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

NEW YORK, NY

WHEN: November 23, 9:00 am—12:00 pm

WHERE: National Archives—Northeast Region, 201 Varick Street, 12th Floor, New York, NY

RESERVATIONS: 1–800–347–1997

WASHINGTON, DC
(two briefings)

WHEN: November 30 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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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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV93-905-3-IFR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This action relaxes the minimum size requirement for domestic shipments of Florida red seedless grapefruit to 3-5/16 inches in diameter (size 56) through November 6, 1994. Unless relaxed, the minimum size would increase under current requirements to 3-9/16 inches in diameter (size 48) on November 8, 1993. This action will enable handlers to continue to ship size 56 red seedless grapefruit for the entire 1993-94 season. This action is based on this season's current and prospective crop and market conditions, and the maturity and flavor levels of red seedless grapefruit.

DATES: This interim final rule becomes effective November 8, 1993. Comments which are received by December 13, 1993, will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; telephone: 202-720-5331; or William G. Pimental, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813-299-4770.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 905 (7 CFR part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the order. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601-674), hereinafter referred to as the Act.

This rule is being issued in conformance with Executive Order 12866, and it has been determined that it is not a "significant regulatory action".

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

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

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

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

There are about 100 Florida citrus handlers subject to regulation under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida, and about 11,000 producers of these citrus fruits in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. A minority of these handlers and a majority of the producers may be classified as small entities.

The Citrus Administrative Committee (committee) met September 28, 1993, and unanimously recommended that the minimum size requirement for domestic shipments of fresh red seedless grapefruit be relaxed. The committee meets prior to and during each season to review the handling regulations effective on a continuous basis for each citrus fruit regulated under the order. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations and information, as well as information from other sources, and determines whether modification, suspension, or termination of the handling regulations would tend to effectuate the declared policy of the Act.

Section 905.306 (7 CFR 905.306) specifies minimum grade and size requirements for different varieties of fresh Florida grapefruit. Such requirements for domestic shipments are specified in § 905.306 in Table I of paragraph (a), and for export shipments in Table II of paragraph (b). Export

requirements are not changed by this rule.

This action relaxes the minimum size requirement for domestic shipments of Florida red seedless grapefruit to 3 5/16 inches in diameter (size 56) through November 6, 1994. Unless relaxed, the minimum size would increase under current requirements to 3 9/16 inches in diameter (size 48) on November 8, 1993. This action will enable handlers to continue to ship size 56 red seedless grapefruit for the entire 1993–94 season.

The committee reports that it expects that the fresh market demand will be sufficient to permit the shipment of size 56 red seedless grapefruit grown in Florida during the entire 1993–94 season. The committee also expects that the overall external quality of the fruit will be good. The committee also expects that more Florida red seedless grapefruit will be shipped fresh this season than last season.

This action is designed to enable Florida grapefruit shippers to continue shipping size 56 red seedless grapefruit to the domestic market consistent with current and anticipated strong demand in those markets during the entire 1993–94 season, and to maximize shipments to fresh market channels. This action is based on the committee's assessment of the maturity, flavor level, and size composition of this season's Florida red seedless grapefruit crop. The Florida seedless grapefruit shipping season normally begins in September and continues until the following July.

Minimum size requirements are designed to provide fresh markets with fruit of acceptable size and maturity, thereby maintaining consumer confidence in fresh Florida grapefruit. This helps create buyer confidence and contributes to stable marketing conditions. This is in the interest of producers, packers, and consumers, and is expected to increase returns to Florida grapefruit growers.

Under the order for Florida citrus, handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day, and up to 2 standard packed cartons of fruit per day in gift packages which are individually addressed and not for resale, under exemption provisions. Fruit shipped for animal feed is also exempt under specific conditions. In addition, fruit shipped to commercial processors for conversion into canned or frozen products or into a beverage base are not subject to the handling requirements.

This action reflects the committee's and the Department's appraisal of the need to relax the minimum size requirement for red seedless grapefruit as specified. The Department's view is that this action will have a beneficial impact on producers and handlers, since it will permit Florida grapefruit handlers to make available those sizes of fruit needed to meet consumer needs consistent with this season's crop and market conditions.

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

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other information, it is found that the relaxation set forth below will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action relaxes the minimum size requirement currently in effect for red seedless grapefruit grown in Florida; (2) Florida grapefruit handlers are aware of this action which was unanimously recommended by the committee at a public meeting and they will need no additional time to comply with the relaxed size requirement; (3) shipment of the 1993–94 season Florida red seedless grapefruit crop is expected to be well underway by November 8, 1993; and (4) the rule provides a 30-day comment period, and any comments received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 905.306 is amended by revising the entries in Table 1 of paragraph (a) for "seedless, red grapefruit" to read as follows:

Note: This section will appear in the annual Code of Federal Regulations.

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation.

(a) * * *

TABLE I

Variety	Regulation period	Minimum Grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* * *	* * *	* * *	*
Grapefruit			
* * *	* * *	* * *	*
Seedless, red	11/08/93–11/06/94	Improved No. 2 External U.S. No. 1 Internal	3 5/16
	On and after 11/07/94	Improved No. 2 External U.S. No. 1 Internal	3 9/16
* * *	* * *	* * *	*

* * * * *

Dated: November 4, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93-27573 Filed 11-10-93; 8:45 am]

BILLING CODE 3410-02-P

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7 CFR Part 944

[Docket No. FV93-944-2-IFR]

Fruits; Import Regulations (Grapefruit); Relaxation of Grapefruit Import Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule relaxes minimum size requirements for red seedless grapefruit imported into the United States to 3 5/16 inches in diameter (size 56). This action is needed so that imported red seedless grapefruit meet the same minimum size requirements as those being made effective for red seedless grapefruit grown in Florida, consistent with section 8e of the amended Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: This interim final rule becomes effective November 8, 1993. Comments which are received by December 13, 1993, will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; or by facsimile at 202-720-5698. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456; telephone: 202-720-5331; or William G. Pimental, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813-299-4770.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

Section 8e of the Act provides that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities. Section 8e also provides that whenever two or more marketing orders regulate the same commodity produced in different areas of the United States, the Secretary shall determine which area the imported commodity is in most direct competition with and apply regulations based on that area to the imported commodity. The Secretary has determined that grapefruit imported into the United States are in most direct competition with grapefruit grown in Florida regulated under Marketing Order No. 905, and has found that the minimum grade and size requirements for imported grapefruit should be the same as those established for grapefruit under Marketing Order No. 905.

This rule is being issued in conformance with Executive Order 12866, and it has been determined that it is not a "significant regulatory action".

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

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

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

Import regulations issued under the Act are based on those established under Federal marketing orders. Thus, this action should also have small entity orientation, and impact on both small and large business entities in a manner comparable to rules issued under such marketing orders. There are about 25 importers of grapefruit. Small agricultural service firms, which includes importers, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $3,500,000. A majority of these importers may be classified as small entities.

Minimum grade and size requirements for grapefruit imported into the United States are currently in effect under § 944.106 (7 CFR 944.106), as reinstated on July 26, 1993 (58 FR 39428, July 23, 1993). This action relaxes the minimum size requirements for imported red seedless grapefruit to 3 5/16 inches in diameter (size 56) for the period November 8, 1993, through November 6, 1994, to reflect the same relaxation being made under a separate rulemaking action for grapefruit grown in Florida. The minimum grade and size requirements for Florida grapefruit are specified in § 905.306 (7 CFR 905.306) under Marketing Order No. 905.

In accordance with section 8e of the Act, the USTR has concurred with the issuance of this interim final rule.

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

This interim final rule reflects the Department's appraisal of the need to relax the grapefruit import requirements, as hereinafter set forth, to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The grapefruit import requirements should be relaxed as soon as possible, so that imported grapefruit meet the same minimum size requirements as are being applied to domestic shipments of Florida grapefruit, as provided under section 8e of the Act; and (2) this interim final rule provides a 30-day comment period, and any comments received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR part 944 is amended as follows:

PART 944—FRUITS; IMPORT REGULATIONS

1. The authority citation for 7 CFR part 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 944.106 is amended by revising paragraph (a) to read as follows:

Note: This section will appear in the annual Code of Federal Regulations.

§ 944.106 Grapefruit import regulation.

(a) Pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and Part 944—Fruits; Import Regulations, the importation into the United States of any grapefruit is prohibited unless such grapefruit meet the following minimum grade and size requirements for each specified grapefruit classification:

Grapefruit classification	Regulation period	Minimum grade	Minimum diameter (inches)
Seeded	On and after 07/26/93	U.S. No. 1	3 12/16
Seedless, red	11/08/93–11/06/94	Improved No. 2 External U.S. No. 1 Internal	3 5/16
	On and after 11/07/94	Improved No. 2 External U.S. No. 1 Internal	3 9/16
Seedless, except red	On and after 07/26/93	Improved No. 2 External U.S. No. 1 Internal	3 9/16

* * * * *

Dated: November 4, 1993.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 93–27757 Filed 11–10–93; 8:45 am]

BILLING CODE 3410–02–P

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 88–016F]

RIN 0583–AA76

Increased Level of Sodium Citrate as an Anticoagulant in Fresh Blood of Livestock

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the chart of approved substances in its regulations to increase the maximum use level of sodium citrate as an anticoagulant in fresh blood of livestock from 0.2 percent to 0.5 percent. Additionally, the permitted level of sodium citrate is clarified to indicate that it is a percent based on the ingoing weight of the product. This rule is in response to a petition submitted by American Meat Protein Corporation.

EFFECTIVE DATE: December 13, 1993.

FOR FURTHER INFORMATION CONTACT: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 254–2565.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator, FSIS, has determined that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in export or domestic markets.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. States and local jurisdictions are preempted under the Federal Meat Inspection Act (FMIA) from imposing any marking, labeling, packaging or ingredient requirements on federally inspected meat products that are in addition to, or different than, those imposed under the FMIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat products that are outside official establishments for the purpose of preventing the distribution of meat products that are misbranded or adulterated under the FMIA, or, in the case of imported articles, which are not at such an establishment, after their entry into the United States. Under the FMIA, States that maintain meat inspection programs must impose requirements on State inspected products and establishments that are at least equal to those required under the FMIA. These States may, however, impose more stringent requirements on such State inspected products and establishments.

This rule is not intended to have retroactive effect. There are no applicable administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule. However, the administrative procedures specified in 9 CFR 306.5 must be exhausted prior to any judicial challenge of the application of the provisions of this rule, if the challenge involves any decision of an inspector relating to inspection services provided under the FMIA.

Effect on Small Entities

The Administrator, FSIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612). This final rule permits an increased use level of sodium citrate as an anticoagulant in fresh blood of livestock. The addition of sodium citrate at the 0.5 percent level facilitates the cleaning and sanitizing of equipment, and more efficient separation of red blood cells from plasma. The use of sodium citrate in this manner is optional to manufacturers, both large and small. This final rule imposes no new requirements on industry. Decisions by individual manufacturers on whether to use sodium citrate as an anticoagulant in fresh blood of livestock at the 0.5 percent level will be based on their conclusions that the benefits would outweigh any implementation costs.

Background

American Meat Protein Corporation Petition

FSIS was petitioned by American Meat Protein Corporation, Ames, Iowa, to increase the maximum use level of sodium citrate as an anticoagulant in fresh blood to 0.5 percent. The Federal meat inspection regulations currently permit the use of sodium citrate for this purpose at a level of 0.2 percent (9 CFR 318.7(c)(4)).

At the 0.2 percent level, according to the petitioner, whole blood still has a tendency to coagulate in the holding tank and in the collection buckets. In addition, the blood component

separator becomes clogged due to the coagulation of fresh blood.

Data submitted by the petitioner showed that these problems were resolved when the level of sodium citrate was increased to 0.5 percent. Such data also indicated that use of the higher level of sodium citrate at 0.5 percent resulted in the blood plasma being separated from the red blood cells more efficiently.

Current Regulations

Sodium citrate is listed in 21 CFR 182.1751 as a substance generally recognized as safe (GRAS) when used in accordance with good manufacturing practices. Sodium citrate, along with citric acid, is listed in 9 CFR 318.7(c)(4) as an anticoagulant to prevent clotting of fresh blood of livestock at 0.2 percent with or without water. The Food and Drug Administration (FDA) determined, in an October 1988 letter, that the increase in the level of use for sodium citrate as an anticoagulant in fresh blood of livestock to 0.5 percent is consistent with its regulations.[1] When water is used to make a solution of sodium citrate added to blood, not more than 2 parts water to 1 part sodium citrate may be used. However, the regulations do not specify whether the 0.2 percent level is based on weight or on volume.

Proposed Rule

On October 18, 1991, FSIS published a proposed rule in the **Federal Register** (56 FR 52218) to increase the use of sodium citrate as an anticoagulant in fresh blood of livestock from 0.2 percent to 0.5 percent. Also, in order to reflect FSIS policy and industry practice, the Agency proposed to clarify that the use level of sodium citrate was based on the ingoing weight of the product.

FSIS also proposed to revise the manner in which the entry for citric acid is presented in the chart of substances in 9 CFR 318.7(c)(4). In the chart, under the Class of substance "Anticoagulants," citric acid is listed with sodium citrate. Due to the increased use level of sodium citrate, citric acid will no longer be listed with sodium citrate, but will be listed as a separate entry.

In addition, the proposed rule requested comments on how many manufacturers might choose to use sodium citrate as an anticoagulant in fresh blood of livestock, as well as data on the economic impact of the proposed change.

Discussion of Comments

FSIS received only one comment in response to the proposed rule. The comment from the American Veterinary Medical Association, representing more than 52,000 veterinarians, expressed support for the proposed rule. The commenter stated that sodium citrate will not affect the wholesomeness of the product and will enable more efficient cleaning of the production equipment. The commenter also believes that more efficient cleaning will reduce the possibility of contamination of product and reduce production costs.

List of Subjects in 9 CFR Part 318

Food additives, Meat inspection.

Final Rule

For the reasons discussed in the preamble, FSIS is adopting the proposed rule as published. Accordingly, FSIS is amending 9 CFR part 318 of the Federal meat inspection regulations to read as follows:

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS: REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

2. In the chart in § 318.7(c)(4), the Class of substance "Anticoagulants" is revised to read as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Anti-coagulants ..	Citric acid	To prevent clotting.	Fresh blood of livestock.	0.2 percent with or without water. When Water is used to make a solution of citric acid added to blood of livestock, not more than 2 parts of water to 1 part of citric acid shall be used.
	Sodium citrate ...	.....do.....	.....do.....	Not to exceed 0.5 percent based on the ingoing weight of the product. When water is used to make a solution of sodium citrate added to blood of livestock, not more than 2 parts of water to 1 part of sodium citrate shall be used.

* * * * *

Done at Washington, DC, on: November 4, 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–27764 Filed 11–10–93; 8:45 am]

BILLING CODE 3410–DM–M

[1] A copy of FDA's letter is available, without charge, from the FSIS Hearing Clerk.

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 943

[No. 93–81]

Pricing of Services

AGENCY: Federal Housing Finance Board.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Board ("Finance Board") is amending a regulation transferred to it by the former Federal Home Loan Bank Board ("Bank Board") regarding the pricing of item processing services by the Federal Home Loan Banks ("Banks") by deleting an unnecessary provision and changing the name of an office to more accurately reflect the structure of the Finance Board.

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Edwin J. Avila, Financial Analyst, (202) 408–2871; Thomas D. Sheehan, Assistant Director, (202) 408–2870, District Banks Directorate; or Bruce W. McDougal, Attorney-Advisor, (202) 408–2505, Office of Legal and External Affairs—Legal Division; Federal

Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. General

The Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101–73, 103 Stat. 183 (August 9, 1989) ("FIRREA") abolished the Bank Board and established the Finance Board as the agency responsible for overseeing the Banks. Regulations issued by the Bank Board concerning the Bank System were contained in title 12 CFR parts 521–35. Regulations governing the pricing of item processing services were found at 12 CFR part 534. Section 402(h) of FIRREA preserves Bank Board regulations concerning the Bank System unless terminated or superseded by regulations adopted by the Finance Board.

On September 5, 1989, the Finance Board established 12 CFR chapter IX and redesignated its regulations into this chapter. 54 FR 36,757 (September 5, 1989). At that time the Finance Board merely redesignated part 534 as part 943 and noted that nomenclature and other technical amendments would be made at a later date. The Finance Board is hereby today deleting a provision of § 943.6 that no longer has any effect, and amending § 943.6 to change references therein from a Bank Board office to the appropriate Finance Board office.

When the Bank Board first established regulations for the pricing of item processing services in part 534 on September 18, 1980, the Bank Board included an initial requirement that the Banks were to recover the capitalized start-up costs for these services within five years. 45 FR 64161 (1980). This requirement, currently in § 943.6(b)(3) of the Board's regulations, states that "[a]ll costs must be fully recovered within a period not exceeding five years. The prices charged for collection, processing, and settlement services must yield at least a competitive rate or [sic] return within a period not exceeding five years after offering such services."

For those Banks that have chosen to provide item processing services to their customers, the operations are now a mature business with start up costs absorbed and normal income flows established. Consequently, with regard to those Banks, § 943.6(b)(3) is of no effect. If any other Banks were to choose to enter, or re-enter, the business of providing item processing services, the Finance Board would prefer to consider such requests on a case-by-case basis, and establish the terms and conditions under which such a venture would be authorized, including the amount of time that would be allowed for recapture of capitalization costs. Therefore, § 943.6(b)(3) is hereby deleted.

Section 943.6(c) currently provides that "[t]he Director of the Office of District Banks or his/her designee, with the concurrence of the Director of the Office of Policy and Economic Research or his/her designee, shall * * * on behalf of the Board, (i) review the cost of capital adjustment factor and (ii) review and approve prices for services authorized in this part * * *" With the enactment of FIRREA, the District Banks Directorate of the Finance Board replaced the Office of District Banks of the Bank Board as the office with the responsibility for overseeing the Banks' compliance with part 943. In addition, the Finance Board believes that the concurrence of the Director of the Office of Policy and Economic Research, now the Office of Policy and Research, is no longer required. Therefore, the first clause of § 943.6(c) is hereby amended to reflect these changes.

B. Administrative Procedure Act

This rulemaking simply deletes an existing provision of § 943.6 of the Finance Board regulations that is unnecessary, and changes the titles of certain persons in order to reflect the current structure of the Finance Board. As a result, the Finance Board hereby finds that notice and public comment is unnecessary for the public interest. Therefore, for good cause shown under 5 U.S.C. 553(b)(B), this rule is exempt from the notice and comment requirements of the Administrative Procedure Act, as well as from the 30-day delay in the effective date pursuant to 5 U.S.C. 553(d)(3).

C. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, et. seq.) do not apply.

List of Subjects in 12 CFR Part 943

Federal home loan banks.

Accordingly, the Federal Housing Finance Board hereby amends chapter IX, title 12, Code of Federal Regulations, as set forth below.

PART 943—COLLECTION, SETTLEMENT, AND PROCESSING OF PAYMENT INSTRUMENTS

1. The authority citation for part 943 continues to read as follows:

Authority: Sec. 10, 47 Stat. 733, as amended (12 U.S.C. 1430); Sec. 11, 47 Stat. 732, as amended (12 U.S.C. 1431).

2. In § 943.6, paragraph (b)(3) is removed and paragraph (c) is amended by revising the first sentence to read as follows:

§ 943.6 Pricing of services.

* * * * *

(c) *Review and publication.* The Director of the District Banks Directorate or his/her designee shall from time to time and at least annually, on behalf of the Board, review the cost of capital adjustment factor and review and approve prices for services authorized in this part, in accordance with the principles set forth in paragraphs (a) and (b) of this section. * * *

By the Federal Housing Finance Board.

Dated: October 27, 1993.

Daniel F. Evans, Jr.,

Chairman.

[FR Doc. 93–27422 Filed 11–10–93; 8:45 am]

BILLING CODE 6725–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–54–AD; Amendment 39–8719; AD 93–21–05]

Airworthiness Directives; Aerospatiale Model ATR42–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR42–200 and –300 series airplanes, that requires modification of the autopilot disengagement wiring. This amendment is prompted by reports that flight crews attempted to use the pitch trim control while the autopilot was engaged, which caused the autopilot to move the elevator control in the opposite direction of trim movement. The actions specified by this AD are intended to prevent a severe out-of-trim condition, which could lead to reduced controllability of the airplane.

DATES: Effective December 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained

from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR42-200 and -300 series airplanes was published in the **Federal Register** on June 23, 1993 (58 FR 34009). That action proposed to require modification of the autopilot disengagement wiring.

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

The commenter supports the proposed rule.

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

The FAA estimates that 126 airplanes of U.S. registry will be affected by this AD. The FAA has been advised that all 126 affected airplanes have been modified in accordance with the requirements of this AD. Therefore, currently, this AD action imposes no additional economic burden on any U.S. operator.

However, should an unmodified airplane be imported and placed on the U.S. Register in the future, it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be supplied by the manufacturer to the operators at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $220 per airplane.

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

For the reasons discussed above, I certify that this action: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-21-05 Aerospatiale: Amendment 39-8719. Docket 93-NM-54-AD.

Applicability: Model ATR42-200 and -300 series airplanes, serial numbers 3 through 179 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a severe out-of-trim condition, which could lead to reduced controllability of the airplane, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the autopilot disengagement wiring located at shelf 82VU, in accordance with Aerospatiale Service Bulletin ATR42-22-0012, dated April 2, 1990; or Revision 1, dated October 12, 1992.

(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, 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.

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

(d) The modification shall be done in accordance with Aerospatiale Service Bulletin ATR42-22-0012, dated April 2, 1990; or Aerospatiale Service Bulletin ATR42-22-0012, Revision 1, dated October 12, 1992. Revision 1 of Aerospatiale Service Bulletin ATR42-22-0012 contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
1-4, 7-8 ...	1	Oct. 12, 1992.
5-6	Original	Apr. 2, 1990.

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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. 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.

(e) This amendment becomes effective on December 13, 1993.

Issued in Renton, Washington, on October 20, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26252 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 93-NM-11-AD; Amendment 39-8721; AD 93-21-07]

Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146 series airplanes, that requires a functional test to ensure

proper operation of the "LIFT SPOILER UNLOCKED" indication system, and replacement of any lift spoiler jack spindle that fails the functional test. This amendment is prompted by a report that lift spoiler jack spindles were manufactured with excess cadmium plating, which may cause the spindles to stick. The actions specified by this AD are intended to prevent failure of the "LIFT SPOILER UNLOCKED" indication system.

