Frequency: One time.

Burden Estimate: 369 hours.

Respondents: Truck and motor coach (bus) industry.

Form(s): None.

Average Burden Hours Per Response: 35 minutes reporting.

DOT No.: 3774.

OMB No.: New.

Administration: Federal Aviation Administration.

Title: Operating Procedures for Airport Traffic Control Towers (ATCT) that are Not Operated by or Under Contract with the United States (non-Federal)—Advisory Circular (AC) 90–XX.

Need for Information: The intent of the Advisory Circular is to maintain a high level of air safety without regulating certain entities. With this rationale in mind, the FAA is requesting operators of non-Federal ATCT's to voluntarily comply with the recommendations as stated in the AC, as well as to voluntarily submit information by using the listed forms, in the same manner as is currently prescribed for FAA air traffic personnel.

Proposed Use of Information: The information collected through the utilization of the various FAA forms becomes a part of the FAA's official records and is used only by the FAA for certification, compliance and enforcement, and when accidents, incidents, reports of non-compliance, safety programs, or other circumstances require references to records.

Frequency: On occasion.

Burden Estimate: 913 hours.

Respondents: Non-Federal Air Traffic Control Towers.

Form(s): FAA Forms 7210–2, 7210–3, 7230–4, 7230–7.2, 7230–8, 7230–10, 8020–9, 8020–11, 8020–17, 8020–19, 8020–21.

Average Burden Hours Per Response: 35 minutes reporting; 33 hours recordkeeping.

DOT No.: 3775.

OMB No.: New.

Administration: Federal Aviation Administration.

Title: Accident Prevention Counselor of the Year Competition.

Need for Information: The information is needed to select the recipient of the Accident Prevention Counselor of the Year Award.

Proposed Use of Information: This award will be used as an incentive for the Accident Prevention Program's Voluntary Accident Prevention Counselors who assist in promoting aviation safety.

Frequency: Annually.

Burden Estimate: 200 hours.

Respondents: Nominators of candidates.

Form(s): FAA Form 8740–XX.

Average Burden Hours Per Response: 1 hour reporting.

DOT No.: 3776.

OMB No.: 2120–0545.

Administration: Federal Aviation Administration.

Title: Race and National Origin Identification.

Need for Information: The collection of data is necessary for examination of employee selection procedures, enhancement of recruitment programs, and providing equal employment opportunity to all candidates.

Proposed Use of Information: The information received from this form will be used solely to help the FAA improve its recruitment of Air Traffic Control Specialist candidates.

Frequency: One time.

Burden Estimate: 2,000 hours.

Respondents: Individuals (applicants).

Form(s): SF–181A.

Average Burden Hours Per Response: 2 minutes reporting.

DOT No.: 3777.

OMB No.: 2120–0505.

Administration: Federal Aviation Administration.

Title: Indirect Air Carrier Security, FAR 14 Part 109.

Need for Information: The information is needed to ensure that plans are in effect that would protect and ensure that the property received by an air carrier does not contain bombs or other explosives or incendiary devices.

Proposed Use of Information: Security programs required by FAR Part 109 set forth procedures to be used by indirect air carriers in carrying out their responsibilities involving the protection of persons and property against acts of criminal violence, aircraft piracy, and terrorist activities in the forwarding of package cargo by passenger aircraft. The information collected is used to ensure compliance and is reviewed at least annually by FAA civil aviation security inspectors to ensure that the contents are current, complete, and correct.

Frequency: On occasion.

Burden Estimate: 473 hours.

Respondents: Air carriers including each air freight forwarder and each cooperative shippers' association engaged indirectly in air transportation of property.

Form(s): None.

Average Burden Hours Per Response: 3 hours reporting; 7 minutes recordkeeping.

DOT No.: 3778.

OMB No.: New.

Administration: National Highway Traffic Safety Administration.

Title: Measure DWI (Driving While Intoxicated) Attitudes II.

Need for Information: NHTSA conducted a base-line survey in 1991 to identify knowledge, attitudes and behavior of the American public regarding drinking and driving. This information collection is needed to measure the current status (1993) of public attitudes, knowledge and behavior, and to identify changes that have occurred in these areas in the past two years.

Proposed Use of Information: NHTSA will use the information to assess the current status of the public attitudes and behavior regarding drinking and driving. Data will be used to track progress in reducing DWI, and to guide programmatic activity directed at the DWI problem.

Frequency: One time.

Burden Estimate: 1,175 hours.

Respondents: Individuals.

Form(s): None.

Average Burden Hours Per Response: 18 minutes reporting.

DOT No.: 3779.

OMB No.: 2133–0030.

Administration: Maritime Administration.

Title: Supplementary Training Course Application.

Need for Information: MARAD needs the information to provide supplemental education and training to U.S. merchant seamen, and U.S. citizens employed in other areas of waterborne commerce on a space available basis.

Proposed Use of Information: This information collection is used to facilitate course administration, management, and recordation for additional training of U.S. merchant seamen.

Frequency: On occasion.

Burden Estimate: 100 hours.

Respondents: Merchant seamen, U.S. citizens employed in waterborne commerce.

Form(s): MA–823.

Average Burden Hours Per Response: 3 minutes reporting.

DOT No.: 3780.

OMB No.: 2130–0008.

Administration: Federal Railroad Administration.

Title: Railroad Power Brake and Drawbars (Air Brake Inspection and Test Certification).

Need for Information: The information collection is needed to verify the basic integrity of the train air line, the train brake system as a whole, and the basic functional capability of the individual air brake system on each car in the train.

Proposed Use of Information: The information is used by the engineer and road crew to verify that the requirements for an initial terminal brake test and an intermediate train air brake test have been satisfactorily performed.

Frequency: Recordkeeping.

Burden Estimate: 1,806 hours.

Respondents: Railroads.

Form(s): None.

Average Burden Hours Per Response: 45 hours recordkeeping.

DOT No.: 3781.

OMB No.: 2133–0024.

Administration: Maritime Administration.

Title: Subsidy Voucher—Operating-Differential Subsidy—Bulk Cargo Vessels/Liner Cargo Vessels.

Need for Information: MARAD is responsible for prescribing rules governing the payment of Operating-Differential Subsidy (ODS) for the U.S. bulk and liner cargo vessels engaged in carrying commodities in worldwide services.

Proposed Use of Information: The information is utilized by MARAD examiners to determine subsidy payable for voyages performed in accordance with ODS agreements.

Frequency: Monthly, annually.

Burden Estimate: 760 hours.

Respondents: Bulk and liner vessel operators (ODS).

Form(s): MA–790, SF–1034 and supporting schedules.

Average Burden Hours Per Response: 2 hours reporting.

Issued in Washington, DC on June 8, 1993.

Cynthia C. Rand,

Director of Information Resource Management.

[FR Doc. 93–13937 Filed 6–11–93; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Advisory Circular 20–131A, Airworthiness Approval of Traffic Alert and Collision Avoidance Systems (TCAS II) and Mode S Transponders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 20–131A, Airworthiness Approval of Traffic Alert and Collision Avoidance Systems (TCAS II) and Mode S Transponders. This AC provides guidance material for the airworthiness approval of these systems installed on transport category airplanes.

DATES: Advisory Circular 20–131A was issued by the Acting Director, Aircraft Certification Service, AIR–1, on March 29, 1993.

HOW TO OBTAIN COPIES: A copy may be obtained by writing to the U.S. Department of Transportation, Utilization and Storage Section, M–443.2, 400 7th Street SW., Washington, DC 20590, or faxing your request to that office at 202–366–3911.

Issued in Renton, Washington, on June 3, 1993.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 93–13936 Filed 6–11–93; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 93-42; Notice 1]

Diamond Coach Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Diamond Coach Corporation (Diamond) of Oswego, Kansas has determined that some of its vehicles fail to comply with 49 CFR 571.120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars," (Federal Motor Vehicle Safety Standard (FMVSS) No. 120), and has filed an appropriate report pursuant to 49 CFR part 573. Diamond has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

During December, 1992, Diamond produced five buses, model VIP 2000, which were found to be in non-compliance with requirement S5.1.2 of FMVSS No. 120. This requirement states that the sum of the maximum load ratings of the tires fitted to an axle shall be not less than the gross axle weight rating (GAWR) of the axle system as specified on the vehicle's certification label.