DATES: Effective December 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from AVRO International Aerospace, Incorporated, 22111 Pacific Boulevard, Sterling, Virginia 20166. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146 series airplanes was published in the **Federal Register** on July 8, 1993 (58 FR 36627). That action proposed to require a functional test to ensure proper operation of the "LIFT SPOILER UNLOCKED" indication system, and replacement of any lift spoiler jack spindle that fails the functional test.

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

The commenter supports the proposed rule.

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

The FAA estimates that 45 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $12,375, or $275 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

For the reasons discussed above, I certify that this action: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-21-07 British Aerospace: Amendment 39-8721. Docket 93-NM-11-AD.

Applicability: Model BAe 146 series airplanes equipped with a lift spoiler jack, part number P308-45-0002 or P308-45-0102; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the "LIFT SPOILER UNLOCKED" indication system, accomplish the following:

(a) At the next scheduled maintenance inspection of the lift spoiler configuration warning microswitches, but no later than 15 months after the effective date of this AD, perform a functional test of the lift spoiler configuration warning microswitches in accordance with British Aerospace BAe 146 Inspection Service Bulletin S.B.27-137, dated November 17, 1992.

(1) If all of the configuration microswitches operate properly, prior to further flight, no further action is required by this AD. However, entries in the airplane maintenance records that are to be transferred with the airplane must indicate the serial number of each affected lift spoiler jack.

(2) If any configuration microswitch fails to operate properly, prior to further flight, replace the lift spoiler jack spindle with a jack on which the actions described in the service bulletin have been accomplished. Entries in the airplane maintenance records that are to be transferred with the airplane must indicate the serial number of each affected lift spoiler jack.

(b) As of the effective date of this AD, no person shall install on any airplane a lift spoiler jack on which the actions described in British Aerospace BAe 146 Inspection Service Bulletin S.B.27-137, dated November 17, 1992, have not been accomplished.

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

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

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

(e) The test shall be done in accordance with British Aerospace BAe 146 Inspection Service Bulletin S.B.27-137, dated November 17, 1992. 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 AVRO International Aerospace, Incorporated, 22111 Pacific Boulevard, 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.

(f) This amendment becomes effective on December 13, 1993.

Issued in Renton, Washington, on October 25, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26648 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 93-NM-66-AD; Amendment 39-8722; AD 93-21-08]

Airworthiness Directives; McDonnell Douglas Model DC-8-70 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-8-70 series airplanes, that requires inspections to detect cracking in the front spar pylon support attach fittings on the number 2 and number 3 engines, and repair, if necessary. This amendment is prompted by reports of cracking in the pylon support fittings of the front spar on the number 2 and number 3 engines. The actions specified by this AD are intended to prevent reduced structural integrity of the pylon-to-wing main load path.

DATES: Effective December 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike Lee, Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5325; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-8-70 series airplanes was published in the **Federal Register** on August 9, 1993 (58 FR 42261). That action proposed to require inspections to detect cracking in the front spar pylon support attach fittings on the number 2 and number 3 engines, and repair, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 57 Model DC-8-70 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 37 airplanes of U.S. registry will be affected by this AD.

If the wing leading edge of an affected airplane must be removed in order to perform the required inspections, it will take approximately 252 work hours per airplane to accomplish each inspection, at an average labor rate of $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. is operators who need to remove the wing leading edge on an airplane is estimated to be $13,860 per airplane per inspection cycle.

If lower access doors have been installed on the wing leading edge of an affected airplane, thereby eliminating the need to remove the wing leading edge in order to perform the required inspections, it will take approximately 6 work hours per airplane to accomplish each inspection, at an average labor rate of $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators who do not need to remove the wing leading edge on an airplane is estimated to be $330 per airplane per inspection cycle.

The number of required work hours for each requirement of this AD, as indicated above, is presented as if the accomplishment of those actions were to be conducted as "stand alone" actions. However, in actual practice, these actions for the most part will be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary additional work hours will be minimal in many instances. Additionally, any costs associated with special airplane scheduling will be minimal.

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

For the reasons discussed above, I certify that this action: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-21-08 McDonnell Douglas: Amendment 39-8722. Docket 93-NM-66-AD.

Applicability: Model DC-8-72, -72F, -73, and -73F series airplanes, as listed in McDonnell Douglas DC-8-70 Alert Service Bulletin A57-99, dated December 10, 1992, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the pylon-to-wing main load path, accomplish the following:

(a) Perform an eddy current inspection of the front spar pylon support fittings (part numbers 5753054-501 and -502) on the number 2 and number 3 engines, in accordance with McDonnell Douglas DC-8-70 Alert Service Bulletin A57-99, dated December 10, 1992, and at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. Thereafter, repeat this inspection at intervals not to exceed 720 landings.

(1) For the number 2 engine: Prior to the accumulation of 4,000 landings since installation of that engine, or within 6 months after the effective date of this AD, whichever occurs later, unless accomplished previously within the last 720 landings prior to the effective date of this AD.

(2) For the number 3 engine: Prior to the accumulation of 4,000 landings since installation of that engine, or within 6 months after the effective date of this AD, whichever occurs later, unless accomplished previously within the last 720 landings prior to the effective date of this AD.

(b) If any crack is found, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. After repair, continue to repeat the inspection at intervals not to exceed 720 landings, in accordance with McDonnell Douglas DC-8-70 Alert Service Bulletin A57-99, dated December 10, 1992.

(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 ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(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 inspections shall be done in accordance with McDonnell Douglas DC-8-70 Alert Service Bulletin A57-99, dated December 10, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 13, 1993.

Issued in Renton, Washington, on October 25, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26647 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 93-NM-62-AD; Amendment 39-8723; AD 93-21-09]

Airworthiness Directives; Airbus Model A320-111 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320-111 series airplanes, that requires repetitive inspections to detect breakage of the rivet heads at a certain skin-to-frame junction of the fuselage and replacement of discrepant rivets. This amendment also requires a terminating replacement of the currently installed rivets with high-strength bolts that eliminates the need for the repetitive inspections. This amendment is prompted by test reports of fatigue-related damage found on the rivet heads at a certain skin-to-frame junction of the fuselage. The actions specified by this AD are intended to prevent loss of structural integrity of the fuselage.

DATES: Effective December 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Model A320-111 series airplanes was published in the **Federal Register** on July 2, 1993 (58 FR 35899). That action proposed to require repetitive external detailed visual inspections to detect breakage of the rivet heads at the junction between frame 15 and the skin on the left and right side, between stops 3 and 7. The action also proposed to require eventual replacement of the currently installed rivets with high-strength bolts; when accomplished, this replacement would terminate the need for the repetitive inspections.

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

Both commenters support the proposed rule.

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

Currently, there are no Airbus Industrie Model A320-111 series airplanes on the U.S. Register that are affected by this rule. However, should an affected airplane be imported and placed on the U.S. Register in the future, it will take approximately 17 work hours per airplane to accomplish the required actions, at an average labor rate of $55 per work hour. Required parts will cost approximately $1,404 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $2,339 per airplane.

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy

of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-21-09 Airbus Industrie: Amendment 39-8723. Docket 93-NM-62-AD.

Applicability: Model A320-111 series airplanes, serial numbers 005 through 012 inclusive, on which Modification 20774, as described in Airbus Industrie Service Bulletin A320-53-1004, Revision 1, dated July 30, 1992, has not been accomplished; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of structural integrity of the fuselage, accomplish the following:

(a) Prior to the accumulation of 10,000 total landings, or within the next 60 days after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 6,000 landings, perform an external detailed visual inspection to detect breakage of the rivet heads at the junction between frame 15 and the skin on the left and right side, between stops 3 and 7, in accordance with Airbus Industrie Service Bulletin A320-53-1069, dated August 17, 1991.

(1) If no breakage is detected on any rivet head: Prior to the accumulation of 22,000 total landings, or within 180 days after the effective date of this AD, whichever occurs later, replace all of the currently installed rivets with new or serviceable high-strength titanium Hilite bolts in accordance with Airbus Industrie Service Bulletin A320-53-1004, Revision 1, dated July 30, 1992, as revised by Change Notice 1.A., dated October 12, 1992.

(2) If breakage is detected on fewer than 2 rivet heads on each side: Within the next 100 landings after discovery of breakage, replace all of the currently installed rivets with new or serviceable high-strength titanium Hilite bolts in accordance with Airbus Industrie Service Bulletin A320-53-1004, Revision 1, dated July 30, 1992, as revised by Change Notice 1.A., dated October 12, 1992.

(3) If breakage is detected on 2 or more rivet heads on either side: Prior to further flight, replace all of the currently installed rivets with new or serviceable high-strength titanium Hilite bolts in accordance with Airbus Industrie Service Bulletin A320-53-1004, Revision 1, dated July 30, 1992, as revised by Change Notice 1.A., dated October 12, 1992.

(b) Replacement of all of the currently installed rivets with new or serviceable high-strength titanium Hilite bolts in accordance with Airbus Industrie Service Bulletin A320-53-1004, Revision 1, dated July 30, 1992, as revised by Change Notice 1.A., dated October 12, 1992, constitutes terminating action for the repetitive inspection requirements of this AD.

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

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

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

(e) The inspection and replacement shall be done in accordance with Airbus Industrie Service Bulletin A320-53-1069, dated August 17, 1991; Airbus Industrie Service Bulletin A320-53-1004, Revision 1, dated July 30, 1992; and Service Bulletin Change Notice 1.A., dated October 12, 1992, for Airbus Industrie Service Bulletin A320-53-1004, Revision 1, dated July 30, 1992. Revision 1 of Airbus Industrie Service Bulletin A320-53-1004 contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-4, 6-8	1	July 30, 1992.
5, 9-11	Original	April 5, 1989.

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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on December 13, 1993.

Issued in Renton, Washington, on October 25, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26649 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93-NM-83-AD; Amendment 39-8725; AD 93-21-11]

Airworthiness Directives; Fokker Model F27 Series Airplanes, Excluding Model F27 Mk 050 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F27 series airplanes, that requires the replacement of the brake control valve actuating levers with improved units. This amendment is prompted by reports of levers that fractured during operation of the brake system. The actions specified by this AD are intended to prevent failure of the brake control valve actuating levers, which could lead to loss of the primary brakes, differential braking, and anti-skid.

DATES: Effective December 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 13, 1993.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Fokker Model F27 series airplanes was published in the

Federal Register on July 23, 1993 (58 FR 39474). That action proposed to require replacement of the brake control valve actuating levers with improved units.

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

The commenter supports the proposed rule.

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

The FAA estimates that 55 airplanes of U.S. registry will be affected by this AD, that it will take approximately 32 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $800 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $140,800, or $2,560 per airplane.

This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-21-11 Fokker: Amendment 39-8725. Docket 93-NM-83-AD.

Applicability: Model F27 series airplanes, excluding Model F27 Mark 050 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent failure of the brake control valve actuating levers, accomplish the following:

(a) Within 12 months after the effective date of this AD, or prior to the accumulation of 2,000 flight hours after the effective date of this AD, whichever occurs first, replace the brake control valve actuating levers in accordance with Fokker Service Bulletin F27/32-161, Revision 1, dated June 14, 1991.

(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, 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.

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

(d) The replacement shall be done in accordance with Fokker Service Bulletin F27/32-161, Revision 1, dated June 14, 1991, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1-2	1	June 14, 1991.
3-7	Original	June 5, 1989.

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

(e) This amendment becomes effective on December 13, 1993.

Issued in Renton, Washington, on October 26, 1993.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26753 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 93-NM-96-AD; Amendment 39-8720; AD 93-21-06]

Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1125 Westwind Astra Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain IAI, Ltd., Model 1125 Westwind Astra series airplanes, that currently requires repetitive visual inspections to detect cracks in the outer lugs of the horizontal stabilizer hinge fittings, and replacement of any cracked fittings. This amendment requires shortening the interval for the required repetitive inspections and requires the installation of a terminating modification. This amendment is prompted by reports of broken outer lugs found in the horizontal stabilizer hinge splice fitting. The actions specified by this AD are intended to detect cracking in the outer lugs in a timely manner in order to prevent reduced structural integrity of the horizontal stabilizer assembly.

DATES: Effective December 13, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 13, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Astra Jet Corporation, Technical Publications, 77 McCullough Drive, suite 11, New Castle, Delaware 19720. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2792; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 92-12-07, Amendment 39-8268 (57 FR 28603, June 26, 1992), which is applicable to certain Israel Aircraft Industries (IAI), Ltd., Model 1125 Westwind Astra series airplanes, was published in the **Federal Register** on July 21, 1993 (58 FR 38985). The action proposed to supersede AD 92-12-07 to reduce the interval required for repetitive visual inspections of the outer lugs of the horizontal stabilizer hinge fittings from the currently required 200 hours time-in-service to 100 hours time-in-service.

Additionally, the action proposed to require the replacement of aluminum horizontal stabilizer aft spar splice fittings with titanium splice fittings within one year after the effective date of the final rule.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 36 airplanes of U.S. registry will be affected by this AD, that it will take approximately 200 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $20,000 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,116,000, or $31,000 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8268 (57 FR 28603, June 26, 1992), and by adding a new airworthiness directive (AD), amendment 39-8720, to read as follows:

93-21-06 Israel Aircraft Industries, Ltd.: Amendment 39-8720. Docket 93-NM-96-AD. Supersedes AD 92-12-07, Amendment 39-8268.

Applicability: Model 1125 Westwind Astra series airplanes on which horizontal stabilizer aft spar splice fitting, part number 453005-509, has not been installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the horizontal stabilizer assembly, accomplish the following:

(a) Within the next 50 hours time-in-service after July 31, 1992 (the effective date of AD 92-12-07, amendment 39-8268), unless previously accomplished within the last 150 hours time-in-service prior to July 31, 1992, perform a visual inspection of the horizontal stabilizer hinge fitting to detect cracks in the outer lug root radius and fore and aft surfaces, and around the hinge pin head and nut of the lugs, in accordance with Astra Service Bulletin 1125-55-017, Revision 1, dated April 24, 1991.

(1) If no cracks are found during this inspection, repeat the inspection at intervals not to exceed 200 hours time-in-service until the inspection required by paragraph (b) is accomplished.

(2) If any crack is found during this inspection, prior to further flight, replace the hinge fitting in accordance with Astra Service Bulletin 1125-55-017, Revision 1, dated April 24, 1991. After replacement, repeat the visual inspection required by this paragraph at intervals not to exceed 200 hours time-in-service until the inspection required by paragraph (b) is accomplished.

(b) Within 25 hours time-in-service after the effective date of this AD, unless previously accomplished within the last 75 hours time-in-service, perform a visual inspection of the horizontal stabilizer hinge fitting, including the horizontal stabilizer aft spar splice fitting, part number 453005-503 (aluminum), to detect cracks in the outer lug root radius and fore and aft surfaces, and around the hinge pin head and nut of the lugs, in accordance with the Accomplishment Instructions of IAI Service Bulletin 1125-55-017, Revision 1, dated April 24, 1991. Accomplishment of this inspection terminates the requirements of paragraph (a) of this AD.

(1) If no crack is found during this inspection, repeat the inspection at intervals not to exceed 100 hours time-in-service.

(2) If any crack is found during this inspection, prior to further flight, replace the splice fitting, part number 453005-503 (aluminum), with an improved splice fitting, part number 453005-509 (titanium), in accordance with procedures in the IAI Model 1125 Westwind Astra maintenance manual. Such replacement constitutes terminating action for the inspection requirements of this AD.

(c) Within one year after the effective date of this AD, replace the splice fitting, part number 453005-503 (aluminum), with an improved splice fitting, part number 453005-509 (titanium), in accordance with the IAI Model 1125 Westwind Astra maintenance manual. Such replacement constitutes terminating action for the inspection requirements of this AD.

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

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

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

(f) The inspections and replacements shall be done in accordance with Astra Service Bulletin 1125-55-017, Revision 1, dated April 24, 1991. 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 Astra Jet Corporation, Technical Publications, 77 McCullough Drive, suite 11, New Castle, Delaware 19720. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on December 13, 1993.

Issued in Renton, Washington, on October 25, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-26646 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 91-ASW-11; Amendment 39-8718; AD 93-21-03]

Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A-1, 269B, and TH-55A Series Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Model 269A, 269A-1, 269B, and TH-55A series helicopters, that currently requires a one-time dye penetrant inspection and repetitive visual inspections of the magnesium tailboom center attachment (saddle) fitting (fitting) for cracks, corrosion, fretting, or looseness. This amendment retains the present initial and repetitive visual inspections and adopts a new repetitive dye penetrant inspection of the magnesium fitting as well as requires a new aluminum fitting as a terminating action. This amendment is prompted by reports of cracks in the magnesium fitting. The actions specified by this AD are intended to prevent fatigue failure of the magnesium fitting that could result in loss of the tailboom and subsequent loss of control of the helicopter.

EFFECTIVE DATE: December 17, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. This information may be examined at the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, 4400 Blue Mound Road, bldg. 3B, room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Socias, Aerospace Engineer, FAA, New York Aircraft Certification Office, Airframe Branch, ANE-172, New England Region, 181 S. Franklin Avenue, Valley Stream, New York 11581, telephone (516) 791-6220, fax (516) 791-9024.

SUPPLEMENTARY INFORMATION: Proposals to amend part 39 of the Federal Aviation Regulations by superseding airworthiness directive (AD) 80-05-05, Amendment 39-3707 (45 FR 14540, March 6, 1980), which are applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A-1, 269B, and TH-55A helicopters, were published in the **Federal Register** on June 26, 1991 (56 FR 29199) and March 23, 1993 (58 FR 15448). These actions proposed to require a new repetitive dye penetrant inspection of the magnesium tailboom center attachment (saddle) fitting (fitting) and replacement of the magnesium fitting with a new aluminum fitting as a required terminating action.

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

Only one comment was received in response to the Notice of Proposed Rulemaking (NPRM) and the Supplemental Notice of Proposed Rulemaking (SNPRM). Schweizer Aircraft Corporation, the one commenter, states that additional information has been gained from an accident involving a Model TH-55A helicopter. The investigation report states that the magnesium fitting on the accident helicopter contained several cracks that resulted in complete separation of the left and right lugs of the magnesium fitting. Some of the cracks may have been undetected for a significant period of time prior to separation of the magnesium fitting. Additionally, extensive evidence of fretting and corrosion have been reported previously on Models 269A, 269A-1, 269B, and TH-55A magnesium fittings.

Schweizer Aircraft Corporation has since issued Service Bulletin B-238.1, dated November 7, 1991, which describes procedures for an initial dye penetrant inspection, repetitive visual and dye penetrant inspections for cracks, and a terminating action for the inspections. The bulletin also describes procedures for the replacement of the magnesium fitting, P/N 269A2324 (BSC) or 269A2324-7, with new aluminum fittings, P/N 269A2324-13 (undrilled), for these model helicopters.

Because of the extensive fretting and corrosion that were found on the accident helicopter, the FAA determined that all magnesium fittings need repetitive inspections using a 10-power magnifying glass. The FAA has also determined that a repetitive dye penetrant inspection of these fittings is needed until they are removed from service. Additionally, the FAA has determined that it is necessary to require a terminating modification, which was proposed in the SNPRM.

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

The FAA estimates that 512 helicopters of U.S. registry will be affected by this AD, that it will take approximately 18 work hours per helicopter to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $852 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $943,104.

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–3707 (45 FR 14540, March 6, 1980) and by adding a new airworthiness directive (AD). Amendment 39–8718, to read as follows:

AD 93–21–03 Schweizer Aircraft Corporation And Hughes Helicopters, Inc.: Amendment 39–8718. Docket Number 91–ASW–11. Supersedes AD 80–05–05, Amendment 39–3707. Docket Number 80–WE–3–AD.

Applicability: Model 269A, 269A–1, 269B, and TH–55A series helicopters, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue failure of the magnesium tailboom center attachment (saddle) fitting (fitting) that could result in loss of the tailboom and subsequent loss of control of the helicopter, accomplish the following:

(a) For each helicopter with a magnesium fitting, part number (P/N) 269A2324 (BSC) or 269A2324–7, with 4,000 or less hours' time-in-service on the effective date of this AD, perform the following in accordance with the 269 Series Basic Handbook of Maintenance Information, as revised by Temporary Revision No. R–42, dated October 8, 1990 (HMI):

(1) Prior to further flight and thereafter at intervals not to exceed 50 hours' time-in-service from the last inspection, visually inspect the magnesium fitting and tailboom assembly for fretting, corrosion, and cracks using a 10-power or higher magnifying glass.

(2) Within the next 25 hours' time-in-service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time-in-service from the last inspection, inspect the magnesium fitting for cracks using a dye penetrant inspection.

(3) If the magnesium fitting, P/N 269A2324 (BSC) or 269A2324–7, is found unairworthy by the inspections required by this paragraph, before further flight, remove and replace it with an airworthy aluminum fitting, P/N 269A2324–13 (undrilled).

(4) Prior to accumulating 4,100 hours' time-in-service, replace the magnesium fitting, P/N 269A2324 (BSC) or P/N 269A2324–7, with an airworthy aluminum fitting, P/N 269A2324–13 (undrilled).

(b) For each helicopter with a magnesium fitting, P/N 269A2324 (BSC) or P/N 269A2324–7, with more than 4,000 hours' time-in-service on the effective date of the AD, perform the following in accordance with the HMI:

(1) Before the first flight of each day, visually inspect the magnesium fitting and tailboom assembly for fretting, corrosion and cracks using a 10-power or higher magnifying glass.

(2) Prior to further flight after the effective date of this AD and thereafter at an interval not to exceed 50 hours' time-in-service from the last inspection, inspect the magnesium fitting for cracks using a dye penetrant inspection.

(3) If the magnesium fitting, P/N 269A2324 (BSC) or 269A2324–7, is found unairworthy by the inspections required by this paragraph, before further flight, remove and replace it with an airworthy aluminum fitting, P/N 269A2324–13 (undrilled).

(4) Within the next 100 hours' time-in-service, replace the magnesium fitting, P/N 269A2324 (BSC) or 269A2324–7, with an airworthy aluminum fitting, P/N 269A2324–13 (undrilled).

(c) Installation of an aluminum fitting, P/N 269A2324–13 (undrilled), constitutes terminating action for the requirements of this AD.

Note: Schweizer Aircraft Corporation Service Bulletin B–238.1, dated November 7, 1991, pertains to this AD.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, 181 S. Franklin Avenue, room 202, Valley Stream, New York 11581–1145. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York 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 Manager, New York Aircraft Certification Office.

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

(f) This amendment becomes effective on December 17, 1993.