The certification label on the five vehicles shows a GAWR of 3900 pounds for the front axle and 7480 pounds for the rear axle. However, the Tire and Rim Association (TRA) Yearbook shows a tire load capability of 3880 pounds for the front axle and 7500 pounds for the rear axle.

Diamond cites the following reasons for requesting an exemption from the notification and remedy requirements:

1. The non-compliance is a technical non-compliance of S5.1.2 of FMVSS No. 120 only, i.e., the 16x6 k tires on the front of the vehicle are capable of sustaining loads in excess of the 3880 [pounds] as called out by the TRA Yearbook, when one considers the 10% safety factory [sic] specified by S5.1.2.

2. The certification label shows a GAWR of 3900 lbs for the front axle and a load of 7480 pounds for the rear axle. The TRA Yearbook shows a tire load capability of 3880 pounds for the front axle and 7500 pounds for the rear axle. Therefore the front axle is technically 20 pounds under rated and the rear axles 20 pounds over rated, at the tire pressures shown. Diamond Coach Corporation feels that, while every attempt is made to accurately reflect the actual loads for each axle, it is entirely foreseeable that on any given vehicle the mere 20 pound differential between the two axles could [as] easily fall to the rear as the front.

3. Lastly, Diamond Coach Corporation would like to point out that there are only five (5) units involved. All other units preceding and [following] these five have been rated accurately. These five were misstated due to clerical error only. New procedures have been established to correct this problem and see that it is not repeated.

Interested persons are invited to submit written data, views, and arguments on the petition of Diamond, described above. Comments should refer to the Docket Number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the petition is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 14, 1993.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: June 8, 1993.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 93-13938 Filed 6-11-93; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: June 8, 1993.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0085

Form Number: IRS Form 1040A, and Schedules 1, 2, 3, and EIC

Type of Review: Revision

Title: U.S. Individual Income Tax Return

Description: This form is used by individuals to report their income subject to income tax and to compute their correct tax liability. The data is used to verify that the income reported on the form is correct and are also for statistics use.

Respondents: Individuals or households

Estimated Number of Respondents/Recordkeepers: 22,009,213

Estimated Burden Hours Per Respondent/Recordkeeper:

	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending, the form to the IRS
Form 1040A	1 hr., 3 min	2 hr., 11 min	2 hr., 47 min	35 min.
Schedule 1	20 min	4 min	10 min	20 min.
Schedule 2	33 min	12 min	41 min	28 min.
Schedule 3	13 min	14 min	28 min	35 min.
Schedule EIC	39 min	16 min	33 min	47 min.

Frequency of Response: Annually

Estimated Total Reporting/ Recordkeeping Burden: 174,280,223 hours

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 93–13925 Filed 6–11–93; 8:45 am]

BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 112
Monday, June 14, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Thursday, June 17, 1993, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Matters relating to the Corporation's corporate and supervisory activities.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured depository institutions or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda

Matters relating to the possible closing of certain insured depository institutions:

Names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: June 10, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–14101 Filed 6–10–93; 3:53 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Thursday, June 17, 1993, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Delegation of Authority to the Director of the Division of Liquidation to Make Finding of Worthlessness of Claims Against Receiverships.

Discussion Agenda

Memorandums and resolutions with respect to the reports of the studies of (1) the feasibility of establishing a private reinsurance system, and (2) the cost, feasibility, and privacy implications of tracking deposits.

Memorandum and resolution re: Risk-Related Premiums for FDIC-insured Institutions.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 898–6745 (Voice); (202) 898–3509 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: June 10, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–14102 Filed 6–10–93; 3:53 pm]

BILLING CODE 6714–01–M

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Closed Meeting

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

DATE AND TIME: June 16, 1993, 9:30 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Fall River Hydroelectric Project, Project No. 9885.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400.

Dated: June 9, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93–14024 filed 6–10–93; 1:54 pm]

BILLING CODE 6717–01–M

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), U.S.C. 552b:

DATE AND TIME: June 16, 1993, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone

(202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 981st Meeting—June 16, 1993, Regular Meeting (10:00 a.m.)

CAH–1.
Project No. 7548–005, Geobon II Associates Limited Partnership
CAH–2.
Project No. 5223–021, International Falls Power Company
CAH–3.
Project No. 6902–037, City of New Martinsville, West Virginia
CAH–4.
Project No. 6939–031, City of Jackson, Ohio
CAH–5.
Project No. UL93–5–002, The Gilman Brothers Company
CAH–6.
Docket No. 10536–002, Public Utility District No. 1 of Okanogan County, Washington
CAH–7.
Project No. 9401–008, Halecrest Company
Project No. 8595–002, Energy Storage Corporation
Project No. 9105–002, Esperanza Power Limited Partnership
CAH–8.
Project No. 2239–006, Tomahawk Power and Pulp Company
CAH–9.
Project No. 2731–007, Central Vermont Public Service Corporation
CAH–10.
Omitted
CAH–11.
Project No. 9885–034, Marysville Hydro Partners
CAH–12.
Project No. 3109–003, Eugene Water and Electric Board
CAH–13.
Project No. 9025–005, Weyerhaeuser Company
CAH–14.
Project Nos. 2916–006 and 010, East Bay Municipal Utility District
CAH–15.
Docket No. RM93–17–000, License Termination

Consent Agenda—Electric

CAE–1.
Docket No. ER93–191–000, Alabama Power Company
CAE–2.
Docket No. ER93–96–002, Delmarva Power & Light Company
CAE–3.
Docket No. ER93–259–001, Northern States Power Company (Minnesota)
CAE–4.
Docket No. ER91–565–003, New England Power Company
CAE–5.
Docket No. ER93–296–001, Green Mountain Power Corporation
Docket No. ER93–297–001, Northeast Utilities Service Company
CAE–6.
Docket No. ER93–397–001, Ocean State Power
Docket No. ER93–398–001, Ocean State Power II
CAE–7.
Docket No. ER91–457–004, Central Maine Power Company
Docket Nos. ER92–286–003, ER92–484–002, ER92–512–002, ER92–817–002 and ER93–130–002, New England Power Company
CAE–8.
Docket No. ER93–401–001, Montaup Electric Company
CAE–9.
Docket No. EL93–2–001, PSI Energy, Inc.
CAE–10.
Docket No. ER85–477–011, Southwestern Public Service Company
CAE–11.
Docket No. FA88–62–001, Wisconsin Electric Power Company
CAE–12.
Docket Nos. ER82–553–006 and ER82–554–006, Ohio Power Company
CAE–13.
Omitted
CAE–14.
Docket No. EG93–46–000, Richmond Generating Company, L.P.
Docket No. EG93–47–000, Muscogee Generating Company, L.P.
Docket No. EG93–48–000, Haralson Generating Company, L.P.
Docket No. EG93–49–000, Clarke Generating Company, L.P.
CAE–15.
Docket No. EG93–50–000, AES San Nicolas, Inc.
CAE–16.
Docket No. EG93–51–000, Central Termica San Nicolas, S.A.
CAE–17.
Docket No. QF88–292–002, Kamine/Besicorp Allegeny L.P.
CAE–18.
Docket No. ER92–330–005, Green Mountain Power Corporation
CAE–19.
Docket Nos. ER92–284–000 and EL92–40–000, Vermont Electric Power Company, Inc.
CAE–20.
Docket Nos. ER92–236–000, 002 and EL92–13–000, Delmarva Power & Light Company
CAE–21.
Docket No. EL93–17–000, South Carolina Electric & Gas Company
CAE–22.
Docket No. EL93–6–000, Municipal Resale Service Customers v. Ohio Power Company
CAE–23.
Docket No. EL93–20–000, New York State Electric & Gas Corporation
Docket No. EL93–29–000, Niagara Mohawk Power Corporation
CAE–24.
Docket No. EL92–33–000, Barton Village, Inc., Village of Enosburg Falls Water & Light Department, Village of Orleans, and Village of Swanton, Vermont v. Citizens Utilities Company (Vermont Division)
CAE–25.
Docket No. EL93–19–000, San Diego Gas & Electric Company v. Tucson Electric Power Company and Century Power Corporation
Docket No. FA90–34–000, Tucson Electric Power Company

Consent Agenda—Oil and Gas

CAG–1.
Omitted
CAG–2.
Docket No. RP89–137–012, Northwest Pipeline Corporation
CAG–3.
Docket No. RP92–74–005, South Georgia Natural Gas Company
CAG–4.
Docket No. TA92–2–31–006, Arkla Energy Resources Company
CAG–5.
Docket Nos. CP87–5–026 and 022, *et al.*, Texas Eastern Transmission Corporation
CAG–6.
Docket No. RP93–120–000, Northern Natural Gas Company
CAG–7.
Docket Nos. RP86–41–011, RP87–14–011 and RP90–22–018, Algonquin Gas Transmission Company
CAG–8.
Docket No. RP93–88–001, Arkla Energy Resources Company
CAG–9.
Docket Nos. RP93–80–001, RP93–81–001 and RS92–14–004, CNG Transmission Corporation
CAG–10.
Docket No. RP91–143–014, Great Lakes Gas Transmission Limited Partnership
CAG–11.
Omitted
CAG–12.
Omitted
CAG–13.
Docket Nos. RP88–197–010 and RP88–236–004, Williston Basin Interstate Pipeline Company
CAG–14.
Docket Nos. RP85–39–010 and 011, Wyoming Interstate Company, Ltd.
CAG–15.
Docket No. RP92–133–003, Gas Research Institute
CAG–16.
Docket Nos. IS92–39–002, IS93–21–001 and OR92–8–001, SFPP, Inc.
CAG–17.
Omitted
CAG–18.
Docket No. GP91–8–002, Jack J. Grynberg, Individually and as General Partner for the Greater Green River Basin Drilling Program: 72–73 v. Rocky Mountain Natural Gas Company, a division of KN Energy, Inc.
Docket No. GP91–10–002, Rocky Mountain Natural Gas Company v. Jack J. Grynberg, Individually and as General Partner for the Greater Green River Basin Drilling Program: 72–73
CAG–19.

Omitted
CAG-20.
Omitted
CAG-21.
Omitted
CAG-22.
Docket Nos. ST90-1471-000, ST90-2669-000, ST90-2904-000, ST90-2905-000, ST90-3420-000, ST91-4375-000, ST91-4376-000, ST91-6232-000, ST91-6434-000, ST91-6448-000, ST91-7812-000, ST91-8315-000, ST91-8620-000, ST91-8968-000, ST91-9216-000, ST91-9217-000, ST91-9710-000, ST91-9711-000, ST92-52-000, ST92-387-000, ST92-3241-000, ST92-3597-000, ST92-3598-000, ST92-3599-000, ST92-3600-000, ST92-3877-000, ST92-3878-000, ST92-3879-000, ST92-3880-000, ST92-3881-000, ST92-4821-000, ST92-5295-000, ST92-5296-000, ST92-5297-000, ST92-5355-000, ST92-5629-000, ST92-5663-000, ST93-178-000, ST93-179-000, ST93-180-000, ST93-563-000, ST93-568-000, ST93-569-000, ST93-652-000, ST93-654-000, and ST93-1627-000, Transok, Inc.
Docket Nos. ST92-1060-000, ST92-5664-000, and ST92-5665-000, ST92-5666-000, Texas Gas Gathering Company
Docket Nos. ST92-5654-000, ST93-792-000, ST93-896-000, and ST93-897-000, Lone Star Gas Company
Docket Nos. ST93-289-000, ST93-1433-000, ST93-1434-000, ST93-1435-000, ST93-1436-000, and ST93-1437-000, NOARK Pipeline System, Ltd.
Docket No. ST93-1984-000, TransAmerica Natural Gas Corporation
CAG-23.
Docket No. OR91-1-000, Kerr-McGee Refining Corporation and Texaco Refining and Marketing, Inc. v. Williams Pipe Line Company
CAG-24.
Docket No. GP93-3-000, Marathon Oil Company
CAG-25.
Docket No. RS92-79-001, Sea Robin Pipeline Company
CAG-26.
Docket No. RS92-83-002, Tarpon Transmission Company
CAG-27.
Docket No. RS92-4-001, Colorado Interstate Gas Company
CAG-28.
Docket No. RS92-30-001, Carnegie Natural Gas Company
CAG-29.
Docket Nos. RS92-11-000, 010, RP88-67-068 (Phase I/Rates), and RP92-234-003, Texas Eastern Transmission Corporation
Docket Nos. RP85-177-106, RP93-13-003, RP93-22-002 and CP90-2154-005, Texas Eastern Transmission Corporation
Docket No. RP93-65-001, Public Service Electric and Gas Company v. Texas Eastern Transmission Corporation
Docket Nos. RP88-81-022, RP88-221-016, RP89-255-005, RP90-15-003, RP90-119-016 and RP91-4-004, Texas Eastern Transmission Corporation
CAG-30.
Docket No. RS92-33-001, East Tennessee Natural Gas Company
CAG-31.
Docket No. RS92-45-002, Natural Gas Pipeline Company of America
CAG-32.
Docket Nos. RS92-41-002 and RP91-189-007, Midwestern Gas Transmission Company
CAG-33.
Docket No. RS92-52-001, Viking Gas Transmission Company
CAG-34.
Docket No. RS92-45-000, Natural Gas Pipeline Company of America
CAG-35.
Docket No. CP92-182-005, Florida Gas Transmission Company
Docket No. CP92-415-003, Transcontinental Gas Pipe Line Corporation and Florida Gas Transmission Company
CAG-36.
Docket No. CP91-1910-001, Southwestern Public Service Company v. Red River Pipeline
CAG-37.
Docket No. RM87-3-022, Green Canyon Pipe Line Company
CAG-38.
Docket No. CP80-34-010, Panhandle Eastern Pipe Line Company
Docket No. CP80-35-010, Colorado Interstate Gas Company
CAG-39.
Docket No. CP91-1634-002, Great Lakes Gas Transmission Limited Partnership
CAG-40.
Omitted
CAG-41.
Docket No. CP92-448-001, ANR Pipeline Company
CAG-42.
Omitted
CAG-43.
Docket No. CP93-246-000, Midwestern Gas Transmission Company
CAG-44.
Omitted
CAG-45.
Docket Nos. CP93-62-000 and CP93-92-000, Arkla Energy Resources, a Division of Arkla, Inc.
Docket No. CP93-195-000, Bayou South Gas Gathering Company
CAG-46.
Docket No. CP92-711-000, Williams Natural Gas Company
Docket No. CP93-85-000, Oryx Energy Company
CAG-47.
Docket No. CP91-2392-002, Northwest Pipeline Corporation
Docket No. CP91-2393-002, Williams Gas Processing Company
CAG-48.
Omitted
CAG-49.
Docket No. CP92-222-000, Great Plains Natural Gas Company
CAG-50.
Docket No. CP91-2904-000, Mississippi River Transmission Corporation
CAG-51.
Docket Nos. RP93-34-003 and RS92-87-015, Transwestern Pipeline Company
CAG-52.
Docket No. RP93-117-000, Northwest Pipeline Corporation
CAG-53.
Docket Nos. RP91-203-029, RP92-132-030, RP92-160-002, CP89-629-028, CP90-639-017, CP91-2206-007 and RS92-23-009, Tennessee Gas Pipeline Company
CAG-54.
Docket No. CP93-185-000, Portal Municipal Gas Company
CAG-55.
Docket No. RS92-11-010, Texas Eastern Transmission Corporation
CAG-56.
Docket Nos. RS92-19-001, RP92-104-004 and RP92-131-005, KN Energy, Inc.