Issued in Fort Worth, Texas, on October 18, 1993.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–27801 Filed 11–10–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 73

[Airspace Docket No. 93–ANM–18]

Amendment to Time of Designation for Restricted Areas R–5701 and R–5706; Boardman, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the time of designation for Restricted Areas R–5701 and R–5706 Boardman, OR. This action reduces the hours of operation from 0700–0200 local time Monday–Friday, Saturday and Sunday 0800–1800 local time, other times by a Notice to Airmen (NOTAM) 6 hours in advance, to 0730–2359 Monday–Friday other times by NOTAM 6 hours in advance. This action will enhance real-time joint utilization of special use airspace.

EFFECTIVE DATE: 0901 u.t.c., January 6, 1994.

FOR FURTHER INFORMATION CONTACT:

Ken McElroy, Military Operations Program Office (ATM–420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–7686.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to part 73 of the Federal Aviation Regulations changes the time of designation for Restricted Areas R–5701 and R–5706 Boardman, OR. This action reduces the hours of operation from 0700–0200 local time Monday–Friday, Saturday and Sunday 0800–1800 local time, other times by NOTAM 6 hours in advance to enhance real-time joint utilization of special use airspace. This action was initiated by the Department of the Navy based on an internal review of actual operations in the restricted areas by the using agency. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public is not particularly interested. Section 73.57 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8A dated March 3, 1993.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This action does not alter the dimensions of restricted airspace, nor change the mission conducted within the airspace. It enhances the efficient management of airspace by increasing public availability of the airspace. Accordingly, this action will have no effect on current air traffic procedures or on routing or altitude of civil aircraft operations in the area. The FAA, therefore, finds that there will be no significant impact on the environment as a result of this action.

List of Subjects in 14 CFR Part 73

Airspace, Navigation (air).

Adoption of the Amendment

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

PART 73—[AMENDED]

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

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

§ 73.57 [Amended]

2. 73.57 is amended as follows:

R–5701 Boardman, OR [Amended]

By removing "Time of designation. 0700–0200 Monday–Friday; 0800–1800 Saturday and Sunday; other times by NOTAM 6 hours in advance," and substituting the following:

"Time of designation. 0730–2359 Monday–Friday; other times by NOTAM 6 hours in advance."

R–5706 Boardman, OR [Amended]

By removing "Time of designation. 0700–0200 Monday–Friday; 0800–1800 Saturday and Sunday; other times by NOTAM 6 hours in advance," and substituting the following:

"Time of designation. 0730–2359 Monday–Friday; other times by NOTAM 6 hours in advance."

Issued in Washington, DC, on November 4, 1993.

Willis C. Nelson,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 93–27796 Filed 11–10–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

15 CFR Part 19

[Docket No. 930489–3281]

RIN 0690–AA20

Referral of Debts to the Internal Revenue Service for Tax Refund Offset

AGENCY: Department of Commerce.

ACTION: Affirmation of interim rule.

SUMMARY: This rule adopts as final the Department of Commerce's (DOC) interim rule at 15 CFR part 19, concerning regulations governing the referral of delinquent debts to the Internal Revenue Service (IRS) for offset against the income tax refunds of persons owing money to the DOC. These regulations are authorized by the Deficit Reduction Act of 1984 (the Act). Section 2653 of the Act allows the DOC to collect debts by means of offset from the income tax refunds of persons owing money to the DOC provided certain conditions are met. This rule adds regulations to establish procedures to be followed by DOC in requesting the IRS to offset tax refunds due to taxpayers who have past-due legally enforceable debt obligations to the DOC.

EFFECTIVE DATE: July 26, 1993.

FOR FURTHER INFORMATION CONTACT: Charles J. Yaple, Office of Financial Management, U.S. Department of Commerce, Herbert C. Hoover Building, room 6818, 14th Street & Constitution Avenue, NW., Washington, DC 20230, (202) 482–0754.

SUPPLEMENTARY INFORMATION: On July 26, 1993, DOC published an interim rule on referral of debts to the IRS for tax refund offset (58 FR 39652), and allowed interested persons 60 days to comment. No public comments were received. DOC is adopting as a final rule 15 CFR Part 19 "Referral of Debts to the Internal Revenue Service for Tax Refund Offset."

This rule is exempt from notice, opportunity to comment, and delayed effective date requirements of 5 U.S.C. 553 because it is primarily procedural and, to the extent it is not, merely restates existing provisions of statutory law.

Since notice and opportunity for comment are not required to be given for the rule under section 553 of the APA (5 U.S.C. 553) or any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a), 604(a)), no initial or final Regulatory Flexibility Analysis has to be, or will be, prepared.

This rule does not contain a collection of information for purposes of the Paper Work Reduction Act (Pub. L. 96–511). This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 15 CFR Part 19

Administrative practice and procedure, Claims.

Under authority of 31 U.S.C. 3720A; Public Law 98–369; 98 Stat. 1153, the interim regulation at 15 CFR part 19 which was published July 26, 1993, (58 FR 39652), is adopted as final without changes.

Dated: November 4, 1993.

Clyde G. McShan, II,

Deputy Chief Financial Officer.

[FR Doc. 93–27875 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 522

Animal Drugs, Feeds, and Related Products; Sterile Sometribove Zinc Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by the Animal Sciences Division of Monsanto Co. The NADA provides for the subcutaneous use of Posilac® (sterile sometribove zinc suspension) in lactating dairy cows to increase the production of marketable milk.

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Richard P. Lehmann, Center for Veterinary Medicine (HFV–120), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1600.

SUPPLEMENTARY INFORMATION: The Animal Sciences Division of Monsanto Co., 800 North Lindbergh Blvd., St. Louis, MO 63167, filed NADA 140–872 which provides for the subcutaneous use of Posilac® (sterile sometribove zinc suspension) in lactating dairy cows to increase the production of marketable milk. The product consists of a single-dose syringe containing 500 milligrams of sometribove zinc (prolonged-release formulation) which is initially administered during the ninth week after calving. Thereafter, it is administered every 14 days until the end of lactation. The NADA is approved as of November 5, 1993. The regulations are amended by adding new § 522.2112 (21 CFR 522.2112) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

The regulations are also amended in § 510.600(c)(1) and (c)(2) (21 CFR 510.600(c)(1) and (c)(2)) to add entries for the firm.

Posilac® is a recombinant deoxyribonucleic acid (DNA)-derived (i.e., biotechnology-derived) new animal drug and, as such, is not eligible for generic copying under section 512(b)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(b)(2)); section 106 of the Generic Animal Drug and Patent Term Restoration Act of 1988 (Pub. L. 100–670) provides that FDA may not approve an abbreviated application under section 512(b)(2) of the act for a new animal drug which is primarily manufactured using, inter alia, recombinant DNA. Posilac® may be included in the list of FDA Approved Animal Drug Products (Green Book), however, and the Center for Veterinary Medicine plans to identify this approval in the Green Book as not eligible for generic copying.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

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

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e).

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding a new entry for "Animal Sciences Division of Monsanto Co." and in the table in paragraph (c)(2) by numerically adding a new entry for "059945" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Animal Sciences Division of Monsanto Co., 800 North Lindbergh Blvd., St. Louis, MO 63167	059945
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
059945	Animal Sciences Division of Monsanto Co., 800 North Lindbergh Blvd., St. Louis, MO 63167
* * * * *	

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

4. New § 522.2112 is added to read as follows:

§ 522.2112 Sterile sometribove zinc suspension.

(a) *Specifications.* The drug product consists of a single-dose syringe containing 500 milligrams of sometribove zinc in a sterile, prolonged-release suspension.

(b) *Sponsor.* See No. 059945 in § 510.600(c) of this chapter.

(c) *Special considerations.* Use may result in reduced pregnancy rates and, in first calf heifers, an increase in days open. Use of the product has also been associated with increases in cystic ovaries and disorders of the uterus during the treatment period. Also, the incidence of retained placenta may be higher following subsequent calving. Treated cows are at an increased risk for clinical mastitis and subclinical mastitis. In some herds, use has been associated with increases in somatic cell counts in milk. Care should be taken to differentiate increased body temperature due to use of this product from an increased body temperature that may occur due to illness. Use may result in an increase in digestive disorders such as indigestion, bloat, and diarrhea. There may be an increase in the number of cows experiencing periods of "off-feed" (reduced feed intake) during treatment. Cows treated with this product may have increased numbers of enlarged hocks and lesions of the knee (carpal region), and second lactation or older cows may have more disorders of the foot region. Use has been associated with reductions in hemoglobin and hematocrit values during treatment. Human warning: Avoid prolonged or repeated contact with eyes and skin.

(d) *Conditions of use—(1) Amount.* 500 milligrams of sometribove zinc every 14 days beginning during the ninth week after calving and continuing until the end of lactation.

(2) *Indications for use.* For use in healthy lactating dairy cows to increase the production of marketable milk.

(3) *Limitations.* For use in lactating dairy cows only. Administer subcutaneously. Safety to replacement bulls born to treated dairy cows has not been established. To minimize injection site blemishes on carcass at time of slaughter, avoid injections within 2 weeks of expected slaughter. No milk discard or preslaughter withdrawal period is required.

Dated: November 5, 1993.

Richard H. Teske,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 93–27876 Filed 11–8–93; 2:55 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

28 CFR Part 44

[AG Order No. 1807–93]

Office of Special Counsel for Immigration-Related Unfair Employment Practices; Unfair Immigration-Related Employment Practices

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule makes technical amendments to 28 CFR part 44, which

implements the prohibitions against unfair immigration-related employment practices contained in section 274B of the Immigration and Nationality Act. These amendments are necessary to reflect the new address of the Office of Special Counsel for Immigration-Related Unfair Employment Practices (Office of Special Counsel), correct citation forms, and make the definition section consistent with the unfair immigration-related employment practices section.

EFFECTIVE DATE: This rule is effective October 28, 1993.

FOR FURTHER INFORMATION CONTACT: William Ho-Gonzalez, Special Counsel, Office of Special Counsel for Immigration-Related Unfair Employment Practices, U.S. Department of Justice, P.O. Box 27728, Washington, DC 20038-7728; 1-800-255-7688 (toll free voice) or 1-800-237-2515 (toll free TDD number) or 202-616-5594 (Voice) or 202-616-5525 (TDD number); or Andrew M. Strojny, Senior Trial Attorney, Office of Special Counsel, 1-800-255-7688 (toll free) or 1-800-237-2515 (toll free TDD) or 202-616-5594 (Voice) or 202-616-5525 (TDD).

SUPPLEMENTARY INFORMATION: Effective January 8, 1993 the Office of Special Counsel moved to a new address. As a result, the address found at 28 CFR 44.300(c) is obsolete. Although mail will continue to be picked up at the old address until December 31, 1993, the regulation needs to reflect the Office of Special Counsel's current address. In addition, the citations at 28 CFR 44.200 (a)(2) and (a)(3) incorrectly reference the Immigration Reform and Control Act after the appropriate United States Code citations. Those citations are corrected to reflect uniform practice by eliminating "Immigration Reform and Control Act of 1986" after the respective U.S.C. citations. Finally, the definition contained at 28 CFR 44.101(a)(5) is amended to reflect that retaliation and documentation abuse are also unfair immigration-related employment practices as already codified in 28 CFR 44.200(a) (2) & (3).

Justification for a Final Rule

Good cause exists under 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d) for implementing this rule as a final rule effective immediately without provision for public comment. The changes are technical in nature and do not affect any substantive provision of the regulation. They either correct citation forms, amend the regulation to reflect the Office of Special Counsel's current address, or conform the definition section listing possible violations to reflect violations already codified. Comments cannot affect these changes.

List of Subjects in 28 CFR Part 44

Administrative practice and procedures, Aliens, Asylum, Citizenship and naturalization, Civil rights, Discrimination in employment, Employment, Equal employment opportunity, Immigration, Investigations, Minority groups, Nationality, Naturalization, Nondiscrimination, Refugees.

For the reasons set forth in the preamble, 28 CFR part 44 is amended as follows:

PART 44—[AMENDED]

1. The authority citation for part 44 continues to read as follows:

Authority: 8 U.S.C. 1324b; 8 U.S.C. 1103(a).

2. Section 44.101 paragraph (a)(5) is revised to read as follows:

§ 44.101 Definitions.

* * * * *

(a) * * *

(5) Indicates whether the basis of the alleged unfair immigration-related employment practice is discrimination based on national origin, citizenship status, or both; or intimidation or retaliation, or documentation abuses;

* * * * *

3. Section 44.200 paragraphs (a)(2) and (a)(3) are revised to read as follows:

§ 44.200 Unfair immigration-related employment practices.

* * * * *

(a) * * *

(2) *Intimidation or retaliation.* It is an unfair immigration-related employment practice for a person or other entity to intimidate, threaten, coerce, or retaliate against any individual for the purpose of interfering with any right or privilege secured under 8 U.S.C. 1324b or because the individual intends to file or has filed a charge or a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under that section.

(3) *Documentation abuses.* A person's or other entity's request, for purposes of satisfying the requirements of 8 U.S.C. 1324a(b), for more or different documents than are required under such section or refusing to honor documents tendered that on their face reasonably appear to be genuine and to relate to the individual shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals.

* * * * *

3. Section 44.300 paragraph (c) is revised to read as follows:

§ 44.300 Filing a charge.

* * * * *

(c) *How to file.* Charges may be:

(1) Mailed to: Office of Special Counsel for Immigration-Related Unfair Employment Practices, P.O. Box 27728, Washington, DC 20038-7728 or

(2) Delivered to the Office of Special Counsel at 1425 New York Avenue NW., suite 9000, Washington, DC 20005.

* * * * *

Dated: October 28, 1993.

Janet Reno,

Attorney General.

[FR Doc. 93-27768 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 93-075]

Safety, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between July 1, 1993 and September 30, 1993, which were not published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard district regulations that were established and terminated between July 1, 1993 and September 30, 1993, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of these temporary regulations may be examined at, and is available on request, from Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Sheri deGrom, Executive Secretary, Marine Safety Council at (202) 267-1477 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive

to the safety needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to assure the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the **Federal Register** is often precluded when a regulation responds to an emergency, or when an event occurs without advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation.

Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the **Federal Register**. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 (because of their emergency nature, or limited scope and temporary effectiveness).

The following regulations were placed in effect temporarily during the period July 1, 1993 and September 30, 1993, unless otherwise indicated.

QUARTERLY REPORT

Docket No.	Location	Type	Effective date
Baltimore 93-05-009	Annapolis, MD	Safety Zone	7/4/93
Baltimore 93-05-014	Patuxent River, MD	Safety Zone	7/3/93
Baltimore 93-05-015	Solomons Island, MD	Safety Zone	7/4/93
Baltimore 93-05-016	Baltimore, MD	Safety Zone	7/4/93
Baltimore 93-05-017	Galesville, MD	Safety Zone	7/4/93
Baltimore 93-05-018	Baltimore, MD	Safety Zone	6/12/93
Baltimore 93-05-019	Baltimore, MD	Safety Zone	7/13/93
Baltimore 93-05-020	Chester River, MD	Safety Zone	7/31/93
Baltimore 93-05-024	Annapolis, MD	Safety Zone	9/7/93
Baltimore 93-05-025	Long Beach, MD	Safety Zone	9/18/93
Charleston 93-083	Charleston, SC	Safety Zone	7/19/93
Charleston 93-089	Charleston, SC	Safety Zone	8/11/93
Charleston 93-091	Cooper River, SC	Safety Zone	9/7/93
Jacksonville 93-062	Jacksonville, FL	Safety Zone	7/4/93
Jacksonville 93-063	Cocoa Beach, FL	Safety Zone	7/4/93
Jacksonville 93-064	Cocoa, FL	Safety Zone	7/4/93
Jacksonville 93-065	St. Augustine, FL	Safety Zone	7/4/93
Jacksonville 93-066	Ormond Beach, FL	Safety Zone	7/4/93
Jacksonville 93-067	Edgewater, FL	Safety Zone	7/4/93
Jacksonville 93-068	Jacksonville, FL	Safety Zone	7/4/93
Jacksonville 93-069	Mayport, FL	Safety Zone	7/4/93
Jacksonville 93-070	Amelia Island, FL	Safety Zone	7/4/93
Jacksonville 93-082	Jacksonville, FL	Safety Zone	7/14/93
Jacksonville 93-101	Jacksonville, FL	Safety Zone	9/25/93
LA/LB 93-008	Los Angeles/Long Beach, CA	Safety Zone	9/4/93
Louisville 93-007	Ohio River	Safety Zone	7/4/93
Louisville 93-008	Ohio River	Safety Zone	7/4/93
Louisville 93-011	Ohio River	Safety Zone	7/4/93
Louisville 93-012	Ohio River	Safety Zone	7/4/93
Louisville 93-013	Ohio River	Safety Zone	7/13/93
Louisville 93-014	Cincinnati, OH	Safety Zone	8/6/93
Louisville 93-015	Ohio River	Safety Zone	9/3/93
Memphis 93-003	Arkansas River	Safety Zone	7/3/93
Miami 93-084	Miami, FL	Safety Zone	7/29/93
Miami 93-085	Boca Raton, FL	Safety Zone	7/31/93
Miami 93-090	Miami River	Safety Zone	8/25/93
Miami 93-094	Miami, FL	Safety Zone	9/1/93
Miami 93-095	Hollywood, FL	Safety Zone	9/2/93
Miami 93-096	Hollywood, FL	Safety Zone	9/7/93
P.W. Sound, AK 93-001	Prince William Sound, AK	Safety Zone	8/20/93
P.W. Sound, AK 93-002	Prince William Sound, AK	Safety Zone	8/20/93
P.W. Sound, AK 93-003	Prince William Sound, AK	Safety Zone	8/21/93
P.W. Sound, AK 93-004	Prince William Sound and Port Valdez, AK	Safety Zone	.....
P.W. Sound, AK 93-005	Prince William Sound and Port Valdez, AK	Safety Zone	.....
P.W. Sound, AK 93-006	Prince William Sound, AK	Safety Zone	8/22/93
P.W. Sound, AK 93-007	Prince William Sound, AK	Safety Zone	8/22/93
Paducah 93-009	Ohio River	Safety Zone	7/3/93
Paducah 93-013	Tennessee River	Safety Zone	9/15/93

QUARTERLY REPORT—Continued

Docket No.	Location	Type	Effective date
Pittsburgh 93–006	Monongahela River	Safety Zone	7/16/93
San Diego 93–004	San Diego Bay, CA	Safety Zone	7/17/93
San Diego 93–005	San Diego Bay, CA	Safety Zone	7/20/93
San Diego 93–006	San Diego Bay, CA	Safety Zone	7/22/93
San Diego 93–007	San Diego Bay, CA	Safety Zone	8/14/93
San Francisco 93–005	San Francisco Bay	Safety Zone	7/4/93
San Francisco 93–006	San Francisco Bay	Safety Zone	8/2/93
San Francisco 93–007	San Francisco Bay	Safety Zone	7/26/93
San Francisco 93–008	San Francisco Bay	Safety Zone	8/16/93
San Francisco 93–009	San Francisco Bay	Security Zone	8/13/93
San Francisco 93–010	San Francisco Bay	Safety Zone	8/17/93
San Francisco 93–011	San Francisco Bay	Safety Zone	8/20/93
San Juan 93–079	San Juan Harbor, San Juan, PR	Safety Zone	7/4/93
San Juan 93–080	San Juan Harbor, San Juan, PR	Safety Zone	8/15/93
San Juan 93–088	St. Thomas, U.S. Virgin Islands	Safety Zone	8/17/93
Savannah 93–073	Hilton Head Island, SC	Safety Zone	7/4/93
Savannah 93–077	Savannah, GA	Safety Zone	7/4/93
Savannah 93–078	Hilton Head Island, SC	Safety Zone	7/4/93
Southeast Alaska 93–003	Juneau, AK	Safety Zone	7/3/93
Southeast Alaska 93–004	Sitka, AK	Safety Zone	7/3/93
Southeast Alaska 93–005	Ketchikan, AK	Safety Zone	7/4/93
Wilmington 93–003	Southport, NC	Safety Zone	7/5/93
01–93–003	East Passage, RI	Safety Zone	8/14/93
01–93–010	New York, New Jersey	Safety Zone	7/4/93
01–93–011	Fairfield, CT	Safety Zone	7/5/93
01–93–012	Stratford, CT	Safety Zone	7/3/93
01–93–013	Westport, CT	Safety Zone	7/1/93
01–93–023	Troy, NY	Safety Zone	7/3/93
01–93–025	East Hampton, NY	Safety Zone	7/17/93
01–93–034	New York	Safety Zone	9/28/93
01–93–039	Port Jefferson, NY	Safety Zone	
01–93–046	Bridgeport, CT	Safety Zone	7/3/93
01–93–047	Middletown, CT	Safety Zone	7/4/93
01–93–050	Champlain, VT	Safety Zone	7/4/93
01–93–051	Red Bank, NJ	Safety Zone	7/3/93
01–93–052	Hempstead Harbor, NY	Safety Zone	9/12/93
01–93–055	Raritan Bay, NJ	Safety Zone	7/4/93
01–93–056	Bayhead, NJ	Safety Zone	8/22/93
01–93–056	Bayhead, NJ	Safety Zone	8/21/93
01–93–058	Manasquan River, NJ	Safety Zone	7/4/93
01–93–061	Northport, NY	Safety Zone	7/11/93
01–93–065	Norwich, CT	Safety Zone	7/2/93
01–93–067	Burlington Harbor, VT	Safety Zone	7/3/93
01–93–068	Stamford, CT	Safety Zone	7/3/93
01–93–069	Groton, CT	Safety Zone	7/4/93
01–93–070	Sippican Harbor, MA	Safety Zone	7/4/93
01–93–071	Falmouth, MA	Safety Zone	7/4/93
01–93–077	Norwalk, CT	Safety Zone	7/3/93
01–93–078	Hartford, CT	Safety Zone	7/3/93
01–93–079	Edgartown, MA	Safety Zone	7/3/93
01–93–080	Providence River, RI	Safety Zone	7/4/93
01–93–084	Onset, MA	Safety Zone	7/4/93
01–93–091	Vineyard Haven, MA	Safety Zone	7/10/93
01–93–096	Bath, ME	Safety Zone	7/24/93
01–93–098	Norwich, CT	Safety Zone	8/29/93
01–93–099	New York, New Jersey	Safety Zone	9/11/93
01–93–100	Port Jefferson, NY	Safety Zone	7/26/93
01–93–101	Bristol Harbor, RI	Safety Zone	8/9/93
01–93–103	Old Lyme, CT	Safety Zone	8/28/93
01–93–104	Shennecock Bay, NY	Safety Zone	8/7/93
01–93–105	Manhattan, New York	Safety Zone	9/5/93
01–93–106	Hartford, CT	Safety Zone	8/21/93
01–93–108	Providence, RI	Safety Zone	8/14/93
01–93–110	Narragansett Bay, RI	Safety Zone	8/27/93
01–93–112	Liberty Island, NY, NJ	Safety Zone	9/14/93
01–93–113	Waterford, CT	Safety Zone	8/21/93
01–93–114	Bayville, NY	Safety Zone	9/5/93
01–93–117	Martha's Vineyard, MA	Safety Zone	8/19/93
01–93–118	Martha's Vineyard, MA	Safety Zone	8/19/93
01–93–121	Providence River, RI	Safety Zone	9/5/93
01–93–123	Norwich, CT	Safety Zone	9/11/93

QUARTERLY REPORT—Continued

Docket No.	Location	Type	Effective date
01-93-125	Belfast, ME	Safety Zone	7/24/93
01-93-126	Hudson River, NJ	Safety Zone	9/11/93
01-93-127	Upper New York Bay	Safety Zone	9/20/93
01-93-131	Bellport, NY	Safety Zone	9/18/93
01-93-132	Rensselaer, NY	Safety Zone	9/25/93
01-93-125	East Boston, MA	Safety Zone	9/23/93
01-93-136	East River, New York	Security Zone	9/27/93
02-93-017	Minneapolis, MN	Special Local	7/4/93
02-93-018	Gallipolis, OH	Special Local	7/4/93
02-93-019	Geneseo, IL	Special Local	7/10/93
02-93-021	Peoria, IL	Special Local	7/3/93
02-93-022	Allegheny River, mile 54.0 to 55.0	Special Local	7/17/93
02-93-024	Mississippi River, mile 790.0 to 792.0	Special Local	8/7/93
02-93-025	Allegheny River, mile 44.0 to 45.0	Special Local	8/21/93
02-93-026	Monongahela River, mile 32.0 to 33.0	Special Local	8/14/93
02-93-027	Mississippi River, mile 496.5 to 497.6	Special Local	8/6/93
02-93-028	Ohio River, mile 448.0 to 451.0	Special Local	8/21/93
02-93-029	Winona, MN	Special Local	8/28/93
05-93-021	Hog Island, MD	Safety Zone	8/7/93
05-93-039	Portsmouth, VA	Special Local	7/4/93
07-93-023	Key West, FL	Special Local	7/17/93
07-93-059	Sarasota, FL	Special Local	7/2/93
07-93-060	Sarasota, FL	Special Local	7/3/93
07-93-071	Sarasota, FL	Special Local	7/4/93
08-93-025	Galveston, Texas	Special Local	9/25/93
09-93-019	Port Huron, MI	Safety Zone	7/24/93
09-93-019	Port Huron, MI. Correction	Safety Zone	7/13/93
09-93-027	Cleveland, OH	Safety Zone	6/16/93
09-93-030	Oswego, NY	Safety Zone	7/24/93
13-93-023	Grays Harbor, WA	Safety Zone	9/1/93
13-93-026	Port of Benton, WA	Safety Zone	9/22/93
13-93-100	Columbia River Entrance, Disdemona Sands	Safety Zone	8/14/93
13-93-300	Willamette River, OR	Safety Zone	9/4/93

Dated: November 8, 1993.