Hydro Agenda

H-1.
Reserved

Electric Agenda

E-1.
Omitted
E-2.
Docket No. RM93-18-000, Accounting and Ratemaking Treatment of Special Assessments Levied Under the Atomic Energy Act of 1954, as Amended by Title XI of the Energy Policy Act of 1992. Notice providing accounting guidance and notice of propose rulemaking.
E-3.
Docket No. RM93-19-000, Inquiry Concerning Possible Revisions to the Commission's Pricing for Transmission Services Provided by Public Utilities Under the Federal Power Act. Notice of technical conference and request for comments.

Oil and Gas Agenda

I. Pipeline Rate Matters

II. Restructuring Matters

RS-1.
Docket Nos. RS92-65-001 and 002, Kern River Gas Transmission Company. Order on compliance.
RS-2.
Docket Nos. RS92-66-001 and 002, Mojave Pipeline Company. Order on compliance.
RS-3.
Docket Nos. RS92-53-000, 001 and RP93-40-003, Western Gas Interstate Company. Order on compliance.
RS-4.
Docket No. RS92-48-000, Riverside Pipeline Company, L.P. Order on compliance.
RS-5.
Docket No. RS92-54-000, Western Transmission Corporation. Order on compliance.
RS-6.
Docket No. RS92-59-000, Chandeleur Gas Pipeline Company. Order on compliance.
RS-7.
Docket No. RS92-64-000, High Island Offshore System.
Docket No. RS92-88-000, U-T Offshore System. Order on compliance.
RS-8.
Docket Nos. RS92-67-000, Northern Border Pipeline Company. Order on compliance.
RS-9.

Docket Nos. RS92-18-002 and 003, Kentucky West Virginia Gas Company. Order on compliance.

RS-10.

Docket Nos. RS92-21-000, 002, RP93-101-000, RP93-103-000 and RP93-105-000, National Fuel Gas Supply Corporation. Order on compliance filing and requests for rehearing.

RS-11.

Docket Nos. RS92-42-001 and 002, MIGC, Inc. Order on compliance filing and requests for rehearing.

RS-12.

Docket No. RS92-71-000, Overthrust Pipeline Company. Order on compliance.

RS-13.

Docket No. RS92-72-000, Ozark Gas Transmission System. Order on compliance.

RS-14.

Docket Nos. RS92-81-000 and RP91-212-000, Stingray Pipeline Company. Order on compliance.

RS-15.

Docket No. RS92-85-000, Trailblazer Pipeline Company. Order on compliance.

RS-16.

Docket No. RS92-90-000, Wyoming Interstate Company, Ltd. Order on compliance.

RS-17.

Docket No. RS93-1-000, Granite State Gas Transmission, Inc. Order on compliance.

RS-18.

Docket Nos. RS92-17-003 and 004, Iroquois Gas Transmission System, L.P. Order on compliance and request for rehearing.

III. Pipeline Certificate Matters

PC-1.

Reserved.

Dated: June 9, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93-14025 Filed 6-10-93; 1:54 pm]

BILLING CODE 6717-01-M

federal register

Monday
June 14, 1993

Part II

Department of Education

Office of Special Education and Rehabilitative Services; Private Schools Serving Publicly Placed Children With Disabilities; Notice Inviting Comments

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Private Schools Serving Publicly Placed Children With Disabilities; Notice Inviting Comments

ACTION: Notice regarding the notice inviting comments.

SUMMARY: The Secretary of Education publishes this Notice to inform the public that, as a result of the public comments received, no further action will be taken with regard to the Notice Inviting Comments on Private Schools Serving Publicly Placed Children with Disabilities. Section 613(a)(4)(B)(ii) of the Individuals with Disabilities Education Act (IDEA) (previously the Education of the Handicapped Act (EHA)) requires that if a public agency places a child with a disability in a private program or facility for the purpose of providing a free appropriate public education (FAPE), the State educational agency (SEA) must ensure that the program meets the standards that apply to publicly operated programs.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas B. Irvin, U.S. Department of Education, 400 Maryland Avenue, SW., room 3092, Switzer Building, Washington, DC 20202–2640. Telephone: (202) 205–8825. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9090.

SUPPLEMENTARY INFORMATION: On August 13, 1992, the Secretary published a Notice Inviting Comments (NIC) from all interested parties on issues concerning the personnel standards requirements of Part B of the IDEA that apply to private schools serving publicly placed children with disabilities (57 FR 36582). Public comment was specifically invited on (1) whether the IDEA should be amended to permit public agencies to place children in private school programs if it is determined that personnel meet standards that are comparable or equivalent, under State law or policy, to the standards for personnel in publicly operated programs but different from those standards; and (2) how States would formulate policy on comparable or equivalent personnel standards. A 45-day public comment period was provided.

Analysis of Comments

In response to the Secretary's invitation in the notice, 2,862 parties submitted comments on the NIC. Comments were received from a wide range of individuals and organizations, including professional and advocacy organizations, State and local educational agencies, individual providers, representatives of private schools, and Members of Congress. An analysis of the comments received in response to the publication of the NIC follows.

The overwhelming number of commenters expressed the view that current statutory and regulatory provisions should not be changed because they guarantee equal treatment for students with disabilities by ensuring that all eligible students receive special education and related services from qualified personnel, regardless of the setting in which those services are provided. The majority of commenters expressed the additional concern that an unintended effect of the proposed change could be lower standards for personnel in private schools than the standards for personnel in public schools, thereby denying children with disabilities publicly placed in private programs the appropriate education to which they are entitled under the IDEA. Some commenters also opposed any statutory or regulatory changes that would authorize comparable or equivalent standards for special education and related services personnel because of difficulties that States and the Department could experience in monitoring compliance with these standards at the State and local level.

Approximately 50 commenters supported making statutory and regulatory changes and emphasized the talent, effectiveness, and dedication of private school personnel, regardless of whether they met State qualification standards. Many of these commenters expressed the view that private schools had the capacity to offer programs that addressed the unique needs of students with disabilities that publicly operated programs could not address, even though the personnel in private schools might not meet State-mandated qualification standards. These commenters also expressed the belief that comparable or equivalent standards for personnel in private schools would afford private schools the necessary flexibility to use adequately trained personnel who may not meet State-mandated qualification standards but who could provide students with disabilities quality programming to meet their unique needs.

Based on a thorough review and analysis of all of the public comments received in response to the NIC, the Secretary has determined not to propose changes to either the IDEA statute or the Department's regulations implementing the IDEA that would alter applicable standards for personnel serving children with disabilities publicly placed in private schools.

Dated: June 8, 1993.

Richard W. Riley,

Secretary of Education.

[FR Doc. 93–13879 Filed 6–11–93; 8:45 am]

BILLING CODE 4000–01–P

federal register

Monday
June 14, 1993

Part III

Department of Education

34 CFR Part 73
Standards of Conduct; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 73

RIN 1801-AA08

Standards of Conduct

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Standards of Conduct for Department of Education employees. These regulations have generally been superseded by the government-wide Standards of Ethical Conduct for Employees of the Executive Branch. The Secretary takes this action to eliminate the superseded provisions and to update cross-references in the regulations that continue to be applicable, in accordance with the government-wide standards.

EFFECTIVE DATE: This amendment will take effect on June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Susan A. Winchell, U.S. Department of Education, 400 Maryland Avenue, SW., room 5117, Washington DC 20202-2152. Telephone: (202) 401-1730. 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: Pursuant to section 201 of Executive Order (E.O.) 12674 (April 12, 1989), as modified by E.O. 12731, the *Office of Government* Ethics (OGE) issued final regulations governing the Standards of Ethical Conduct for Employees of the Executive Branch. The new rule, which became effective on February 3, 1993, establishes uniform standards of ethical conduct for officers and employees of the Executive Branch of the Federal Government and supersedes most of the provisions contained in the Department's Standards of Conduct in 34 CFR part 73. Therefore, the Secretary has determined that part 73 should be amended by removing subparts A, B, and F and §§ 73.20, 73.21, and 73.31 through 73.37 and by amending §§ 73.22 and 73.30.

Subparts A, B, and F and §§ 73.20, 73.21, and 73.31 through 73.37 contain the Department's Standards of Conduct provisions that have been superseded by the new OGE regulations and are therefore being removed.