Sheri deGrom,

Executive Secretary, Marine Safety Council.

[FR Doc. 93-27841 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD02-93-001]

Regulated Navigation Area; Monongahela River, Mile 81.0 to 83.0

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing regulated navigation area (RNA). It removes the requirement for vessels to maintain a 100 foot clearance from construction hazards because recent construction has eliminated the need to maintain the clearance. The change will allow vessels to more safely navigate through the construction area.

EFFECTIVE DATES: This regulation is effective November 12, 1993.

FOR FURTHER INFORMATION CONTACT: LT John Meehan, Chief of Port Operations, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, suite 700, Kossman Building, Forbes Avenue and Stanwix Street, Pittsburgh, Pennsylvania 15222. The telephone number if (412) 644-5808.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LT John Meehan, Project Officer, Marine Safety Office, Pittsburgh, Pennsylvania and LCDR A.O. Denny, Project Attorney, Second Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. Specifically, recent construction required to complete the building of a new lock and dam has already narrowed the channel in the regulated navigation area to the point where vessels transiting the area cannot safely maintain the presently required 100 foot clearance from a cofferdam and upper guard wall cell when transiting the area. The Coast Guard deems it to be in the public's best interest to amend the existing regulation without waiting for a comment period since delaying the removal of the requirement presents an immediate hazard to navigation.

Background and Purpose

The U.S. Army Corps of Engineers, Pittsburgh District, is constructing a new look and dam at Grays Landing, mile 82.0 on the Monongahela River. The estimated completion date for the project is on or about December 1994.

The regulated navigation area originally included a requirement that vessels transiting through it remain at least 100 feet from a temporary cofferdam on the right descending bank. The cofferdam was used to construct the Grays Landing Dock. This cofferdam is in the process of being removed and a new cofferdam is being constructed on the left descending bank for the dam portion of the construction project. The new construction will narrow the width of the river to approximately 150 feet. Requiring a minimum distance from the cofferdam on the right descending bank is no longer appropriate. Accordingly, this clearance requirement is being removed.

The requirement for one way traffic in the area remains in effect.

Regulatory Evaluation

This regulation is not a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The Waterways Association of Pittsburgh, a local waterborne commerce organization, has advised the Coast Guard that the change in the regulation will have no impact on commerce or safety. Thus, the Coast Guard believes that it will not have a significant economic impact on a substantial number of small entities. A full regulatory analysis is unnecessary because the Coast Guard expects the impact of this regulation, which contains no collection of information requirements, to be minimal.

Federalism Assessment

Under the principles and criteria of Executive Order 12612, this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this proposal and concluded that it is categorically excluded from further environmental documentation under paragraph 2.B.2.g.(5) of the NEPA Implementing Procedures, COMDTINST M16475.1B. A Categorical Exclusion Determination has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, 33 CFR part 165 is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. In § 165.204, paragraph (b)(4) is removed.

Dated: September 8, 1993.

Paul M. Blayney,

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

[FR Doc. 93–27842 Filed 11–10–93; 8:45 am]

BILLING CODE 4910–14–M

Proposed Rules

Federal Register
Vol. 58, No. 217
Friday, November 12, 1993

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 93–121–1]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are considering amending the regulations to allow the cold treatment of imported fruits and vegetables at ports in the southern United States and California. We are soliciting comments from the public on the current regulations and any suggested amendments.

DATES: Consideration will be given only to comments received on or before December 27, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–121–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Victor Harabin, Head, Permit Unit, Port Operations, Plant Protection and Quarantine, APHIS, USDA, room 631, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; (301) 436–8645.

SUPPLEMENTARY INFORMATION:

Background

The Fruits and Vegetables regulations in 7 CFR 319.56 *et seq.* (referred to below as "the regulations") prohibit or restrict the importation of fruits and vegetables to prevent the introduction and dissemination of injurious insects, including fruit flies, that are new to or not widely distributed in the United States. The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture administers these regulations.

Under the regulations, APHIS allows certain fruits and vegetables to be imported into the United States if they undergo sustained refrigeration sufficient to eliminate certain insect pest infestations (cold treatment). Cold treatment temperature and refrigeration period requirements vary according to the type of fruits and vegetables and the pests involved. APHIS enforces these requirements through the inspection and certification of cold treatment facilities and equipment.

Most fruit and vegetable imports undergo cold treatment in transit to the United States. However, APHIS does allow fruit and vegetable imports to undergo cold treatment after arrival in the United States, but only at certain ports designated by APHIS.

Cold treatment is limited to ports in the northern United States because APHIS has determined that insect pests escaping from shipments of imported fruit after arrival in the United States would be unable to survive winter weather conditions in the north. The following ports are currently authorized by APHIS to conduct cold treatment on certain imported fruits and vegetables: Atlantic ports north of and including Baltimore, MD; ports on the Great Lakes and St. Lawrence Seaway; Canadian border ports on the North Dakota border and east of North Dakota; and, for air shipments, Washington DC, including Baltimore-Washington International and Dulles International airports.

Recently, we received petitions from individuals at the ports of Wilmington, NC, and Gulfport, MS, requesting that we amend the regulations to allow cold treatment to be conducted at these ports. Cold treatment facilities already exist at Wilmington and Gulfport, as well as in many other warm climate areas of the United States. We anticipate many similar petitions in the future.

We therefore consider it appropriate to review our current regulations allowing only northern ports to conduct cold treatment of fruit and vegetable imports after arrival. As part of our review we are requesting comments on the feasibility of allowing cold treatment to be conducted in the southern United States and California. Commenters may wish to address the following questions:

1. What would be the risk of exotic insect pests, especially fruit flies, escaping from fruit and vegetable import shipments before cold treatment and becoming established in warm climate areas of the United States?
2. What special safeguards should cold treatment facilities in the southern United States and California undertake to prevent the introduction of exotic insect pests into the United States?
3. What additional restrictions, if any, should we consider placing on fruit and vegetable imports into the southern United States and California in order to prevent the introduction of exotic insect pests?

APHIS officials will carefully review all comments received by the close of the comment period. If we decide to propose amendments to the regulations, we will publish a proposal in the **Federal Register.**

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

Done in Washington, DC, this 5th day of November 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–27895 Filed 11–10–93; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF JUSTICE

8 CFR Part 3

[AG Order No. 1808–93]

Executive Office for Immigration Review; Rules Concerning Conditional Permanent Residence for Alien Entrepreneurs in Deportation Proceedings

AGENCY: Department of Justice.

ACTION: Proposed rule with request for comments.

SUMMARY: The Immigration Act of 1990 provides that an alien entrepreneur and his or her family may obtain lawful permanent residence on a conditional basis, subject to the requirements of a timely petition and interview for

removal of the condition two years after obtaining such status. Termination of such status is made reviewable in deportation proceedings before an Immigration Judge. This proposed rule sets forth the procedures that an Immigration Judge will follow in reviewing the termination by the Immigration and Naturalization Service of conditional permanent resident status of alien entrepreneurs and their families.

DATES: Written comments must be received on or before: December 13, 1993.

ADDRESSES: Please submit written comments to: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041.

FOR FURTHER INFORMATION CONTACT: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, (703) 305-0470.

SUPPLEMENTARY INFORMATION: Section 121 of the Immigration Act of 1991 ("IMMACT"), Public Law 101-649, amends section 203 of the Immigration and Nationality Act ("the Act") to provide permanent resident status to alien entrepreneurs who enter the United States for the purpose of engaging in a new commercial enterprise and who meet certain criteria for investment. Section 121 also adds a new section 216A of the Act which makes the grant of permanent residence to alien investors and their spouses and children conditional for a period of two years in an effort to deter immigration-related fraud among entrepreneurs. Section 216A requires that, prior to the end of the two-year period, the alien petition the Immigration and Naturalization Service ("INS") to remove the conditional basis of such status. Failure to file the petition will result in termination of the alien's status and that of his or her family members.

At any time within the two-year period, section 216A directs INS to terminate the permanent resident status of an alien investor and his or her family if it is determined that (1) the enterprise was intended solely as a means to evade the United States immigration laws, (2) that the enterprise was not established by the alien, or (3) that the alien did not invest in or sustain the enterprise as required by the statute.

Section 216A permits an alien entrepreneur and his or her family members who have had their conditional permanent resident status terminated to request a review of such termination in deportation proceedings. In these proceedings, INS will be required to establish by a preponderance of the evidence that a condition for termination under section 216A of the Act has been met. If INS meets its burden, the request to restore permanent resident status shall be denied, and the alien shall be found deportable pursuant to section 241(a)(1)(D) of the Act.

Under the proposed rule, in the case of an alien entrepreneur who has failed to file a petition for removal of the conditional status in a timely manner, he or she may request a stay of deportation proceedings to allow for late filing of such petition. Under section 216A(d)(2)(C), the alien will have to establish to the satisfaction of the Immigration Judge good cause and extenuating circumstances for failure to file in a timely manner.

If termination of status of cause occurs at the end of the two-year period, under section 216A the INS will be required to establish by a preponderance of the evidence that the facts and information described in section 216A(d)(1) of the Act and alleged in the petition for removal are not true with respect to the qualifying commercial enterprise.

If the alien fails to attend the interview under section 216A(c)(2)(A) of the Act, the burden of proof will be on the alien to establish that the petition was filed and that the alien did appear, or that there was good cause for any failure to do so. Under the proposed rule, if the alien meets this burden, the proceedings will be continued to allow INS to adjudicate the petition.

This rule is promulgated as a proposed regulation to allow for comments prior to implementation.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that the rules does not have a substantial adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. The rule meets the applicable standards provided in section 2(a) and 2(b)(2) of E.O. 12778.

List of Subjects in 8 CFR Part 3

Administrative practice and procedure, Immigration, Organization and functions (Government agencies).

Accordingly, part 3 of chapter I, title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

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

Authority: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949-1953 Comp., p. 1002.

2. Section 3.31 is amended by adding paragraph (d) to read as follows:

§ 3.31 Filing documents and applications.

* * * * *

(d) For guidance in requesting a review of the termination of lawful permanent residence on a conditional basis pursuant to section 216A, please see § 3.85.

§§ 3.41-3.84 [Reserved]

3. Sections 3.41-3.84 [Reserved].

4. Section 3.85 is added as follows:

§ 3.85 Review of termination of conditional permanent resident status based on entrepreneurship.

(a) *Review before the Immigration Judge.* An alien entrepreneur (to include alien spouse and alien child) who has had his/her conditional permanent resident status terminated pursuant to section 216A of the Act may request a review of such termination in deportation proceedings. No fee is required for the review.

(b) *Termination for cause within two years.*

(1) If the request is to review a termination for cause occurring within two years from the date the alien obtained lawful permanent residence on a conditional basis, the Immigration and Naturalization Service must establish by a preponderance of the evidence that a condition for termination described in section 216A(b)(1) of the Act has been met.

(2)(i) If the Immigration and Naturalization Service fails to establish by a preponderance of the evidence that a condition for termination described in section 216A(b)(1) of the Act has been met, the Immigration Judge shall order that the alien's permanent resident status on a conditional basis be restored; and that the proceedings be terminated if section 241(a)(1)(D) of the Act is the only charge of deportability pending.

(ii) Nothing in clause (i) shall exempt the alien from fulfilling the requirements of section 216A(c)(1) and (d) of the Act in order to have the conditional basis of the permanent resident status removed at the end of the two-year period from which that status was acquired.

(iii) If the Immigration Judge finds that the Immigration and Naturalization

Service has met its burden of proof, the request to restore permanent resident status on a conditional basis shall be denied, and the alien shall be found to be deportable pursuant to section 241(a)(1)(D). If statutorily eligible, the alien may apply for relief from deportation pursuant to the appropriate section or sections of the Act.

(c) *Termination for cause at the end of two years.*

(1) If the request is to review a termination for causing occurring at the end of two years from the date the alien obtained lawful permanent residence on a conditional basis, the Immigration and Naturalization Service must establish by a preponderance of the evidence that the facts and information described in section 216A(d)(1) of the Act, and alleged in the petition for removal of conditional status, are not true with respect to the qualifying commercial enterprise.

(2) If the Immigration and Naturalization Service does not establish by a preponderance of the evidence that the facts and information described in section 216A(d)(1) of the Act, and alleged in the petition for removal of conditional status, are not true with respect to the qualifying commercial enterprise, the Immigration Judge shall order that the alien's permanent resident status be restored and that the conditional basis of that status be removed as of the second anniversary of the lawful admission.

(3) If the Immigration Judge finds that the Immigration and Naturalization Service has met its burden of proof, the request to restore permanent resident status on a conditional basis shall be denied, and the alien shall be found to be deportable pursuant to section 241(a)(1)(D) of the Act. If statutorily eligible, the alien may apply for relief from deportation pursuant to the appropriate section or sections of the Act.

(d) *Termination for failure to file petition.*

(1) An alien entrepreneur who is charged as being deportable pursuant to section 241(a)(1)(D) of the Act, and who has not filed a petition for removal of the conditional basis of the status in a timely manner, may request a stay of deportation proceedings to allow for the filing of the petition for removal of the conditional basis. The Immigration Judge may continue the proceedings to allow for the filing of the petition only if the alien establishes good cause and extenuating circumstances for the failure to file the petition in a timely manner.

(2) Either party may move to recalendar the proceedings if:

(i) The alien fails to file the petition within 30 days; or

(ii) The adjudication of the petition for removal of the conditional basis of the status is adverse to the alien, at which time the alien may request a review of the termination pursuant to (c) above.

(iii) The adjudication of the petition for removal of the conditional basis of the status is favorable to the alien, at which time either party may move for a termination of proceedings if section 241(a)(1)(D) of the Act is the only charge of deportability pending.

(e) *Termination for failure to attend interview.*

(1) If the request is to review a termination pursuant to section 216A(c)(2)(A)(ii) of the Act, the burden of proof is on the alien to establish:

(i) That the petition for removal of the conditional basis was timely filed; and

(ii) That the alien did appear at the personal interview scheduled before an officer of the Immigration and Naturalization Service as required in section 216A(c)(1)(B) of the Act, or that there was good cause shown for his/her failure to appear.

(2) If the Immigration Judge determines that the alien has met the burden of proof in establishing compliance with both of the requirements stated in subsection (1), the Immigration Judge shall continue the proceedings to allow the Immigration and Naturalization Service to schedule an interview and adjudicate the petition on the issue of whether the facts and information described in section 216A(d)(1) of the Act, and alleged in the petition for removal of the conditional basis of the status, are true.

(3)(i) If the adjudication of the petition for removal of the conditional basis of the status is adverse to the alien, either party may move to recalendar the proceedings, at which time the alien may request a review of the termination for cause pursuant to (c) above.

(ii) If the adjudication of the petition for removal of the conditional basis of the status is favorable to the alien, either party may move to recalendar the matter, and then move for termination of proceedings if section 241(a)(1)(D) is the only charge of deportability pending.

Dated: October 28, 1993.

Janet Reno,

Attorney General.

[FR Doc. 93–27767 Filed 11–10–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 54 and 79

[Docket No. 93–050–1]

Scrapie: Sheep and Goats Less Than 1 Year of Age Moved to Slaughter

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow sheep and goats less than 1 year of age from scrapie-infected or source flocks to move interstate to slaughter, without being permanently identified with an indelible "S" mark, if they are accompanied by a permit and moved in a sealed means of conveyance. We are also proposing to provide that the diagnosis of scrapie necessary to categorize a flock as an infected flock, source flock, or trace flock must have been made after March 31, 1989, and are proposing to provide that flank tattoos and ear tattoos are acceptable forms of identification for certain sheep and goats moved interstate. We believe these changes would provide safeguards necessary to guard against the interstate spread of scrapie, while eliminating unnecessarily restrictive marking and identification requirements.

DATES: Consideration will be given only to comments received on or before January 11, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–050–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Dan Harpster, Senior Staff Veterinarian, Miscellaneous Diseases Staff, VS, APHIS, USDA, room 701, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20872, (301) 436–6954.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 79 (referred to below as the regulations)

contain provisions restricting the interstate movement of sheep and goats because of scrapie. Scrapie is a progressive degenerative disease of the central nervous system of sheep and goats. The disease develops slowly, with an incubation period lasting from months to years. The regulations are designed to prevent the interstate transmission of scrapie.

In order to help protect against the interstate transmission of scrapie, certain sheep and goats that pose a significant risk of being affected with scrapie may not be moved interstate unless they are permanently identified with an indelible mark in the form of the letter "S," which must be at least 1" by 1" and applied on the left jaw. This mark identifies sheep and goats that may pose a risk of transmitting scrapie.

Except as described in the following paragraph, the following sheep and goats being moved interstate must be "S" marked: (1) Scrapie-positive animals, (2) animals from infected flocks, and (3) animals from source flocks. A *source flock* is defined as a flock in which a Veterinary Services representative has determined that at least two animals were born that were diagnosed as scrapie-positive at an age of 54 months or less, provided the second scrapie-positive diagnosis was made within 60 months of the first scrapie-positive diagnosis.

Currently, the regulations exempt certain sheep and goats from an infected or source flock from the "S" mark requirements only if they come from a flock for which the owner agrees to and meets reporting, identification, recordkeeping, inspection, and testing requirements, specified in § 79.2(a)(1) through (a)(7). The exempted sheep and goats are (1) those other than high-risk animals; and (2) high-risk animals less than 1 year of age moving in slaughter channels. In general, animals are classified as "high-risk animals" if they are the progeny of a scrapie-positive dam, if they were born during the same lambing season as the progeny of a scrapie-positive dam, or if they were born during the same lambing season as a scrapie-positive ewe or ram.

Need for Change

As noted above, the purpose of "S" marking is to identify sheep and goats that may pose a significant risk of transmitting scrapie. If, however, an animal is being moved to slaughter, and is commingled only with other animals being moved to slaughter, it poses little risk of spreading scrapie beyond the animals going to slaughter. In such cases, "S" marking the animals moved, the vast majority of which are less than 1 year of age, appears to be an unnecessary burden to persons moving the animals interstate to slaughter.

We are therefore proposing to allow sheep and goats less than 1 year of age to be moved interstate to slaughter from an infected flock or source flock that does not meet the requirements in § 79.2(a)(1) through (a)(7), without being permanently identified with an indelible "S" mark, provided the animals are moved to slaughter in a means of conveyance sealed by an APHIS representative and are accompanied by a permit issued by an APHIS representative. The permit would identify the shipment, and its origin and destination, and would help ensure that there is no diversion of the animals before their arrival for slaughter. We would define *permit* in § 79.1 as an official document (VS Form 1-27) listing specified information regarding the shipment of animals.

Identification of Animals

As noted above, certain sheep and goats from infected or source flocks are exempted from "S-mark" requirements if they come from a flock from which the owner agrees to meet reporting, identification, recordkeeping, inspection, and testing requirements, as set forth in § 79.2(a)(1) through (a)(7) of the regulations. Among these requirements, § 79.2(a)(3) requires that the form of identification used be an electronic implant providing a unique identification number. When this requirement was added to the regulations, it was anticipated that electronic implant identification devices for sheep and goats would be widely available. At present, however, this is not the case.

Because of the unavailability of electronic implant devices, we are proposing to amend the regulations to require that the means of identification used be either an electronic implant, a flank tattoo, or an ear tattoo, providing a unique identification number. A flank tattoo or ear tattoo with a unique identification number would provide an adequate means of identifying a sheep or goat.

Changes in Definitions

The regulations in 9 CFR part 54 include provisions for the payment of Federal indemnification to the owners of sheep and goats destroyed due to scrapie, and include provisions regarding a voluntary scrapie sheep and goat flock identification program. Both § 79.1 and § 54.1 include definitions of *infected flock*, *source flock*, and *trace flock*. These definitions were added to the regulations in 1992 and were made effective October 1 of that year, as part of the establishment of a voluntary scrapie sheep and goat flock certification program. Prior to that date, the regulations provided for quarantines of areas due to the presence of scrapie, with the interstate movement of certain sheep from those areas allowed under certain conditions.