Section 73.22 contains the Department's requirements for approval of outside activities and employment. Pursuant to the new Standards of Ethical Conduct for Employees of the Executive Branch, these requirements will remain in effect until February 4, 1994, or until new requirements are published. Section 73.22 has been amended to cross-reference the new government-wide standards.

Section 73.30 contains the Department's regulatory waiver for financial interests held in a widely diversified mutual fund or other regulated investment company, issued pursuant to E.O. 11222 and 18 U.S.C. 208. Executive Order 12674 (April 12, 1989), as amended by E.O. 12731 (October 17, 1989) revokes an individual agency's authority to promulgate regulations implementing 18 U.S.C. 208 and vests sole authority to do so in OGE. However, E.O. 12674 preserves regulations issued prior to April 12, 1989, pursuant to E.O. 11222 that are not inconsistent with new regulations issued by OGE. Section 73.30 is amended to cross-reference the new government-wide standards.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, public comment is unnecessary because these regulations merely revoke existing regulations in accordance with previously issued government-wide regulations and amend cross-references in the regulations that remain in effect. In addition, since these regulations relate to agency management and personnel, they are exempt from notice and comment under 5 U.S.C. 553(a)(2).

Executive Order 12291

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

List of Subjects in 34 CFR Part 73

Conflict of interest, Education department, Government employees, Standards of conduct.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: June 8, 1993.

Richard W. Riley,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by amending part 73 as follows:

PART 73—[AMENDED]

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

Authority: 5 CFR 2635.803, 18 U.S.C. 208, and E.O. 12674, unless otherwise noted.

Subparts A and B—[Removed and Reserved]

2. Subparts A and B are removed and reserved.

§§ 73.20 and 73.21 [Removed and Reserved]

3. Sections 73.20 and 73.21 are removed and reserved.

4. Section 73.22 is revised to read as follows:

§ 73.22 Prior approval to participate in outside activities.

(a) Except as provided in paragraph (b) of this section, an employee who intends to engage in outside employment or in other outside activity shall obtain prior approval from his or her principal officer in accordance with procedures of the Department.

(b) Prior approval is not required if the outside activity will not—

(1) Be performed during the employee's regular work hours;

(2) Aggregate 10 or more hours a week;

(3) Involve public writing or speaking;

(4) Involve services for a prohibited source, as defined in 5 CFR 2635.203(d) and 2635.102(k), or services that relate to any matters funded by or regulated by another Federal agency; and

(5) Reasonably raise questions under the Standards of Conduct for the Executive Branch.

(c) The principal officer files in his or her immediate office a record of each approval under this section.

(d) The requirement of paragraph (a) of this section does not apply to a special Government employee.

(Authority: 5 CFR 2635.803)

5. Section 73.30 is revised to read as follows:

§ 73.30 Conflict of interest waiver.

If a financial interest arises from ownership by an employee—or other person or enterprise referred to in 5 CFR 2635.402 (b)(2)—of stock in a widely diversified mutual fund or other regulated investment company that in turn owns stock in another enterprise, that financial interest is exempt from the prohibition in 5 CFR 2635.402(a).

(Authority: 18 U.S.C. 208; E.O. 12674)

§§ 73.31-73.37 [Removed and Reserved]

6. Sections 73.31, 73.32, 73.33, 73.34, 73.35, 73.36, and 73.37 are removed and reserved.

Subpart F—[Removed and Reserved]

7. Subpart F is removed and reserved.

[FR Doc. 93-13888 Filed 6-11-93; 8:45 am]
BILLING CODE 4000-01-P

federal register

Monday
June 14, 1993

Part IV

Department of Labor

Employment and Training Administration

20 CFR Parts 626 and 638

Job Training Partnership Act; Job Corps Program Under Title IV–B; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626 and 638

RIN 1205-AA

Job Training Partnership Act: Job Corps Program Under Title IV-B

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Office of Job Corps of the Employment and Training Administration of the Department of Labor proposes to amend its regulations for the Job Corps program under title IV-B of the Job Training Partnership Act (JTPA). These amendments are required so that the regulations will conform to the Job Training Reform Amendments of 1992 (Amendments). With the amended regulations, Job Corps can implement related portions of the Amendments.

DATES: All comments and information shall be submitted in writing by July 14, 1993.

ADDRESSES: Send comments to the Assistant Secretary for Employment and Training, Employment and Training Administration, Department of Labor, room N-4510, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Peter E. Rell, Director, Office of Job Corps. Commenters wishing acknowledgement of receipt of their comments shall submit them by certified mail, return receipt requested.

Comments received will be available for public inspection during normal business hours at the Office of Job Corps, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-5410, Washington, DC 20210. Persons who need assistance to review the comments will be provided with appropriate aids such as audio tape or print magnifiers. To schedule an appointment, call 202-219-5556.

Copies of this notice of proposed rulemaking are available in large print or computer disk. They may be obtained at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy F. Sullivan, Chief, Division of Program Planning and Development, Office of Job Corps, Employment and Training Administration, U.S. Department of Labor, room N-4510, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219-5556 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Job Corps proposes to amend its regulations to implement amendments to the Job Training Partnership Act (JTPA or Act) applicable to Job Corps contained in the Job Training Reform Amendments of 1992 (Amendments), which will become effective July 1, 1993. These amendments involve: (1) A change in the language related to income eligibility, (2) Changes in the definitions of "family" and "family of one," (3) a change in the language defining eligibility for Job Corps through receipt of food stamps, (4) provision for a portion of the total Job Corps enrollment to come from persons who are age 22 through 24, (5) a change requiring the national performance measurement system to include the establishment of annual performance standards for centers and other program components, (6) provision of a management fee for all Job Corps contractors, (7) addition of language giving priority in nonresidential programs to single parents, (8) provision for transfer of participants between Title II and Title IV-B programs, and (9) change in the language related to individuals with handicaps, and (10) provision for child care at centers where practicable.

These proposed changes are discussed in further detail below:

(1) *Change in income eligibility language.*

While JTPA, as amended, now provides for the 6-month period before application to be used as the basis for determination of income eligibility, existing Job Corps regulations provide for the 12-month, or 6-month annualized, period before application to be used. To conform to the Act and Amendments, Job Corps proposes to change its regulations to provide for a 6-month annualized period as the basis for determination of income eligibility. Annualizing the 6-month period will facilitate comparing the applicant's income to the official Poverty Guidelines as revised by the Department of Health and Human Services or the Lower Living Standard Income Level (LLSIL) guidelines, which use annual incomes.

(2) *Definitions of "family" and "family of one."*

Job Corps currently defines "family" in its regulations as one or more persons living in a single residence who are related by blood, marriage or adoption. "Family of one" is an individual who lives alone, or who lives with unrelated individuals, or who lives in a single residence where no family member claims that person as a dependent. An individual with disabilities has the option of applying and being considered as a member of a family or as a family of one. The Amendments, however, define "family" as two or more persons related by blood, marriage, or decrees of court, who are living in a single residence and comprise either a husband, wife and children; a parent or guardian and dependent children, or a husband and wife. To conform to the definition of "family" in the Amendments, Job Corps proposes to revise its definition accordingly. In addition, to avoid confusion that might occur when referring to an individual as "family of one," Job Corps proposes to change the name of "family of one" to "individual." When determining income eligibility for a person who applies for Job Corps as an individual, Job Corps will use the "family unit of one" standards in the official Poverty Guidelines, as revised by the Department of Health and Human Services (for LLSIL the "Family of One" column is used). This will not change the eligibility determination requirements, but reduces confusion that might occur in use of titles.

(3) *Receipt of food stamps.*

Currently under Job Corps regulations, an individual who is receiving food stamps pursuant to the Food Stamp Act of 1977, as administered by the Department of Agriculture, meets the income criterion for eligibility. The Amendments have added language which states that an individual is eligible who has been determined within the 6-month period prior to application for Job Corps to be eligible under this criterion. By adding this language to its regulations, Job Corps conforms to the Amendments and can implement the requirement.