An *infected flock* is defined as any flock in which a Veterinary Services representative or State representative has determined an animal to be a scrapie-positive animal. A *source flock* is defined as a flock in which a Veterinary Services representative has determined that at least two animals that were diagnosed as scrapie-positive animals were born, provided the animals were so diagnosed at an age of 54 months or less and the second scrapie-positive diagnosis was made within 60 months of the first. Both the definitions of *infected flock* and *source flock* provide that a flock will no longer be so considered after the flock has completed the requirements of a flock plan. A *trace flock* is defined as a flock in which a Veterinary Services representative has determined that one animal that was diagnosed as a scrapie-positive animal at an age of 54 months or less was born.

Under the three definitions as currently set forth, the flocks in question retain their status, no matter how long ago the scrapie-positive animals were so diagnosed, unless, in the case of infected flocks and source flocks, they are released from that status by completing a flock plan. Before October 1, 1992, however, flocks that were identified as having a scrapie-positive animal, or a potentially scrapie-positive animal, were considered to be free of scrapie once they completed 42-month surveillance by APHIS inspectors without further identification of scrapie in the flock. Under the current regulations, certain flocks that were kept under surveillance for 42 months prior to October 1, 1992, and that were considered to be scrapie-free upon being released from that surveillance, are now by definition considered to be infected flocks, source flocks, or trace flocks. However, it was not our intent when the regulations were established to consider such flocks as infected, source, or trace flocks.

In this proposed rule, we are proposing to clarify our intent by providing in the definitions of *infected flock*, *source flock*, and *trace flock*, in §§ 54.1 and 79.1, that the diagnosis of scrapie necessary to categorize a flock as an infected flock, source flock, or trace flock must have occurred after March 31, 1989. April 1, 1989, is 42 months

prior to October 1, 1992, the effective date of the current regulations. Any flock in which a diagnosis of scrapie was last made prior to April 1, 1989, and which was placed under surveillance for 42 months, would have been released from surveillance and considered free of scrapie before October 1, 1992.

In this proposed rule, we are also proposing to amend the definitions of *source flock* and *trace flock* in §§ 54.1 and 79.1 to provide that the diagnosis of scrapie resulting in such flock status may be made either by a State representative or by an APHIS representative (to be changed from "Veterinary Services representative," as explained below under "Nonsubstantive Changes to part 54 and part 79"). Currently, the regulations provide that such a diagnosis may be made only by a Veterinary Services representative. However, the definition of *infected flock* allows the diagnosis of a scrapie-positive animal to be made by either a Veterinary Services representative or a State representative. State representatives work in conjunction with Federal representatives, and there is no reason that diagnoses made with regard to source flocks and trace flocks should differ from those made for infected flocks.

We are also proposing to amend the definition of *trace flock* in §§ 54.1 and 79.1 to clarify that flocks will be released from trace flock status after they have completed the requirements of a flock plan. As noted above, provision for such release already exists with regard to infected flocks and source flocks, and the current definition of *flock plan* refers to plans for trace flocks as well as for infected flocks and source flocks. It has been our intent that trace flocks should be treated the same as infected flocks and source flocks in this regard.

Nonsubstantive Changes to Part 54 and Part 79

To reflect internal agency management, we are proposing to replace all references to "Veterinary Services representative" in part 54 and part 79 with references to "APHIS representative." Additionally, we are proposing to amend § 54.1 by deleting the definitions of *Veterinary Services* and *Veterinary Services representative*. We are also proposing to add to § 79.1 a definition of *Animal and Plant Health Inspection Service (APHIS)*, and are proposing to delete the definition in § 79.1 of *Veterinary Services representative*.

Executive Order 12866 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12866. Based on information compiled by the Department, we have determined that this proposed rule: (1) Would have an effect on the economy of less than $100 million; (2) would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (3) would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and (5) would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

The changes we are proposing include allowing the interstate movement to slaughter of sheep and goats less than 1 year of age from scrapie-infected flocks or source flocks that do not meet the requirements of § 79.2(a)(1) through (a)(7) of the regulations, if the animals are moved in a sealed means of conveyance and accompanied by a permit. This approach would be less restrictive and more efficient than the current rule that provides that these animals may be moved interstate only if the animals have been identified with an "S" mark to the left jaw.

Although the proposed change would apply to both sheep and goats, at present no goats are being moved interstate with an "S" mark.

There are approximately 92,500 sheep farms in the United States, with approximately 11 million sheep. The large majority of these are small entities. Ninety-nine percent of the sheep farms in this country each have annual sales totalling less than $500,000, and approximately 77,000 have fewer than 100 sheep.

The number of farms and animals that would be affected by this proposed change would be relatively small. There are approximately 86 infected or source flocks in this country, with only about 4,300 animals. All of these flocks are on what are considered small farms. The total number of farms affected would be less than .1 percent of the total number of sheep farms in the United States.

It costs approximately $0.50 to brand a lamb. This amount would be saved by those farms that choose to ship animals according to the proposed regulations. This compares to the average market value for a finished market lamb of $65.

We are also proposing to provide that the diagnosis of scrapie necessary to categorize a flock as an infected flock, source flock, or trace flock must have been made after March 31, 1989. This change would exclude from such categorizations flocks that completed a 42-month surveillance period prior to October 1, 1992, and in which scrapie has not been diagnosed since. This change would clarify our intent as to the definitions in question and would have no economic effect.

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

Executive Order 12778

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects

9 CFR Part 54

Animal diseases, Goats, Indemnity payments, Sheep.

9 CFR Part 79

Animal diseases, Quarantine, Sheep, Transportation.

Accordingly, 9 CFR parts 54 and 79 would be amended as follows:

PART 54—CONTROL OF SCRAPIE

1. The authority citation for part 54 would continue to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 134a–134h; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 54.1 would be amended as follows:

a. The definitions of *infected flock*, *source flock*, and *trace flock* would be revised to read as set forth below.

b. The definitions of *Veterinary Services* and *Veterinary Services representative* would be removed.

c. The words "a Veterinary Services" would be removed and "an APHIS" would be added in their place in the following places:

i. The definition of *affected animal*;

ii. The definition of *flock plan*, first sentence; and

iii. The definition of *scrapie-exposed animals*.

d. The definition of *Area Veterinarian in Charge* would be amended by removing the words "Veterinary Services" and "the Animal and Plant Health Inspection Service" and adding "APHIS" in their place.

e. In the definition of *flock plan*, the second sentence would be amended by removing the words "Veterinary Services" and adding "APHIS" in their place.

§ 54.1 Definitions.

* * * * *

Infected flock. Any flock in which an APHIS representative or a State representative has determined an animal to be a scrapie-positive animal after March 31, 1989. A flock will no longer be an infected flock after it has completed the requirements of a flock plan.

* * * * *

Source flock. A flock in which an APHIS representative or a State representative has determined that at least two animals were born that were diagnosed as scrapie-positive animals at an age of 54 months or less. In order for the flock to be a source flock, the second scrapie-positive diagnosis must have been made within 60 months of the first scrapie-positive diagnosis and after March 31, 1989. A flock will no longer be a source flock after it has completed the requirements of a flock plan.

* * * * *

Trace flock. A flock in which an APHIS representative or a State representative has determined that one animal was born that was diagnosed as a scrapie-positive animal at an age of 54 months or less. In order for the flock to be a trace flock, the scrapie-positive diagnosis must have been made after March 31, 1989. A flock will no longer be a trace flock after it has completed the requirements of a flock plan.

* * * * *

PART 79—SCRAPIE IN SHEEP AND GOATS

3. The authority citation for part 79 would be revised to read as follows:

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

§ 79.1 [Amended]

4. In § 79.1, definition of *flock plan*, the second sentence would be amended by removing the words "Veterinary Services" and adding "APHIS" in their place.

5. Section 79.1 would be amended by removing the definition of *Veterinary Services representative*; by revising the definitions of *infected flock*, *source flock*, and *trace flock*; and by adding *Animal and Plant Health Inspection Service*, *APHIS representative*, and *permit* in alphabetical order to read as follows:

§ 79.1 Definitions.

* * * * *

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

* * * * *

Infected flock. Any flock in which an APHIS representative or a State representative has determined an animal to be a scrapie-positive animal after March 31, 1989. A flock will no longer be an infected flock after it has completed the requirements of a flock plan.

Permit. An official document (VS Form 1–27) issued by an APHIS representative that indicates the following: the shipper's or consignor's name and address; the consignee's name and address; the State where the permit was issued; points of origin and destination of the animals being moved interstate; purpose of the movement; number and species of animals covered by the permit; whether the animals are from an infected flock or a source flock; transportation vehicle license number or other identification number; and seal number.

* * * * *

Source flock. A flock in which an APHIS representative or a State representative has determined that at least two animals were born that were diagnosed as scrapie-positive animals at an age of 54 months or less. In order for the flock to be a source flock, the second scrapie-positive diagnosis must have been made within 60 months of the first scrapie-positive diagnosis and after March 31, 1989. A flock will no longer be a source flock after it has completed the requirements of a flock plan.

* * * * *

Trace flock. A flock in which an APHIS representative or a State representative has determined that one animal was born that was diagnosed as a scrapie-positive animal at an age of 54 months or less. In order for the flock to be a trace flock, the scrapie-positive diagnosis must have been made after March 31, 1989. A flock will no longer be a trace flock after it has completed the requirements of a flock plan.

* * * * *

6. Section 79.2 would be amended as follows:

a. Paragraphs (a)(1) through (a)(7) would be redesignated as paragraphs (a)(2)(i) through (a)(2)(vii), respectively.

b. Paragraph (a) would be revised to read as set forth below.

c. In newly redesignated paragraph (a)(2)(ii), the first sentence would be amended by removing the words "Veterinary Services" and adding "APHIS" in their place.

d. In newly redesignated paragraph (a)(2)(iii), the third sentence would be revised to read as set forth below.

e. Newly redesignated paragraph (a)(2)(iv) would be revised to read as set forth below.

f. Newly redesignated paragraph (a)(2)(v) would be amended by removing the words "Veterinary Services" and adding "APHIS" in their place.

g. Newly redesignated paragraph (a)(2)(vi) would be amended by removing the reference to "paragraph (a)(4)" and adding "paragraph (a)(2)(iv)" in its place; and by removing the words "Veterinary Services" and adding "APHIS" in their place.

h. Newly redesignated paragraph (a)(2)(vii) would be amended by removing the reference to "paragraph (a)(2)" and adding "paragraph (a)(2)(ii)" in its place.

§ 79.2 General restrictions.

(a) Except as provided in paragraphs (a)(1) and (a)(2) of this section, no scrapie-positive animal, animal from an infected flock, or animal from a source flock may be moved interstate, unless the animal has been permanently identified with an indelible mark in the form of the letter "S," at least 1" by 1", applied on the left jaw.

(1) Animals less than 1 year of age may be moved interstate to slaughter

from an infected flock or a source flock if the animals are moved in a means of conveyance sealed by an APHIS representative and are accompanied by a permit.

(2) High-risk animals less than 1 year of age moving in slaughter channels and animals other than high-risk animals may be moved interstate if the animals are from infected flocks or source flocks meeting the following conditions: [1]

* * * * *

(iii) * * * The form of identification shall be an electronic implant, flank tattoo, or ear tattoo, providing a unique identification number that may be applied by the owner of the flock or his or her agent in accordance with instructions by an APHIS representative, State representative, or an accredited veterinarian.

(iv) The owner of the flock or his or her agent shall maintain, and keep for a minimum of 5 years after an animal dies or is otherwise removed from a flock, the following records for each animal in the flock: the animal's individual identification number from its electronic implant, flank tattoo, or ear tattoo, and any secondary form of identification the owner of the flock may choose to maintain; sex; breed; date of acquisition and source (previous flock), if the animal was not born in the flock; and disposition, including the date and cause of death, if known, or date of removal from the flock.

* * * * *

§§ 79.2 and 79.3 [Amended]

7. In addition to the amendments set forth above, 9 CFR part 79 would be amended by removing the words "a Veterinary Services" and adding, in their place, the words "an APHIS" in the following places:

a. Section 79.2, newly redesignated § 79.2(a)(2)(ii), last sentence; and newly designated (a)(2)(vii), both places they appear; and

b. Section 79.3(b).

§ 79.3 [Amended]

8. In § 79.3, paragraph (a) would be amended by removing the words "A Veterinary Services" and replacing them with the words "An APHIS" the three times they appear.

Done in Washington, DC, this 5th day of November 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-27891 Filed 11-10-93; 8:45 am]

BILLING CODE 3410-34-P

[1] Owners of flocks participating in the Voluntary Scrapie Flock Certification Program described in 9 CFR part 54 agree to follow the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification" (the UM&R), which include, among other requirements, the conditions in this section. Individual copies of the UM&R may be obtained from the Administrator, c/o Sheep, Goat, Equine, and Poultry Diseases Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, 6505 Belcrest Road, Hyattsville, MD 20782; or from the American Sheep Industry Association, Producer Services; 6911 S. Yosemite Street, Englewood, CO 80112-1414, telephone (303) 771-3500.

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9 CFR Part 71

[Docket No. 93-084-1]

Interstate Movement of Mexican-Origin Cattle; Certification Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to require that all Mexican-origin cattle moved in interstate commerce be accompanied by a certificate on which each animal is individually identified. This action appears to be necessary in light of the increasing numbers of tuberculosis-infected animals disclosed at slaughter among cattle imported into the United States from Mexico. The proposed requirement would allow us to trace the movements of individual Mexican-origin cattle being moved in interstate commerce following their importation into the United States. This would facilitate the disease surveillance and traceback activities that are carried out under the National Cooperative State-Federal Bovine Tuberculosis Eradication Program.

DATES: Consideration will be given only to comments received on or before December 13, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93-084-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Davis, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, Veterinary Services, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-4923.

SUPPLEMENTARY INFORMATION:

Background

Each year, an average of 1 million cattle are imported into the United States from Mexico. The majority of those cattle—about 99 percent—are young steers that are consigned to pastures and feedlots for finishing prior to slaughter. The remaining 1 percent consists of spayed heifers, which are most often consigned to pastures and feedlots with the steers for finishing prior to slaughter, and bulls and female cattle that are, with few exceptions, integrated into domestic cattle herds for breeding purposes.

The importation of ruminants into the United States, including cattle from Mexico, is regulated by the Animal and Plant Health Inspection Service (APHIS) under 9 CFR part 92, subpart D (§§ 92.400 through 92.435). Sections 92.424 through 92.429 of the regulations in part 92 contain specific provisions regarding the importation of ruminants from Mexico. Once they have entered the United States, the movement of Mexican-origin cattle falls under the interstate movement regulations in 9 CFR subchapter C (parts 70 through 89). There are, however, no provisions in the regulations in subchapter C that apply specifically to Mexican-origin cattle.

One of the animal health concerns addressed in APHIS' importation and interstate movement regulations is bovine tuberculosis, a contagious, infectious, and communicable disease of cattle, bison, and other species. In recent years, the number of tuberculosis-compatible cases found among samples submitted from Mexican-origin cattle at slaughter has risen dramatically, from 78 in 1982 to 613 in 1992. The percentage of all tuberculosis slaughter investigations involving Mexican-origin cattle also rose during that time, moving from 33 percent in 1982 to 81 percent in 1992. Because cattle imported from Mexico have been involved to such a large extent in the increase in tuberculous animals disclosed at slaughter, we feel that it is necessary to place additional restrictions on the interstate movement of cattle from Mexico.

We are proposing to amend 9 CFR part 71 to require all Mexican-origin cattle moved in interstate commerce to be accompanied by a certificate issued by an APHIS representative, State representative, or accredited veterinarian in the State from which the cattle are to be moved. A certificate, as defined in the tuberculosis regulations in 9 CFR part 77, is an official document that shows the identification tag, tattoo, or registration number or similar

identification of each animal to be moved; the number, breed, sex, and approximate age of the animals covered by the document; the purpose for which the animals are to be moved; the date and place of issuance; the points of origin and destination; the consignor and the consignee; and which states that the animal or animals identified on the certificate meet the requirements of the part. We would refer to that definition in our proposed regulations.

The proposed regulations would require that the number on each animal's official Mexican Government blue eartag be recorded on the certificate to provide for the individual identification of each animal. We would allow the number from an APHIS-approved eartag to be used if the official Mexican Government blue eartag is missing.

We would further require that a copy of the certificate be sent to the State animal health official in the State of destination, which would serve to notify State animal health officials, who need to be aware of any potential animal health concerns affecting their respective States, when Mexican-origin cattle are to be moved into a particular State. The certificate also would be another means of tracking the movement of individual Mexican-origin cattle in the United States, which would facilitate the disease surveillance and traceback activities that are carried out under the National Cooperative State-Federal Bovine Tuberculosis Eradication Program.

We would add these proposed requirements for the movement in interstate commerce of Mexican-origin cattle to the regulations in § 71.18. Paragraph (a) of § 71.18 contains provisions related to the individual identification of certain cattle 2 years of age or older that are to be moved in interstate commerce. There are several categories of cattle that are exempted from the requirements of § 71.18(a), however, that would have to be individually identified under our proposed regulations. We would, therefore, add our proposed regulations in a new § 71.18(b) that would apply only to Mexican-origin cattle.

As part of this proposed amendment, we would need to make changes to the existing text of § 71.18. First, the section heading refers to "certain cattle 2 years of age or over," which applies to the requirements of paragraph (a) of the section. The provisions we are proposing to add, however, make no distinction as to the age of the Mexican-origin cattle, so we would remove the "2 years of age or over" qualification from the section heading.

Second, we would add a proviso to the end of the first sentence of the introductory text of paragraph (a), which explains the applicability of the requirements in § 71.18. The proviso would make it clear that the movement in interstate commerce of any cattle imported into the United States from Mexico must be in accordance with the requirements of paragraph (b) of the section.

Third, there are two places in the text of § 71.18—in the introductory text of paragraph (a) and the introductory text of paragraph (a)(1)—where the words "this section" are used to refer to § 71.18(a). If we add a new paragraph (b) as proposed, the words "this section" would be too general and could blur the distinction between the provisions of paragraph (a) and proposed paragraph (b). We would change "this section" to "this paragraph" to avoid the potential confusion.

Finally, we would move paragraphs (a)(3) and (a)(4) of § 71.18 into a new paragraph (c) because each of those paragraphs contains provisions that we would have apply to our proposed requirements concerning the movement in interstate commerce of Mexican-origin cattle. Paragraph (a)(3) states that the person shipping, transporting, or otherwise causing the movement in interstate commerce of the cattle is responsible for their identification as required by § 71.18. Paragraph (a)(4) prohibits the unauthorized tampering with or removal of any backtag, eartag, brand, or other identification device required to be on the cattle under § 71.18 while the cattle are moved in interstate commerce. By removing those two paragraphs from § 71.18(a) and placing them in a new § 71.18(c), we would make it clear that their provisions would apply to both paragraph (a) and proposed paragraph (b) of § 71.18. As part of this proposed change, we would need to redesignate paragraph (a)(5) as paragraph (a)(3) and change three references in the text of § 71.18(a) accordingly.

Related Rulemaking

In this same issue of the **Federal Register**, we are separately proposing amendments to the regulations ("Importation of Certain Cattle from Mexico; Identification Requirements," Docket No. 93–006–1) which would require all cattle, other than those imported for immediate slaughter or in bond for temporary entry, imported into the United States from Mexico to be M-branded prior to arrival at a U.S. port of entry. This would ensure that even where the official Mexican government blue eartag is missing, these cattle could be identified as being of Mexican origin.

In addition, on September 7, 1993, we published in the **Federal Register** a document titled "Importation of Cattle from Mexico; Identification Requirements" (58 FR 47084–47085, Docket No. 93–063–1). In that document, we proposed to amend the regulations in 9 CFR part 92 to require that all cattle from Mexico be individually identified with an official Mexican Government blue eartag. The Mexican Government's blue eartag is similar to official APHIS eartags and provides unique identification. Based on that proposal, we have included provisions for the use of an official Mexican Government blue eartag in the requirements proposed in this document. If the September 7, 1993, proposal is withdrawn or its provisions are modified when the proposal is finalized, we will adjust the requirements proposed in this document accordingly.

Miscellaneous

In addition to the proposed amendment discussed above, we would also make several nonsubstantive changes for the sake of clarity and accuracy. First, the definition of *designated dipping station* in § 71.1 reads, in part, "A point mutually agreed upon by the Division * * *", which is a reference to the Animal Health Division of the Agricultural Research Service. When the regulatory responsibilities of the Animal Health Division shifted to the Animal and Plant Health Inspection Service (APHIS) in 1972, that reference should have been changed, but it was overlooked. We would remove the word "Division" and replace it with the word "Administrator" so that the definition accurately reflects APHIS' responsibility for this regulatory program.

Second, there is a reference in § 71.3(c)(2) to provisions in § 77.8 concerning the interstate movement of tuberculin reactors, but § 77.8 does not exist. The interstate movement provisions referred to in § 71.3 are actually contained in § 77.5. We would change the reference to read § 77.5.

Third, we would rectify two incorrect paragraph references in the introductory text of § 71.18(a). The first reference is to § 78.9(a)(3)(iv), but there is no such paragraph in § 78.9. We would correct the reference to read § 78.9(a)(3)(ii), which is the proper reference. The second reference is to § 78.9(d)(3)(vii), which was removed by a final rule published in the **Federal Register** on January 18, 1989 (54 FR 1923–1926, Docket No. 88–171). When the

paragraph was removed in that final rule, all references to the paragraph should have been removed as well, but this one was not. We would remove the reference.

Fourth, also in § 71.18, we would correct the paragraph designations used in paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(ii). In each of the three paragraphs, italicized lowercase letters are used where normal uppercase letters are needed.

Finally, footnote 1 to § 71.18(a)(1)(i) states, in part, that approved backtags are available from a Veterinary Services representative and that the term *Veterinary Services representative* is defined in § 78.1. However, that definition was removed, and a definition of *APHIS representative* added in its stead, by a final rule published in the **Federal Register** on October 22, 1991 (56 FR 54532–54534, Docket No. 89–150). We would, therefore, correct the footnote to use the current term in both instances.

Executive Order 12866 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12866. Based on information compiled by the Department, we have determined that this proposed rule: (1) Would have an effect on the economy of less than $100 million; (2) would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (3) would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and (5) would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

We are proposing to require that all Mexican-origin cattle moved in interstate commerce be accompanied by, and individually identified on, a certificate issued by an APHIS representative, State representative, or accredited veterinarian.