(4) *Enrollment of individuals 22 through 24 years of age.*

Students currently are enrolled in Job Corps from ages 16 through 21. The Amendments permit enrollment of individuals also from ages 22 through 24, but that age group may not exceed 20 percent of the total enrollment of Job Corps. The proposed change to the Job Corps regulations adds this provision to conform to the Amendments and implement the requirement. Although the Amendments stipulate age 14 as the minimum age for Job Corps enrollment, 14 and 15-year-olds may be admitted to Job Corps only upon specific determination of the Job Corps Director. This stipulation is not a change. The restriction is made for the following reasons: (1) youth of this age are required by law to be in school and Job Corps does not want to encourage youth of this age to leave school, and (2) 16 is the legal age for work.

(5) *Performance standards.*

The Amendments provide for development of performance standards for Job Corps and authorize the

Secretary of Labor to modify these standards each program year (July 1–June 30). Job Corps has had performance standards for Job Corps centers in place for several years and has published these standards in the *Job Corps Policy and Requirements Handbook* (PRH). Job Corps proposes to amend its regulations to provide for the establishment of performance standards for centers and other program components to conform to the Amendment. Job Corps has already developed and is currently field testing standards for Job Corps placement contractors, and will begin developing standards for Job Corps screening agencies. When completed, the placement and screening standards will be published in the PRH as well.

(6) *Contractor's management fee.*

The Amendments provide for the addition of an equitable and negotiated management fee of not less than 1 percent of the contract amount for all Job Corps contractors. By adding this language to its regulations, Job Corps will conform to the Amendments and can implement the requirement.

(7) *Priority to single parents in nonresidential program.*

The Amendments have added language to the Act providing that when enrolling individuals who are to be nonresidential participants, Job Corps shall give priority to those eligible individuals who are single parents with dependent children. To conform to the Amendments and implement this requirement, Job Corps proposes to add similar such language to the regulations.

(8) *Child care at centers.*

Current Job Corps regulations authorize center operators to propose and, with approval of the Job Corps director, establish child care facilities. The Amendments authorize Job Corps to provide child care at or near centers, to the extent practicable, for individuals who require child care for their children in order to participate in Job Corps. Job Corps proposes to add this language to its regulations in order to conform to the Amendments and implement the statute.

(9) *Transfer of participants between Title II and Title IV–B programs.*

Job Corps regulations presently provide for development of policies and requirements to ensure linkages with other Federal, State and local programs to enhance the provision of services, either sequentially or concurrently, to disadvantaged youth, including those services authorized under Title II of the Act. The Amendments provide that nothing in the Act shall be construed to prohibit a Job Corps student from concurrently or subsequently participating in Title II programs, or to prohibit an individual who has been a participant in programs under Title II from concurrently or subsequently participating in Job Corps. Job Corps proposes to add this specific language to its regulations in order to conform to the Amendment and implement the requirement.

(10) Throughout the Amendments and the Rehabilitation Act Amendments of 1992, the term "handicap" is changed to "disability." In this rule, the Job Corps regulations will conform to provisions of those Acts by changing the terms in the definition section.

(11) Other technical and clarifying amendments are made, including those which conform the regulations directly to the statutory amendments.

Regulatory Impact

This proposed rule applies only to changes in Job Corps regulations required by enactment of the Job Training Reform Amendments of 1992. It does not have the financial or other impact to make it a major rule for the purposes of Executive Order No. 12291, 3 CFR, 1981 Comp., p. 127, 5 U.S.C. 601 note. For the same reasons, as required by the Regulatory Flexibility Act, the Department of Labor has notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction

The proposed rule contains no new collection of information requirements.

List of Subjects

20 CFR Part 626

Grant programs, Labor, Manpower training programs.

20 CFR Part 638

Contract programs, Labor, Training and employment programs.

Proposed Rule

Accordingly, 20 CFR chapter V is proposed to be amended as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

1. The authority citation to 20 CFR part 626 continues to read:

Authority: 29 U.S.C. 1579(a); section 6305(f), Pub. L. 100–418, 102 Stat. 1107; 29 U.S.C. 1791l(e).

2. The consolidated table of contents in § 626.3 is amended by revising the heading for § 638.302 to read as follows:

§ 626.3 Table of contents for the regulations under the Job Training Partnership Act.

* * * * *

638.302 Performance measurement.

* * * * *

PART 638—JOB CORPS PROGRAM UNDER TITLE IV–B OF THE JOB TRAINING PARTNERSHIP ACT

3. The authority for part 638 continues to read as follows:

Authority: 29 U.S.C. 1579(a).

4. Section 638.200 is amended as follows:

a. In the definition of *"Economically disadvantaged"*, the introductory language in paragraph (2) is revised and paragraph (3) is revised;

b. The definition of *"Family"* is revised;

c. The definition of *"Family income"* is removed and the definition of *"Income"* is added;

d. The definition of *"Individual with handicaps"* is removed and the definition of *"Individual with disabilities"* is added;

e. The definition of *"Family of one"* is removed and the definition of *"Individual"* is added to read as follows:

§ 638.200 Definitions.

* * * * *

Economically Disadvantaged * * *

(2) Has, or is a member of a family which has received a total income for the 6-month (annualized) period prior to application to the program which, in relation to family size or for an individual, was not in excess of the higher of:

* * * * *

(3) Is receiving (or has been determined within the 6-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977, as administered by the U.S. Department of Agriculture;

* * * * *

Family means persons living in a single residence who are related by blood, marriage, or decrees of court and are included in one or more of the following categories: (1) A husband, wife and dependent children, (2) a parent or guardian and dependent children, and (3) a husband and wife. A step-child or step-parent is considered to related by marriage.

* * * * *

Income means all income actually received from all sources by an individual or, in the case of a family, by all members of the family for the 6-

month (annualized) period prior to application. Family size is the maximum number of family members during the 6-month period prior to application. When computing family income, income of a spouse and other family members is counted for the portion of the 6-month (annualized) period prior to application that the person was actually a member of the family.

(1) For the purpose of determining an individual's eligibility for participation in the Job Corps program, family income includes:

(i) Gross wages, including wages from community service employment (CSE), work experience, and on-the-job training (OJT) paid from Job Training Partnership Act funds, and salaries (before deductions);

(ii) Net self-employment income (gross receipts minus operating expenses); and

(iii) Other money income received from sources such as interest, net rents, OASI (Old Age and Survivors Insurance) social security benefits, pensions, alimony, and periodic income from insurance policy annuities, and other sources of income.

(2) Family income does not include:

(i) Non-cash income such as food stamps or compensation received in the form of food or housing;

(ii) Imputed value of owner-occupied property, i.e., rental value;

(iii) Public assistance payments;

(iv) Cash payments received pursuant to a State plan approved under titles I, IV, X, or XVI of the Social Security Act, or disability insurance payments received under title II of the Social Security Act;

(v) Federal, State, or local unemployment benefits;

(vi) Capital gains and losses;

(vii) One-time unearned income, such as, but not limited to:

(A) Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;

(B) One-time or fixed-term scholarship or fellowship grants;

(C) Accident, health, and casualty insurance proceeds;

(D) Disability and death payments including fixed-term (but not lifetime) life insurance annuities and death benefits;

(E) One-time awards and gifts;

(F) Inheritance, including fixed-term annuities;

(G) Fixed-term workers compensation awards;

(H) Soil bank payments; and

(I) Agricultural crop stabilization payments;

(viii) Pay or allowances which were previously received by any veteran while serving on active duty in the Armed Forces;

(ix) Educational assistance and compensation payments to veterans and other eligible persons under chapters 11, 13, 31, 34, 35, and 36, of title 38, U.S. Code;

(x) Payments made under the Trade Act of 1974;

(xi) Payments received under the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*);

(xii) Any income directly or indirectly derived from, or arising out of, any property held by the United States in trust for any Indian tribe, band, or group or any individual; per capita payments; and services, compensation or funds provided by the United States in accordance with, or generated by, the exercise of any right guaranteed or protected by treaty; and any property distributed or income derived therefrom, or any amounts paid to or for the legatees or next of kin of any member, derived from or arising out of the settlement of an Indian claim; and;

(xiii) Child support payments.