Cattle imported from Mexico account for about 1 percent of the total U.S. cattle population, which in 1991 stood at 99.4 million head. The average price per head for cattle from Mexico in 1991 was approximately $350, with the total value of imported Mexican cattle exceeding $361 million for the year. During 1991, approximately 1 million live cattle were imported into the United States from Mexico. Of those cattle, approximately 30 to 40 percent are believed to have been moved in interstate commerce from the border State in which they entered the United States from Mexico. We estimate that the proposed certificate requirement would add about 3 minutes to the time spent preparing each animal for movement and would cost the owner of the cattle approximately $1 per head, which is less than 1 percent of the average per-head cost of $350. The total cost to the industry would be between $310,000 and $410,000, less than 1 percent of the total value of imported Mexican cattle that move in interstate commerce.

We anticipate, therefore, that this proposed rule would have only a minimal economic impact on any U.S. entity.

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

Executive Order 12778

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to: (1) Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 71

Animal diseases, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 71 would be amended as follows:

PART 71—GENERAL PROVISIONS

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

Authority: 21 U.S.C. 111–113, 114a, 114a-1, 115–117, 120–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 71.1 [Amended]

2. In § 71.1, in the definition *Designated dipping station,* the word "Division" would be removed and the word "Administrator" added in its place.

§ 71.3 [Amended]

3. In § 71.3, paragraph (c)(2), the reference "§ 77.8" would be removed and the reference "§ 77.5" would be added in its place.

4. Section 71.18 would be amended as follows:

a. The section heading would be amended by removing the words "2 years of age or over".

b. In the introductory text of paragraph (a), the first sentence would be amended as follows:

i. The reference "78.9(a)(3)(iv)" would be removed and the reference "78.9(a)(3)(ii)" would be added in its place.

ii. The word "and" would be added immediately before the reference "78.9(c)(3)(iv)".

iii. The words ", and 78.9(d)(3)(vii)" would be removed.

iv. The words "this section." would be removed and the words "this paragraph: *Provided*, That the movement in interstate commerce of any cattle that have been imported into the United States from Mexico shall be in accordance with the requirements of paragraph (b) of this section." added in their place.

c. In the introductory text of paragraph (a)(1), the words "this section" would be removed and the words "this paragraph" added in their place.

d. In paragraph (a)(1)(i), footnote 1, the words "Veterinary Services" would be removed both times they appear and the word "APHIS" added in their place.

e. In paragraph (a)(1)(i), the words "(a)(5) of this section" would be removed and the words "(a)(3) of this section" added in their place.

f. Paragraphs (a)(1)(i)(*a*) through (a)(1)(i)(*g*) would be redesignated as paragraphs (a)(1)(i)(A) through (a)(1)(i)(G).

g. In paragraph (a)(1)(ii), the words "(a)(5) of this section" would be removed and the words "(a)(3) of this section" added in their place.

h. Paragraphs (a)(1)(ii)(*a*) through (a)(1)(ii)(*f*) would be redesignated as paragraphs (a)(1)(ii)(A) through (a)(1)(ii)(F).

i. In paragraph (a)(1)(iii), the words "(a)(5) of this section" would be removed and the words "(a)(3) of this section" added in their place.

j. Paragraphs (a)(1)(iii)(*a*) through (a)(1)(iii)(*g*) would be redesignated as paragraphs (a)(1)(iii)(A) through (a)(1)(iii)(G).

k. Paragraphs (a)(3) and (a)(4) would be redesignated as paragraphs (c)(1) and (c)(2), respectively, and paragraph (a)(5) would be redesignated as paragraph (a)(3).

l. A new paragraph (b) would be added to read as set forth below.

§ 71.18 Individual identification of certain cattle for movement in interstate commerce.

* * * * *

(b) *Identification of Mexican-origin cattle.* (1) Any cattle that have been imported into the United States from Mexico may be moved in interstate commerce from any point to any destination only if:

(i) Each animal is individually identified with an official Mexican Government blue eartag as required by § 92.427(d) of this chapter, or, if the official Mexican Government blue eartag is not present, an official eartag as defined in § 71.1;

(ii) The cattle are accompanied by a certificate, as defined in § 77.1 of this subchapter, issued by an APHIS representative, State representative, or accredited veterinarian in the State of origin; and

(iii) The number on each animal's official Mexican Government blue eartag, or, if the official Mexican government blue eartag is not present, the number on the animal's official eartag, is recorded on the certificate.

(2) The APHIS representative, State representative, or accredited veterinarian who issued the certificate required by paragraph (a)(1) of this section shall, upon completion of the certificate, forward a copy of the certificate to the State animal health official in the State of destination.

(3) Any movement in interstate commerce of any cattle that have been imported into the United States from Mexico shall also comply with the other applicable provisions in this part and other parts of this subchapter.

* * * * *

Done in Washington, DC, this 5th day of November 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-27893 Filed 11-10-93; 8:45 am]

BILLING CODE 3410-34-P

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9 CFR Part 91

[Docket No. 93-106-1]

Ports Designated for the Exportation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the "Inspection and Handling of Livestock for Exportation" regulations by adding Dallas/Fort Worth International Airport in Texas to the list of ports designated as ports of embarkation and by designating DFW Quarantine as the export inspection facility, for horses only, for that port. The Dallas/Fort Worth International Airport and DFW Quarantine appear to meet the requirements of the regulations for designation as a port of embarkation and an animal export inspection facility, respectively. We are also proposing to revise the listing for a port of embarkation in Los Angeles, CA, that has changed its name and telephone number. These actions would add a port and an inspection facility through which horses may be processed for export and would update the regulations.

DATES: Consideration will be given only to comments received on or before December 13, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93-106-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: For information concerning the Texas port, contact Dr. Lisa Ferguson, Senior Staff Veterinarian, Import-Export Animals Staff, National Center for Import-Export, Veterinary Services, APHIS, USDA, room 760, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7511.

For information concerning the California port, contact Dr. Michael David, Senior Staff Veterinarian, Import-Export Animals Staff, National Center for Import-Export, Veterinary Services, APHIS, USDA, room 761, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7511.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, "Inspection and Handling of Livestock for Exportation" (referred to below as the regulations), prescribe conditions for exporting animals from the United States. The regulations state, among other things, that all animals, except animals being exported to Canada or Mexico, must be exported through designated ports of embarkation.

To receive designation as a port of embarkation, a port must have export inspection facilities available for the inspection, holding, feeding, and watering of animals prior to exportation to ensure that the animals meet certain requirements specified in the regulations. To receive approval as an export inspection facility, the regulations provide that a facility must meet specified standards in § 91.14(c) concerning materials, size, inspection implements, cleaning and disinfection, feed and water, access, testing and treatment, location, disposal of animal wastes, lighting, and office and rest room facilities.

It appears that DFW Quarantine, 1010 A Chinn Chapel Road, Lewisville, TX, (214) 317-6861, meets the requirements of § 94.14(c). Lewisville is located approximately 15 miles north of the Dallas/Fort Worth International Airport, so the facility is available to exporters using the airport to export horses. Therefore, we propose to add the Dallas/Fort Worth International Airport to the regulations as a port of embarkation for horses, to be serviced by the DFW Quarantine export facility.

Miscellaneous

The export inspection facility called Steifel Bros. Livestock in Los Angeles, CA, has undergone a name and telephone number change. We propose to change the facility's entry on the list of export inspection facilities to reflect these changes.

Executive Order 12866 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12866. Based on information compiled

by the Department, we have determined that this proposed rule: (1) Would have an effect on the economy of less than $100 million; (2) would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (3) would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and (5) would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

In 1992, there were over 73,000 horses exported out of the United States. Approximately 60,000 horses (82 percent) were exported to Canada, mostly through northern land border ports, while about 6,000 horses (8 percent) were exported to Western Europe by way of John F. Kennedy Airport in New York. The remaining exports included about 3,700 horses to Latin America, about 3,500 horses to Asia, and a small number of horses to Australia, New Zealand, and Africa. Horses exported to Latin America generally were shipped through Miami, while exports to Asia generally were shipped through Los Angeles.

Although we do not know how many horses might be exported out of the United States through the Dallas/Fort Worth International Airport, we do not expect the number to exceed 5,000 horses annually. Further, we believe that only a few entities would engage in the export of horses from Dallas/Fort Worth and that they all would be small entities, having 100 or fewer employees.

We believe, therefore, that this proposal would have no significant impact on horse exports from the United States. Moreover, we expect any impact to be beneficial, since the proposal would establish an additional, possibly less expensive, port for the export of horses from the United States.

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

Executive Order 12372

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

Executive Order 12778

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 9 CFR part 91 as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 would continue to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d).

§ 91.14 [Amended]

2. Section 91.14 would be amended as follows:

a. Paragraph (a)(1)(i)(B) would be revised as set forth below.

b. Paragraphs (a)(14)(ii) through (a)(14)(vi) would be redesignated as (a)(14)(iii) through (a)(14)(vii) and a new paragraph (a)(14)(ii) would be added to read as follows.

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(1) * * *

(i) * * *

(B) Valley Livestock, 14380 South Euclid Avenue, Chino, CA 91710, (909) 597–1756.

* * * * *

(14) Texas.

* * * * *

(ii) Dallas/Fort Worth International Airport.

(A) DFW Quarantine (horses only), 1010 A Chinn Chapel Road, Lewisville, TX 75067, (214) 317–6861.

* * * * *

Done in Washington, DC, this 5th day of November 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–27894 Filed 11–10–93; 8:45 am]

BILLING CODE 3410-34-P

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9 CFR Part 92

[Docket No. 93–006–1]

Importation of Certain Cattle From Mexico; Identification Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the animal importation regulations to require that spayed heifers and intact cattle imported into the United States from Mexico meet the same M-branding requirements currently applied to certain steers imported from Mexico. This action appears to be necessary in light of the increasing numbers of tuberculosis-infected animals disclosed at slaughter among cattle imported into the United States from Mexico. The proposed M-branding requirement would ensure that, except for limited exceptions, all Mexican-origin cattle are clearly and permanently identified as being of Mexican origin. This proposed requirement would facilitate the disease surveillance and traceback activities that are carried out under the National Cooperative State-Federal Bovine Tuberculosis Eradication Program.

DATES: Consideration will be given only to comments received on or before January 11, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–006–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel Richeson, Senior Staff Veterinarian, Import-Export Animals Staff, National Center for Import-Export, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 92 (referred to below as the regulations) prohibit or restrict the importation of certain animals into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart D—Ruminants, §§ 92.400 through 92.435 of 9 CFR part 92, pertains to the importation of ruminants into the United States. Sections 92.424 through 92.429 of the regulations contain specific provisions regarding the importation of ruminants from Mexico.

Currently, the regulations in § 92.427(c)(2) require that all steers imported into the United States from Mexico, except steers imported for immediate slaughter or imported in bond for feeding and return to Mexico, be branded with the letter "M" prior to arrival at a U.S. port of entry. We are proposing to require that intact cattle (i.e., calves, bulls, and non-spayed female cattle) and spayed heifers also be M-branded in Mexico prior to their importation into the United States.

Each year, an average of 1 million cattle are imported into the United States from Mexico. The vast majority of those cattle—about 99 percent—are young steers, while the remaining 1 percent consists of spayed heifers and intact cattle. The steers and spayed heifers are, with few exceptions, consigned to pastures or feedlots for finishing prior to slaughter, while the intact cattle are mostly integrated into domestic cattle herds for breeding purposes.

In recent years, the number of tuberculosis-compatible cases found among samples submitted from Mexican-origin cattle at slaughter has risen dramatically, from 78 in 1982 to 613 in 1992. The percentage of all tuberculosis slaughter investigations involving Mexican-origin cattle also rose during that time, from 33 percent in 1982 to 81 percent in 1992. Because such a large percentage of the tuberculous animals disclosed at slaughter in 1992 were of Mexican origin, it has become increasingly important that we be able to positively identify all cattle that have been imported from Mexico.

Since 1987, we have required that all steers imported from Mexico, except steers imported for immediate slaughter or imported in bond for feeding and return to Mexico, be branded on the right jaw with the letter "M". Because the M-brand provides a distinct and permanent means of identifying an animal as having originated in Mexico, that requirement has facilitated the disease surveillance and traceback activities that are carried out under the National Cooperative State-Federal Bovine Tuberculosis Eradication Program.

Based on the increase in the number of tuberculosis investigations involving Mexican-origin cattle, we have determined that it is necessary to have a permanent means of identifying spayed heifers and intact cattle for tuberculosis surveillance and traceback purposes. The average amount of time spayed heifers and intact cattle spend in the United States following their importation from Mexico—12 to 24 months for spayed heifers, longer for intact cattle—increases the chances that other means of identification such as eartags could be lost or removed. Therefore, we propose to amend the regulations in § 92.427(c)(2) to require that all cattle imported into the United States from Mexico, except cattle imported for immediate slaughter or imported in bond for feeding and return to Mexico, be branded with the letter "M" prior to arrival at a U.S. port of entry.

Executive Order 12866 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12866. Based on information compiled by the Department, we have determined that this proposed rule: (1) Would have an effect on the economy of less than $100 million; (2) would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (3) would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and (5) would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Cattle imported from Mexico account for about 1 percent of the total U.S. cattle population, which in 1991 stood at 99.4 million head. The average price per head for cattle from Mexico in 1991 was $350, with the total value of imported Mexican cattle exceeding $361 million for the year. During 1991, approximately 1 million live cattle were imported into the United States from Mexico.

We are proposing to require that all spayed heifers and intact cattle imported into the United States from Mexico meet the same M-branding requirements currently applied to steers imported into the United States from Mexico. This would mean that all cattle imported into the United States from Mexico, except cattle imported for immediate slaughter or imported in bond for feeding and return to Mexico, would be branded with the letter "M" prior to arrival at a U.S. port of entry. This proposed requirement is not expected to have an economic impact on any U.S. entities, large or small, because spayed heifers and intact cattle account for less than 1 percent of all cattle imported into the United States from Mexico and because the cost of the brand, which is negligible, would be borne by the Mexican exporter of the cattle.

Therefore, we expect this proposed rule to have no significant economic impact on any large or small entities because its provisions would not significantly increase or decrease their cost of doing business.

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

Executive Order 12778

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 would be amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.427 [Amended]

2. In § 92.427, paragraph (c)(2), the first sentence would be amended by removing the words "Each steer" and adding the words "All cattle" in their place and by removing the words "the steer" and adding the words "the animal" in their place, and the second sentence would be amended by removing the words "each steer's" and adding the words "each animal's" in their place.

Done in Washington, DC, this 5th day of November 1993.

Patricia Jensen,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–27892 Filed 11–10–93; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150–AE81

Protection Against Malevolent Use of Vehicles at Nuclear Power Plants; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Correction.

SUMMARY: This document corrects a proposed rule appearing in the **Federal Register** on November 4, 1993 (58 FR 58804), that would modify the design basis threat for radiological sabotage to include use of a land vehicle by adversaries for transporting personnel, hand-carried equipment, and/or explosives. The action is necessary to correct the reference to the public comment date on page 58805.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Dwyer, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC, telephone (301) 504–2478.

On page 58805, under the heading "Public Comment," in the second column, the term "30-day" should read "60-day."

Dated at Rockville, Maryland, this 5th day of November, 1993.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Assistant Secretary of the Commission.

[FR Doc. 93–27803 Filed 11–10–93; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–125–AD]

Airworthiness Directives; Airbus Industrie Model A310–222 and –324 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Industrie Model A310–222 and –324 series airplanes. This proposal would require inspections and tests to detect missing or damaged 'vespel' bushes on the left- and right-hand wings of the slat system universal joint assemblies; and replacement of the universal joints with new joints, if necessary. This proposal is prompted by a report of loose and migrated 'vespel' bushes and partial cracking within unsupported bush areas found on the slat system universal joint assemblies. The actions specified by the proposed AD are intended to prevent rupture of the universal joints, which could result in a runaway of the affected part of the slat system and, subsequently, could adversely affect the controllability of the airplane.

DATES: Comments must be received by January 13, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–125–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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac, Cedex France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

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 93–NM–125–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. 93–NM–125–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on all Airbus Industrie Model A310–222 and –324 series airplanes. The DGAC advises that, during an investigation of sampled in-service airplanes, loose and migrated 'vespel' bushes in forkends and partial

cracking within unsupported bush areas were found on the slat system universal joint assemblies. The cause of these discrepancies is unknown at this time. Damaged 'vespel' bushes can cause worn universal joints to rupture. The rupture of one worn universal joint can induce locking of the wing tip brake, which could result in the rupture of another worn universal joint. If a second worn universal joint ruptures, a runaway of the affected part of the slat system could occur, which could adversely affect the controllability of the airplane.

Airbus Industrie has issued Service Bulletin A310-27-2061, dated November 4, 1992, that describes procedures for repetitive visual inspections and electrical continuity tests to detect missing or damaged 'vespel' bushes on the left- and right-hand wings of the slat system universal joint assemblies. This service bulletin also describes procedures for replacement of the universal joints with new joints. The DGAC classified this service bulletin as mandatory and issued French Airworthiness Directive 92-275-139(B), dated December 23, 1992, in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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, the proposed AD would require repetitive visual inspections and electrical continuity tests to detect missing or damaged 'vespel' bushes on the left- and right-hand wings of the slat system universal joint assemblies; and replacement of the universal joints with new joints, if necessary. The inspections and tests would be required to continue after replacement of the universal joints. The actions would be required to be accomplished in accordance with the service bulletin described previously.

This is considered to be an interim action until final action is identified, at which time the FAA may consider further rulemaking.

The FAA estimates that 22 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 23 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 $27,830, or $1,265 per airplane, per inspection cycle. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The number of required work hours, as indicated above, is presented as if the accomplishment of the actions proposed in this AD were to be conducted as "stand alone" actions. However, in actual practice, these actions for the most part would be accomplished coincidentally or in combination with normally scheduled airplane inspections and other maintenance program tasks. Therefore, the actual number of necessary "additional" work hours would be minimal in many instances. Additionally, any costs associated with special airplane scheduling would be expected to be minimal.

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 "significant regulatory action" under Executive Order 12866; (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:

Airbus Industrie: Docket 93-NM-125-AD.

Applicability: All Model A310-222 and -324 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent rupture of the universal joints, which could result in a runaway of the affected part of the slat system and, subsequently, could adversely affect the controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 15,000 total landings, or within 400 flight hours after the effective date of this AD, whichever occurs later, perform a visual inspection and an electrical continuity test to detect missing or damaged 'vespel' bushes on the left- and right-hand wings of the slat system universal joint assemblies, in accordance with Airbus Industrie Service Bulletin A310-27-2061, dated November 4, 1993. Repeat this inspection thereafter at intervals not to exceed 15,000 landings.

(b) If any 'vespel' bushes are missing or damaged, prior to further flight, replace the universal joint with a new joint in accordance with Airbus Industrie Service Bulletin A310-27-2061, dated November 4, 1993. After replacement, continue to repeat the inspection and test required by paragraph (a) of this AD at intervals not to exceed 15,000 landings.

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

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

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

Issued in Renton, Washington, on November 5, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-27787 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 93-SW-19-AD]

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214ST helicopters. This proposal would require creation of a component history record and would establish an alternate retirement life of 50,000 high-power events for the main rotor mast (mast). This proposal is prompted by fatigue analysis and retesting that showed that the mast is sensitive to both high-power events and time-in-service. The actions specified by the proposed AD are intended to prevent fatigue failure of the mast, loss of the main rotor system, and subsequent loss of control of the helicopter.

DATES: Comments must be received by December 27, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-SW-19-AD, 4400 Blue Mound Road, bldg. 3B, room 158, Fort Worth, Texas 76106. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Horn, Aerospace Engineer, Rotorcraft Certification Office, FAA, Southwest Region, Rotorcraft Directorate, Fort Worth, Texas 76193-0170, telephone (817) 624-5177, fax (817) 740-3394.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report 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 93-SW-19-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, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-SW-19-AD, 4400 Blue Mound Road, bldg. 3B, room 158, Fort Worth, Texas 76106.

Discussion

This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214ST helicopters. This proposal would require creation of a component historical service record and would establish an alternate retirement life of 50,000 high-power events for the main rotor mast (mast), part number (P/N) 214-040-090-109. Currently, the mast has a retirement life of 10,000 hours' time-in-service. Fatigue analysis and retesting by the manufacturer has shown that the mast is sensitive to both high-power events and time-in-service. High-power events are takeoffs and external load lifts. The high-power events may lead to premature initiation of fatigue cracks in the mast. This condition, if not corrected, could result in fatigue failure of the mast, loss of the main rotor system, and subsequent loss of control of the helicopter.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require creation of a component historical service record and would establish a retirement life of 50,000 high-power events or 10,000 hours' time-in-service for the mast, part number (P/N) 214-040-090-109. The proposed AD would require removal and replacement of the mast on or before reaching 50,000 high-power events or 10,000 hours' time-in-service, whichever occurs first.

The FAA estimates that 14 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 24 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $21,810 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $323,820 if the mast were replaced on all 14 helicopters.

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 "significant regulatory action" under Executive Order 12866; (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:

Bell Helicopter Textron, Inc.: Docket No. 93–SW–19–AD.

Applicability: Model 214ST helicopters, with main rotor mast (mast), part number (P/N) 214–040–090–109 installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue failure of the mast, loss of the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 calendar days after the effective date of this airworthiness directive (AD), accomplish the following:

(1) Create a historical service record or component history card for the mast.

(2) Determine and record the total time-in-service accumulated for each mast as follows:

(i) If the time-in-service of the mast is unknown, use a time-in-service of 900 hours per year. Prorate the hours for a partial year.

(ii) If the time-in-service is known, use that total time-in-service.

(3) Determine and record the accumulated takeoffs and external load lifts high-power events for the mast as follows:

(i) If the number of high-power events is unknown, assign 11 high-power events for each hour time-in-service obtained in accordance with paragraph (a)(2).

(ii) If the number of high-power events is known, record that number as total accumulated high-power events.

(b) After compliance with paragraph (a) of this AD, continue to record the time-in-service and high-power events and add the high-power events to the previously recorded sum.

(c) Remove the mast and replace it with an airworthy mast in accordance with the following:

(1) For each mast with 9,900 hours or more total time-in-service on the effective date of this AD, remove and replace the mast within the next 100 hours time-in-service.

(2) For each mast with less than 9,900 hours total time-in-service on the effective date of this AD, remove and replace the mast before it attains 10,000 hours time-in-service.

(3) For each mast with 48,900 or more high-power events on the effective date of this AD, remove and replace the mast on or before the accumulation of an additional 1,100 high-power events.

(4) For each mast with less than 48,900 high-power events on the effective date of this AD, remove and replace the mast before it attains 50,000 high-power events.

(d) This AD revises the Airworthiness Limitations Section of the maintenance manual by establishing an additional retirement life for the mast.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Rotorcraft Certification Office, FAA, Rotorcraft Directorate, Fort Worth, Texas 76193–0170. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

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

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

Issued in Fort Worth, Texas, on October 5, 1993.

Henry A. Armstrong,

Assistant Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–27799 Filed 11–10–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 93–NM–165–AD]

Airworthiness Directives; Fokker Model F–28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F–28 Mark 0100 series airplanes. This proposal would require the installation of modified Flight Warning Computers and Flight Augmentation Computers. This proposal is prompted by reports of nuisance yaw-damper fault warnings and undetected horizontal trim motion, and the development of improved computers that eliminate these problems. The actions specified by the proposed AD are intended to prevent nuisance warnings in the cockpit and undetected trim motion, both of which could compromise the safe takeoff of the airplane.

DATES: Comments must be received by January 13, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–165–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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

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 93–NM–165–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. 93–NM–165–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for The Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F-28 Mark 0100 series airplanes. The RLD advises that there have been numerous reports of nuisance yaw-damper fault warnings that have occurred during takeoff. Such fault warnings, under normal circumstances, would serve to alert the flightcrew that the airplane is not in a proper configuration with regard to the yaw-damper for safe flight or takeoff. However, during the takeoff process, the number and frequency of warnings that may sound as the airplane is maneuvered during taxi are such that the flight crew may consider them as "nuisance warnings." Under these circumstances, the flight crew may routinely disregard these warnings, which essentially negates the warning system's purpose. Nuisance warnings can also distract the flight crew from its regular duties during takeoff procedures, and thus serve to compromise the safe takeoff of the airplane.

Additionally, the RLD advises that, during recent ground testing of these airplanes, problems were identified in the stabilizer trim system. The testing revealed that trim motion in the horizontal stabilizer may go undetected by the flight crew. If this were to happen just prior to or during flight, it could compromise the controllability and continuing safe flight of the airplane.

Fokker has developed new modified Fight Warning Computers and Flight Augmentation Computers that have improved monitoring capabilities of the relevant systems, and has issued several service bulletins recommending their installation:

1. Service Bulletin SBF100-31-020, Revision 1, dated June 12, 1993, describes procedures for replacing the Flight Warning Computer (FWC) on certain airplanes with an improved FWC. The replacement FWC provides a trim-in-motion tone, an optional adaptive audio, a new version coding, and modification to include various alerts. The RLD classified the original issue of this service bulletin as mandatory, and issued Netherlands Airworthiness Directive (BLA) 91-057, Issue 3, dated September 13, 1991, in order to assure the continued airworthiness of these airplanes in The Netherlands.

2. Service Bulletin SBF100-22-032, dated September 2, 1991, and Service Bulletin SBF100-22-037, dated May 31, 1993, describe procedures for replacing Flight Augmentation Computers (FAC) on various airplanes with two different improved FAC's. The replacement FAC's provide improved fault isolation, which is attained by the addition of circuitry to allow cross-comparison of more signals than was previously possible. The replacement FAC's also provide improved yaw damper centering, improved stabilizer trim motion ground testing, and trim-in-motion outputs. The RLD classified Service Bulletin SBF100-22-032 as mandatory, and included reference to it in Netherlands Airworthiness Directive (BLA) 91-057, Issue 3, described above. The RLD approved the technical content of Fokker Service Bulletin SBF100-22-037, but has not classified it as mandatory.

The improved FWC and FAC's described in these service bulletins have been installed during production on Model F-28 Mark 0100 series airplanes beginning with serial number 11349.

This airplane model is manufactured in The Netherlands and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, 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, the proposed AD would require replacing the FWC and the FAC with improved versions. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that a total of 27 airplanes of U.S. registry would be affected by the proposed AD.

Installation of the new FWC would require approximately 46 work hours to accomplish, at an average labor charge of $55 per work hour. Required parts would cost approximately $450 per airplane. Based on these figures, the total cost impact of the proposed FWC installation on U.S. operators is estimated to be $2,980 per airplane.

The proposed requirement to replace the FAC would vary, depending upon the configuration of the FAC installed. Additionally, operators would have a choice of two different FAC's to use as replacement installations:

Should an operator elect to install an FAC having part number 622-7478-401MOD11, it would require approximately 1 work hour to accomplish, at an average labor charge of $55 per work hour. Required parts would be provided at no cost to the operator. Based on these figures, the total cost impact of this specific proposed installation requirement on U.S. operators would be $55 per airplane.

Should an operator elect to install an FAC having part number 622-7478-411, it would require approximately 52 work hours to accomplish, at an average labor charge of $55 per work hour. Required parts would cost approximately $2,515 per airplane. Based on these figures, the total cost impact of this specific proposed FAC installation requirement on U.S. operators is estimated to be $5,375 per airplane.

Based on the figures discussed above, the total cost impact of this proposed AD on U.S. operators would be between $3,005 and $8,355 per airplane, or between $81,135 and $225,585 for the entire U.S. fleet. These total cost figures assume that no operator has yet accomplished any of 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 "significant regulatory action" under Executive Order 12866; (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:

Fokker: Docket 93–NM–165–AD.

Applicability: Model F–28 Mark 0100 series airplanes; serial numbers 11244 through 11348, inclusive; equipped with Flight Warning Computer, P/N 80–0610–2–( ); or equipped with Flight Augmentation Computer, part number (P/N) 622–7478–321 or P/N 622–7478–401; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent nuisance yaw-damper fault warnings and undetected trim motion, accomplish the following:

(a) For airplanes having serial numbers 11244 through 11321 inclusive, 11323 through 11329 inclusive, 11331, and 11333; and equipped with Flight Warning Computer (FWC) P/N 80–0610–2–( ): Within one year after the effective date of this AD, remove the currently installed FWC, modify the airplane, and install FWC P/N 80–0610–3–30, in accordance with Fokker Service Bulletin SBF100–31–020, Revision 1, dated June 12, 1993.

Note 1: Installation accomplished prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100–31–020, dated May 24, 1991, is considered to be in compliance with this paragraph.

(b) For airplanes having serial numbers 11244 through 11339 inclusive, 11341, and 11342; and equipped with Flight Augmentation Computer (FAC) P/N 622–7478–321: At the same time as, or prior to further flight after, accomplishing the requirements of paragraph (a) of this AD, remove the currently installed FAC and replace it with either of the following:

(1) FAC P/N 622–7478–401MOD11, in accordance with Fokker Service Bulletin SBF100–22–032, dated September 2, 1991; or

(2) FAC P/N 622–7478–411, in accordance with Fokker Service Bulletin SBF100–22–037, dated May 31, 1993. Equipment combinations listed in that service bulletin must be adhered to.

(c) For airplanes having serial numbers 11244 through 11348 inclusive, and equipped with FAC P/N 622–7478–401: Within one year after the effective date of this AD, remove the currently installed FAC and replace it with either of the following:

(1) FAC P/N 622–7478–401MOD11, in accordance with Fokker Service Bulletin SBF100–22–032, dated September 2, 1991; or

(2) FAC P/N 622–7478–411, in accordance with Fokker Service Bulletin SBF100–22–037, dated May 31, 1993. Equipment combinations listed in that service bulletin must be adhered to.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on November 5, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–27785 Filed 11–10–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 93–NM–147–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require replacement of the flight control computers (FCC) with new, improved FCC's; and removal of certain limitations from the Airplane Flight Manual (AFM), if necessary. This proposal is prompted by reports that, during a level change descent with auto throttles engaged and manual flight, airplanes inadvertently have approached near minimum speeds. The actions specified by the proposed AD are intended to prevent inadvertent loss of airspeed during a level change descent.

DATES: Comments must be received by January 13, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–147–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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–2145.

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 93–NM–147–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. 93-NM-147-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that reports have been received from operators of these airplanes indicating that, during a level change descent and manual flight, the airplanes inadvertently have approached near minimum speeds. A subsequent design review, conducted by Fokker and Collins (the manufacturer of the flight control computers (FCC) installed on these airplanes), indicated that, during a level change descent with auto throttles engaged and when the flight crew elected not to follow the flight director guidance, the autoflight FCC caused the engine thrust to remain at idle, although a higher thrust level was actually needed to maintain a safe aircraft speed. This condition, if not corrected, could result in inadvertent loss of airspeed during a level change descent.

Fokker has issued Service Bulletin SBF100-22-029, dated January 6, 1992, that describes procedures for replacement of the FCC's with new, improved FCC's that are not subject to the addressed problems. The RLD classified this service bulletin as mandatory and issued Netherlands Airworthiness Directive BLA 92-016, dated January 24, 1992, in order to assure the continued airworthiness of these airplanes in the Netherlands. The Netherlands Airworthiness Directive also includes procedures for removing two limitations from the Limitations Section of the Airplane Flight Manual (AFM) once the new FCC is installed; these limitations relate to restrictions on the use of the FCC and the flight director.

This airplane model is manufactured in the Netherlands 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 RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, 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, the proposed AD would require replacement of the FCC's with new, improved FCC's. The replacement would be required to be accomplished in accordance with the service bulletin described previously.

This proposed AD would also require, upon replacement of the FCC's, the removal of two limitations from the Limitations Section of the FAA-approved AFM, if those limitations are currently present in the AFM.

The FAA estimates that 39 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 16 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $460 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $52,260, or $1,340 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 "significant regulatory action" under Executive Order 12866; (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:

Fokker: Docket 93-NM-147-AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 through 11364 inclusive, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent loss of airspeed during a level change descent, accomplish the following:

(a) Within 60 days after the effective date of this AD, replace any flight control computer (FCC) having part number (P/N) 622-7476-321, P/N 622-7476-331, or P/N 622-7476-401, with a new, improved FCC having P/N 622-7476-402, in accordance with Fokker Service Bulletin SBF100-22-029, dated January 6, 1992.

(b) Prior to further flight after accomplishment of paragraph (a) of this AD, the following limitations, if present, must be removed from the Limitations Section of the FAA-approved Airplane Flight Manual (AFM), section 2.08.01.

(1) "Flight Director

Manual Flight with Flight Director ON.

For accurate speed control and adequate speed protection the FD pitch commands must be followed when flying manually. In case the FD commands are not followed, switch both FD's to FPV or OFF."

(2) "*Non-precision Approach*

Do not use LVLCH descent mode below 2000 ft AGL. With PROF engaged, do not lower the FMP altitude below the initial approach or missed approach altitude."

(c) As of the effective date of this AD, no person shall install any FCC having P/N 622-7476-321, P/N 622-7476-331, or P/N 622-7476-401 on any airplane.

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

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the

requirements of this AD can be accomplished.

Issued in Renton, Washington, on November 5, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-27786 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM93-4-000]

Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations

November 5, 1993.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of change of informal conference date.

SUMMARY: The Federal Energy Regulatory Commission informal conference scheduled for Tuesday, November 16, 1993, (58 FR 58817, Nov. 4, 1993) has been rescheduled to Wednesday, November 17, 1993. The purpose of the conference is to review the progress of the industry Working Groups on Electronic Bulletin Boards since the Commission's Notice of Proposed Rule Making in this docket and to discuss the revised capacity release data sets filed by Working Groups 1 and 2.

DATES: Wednesday, November 17, 1993, beginning at 10 a.m.

ADDRESSES: Federal Energy Regulatory Commission, Hearing Room 1, 810 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. (202) 208-2294.

Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. (202) 208-1283.

Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. (202) 208-0666.

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

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

Change of Informal Conference Date

November 5, 1993.

Take notice that the informal conference previously scheduled for Tuesday, November 16, 1993, has been rescheduled for Wednesday, November 17, 1993, due to scheduling conflicts . The purpose of the conference is to review the progress of the Electronic Bulletin Board Working Groups since the Commission's Notice of Proposed Rule Making in this docket and to discuss the revised capacity release data sets filed by Working Groups 1 and 2.

The conference will begin at 10 a.m. on November 17, 1993. It will be held at: Federal Energy Regulatory Commission, Hearing Room 1, 810 First Street, NE., Washington, DC 20426.

All interested persons are invited to attend. For additional information contact Marvin Rosenberg at (202) 208-1283 or Brooks Carter at (202) 208-0666.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-27837 Filed 11-10-93; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series, No. 2-86]

Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills

AGENCY: Fiscal Service, Treasury.

ACTION: Proposed rule; withdrawal.

SUMMARY: This notice withdraws Treasury's request for comments on the proposed rule to govern Treasury bonds, notes and bills ("securities") held in the commercial book-entry system, also known as the Treasury/Reserve Automated Debt Entry System, or TRADES, last published in the **Federal Register** on April 2, 1992 (57 FR 12244). Treasury has determined that it is no longer appropriate to solicit comments on the rule as currently proposed, given the progress that has occurred in the project to revise Article 8 of the Uniform Commercial Code ("U.C.C.").

FOR FURTHER INFORMATION CONTACT: Calvin Ninomiya, Chief Counsel, or Cynthia Reese, Deputy Chief Counsel, on (202) 219-3320.

SUPPLEMENTARY INFORMATION: Treasury has published for comment proposed rules to govern Treasury marketable securities held in the commercial book-entry system, or "TRADES" (see 51 FR 8846; 51 FR 43027; 57 FR 12244).

The comment period on the last proposed version of the rule expires on November 30, 1993 (see 58 FR 9134). It had been twice extended, in response to requests from various groups and market participants, to allow for consideration of issues being examined by the National Conference of Commissioners on Uniform State Laws ("NCCUSL") Drafting Committee to Revise Uniform Commercial Code, Article 8. The granting of these extensions was consistent with Treasury's view that it would be desirable to permit commenters to take into account the rules being developed for Article 8 in providing comments on TRADES.

While the effort to revise U.C.C. Article 8 has not yet reached finality, at this time it appears likely that when completed, the revision will represent a fundamental change from the existing Article 8 rules. Since the proposed TRADES regulations are based to a great extent on the principles of the existing Article 8 rules, it does not appear beneficial to request comments on the TRADES regulations currently proposed for comment. Rather, it would be more productive for interested parties, and of greater benefit to Treasury, for potential commenters to concentrate on completing an acceptable Article 8 revision.

Treasury remains committed to promulgating revised book-entry regulations that will result, to the extent possible, in having the same law apply to United States securities as applies to other book-entry securities. It is anticipated that a new proposed rule

will be issued for public comment at a reasonably early date, one that will take into account the product produced by the Article 8 revision process.

Dated: November 5, 1993.

Donald V. Hammond,

Acting Commissioner of the Public Debt.

[FR Doc. 93-27789 Filed 11-10-93; 8:45 am]

BILLING CODE 4160-35-M

Bureau of Engraving and Printing

31 CFR Part 601

[Notice No. 1]

Distinctive Paper for United States Currency and Other Securities

AGENCY: Bureau of Engraving and Printing (BEP), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Bureau of Engraving and Printing is proposing to amend the provisions of Distinctive Paper for United States Currency and Other Securities regulations, to reflect the adoption of a new distinctive paper adopted for use by the Secretary of the Treasury to deter counterfeiting.

DATES: Written comments must be received on or before December 13, 1993.

ADDRESSES: Send written comments to: Manager, Management Advisory Services Division, Office of Management Services, Bureau of Engraving and Printing, room 321-11A, 14th and C Streets, SW., Washington, DC 20228, ATTN: Notice No. 2. Comments may also be submitted by facsimile transmission to (202) 874-3529.

FOR FURTHER INFORMATION CONTACT: Rodolfo Roberts, Office of Management Services, Bureau of Engraving and Printing, room 321-9A, 14th and C Streets, SW., Washington, DC 20228, (202) 874-3551.

SUPPLEMENTARY INFORMATION: 80 Stat. 379, 39 Stat. 277, as amended; and Title 5 U.S.C. 301, 31 U.S.C. 5114 give the Secretary of the Treasury the authority of law to adopt a new distinctive paper for use in printing United States currency and other interest-bearing securities of the United States. The proposed changes would:

(1) Amend § 601.1 to reflect the existence of two kinds (threaded and non-threaded) of distinctive papers for printing United States currency and the use of the non-threaded one for printing interest-bearing securities of the United States.

(2) Amend § 601.2 to reflect a description of the new threaded distinctive paper.

(3) Amend § 601.3 to indicate that the distinctive paper currently in use will continue to be used.

(4) Amend § 601.4 to provide that the existing distinctive paper will continue to be used for printing interest-bearing securities of the United States.

(5) Section 601.5 remains the same.

(6) Delete § 601.6 in its entirety.

Public Participation—Written Comments

BEP requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

Comments may be submitted by facsimile transmission to (202) 874-3529, provided the comments: (1) Are legible; (2) are on 8½" × 11" paper; (3) contain a written signature, and (4) are less than three pages in length. Receipt of facsimile transmissions will not be acknowledged. Facsimile transmitted documents will be treated as originals.

Regulatory Flexibility Act

It is hereby certified that this document will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 and regulatory impact analysis is not required because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

Disclosure

Copies of this notice and any written comments will be available upon request from the Disclosure Officer, Bureau of Engraving and Printing, Room 321-12A, 14th and C Streets, SW., Washington, DC 20228.

Drafting Information

The principal author of this document is Rodolfo Roberts, Office of Management Services, Bureau of Engraving and Printing.

List of Subjects in 31 CFR Part 601

Currency, Securities, Printing.

Authority and Issuance

31 CFR part 601 is revised to read as follows:

PART 601—DISTINCTIVE PAPER FOR UNITED STATES CURRENCY AND OTHER SECURITIES

Sec.
601.1 Notice to the public.
601.2 Description of paper.
601.3 Use of paper.
601.4 Use of paper; interest-bearing securities of the United States.
601.5 Penalty for unauthorized control or possession.

Authority: 5 U.S.C. 301; 31 U.S.C. 418; 18 U.S.C. 474.

§ 601.1 Notice to the public.

Notice is hereby given that the Secretary of the Treasury, by authority of law has adopted a new distinctive paper for use in printing United States currency in addition to the existing distinctive paper for use in printing United States currency and other securities.

601.2 Description of paper.

The paper utilized in the printing of United States currency and public debt issues is cream-white bank note paper which must contain security features prescribed by the Secretary of the Treasury. All currency paper shall contain distinctive fibers, colored red and blue, incorporated in the body of the paper while in the process of manufacture and evenly distributed throughout. In addition to distinctive red and blue fibers, currency paper shall contain, for denominations prescribed by the Secretary of the Treasury,

security threads embedded beneath the surface of the paper during the manufacturing process. Security threads shall contain graphics consisting of the designation "USA" and the denomination of the currency, expressed in alphabetic or numeric characters.

§ 601.3 Use of paper.

The new distinctive paper shall be used for printing Federal Reserve Notes of the denominations prescribed by the Secretary of the Treasury. The use of the existing distinctive paper, the distinctive feature of which consists of distinctive fibers, colored red and blue, incorporated in the body of the paper while in the process of manufacture and evenly distributed throughout, will be continued for printing of any currency denomination prescribed by the Secretary of the Treasury.

601.4 Use of paper; interest-bearing securities of the United States.

The existing distinctive paper shall be used for the printing of interest-bearing securities of the United States, and for any other printing where the use of distinctive paper is indicated.

§ 601.5 Penalty for unauthorized control or possession.

The Secretary of the Treasury hereby gives notice that the new distinctive paper, together with any other distinctive paper heretofore adopted for the printing of paper currency or other obligations or securities of the United States is and will be subject to the provisions of section 18 U.S.C. 474 which provides, in part, that it is against the law to possess any paper, or facsimile thereof, designated by the Secretary of the Treasury for the printing of U.S. currency or any other security of the United States, except with the permission of the Secretary or other authorized official. This crime is punishable by a fine not to exceed five thousand dollars or imprisonment for not more than fifteen years, or both.

Peter H. Daly,

Director.

George Muñoz,

Assistant Secretary-Designate Management.

[FR Doc. 93-27836 Filed 11-10-93; 8:45 am]

BILLING CODE 4840-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD07-93-011]

Regulated Navigation Area; Hillsborough Channel Cut D, Hillsborough Bay, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to establish a one way traffic pattern in the Hillsborough Channel, Cut D, Hillsborough Bay. This regulated navigation area is needed to protect vessels with a draft of greater than 39 feet from a safety hazard associated with shoaling within the marked channel.

DATES: Comments must be received on or before December 27, 1993.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Marine Safety Office, 155 Columbia Drive, Tampa, FL 33606. The comments and other materials referenced in this notice will be available for inspection and copying at 155 Columbia Drive, Tampa, FL. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant J.E. Hurst, Coast Guard Marine Safety Office, Tampa, FL at (813) 228-2189.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (07-93-011) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned; however, one may be held if written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Chief Marine Science Technician W.L. Morse, project officer, Marine Safety Office Tampa, and Lieutenant J.M. Losego, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Proposed Regulations

This regulation is proposed to protect vessels that are restricted to the channel because of their draft, specifically those vessels with a draft of 39 feet or greater. Due to the shoaling within this marked channel, the Coast Guard is proposing that, whenever a vessel with a draft of 39 feet or greater is transiting this regulated area, only one way traffic will be permitted in the channel.

Economic Assessment and Certification

These proposed regulations are considered to be not a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This is based on the fact that the instances requiring one-way traffic are infrequent in nature and of brief duration.

Since the impact of this action is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

The U.S. Coast Guard, the lead Federal agency for purposes of the National Environmental Policy Act (NEPA), intends to prepare a Categorical Exclusion in accordance with its own NEPA implementing procedures. "Categorical Exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a federal agency in implementing NEPA regulations.

A "Categorical Exclusion" is prepared when neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 33 CFR Part 165

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. Section 165.0711 is added to read as follows:

§ 165.0711 Hillsborough Cut D Channel, Tampa Bay, FL—regulated navigation area.

(a) The following is a regulated navigation area: waters within the boundaries of a line beginning at 27-55'-02" N, 082-26'-38" W; thence to 27-55'-00" N, 082-26'-42" W; thence to 27-54'-42" N, 082-26'-31" W; thence to 27-54'-43" N, 082-26'-26" W; and, thence to the beginning point.

(b) A vessel which requires use of the channel due to its draft shall not meet or overtake a vessel with a draft of 39 feet or greater within the regulated area.

(c) A vessel with a draft of 39 feet or greater must make a security broadcast ½ hour prior to entering the regulated area.

Dated: September 30, 1993.

William P. Leahy,

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

[FR Doc. 93-27843 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD07-93-010]

Regulated Navigation Area; Mullet Key Channel, Tampa Bay, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to establish a one way traffic pattern in the Mullet Key Channel, Tampa Bay, around an area ½ mile east of Mullet Key Channel lighted buoy 19 and lighted bell buoy 20. This regulated navigation area is needed to protect vessels with a draft of greater than 38 feet from a safety hazard associated with shoaling within the marked channel.