Individual means a person who lives alone, or who lives with unrelated individuals, or who lives in a single residence where no family member claims that person as a dependent. An individual with disabilities has an option of applying and being considered as a member of a family or as an individual.

Individual with disabilities means any person within the definition at 29 CFR part 33 or 34 or 41 CFR part 60–741 as applicable. Although the definition employs the plural form "disabilities," individuals with a single impairment are covered within the definition. See §§ 638.539(g) and 638.811(a) of this part.

* * * * * * *

5. In § 638.301, a new paragraph (j) is added to read as follows:

§ 638.301 Funding procedures.

* * * * * * *

(j) All Job Corps contractors shall be provided with an equitable and negotiated management fee of not less than 1 percent of the contract amount.

6. Section 638.302 is revised to read as follows:

§ 638.302 Performance measurement.

The Job Corps Director shall establish a national performance measurement system for centers and other program components which shall include annual performance standards.

7. In § 638.400, paragraph (a) is revised to read as follows:

§ 638.400 Eligibility for participation.

* * * * * * *

(a) Is at least 16 and not yet 25 years of age at the time of enrollment, with the following exceptions:

(1) In the case of an otherwise eligible individual with disabilities, there is no upper age limit;

(2) Not more than 20 percent of the individuals enrolled by Job Corps may be ages 22 through 24; and

(3) Youths 14 to 15 years of age may be eligible for enrollment upon a specific determination by the Job Corps Director to enroll them;

* * * * *

8. In § 638.401, a new paragraph (d) is added to read as follows:

§ 638.401 Outreach and screening of participants.

* * * * *

(d) In enrolling individuals who are to be nonresidential participants, priority shall be given to those eligible individuals who are single parents with dependent children.

9. In § 638.539, paragraph (g)(1) is revised to read as follows:

§ 638.539 Complaints and Disputes.

* * * * *

(1) 29 CFR part 34 and subparts B and C and appendix A of 29 CFR part 32 for programs receiving financial assistance under JTPA.

* * * * *

10. Section 638.541 is amended by adding a sentence at the end to read as follows:

§ 638.541 Job Corps training opportunities.

* * * Nothing in this part shall be construed to prohibit an individual who has been a participant in Job Corps from concurrently or subsequently participating in programs under title II of JTPA, or to prohibit an individual who has been a participant in programs under title II of JTPA from concurrently or subsequently participating in Job Corps.

11. In Section 638.542 the existing text is designated as paragraph (b); and new paragraph (a) is added, to read as follows:

§ 638.542 Child care services.

(a) Job Corps centers shall, where practicable, arrange for the provision of child care for students with dependent children.

* * * * *

Signed at Washington, DC, this 3rd day of June, 1993.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 93–13908 Filed 6–11–93; 8:45 am]

BILLING CODE 4510–30–M

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CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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500-599	(869-019-00039-9)	19.00	Jan. 1, 1993
600-End	(869-019-00040-2)	28.00	Jan. 1, 1993
13	(869-019-00041-1)	28.00	Jan. 1, 1993
14 Parts:			
1-59	(869-019-00042-9)	29.00	Jan. 1, 1993
60-139	(869-019-00043-7)	26.00	Jan. 1, 1993
140-199	(869-019-00044-5)	12.00	Jan. 1, 1993
200-1199	(869-019-00045-3)	22.00	Jan. 1, 1993
1200-End	(869-019-00046-1)	16.00	Jan. 1, 1993
15 Parts:			
0-299	(869-019-00047-0)	14.00	Jan. 1, 1993
300-799	(869-019-00048-8)	25.00	Jan. 1, 1993
800-End	(869-019-00049-6)	19.00	Jan. 1, 1993
16 Parts:			
0-149	(869-019-00050-0)	7.00	Jan. 1, 1993
150-999	(869-019-00051-8)	17.00	Jan. 1, 1993
1000-End	(869-019-00052-6)	24.00	Jan. 1, 1993
17 Parts:			
1-199	(869-019-00054-2)	18.00	Apr. 1, 1993
200-239	(869-017-00055-8)	17.00	Apr. 1, 1992
240-End	(869-017-00056-6)	24.00	Apr. 1, 1992
18 Parts:			
1-149	(869-017-00057-4)	16.00	Apr. 1, 1992
150-279	(869-017-00058-2)	19.00	Apr. 1, 1992
*280-399	(869-019-00059-3)	15.00	Apr. 1, 1993
400-End	(869-019-00060-7)	10.00	Apr. 1, 1993
19 Parts:			
1-199	(869-017-00061-2)	28.00	Apr. 1, 1992
200-End	(869-017-00062-1)	9.50	Apr. 1, 1992
20 Parts:			
1-399	(869-017-00063-9)	16.00	Apr. 1, 1992
400-499	(869-017-00064-7)	31.00	Apr. 1, 1992
500-End	(869-017-00065-5)	21.00	Apr. 1, 1992
21 Parts:			
1-99	(869-017-00066-3)	13.00	Apr. 1, 1992
100-169	(869-017-00067-1)	14.00	Apr. 1, 1992
170-199	(869-017-00068-0)	18.00	Apr. 1, 1992
*200-299	(869-019-00069-1)	6.00	Apr. 1, 1993
300-499	(869-017-00070-1)	29.00	Apr. 1, 1992
500-599	(869-017-00071-0)	21.00	Apr. 1, 1992
600-799	(869-017-00072-8)	7.00	Apr. 1, 1992
800-1299	(869-017-00073-6)	18.00	Apr. 1, 1992
1300-End	(869-019-00074-7)	12.00	Apr. 1, 1993
22 Parts:			
1-299	(869-019-00075-5)	30.00	Apr. 1, 1993
300-End	(869-017-00076-1)	19.00	Apr. 1, 1992
23	(869-017-00077-9)	18.00	Apr. 1, 1992
24 Parts:			
0-199	(869-017-00078-7)	34.00	Apr. 1, 1992
200-499	(869-017-00079-5)	32.00	Apr. 1, 1992
500-699	(869-017-00080-9)	13.00	Apr. 1, 1992
700-1699	(869-017-00081-7)	34.00	Apr. 1, 1992
1700-End	(869-017-00082-5)	13.00	Apr. 1, 1992
25	(869-017-00083-3)	25.00	Apr. 1, 1992
26 Parts:			
§§ 1.0-1-1.60	(869-017-00084-1)	17.00	Apr. 1, 1992
§§ 1.61-1.169	(869-017-00085-0)	33.00	Apr. 1, 1992
§§ 1.170-1.300	(869-017-00086-8)	19.00	Apr. 1, 1992
§§ 1.301-1.400	(869-017-00087-6)	17.00	Apr. 1, 1992
§§ 1.401-1.500	(869-017-00088-4)	38.00	Apr. 1, 1992
§§ 1.501-1.640	(869-017-00089-2)	19.00	Apr. 1, 1992
§§ 1.641-1.850	(869-017-00090-6)	19.00	Apr. 1, 1992
§§ 1.851-1.907	(869-017-00091-4)	23.00	Apr. 1, 1992
§§ 1.908-1.1000	(869-019-00093-3)	26.00	Apr. 1, 1993
§§ 1.1001-1.1400	(869-017-00093-1)	19.00	Apr. 1, 1992
§§ 1.1401-End	(869-017-00094-9)	26.00	Apr. 1, 1992
2-29	(869-019-00096-8)	23.00	Apr. 1, 1993
30-39	(869-017-00096-5)	15.00	Apr. 1, 1992
40-49	(869-017-00097-3)	12.00	Apr. 1, 1992
50-299	(869-017-00098-1)	15.00	Apr. 1, 1992
300-499	(869-017-00099-0)	20.00	Apr. 1, 1992
500-599	(869-019-00101-8)	6.00	[4] Apr. 1, 1990
600-End	(869-017-00101-5)	6.50	Apr. 1, 1992

Title	Stock Number	Price	Revision Date
27 Parts:			
1-199	(869-017-00102-3)	34.00	Apr. 1, 1992
200-End	(869-019-00104-2)	11.00	[5] Apr. 1, 1991
28	(869-017-00104-0)	37.00	July 1, 1992
29 Parts:			
0-99	(869-017-00105-8)	19.00	July 1, 1992
100-499	(869-013-00106-6)	9.00	July 1, 1992
500-899	(869-017-00107-4)	32.00	July 1, 1992
900-1899	(869-017-00108-2)	16.00	July 1, 1992
1900-1910 (§§ 1901.1 to 1910.999)	(869-017-00109-1)	29.00	July 1, 1992
1910 (§§ 1910.1000 to end)	(869-017-00110-4)	16.00	July 1, 1992
1911-1925	(869-017-00111-2)	9.00	[6] July 1, 1989
1926	(869-017-00112-1)	14.00	July 1, 1992
1927-End	(869-017-00113-9)	30.00	July 1, 1992
30 Parts:			
1-199	(869-017-00114-7)	25.00	July 1, 1992
200-699	(869-017-00115-5)	19.00	July 1, 1992
700-End	(869-017-00116-3)	25.00	July 1, 1992
31 Parts:			
0-199	(869-017-00117-1)	17.00	July 1, 1992
200-End	(869-017-00118-0)	25.00	July 1, 1992
32 Parts:			
1-39, Vol. I		15.00	[2] July 1, 1984
1-39, Vol. II		19.00	[2] July 1, 1984
1-39, Vol. III		18.00	[2] July 1, 1984
1-189	(869-017-00119-8)	30.00	July 1, 1992
190-399	(869-017-00120-1)	33.00	July 1, 1992
400-629	(869-017-00121-0)	29.00	July 1, 1992
630-699	(869-017-00122-8)	14.00	[7] July 1, 1991
700-799	(869-017-00123-6)	20.00	July 1, 1992
800-End	(869-017-00124-4)	20.00	July 1, 1992
33 Parts:			
1-124	(869-017-00125-2)	18.00	July 1, 1992
125-199	(869-017-00126-1)	21.00	July 1, 1992
200-End	(869-017-00127-9)	23.00	July 1, 1992
34 Parts:			
1-299	(869-017-00128-7)	27.00	July 1, 1992
300-399	(869-017-00129-5)	19.00	July 1, 1992
400-End	(869-017-00130-9)	32.00	July 1, 1992
35	(869-017-00131-7)	12.00	July 1, 1992
36 Parts:			
1-199	(869-017-00132-5)	15.00	July 1, 1992
200-End	(869-017-00133-3)	32.00	July 1, 1992
37	(869-017-00134-1)	17.00	July 1, 1992
38 Parts:			
0-17	(869-017-00135-0)	28.00	Sept 1, 1992
18-End	(869-017-00136-8)	28.00	Sept. 1, 1992
39	(869-017-00137-6)	16.00	July 1, 1992
40 Parts:			
1-51	(869-017-00138-4)	31.00	July 1, 1992
52	(869-017-00139-2)	33.00	July 1, 1992
53-60	(869-017-00140-6)	36.00	July 1, 1992
61-80	(869-017-00141-4)	16.00	July 1, 1992
81-85	(869-017-00142-2)	17.00	July 1, 1992
86-99	(869-017-00143-1)	33.00	July 1, 1992
100-149	(869-017-00144-9)	34.00	July 1, 1992
150-189	(869-017-00145-7)	21.00	July 1, 1992
190-259	(869-017-00146-5)	16.00	July 1, 1992
260-299	(869-017-00147-3)	36.00	July 1, 1992
300-399	(869-017-00148-1)	15.00	July 1, 1992
400-424	(869-017-00149-0)	26.00	July 1, 1992
425-699	(869-017-00150-3)	26.00	July 1, 1992
700-789	(869-017-00151-1)	23.00	July 1, 1992
790-End	(869-017-00152-0)	25.00	July 1, 1992
41 Chapters:			
1, 1-1 to 1-10		13.00	[3] July 1, 1984
1, 1-11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3-6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10-17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1-5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6-19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20-52		13.00	[3] July 1, 1984
19-100		13.00	[3] July 1, 1984
1-100	(869-017-00153-8)	9.50	July 1, 1992
101	(869-017-00154-6)	28.00	July 1, 1992
102-200	(869-017-00155-4)	11.00	[7] July 1, 1991
201-End	(869-017-00156-2)	11.00	July 1, 1992
42 Parts:			
1-399	(869-017-00157-1)	23.00	Oct. 1, 1992
400-429	(869-017-00158-9)	23.00	Oct. 1, 1992
430-End	(869-017-00159-7)	31.00	Oct. 1, 1992
43 Parts:			
1-999	(869-017-00160-1)	22.00	Oct. 1, 1992
1000-3999	(869-017-00161-9)	30.00	Oct. 1, 1992
4000-End	(869-017-00162-7)	13.00	Oct. 1, 1992
44	(869-017-00163-5)	26.00	Oct. 1, 1992
45 Parts:			
1-199	(869-017-00164-3)	20.00	Oct. 1, 1992
200-499	(869-017-00165-1)	14.00	Oct. 1, 1992
500-1199	(869-017-00166-0)	30.00	Oct. 1, 1992
1200-End	(869-017-00167-8)	20.00	Oct. 1, 1992
46 Parts:			
1-40	(869-017-00168-6)	17.00	Oct. 1, 1992
41-69	(869-017-00169-4)	16.00	Oct. 1, 1992
70-89	(869-017-00170-8)	8.00	Oct. 1, 1992
90-139	(869-017-00171-6)	14.00	Oct. 1, 1992
140-155	(869-017-00172-4)	12.00	Oct. 1, 1992
156-165	(869-017-00173-2)	14.00	[8] Oct. 1, 1991
166-199	(869-017-00174-1)	17.00	Oct. 1, 1992
200-499	(869-017-00175-9)	22.00	Oct. 1, 1992
500-End	(869-017-00176-7)	14.00	Oct. 1, 1992
47 Parts:			
0-19	(869-017-00177-5)	22.00	Oct. 1, 1992
20-39	(869-017-00178-3)	22.00	Oct. 1, 1992
40-69	(869-017-00179-1)	12.00	Oct. 1, 1992
70-79	(869-017-00180-5)	21.00	Oct. 1, 1992
80-End	(869-017-00181-3)	24.00	Oct. 1, 1992
48 Chapters:			
1 (Parts 1-51)	(869-017-00182-1)	34.00	Oct. 1, 1992
1 (Parts 52-99)	(869-017-00183-0)	22.00	Oct. 1, 1992
2 (Parts 201-251)	(869-017-00184-8)	15.00	Oct. 1, 1992
2 (Parts 252-299)	(869-017-00185-6)	12.00	Oct. 1, 1992
3-6	(869-017-00186-4)	22.00	Oct. 1, 1992
7-14	(869-017-00187-2)	30.00	Oct. 1, 1992
15-28	(869-017-00188-1)	26.00	Oct. 1, 1992
29-End	(869-017-00189-9)	16.00	Oct. 1, 1992
49 Parts:			
1-99	(869-017-00190-2)	22.00	Oct. 1, 1992
100-177	(869-017-00191-1)	27.00	Oct. 1, 1992
178-199	(869-017-00192-9)	19.00	Oct. 1, 1992
200-399	(869-017-00193-7)	27.00	Oct. 1, 1992
400-999	(869-017-00194-5)	31.00	Oct. 1, 1992
1000-1199	(869-017-00195-3)	19.00	Oct. 1, 1992
1200-End	(869-017-00196-1)	21.00	Oct. 1, 1992
50 Parts:			
1-199	(869-017-00197-0)	23.00	Oct. 1, 1992
200-599	(869-017-00198-8)	20.00	Oct. 1, 1992
600-End	(869-017-00199-6)	20.00	Oct. 1, 1992
CFR Index and Findings Aids	(869-019-00053-4)	36.00	Jan. 1, 1993
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Individual copies		2.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts i–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1993. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 31, 1993. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[8] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.