DATES: Comments must be received on or before December 27, 1993.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Marine Safety Office, 155 Columbia Drive, Tampa, FL 33606. The comments and other materials referenced in this notice will be available for inspection and copying at 155 Columbia Drive, Tampa, FL. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant J.E. Hurst, Coast Guard Marine Safety Office, Tampa, FL at (813) 228-2189.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD07-93-010) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned; however, one may be held if written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Chief Marine Science Technician W.L. Morse, project officer, Marine Safety Office Tampa, and Lieutenant J.M. Losego, project attorney, Coast Guard District Legal Office.

Discussion of Proposed Regulations

This regulation is proposed to protect vessels that are restricted to the channel because of their draft, specifically those vessels with a draft of 38 feet or greater. Due to the shoaling within this marked channel, the Coast Guard is proposing that, whenever a vessel with a draft of 38 feet or greater is transiting this regulated area, only one way traffic will be permitted in the channel.

Economic Assessment and Certification

These proposed regulations are considered to be not a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This is based on the fact that the instances requiring one-way traffic are infrequent in nature and of brief duration.

Since the impact of this action is expected to be minimal, the Coast guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

The U.S. Coast Guard, the lead Federal agency for purposes of the National Environmental Policy Act (NEPA), intends to prepare a Categorical Exclusion in accordance with its own NEPA implementing procedures. "Categorical Exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a federal agency in implementing NEPA regulations.

A "Categorical Exclusion" is prepared when neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 33 CFR Part 165

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. Section 165.0710 is added to read as follows:

§ 165.0710 Mullet Key Channel, Tampa Bay, FL—regulated navigation area.

(a) The following is a regulated navigation area: waters within the boundaries of a line beginning at 27-36-24N, 082-43-33W; thence to 27-36-20N, 082-44-00W; thence to 27-36-15N, 082-43-59W; thence to 27-36-18N, 082-43-32W; and, thence to the beginning point.

(b) A vessel which requires use of the channel due to its draft shall not meet or overtake a vessel with a draft of 38 feet or greater within the regulated area.

(c) A vessel with a draft of 38 feet or greater must make a security broadcast ½ hour prior to entering the regulated area.

Dated: September 30, 1993.

William P. Leahy,

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

[FR Doc. 93-27844 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD07-93-009]

Regulated Navigation Area; Egmont Channel, Tampa Bay, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish a one way traffic pattern in the Egmont Channel, Tampa Bay, from Egmont Channel lighted whistle buoy 9 and lighted buoy 10 through Egmont Channel lighted whistle buoy 13 and lighted buoy 14. This regulated navigation area is needed to protect vessels with a draft of greater than 36 feet from a safety hazard associated with shoaling within the marked channel.

DATES: Comments must be received on or before December 27, 1993.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Marine Safety Office, 155 Columbia Drive, Tampa, FL 33606. The comments and other materials referenced in this notice will be available for inspection and copying at 155 Columbia Drive, Tampa, FL. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant J.E. Hurst, Coast Guard Marine Safety Office, Tampa, FL at (813) 228–2189.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD07–93–009) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned; however, one may be held if written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Chief Marine Science Technician W.L. Morse, project officer, Marine Safety Office Tampa, and Lieutenant J.M. Losego, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Proposed Regulations

This regulation is proposed to protect vessels that are restricted to the Channel because of their draft, specifically those vessels with a draft of 36 feet or greater. Due to shoaling within this marked channel, the Coast Guard is proposing that, whenever a vessel with a draft of 36 feet or greater is transiting this regulated area, only one-way traffic will be permitted in the channel.

Economic Assessment and Certification

These proposed regulations are considered to be not a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This is based on the fact that the instances requiring one-way traffic are infrequent in nature and of brief duration.

Since the impact of this action is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

The U.S. Coast Guard, the lead federal agency for purposes of the National Environmental Policy Act (NEPA), intends to prepare a Categorical Exclusion in accordance with its own NEPA implementing procedures. "Categorical Exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementing NEPA regulations.

A "Categorical Exclusion" is prepared when neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 33 CFR Part 165

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

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. Section 165.0709 is added to read as follows:

§ 165.0709 Egmont Channel, Tampa Bay, FL—regulated navigation area.

(a) The following is a regulated navigation area: Waters within the boundaries of a line beginning at 27–36–37N, 082–48–43W; thence to 27–36–15N, 082–52–10W; thence to 27–36–07N, 082–52–10W; thence to 27–36–30N, 082–48–42W; and, thence to the beginning point.

(b) A vessel which requires use of the channel due to its draft shall not meet or overtake a vessel with a draft of 36 feet or greater within the regulated area.

(c) A vessel with a draft of 36 feet or greater must make a security broadcast ½ hour prior to entering the regulated area.

Dated: September 30, 1993.

William P. Leahy,

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

[FR Doc. 93–27845 Filed 11–10–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[FRL–4800–6]

Land Disposal Restrictions for Newly Identified and Listed Hazardous Wastes and Hazardous Soil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice to extend comment period.

SUMMARY: On September 14, 1993, EPA published a proposed rulemaking entitled "Land Disposal Restrictions for Newly Identified and Listed Hazardous Wastes and Hazardous Soil" (58 FR 48092). The comment period for the proposal is scheduled to end on November 15, 1993. Since the publication of the proposal, EPA has received requests to extend the comment period. The commenters expressed certain concerns and questions regarding the relationship of these proposed regulations with another Resource Conservation and Recovery Act (RCRA) rulemaking initiative, known as the Hazardous Waste Identification Rule (HWIR) for contaminated media.

Upon consideration of these comments and requests, EPA has decided to extend the comment period for those provisions of the September 14, 1993 proposal that relate to HWIR for contaminated media. This notice therefore extends to March 15, 1994 the comment period for the proposed hazardous soil standards and the contained-in provisions. The close of the comment period for the other parts of the rulemaking remains November 15, 1993.

DATES: Comments and data for the proposed hazardous soil standards and

the contained-in provisions must be submitted on or before March 15, 1994.

ADDRESSES: The public must send an original and two copies of their written comments to EPA RCRA Docket (mail code 5305), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Place the Docket Number F-92-CS2P-FFFFF on your comments. The RCRA Docket is located in room 2616 at the above address, and is open from 9 am to 4 pm Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost $.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9346 (toll-free) or (703) 412-9810 locally. For information on this comment period extension, contact Sherri Stevens in the Waste Treatment Branch, Office of Solid Waste (mail code 5302-W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308-8467. For technical information on soil treatment standards, contact the Waste Treatment Branch at the address above, (703) 308-8434. For technical information on the soil capacity analyses, contact the Capacity Programs Branch at the address above, (703) 308-8440. For technical information regarding the Hazardous Waste Identification Rule for contaminated media, contact Carolyn Loomis at (703) 308-8626.

SUPPLEMENTARY INFORMATION:

I. The Phase II Proposed Rule

On September 14, 1993, EPA proposed treatment standards under the Land Disposal Restrictions (LDR) program for certain newly listed wastes, as well as to modify some existing treatment standards. EPA proposed treatment standards for the newly identified organic toxicity characteristic wastes (except those managed in Clean Water Act (CWA) systems, CWA-equivalent zero discharge systems, or Class I Safe Drinking Water Act (SDWA) injection wells), as well as treatment standards for coke by-product and chlorotoluene production wastes. In addition, in order to comply with a proposed consent decree with the Environmental Defense Fund, and a settlement agreement with the Hazardous Waste Treatment Council and the Natural Resource Defense Council, EPA proposed to require ignitable characteristic wastes with high total organic carbon (TOC) content, and toxicity characteristic pesticide wastes, that are being disposed in Class I injection wells, to either be injected into a well that is subject to a no-migration determination, or be treated to meet the LDR treatment standards prior to injection. Furthermore, EPA proposed several revisions to previously promulgated treatment standards and requirements in order to simplify land disposal restriction rules, including setting "universal treatment standards." Finally, EPA proposed alternative treatment standards for soil contaminated with prohibited hazardous wastes that would encourage use of noncombustion treatment technologies in treating such hazardous soil, and proposed to codify the RCRA "contained-in" policy as it applies to soils and other contaminated media. These alternative soil treatment standards and the "contained-in" provisions are the subject of today's extension of the comment period.

II. Today's Action

EPA has received several requests to extend the comment period for portions of the September 14 proposal. The commenters, in particular, were concerned about the relationship between the LDR proposal and approaches being developed as part of the HWIR discussions. Those discussions are intended ultimately to lead to amended rules for contaminated media.

EPA has been developing HWIR regulations through a public dialogue involving EPA, the States, industry, public interest groups and other potentially affected persons. This dialogue has led to a potential conceptual framework for regulating the management of contaminated media (e.g., hazardous soils) generated during cleanup.

In commenting to the Agency on the September 14, 1993 LDR proposal, several parties that have participated in the HWIR initiative observed that the LDR hazardous soil and contained-in approaches address a number of issues under discussion as part of the HWIR dialogue. The commenters further suggested that, because there are a number of related issues that remain unresolved in the HWIR contaminated media discussions, the Agency should extend the comment period for the proposed LDR hazardous soils and contained-in approaches to allow for the most full and open discussion of these issues. Some commenters also maintained that they could not both prepare timely comments on the issues related to contaminated soils in the LDR proposal and participate in HWIR discussions.

EPA agrees with these commenters that an extension of the comment period is warranted, and accordingly in today's notice extends the comment period by four months for those portions of the September 14, 1993 proposal pertaining to the alternative treatment standards for hazardous soils and to the codification of the contained-in policy (see Section VII of the September 14, 1993 proposed rule, 58 FR 48122). Such an extension should simplify discussion of the HWIR rule during the extended comment period. Furthermore, the comments received during the extended comment period are expected to provide better information for the Agency and others to consider in making decisions as to how the HWIR rule for contaminated media should be drafted, and how LDR standards for soils and the proposed approach to the contained-in policy relate to HWIR contaminated media requirements. In the event that an alternative framework for regulating the management of hazardous soils has not been developed by the Phase II settlement agreement date, (i.e., July 31, 1994), then the LDR treatment standards developed for the Phase II wastes will also apply to soils that contain these wastes, as has been the case in previous LDR rulemakings.

Dated: November 8, 1993.

Elliott P. Laws,

Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 93-27994 Filed 11-10-93; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 90

[ET Docket No. 93-235; DA 93-1318]

Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Order extending time for comments and reply comments.

SUMMARY: The order grants a request by the American Petroleum Institute (API) for an extension of time to filing comments in the above-captioned proceeding (58 FR 51299, October 1, 1993). The Commission is taking this action to provide API additional opportunity to reach a consensus on the proposals set forth by the Commission.

DATES: Comments must be submitted on or before December 8, 1993, and reply

comments on or before December 23, 1993.

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

FOR FURTHER INFORMATION CONTACT: George Harenberg, Office of Engineering and Technology, (202) 653–7314.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Comments and Reply Comments

In the matter of: Amendment of Parts 15 and 90 of the Commission's Rules to Provide Additional Frequencies for Cordless Telephones.

Adopted: November 3, 1993.

Released: November 5, 1993.

Comment Date: December 8, 1993.

Reply Comment Date: December 23, 1993.

By the Office of Engineering and Technology:

1. On October 18, 1993, the American Petroleum Institute (API) requested that the time for filing comments to the Notice of Proposed Rule Making (NPRM) in the above-captioned proceeding be extended from November 8, 1993 to December 8, 1993 and that the reply comment date be extended from November 23, 1993 to December 23, 1993.

2. In its request, API indicates that a 30 day extension of the comment periods would facilitate a full discussion of the issues at API's Telecommunications Committee meeting on November 17–19, 1993, and would allow finalization of API's comments, which it believes are essential for the development of a full record in this proceeding.

3. The Commission does not routinely grant extensions of time.[1] In this instance, however, we believe that extending the comment deadline by 30 days will serve the public interest by providing the petroleum and natural gas industry additional opportunity to reach a consensus on the proposals set forth in the NPRM and would result in an improved record being submitted to the Commission. We also believe it is in the public interest to extend the reply comment deadline correspondingly. Accordingly, it is ordered that, The deadline for filing comments is extended to December 8, 1993, and the deadline for filing reply comments is extended to December 23, 1993.

4. This action is taken pursuant to authority found in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303, and pursuant to §§ 0.31, 0.241, and 1.46. For further information, contact George Harenberg, Office of Engineering and Technology, (202) 653–7314.

Federal Communications Commission.

Bruce A. Franca,

Acting Chief Engineer.

[FR Doc. 93–27802 Filed 11–10–93; 8:45 am]

BILLING CODE 6712–01–M

[1] 47 CFR 1.46 (1991).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018–AC07

Conferring Designated Port Status on Boston, Massachusetts, for Importation/Exportation of Fish and Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to confer designated port status on Boston, Massachusetts pursuant to section 9(f) of the Endangered Species Act of 1973. Designated port status would allow the direct importation and exportation of fish and wildlife, including parts and products, through Boston, Massachusetts, a growing international port. Under this proposed rule, Boston, Massachusetts would be added to the list of Customs ports of entry designated for the importation and exportation of wildlife.

DATES: Comments must be submitted on or before January 11, 1994.

A public hearing on this proposal will be held on December 8, 1993, from 9 a.m. to 12 noon.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, VA 22203–3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, room 500, Arlington, VA between the hours of 8 a.m. and 4 p.m., Monday through Friday.

The public hearing on this proposal will be held in the Massachusetts Port Authority, Maritime Department, Fish Pier East II, Northern Avenue, Boston, MA 02210.

FOR FURTHER INFORMATION CONTACT: Special Agent Frank S. Shoemaker, Jr., at the second address in the ADDRESSES, (703) 358–1949, or Special Agent Albert Eugene Hester, Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 779, Hadley, MA 01035–0779, (413) 253–8340.

SUPPLEMENTARY INFORMATION:

Background

Designated ports are the cornerstones of the process by which the U.S. Fish and Wildlife Service regulates the importation and exportation of wildlife in the United States. With limited exceptions, all fish and wildlife must be imported and exported through such ports as required by section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f). The Secretary of the Interior is responsible for designating these ports by regulation, with the approval of the Secretary of the Treasury after notice and the opportunity for public hearing.

On January 4, 1974, the Service promulgated final rules designating eight Customs ports of entry for the importation and exportation of wildlife (39 FR 1158). A ninth port was added on September 1, 1981, when final rules were published naming Dallas/Fort Worth, Texas a designated port (46 FR 43834). A tenth port was added on March 15, 1990, when final rules were published naming Portland, Oregon a designated port (55 FR 9730). An eleventh port was added on May 20, 1992, when final rules were published naming Baltimore, Maryland as a designated port (57 FR 21355).

Need for Proposed Rulemaking

Containerized air and ocean cargo has become the paramount means by which both live wildlife and wildlife products are transported into and out of the United States. The use of containerized cargo by the airline and shipping industries has compounded the problems encounted by the Service and by wildlife importers and exporters in the Boston area. In many instances, foreign suppliers will containerize entire shipments and route them directly to Boston. If, upon arrival, the shipment contains any wildlife, those items must be shipped under Customs bond to a designated port for clearance. In most cases, this has involved shipping wildlife products to New York, New York, the nearest designated port, but reshipment has been both time consuming and expensive.

Boston area importers and exporters have attempted in an effort to alleviate such problems to direct entire shipments, even though they may contain only a small number of wildlife items, to a designated port prior to their arrival at Boston. This method of shipment meets the current regulatory

requirements of the Service; however, it is again time consuming and entails additional expense. It is also contrary to the increasing tendency of foreign suppliers to ship consignments directly to regional ports such as Boston. In addition, time is a key element when transporting live wildlife and perishable wildlife products. Without designated port status, businesses in Boston cannot import and export wildlife products directly, and consequently they are unable to compete economically with merchants in other international trading centers located in designated ports.

With airborne and maritime shipments into and out of Boston steadily increasing, the Service has concluded that the port should be designated for wildlife imports and exports. Conferring this status on Boston would serve not only the interests of businesses in the region, but would also facilitate the mission of the Service.

Notice of Public Hearing

Section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f)(1), requires that the public be given an opportunity to comment at a public hearing prior to the Secretary of the Interior conferring designated port status on any port.

Accordingly, the Service has scheduled a public hearing for December 8, 1993, from 9 a.m. to 12 Noon. The hearing will be held in the Massachusetts Port Authority, Maritime Department, Fish Pier East II, Northern Avenue, Boston, Massachusetts 02210, (617) 973–5354. All interested persons wishing to present oral or written testimony at this *hearing must advise the Service in writing by* December 1, 1993. All such requests must be submitted in writing to: Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 779, Hadley, Massachusetts 01035–0779, (413) 253–8340). Two (2) copies of the testimony should be submitted with each request.

Required Determinations

Note: This rule has been reviewed under Executive Order 12866. The Department of the Interior has determined that this proposed rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). It has no potential takings implications for private property as defined in the Executive Order 12630. The only effect of this rule will be to make it easier for businesses to import and export wildlife directly through Boston, Massachusetts. This proposed rules does not contain any information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et. seq.* These proposed changes in the regulations in Part 14 are regulatory and enforcement actions which are covered by a categorical exclusion from National Environmental Policy Act procedures under 516 DM 2, Appendix 1, sections 1.4 and 1.5.

Author

The originator of this proposed rule is Paul McGowan, Law Enforcement Specialist, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, DC.

List of Subjects in 50 CFR Part 14

Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, title 50, chapter I, subchapter B of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

1. The authority citation for part 14 is revised to read as follows:

Authority: 16 U.S.C. 704, 712, 1382, 1538 (d)-(f), 1540 (f), 3371–3378, 4223–4244, and 4901–4916; 18 U.S.C. 42; 31 U.S.C. 483(a).

2. Section 14.12 is amended by removing the word "and" at the end of paragraph (j), by removing the period at the end of paragraph (k) and adding in its place "; and ", and by adding new paragraph (1) to read as follows:

§ 14.12 Designated ports.

* * * * *

(1) Boston, Massachusetts.

Dated: September 15, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–27410 Filed 11–10–93; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 17

RIN: 1018–AB91

Endangered and Threatened Wildlife and Plants; Determining Critical Habitat for the Colorado River Endangered Fishes—Razorback Sucker, Colorado Squawfish, Humpback Chub, and Bonytail Chub; Document Availability, Notice of Public Hearings, and Notice of Public Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability, notice of public hearings, and notice of public comment period.

SUMMARY: The Fish and Wildlife Service (Service) published a proposed rule on January 29, 1993 (58 FR 6578), to designate critical habitat for four species of endangered fishes—razorback sucker (*Xyrauchen texanus*), Colorado squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and bonytail chub (*Gila elegans*). The Service has completed biological and economic analyses of this proposed critical habitat designation and announces the availability of the Biological Support, Economic Analysis, and Overview Documents. These three documents summarize major components and issues associated with the critical habitat designation for the four fishes. The Service is holding eight public hearings from November 29, 1993, to December 3, 1993, to receive comments on the contents of these documents and any other aspect of critical habitat designation for the fishes. These public hearings will be held in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. In addition, a public comment period that has been in effect since September 15, 1993, will extend to January 11, 1994 to allow the Service time to complete its determinations and to issue a final rule.

DATES: The original comment period was January 29 through April 15, 1993. The comment period was extended until further notice on September 15, 1993. The comment period will remain open until January 11, 1994. Eight public hearings are scheduled November 29 to December 3, 1993.

ADDRESSES: Comments and materials concerning the Service's proposal to designate critical habitat for the four species of fishes should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104–5110. Comments and material received will be available for public inspection, by appointment during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Robert D. Williams, Assistant Field Supervisor, at the above address, telephone 801/975–3630.

SUPPLEMENTARY INFORMATION:

Background

On January 29, 1993, the Fish and Wildlife Service (Service) published a proposed rule (58 FR 6578) to designate critical habitat for four Colorado River

fishes that are currently listed as endangered species under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*)—razorback sucker (*Xyrauchen texanus*), Colorado squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and bonytail chub (*Gila elegans*). The rule proposed amendment of 50 CFR 17.95, the section of the regulations that delineates critical habitat, and included maps and descriptions of the areas proposed as critical habitat for each of the four species. As part of the critical habitat designation process, the Service has held public hearings, received written and verbal comments on the proposed designation, and now has completed biological and economic analyses. The Service also has prepared three documents—a Biological Support Document, an Economic Analysis, and an Overview Document.

The Service announces the availability of these documents, notifying the public that it will furnish the Overview Document to all persons on its list of interested parties. The Overview Document reiterates the proposed critical habitat designation and provides additional information as follows:

1. A summary of the Biological Support Document;
2. A summary of the Economic Analysis;
3. Discussion about the relationship of critical habitat designation to other provisions of the Act;
4. The exclusion process overview; and
5. A summary of public comments and Service response.

The Service continues the public comment period on the critical habitat designation for an additional 60-day time period in order to receive comments pertaining to the above documents. Any comments that have not already been provided should be provided during the comment period. Comments and other materials, as appropriate, may be sent to the above address, but they must be received no later than January 11, 1994.

The Service also announces that public hearings will be held in every State located in the Colorado River basin to provide interested parties an opportunity to make their views known on these documents and on any other aspect of the critical habitat designation. Eight public hearings will be held from 4 p.m. to 8 p.m. as follows—(1) November 29, 1993, in the Hilton Hotel, 150 West 500 South, Salt Lake City, Utah; (2) November 29, 1993, in the Clark County Commission Chambers, 225 Bridger Avenue, Las Vegas, Nevada; (3) November 30, 1993, in the Holiday Inn, 204 West Fox Farm Road, Cheyenne, Wyoming; (4) November 30, 1993, in the Cobra Valley Country Club, State Road 88, Apache Trail, Globe, Arizona; (5) December 1, 1993, in the Hilton Hotel, 743 Horizon Drive, Grand Junction, Colorado; (6) in the Sinagua High School Auditorium, 3950 East Butler, Flagstaff, Arizona; (7) December 2, 1993, in the Best Western Inn, 700 Scott Avenue, Farmington, New Mexico; and (8) December 3, 1993, in the Feldheym Library, 555 West 6th Street, San Bernardino, California. Verbal comments will be accepted at the hearings, but the Service requests that interested parties that are unable to attend the hearings or that wish to provide additional information may submit written comments to the above address during the open public comment period. Written and verbal comments will receive equal consideration.

Pursuant to § 4(b)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), economic and other relevant impacts that result from critical habitat designation must be evaluated. After this evaluation, an area may be excluded if it is determined that the economic or other benefits of exclusion outweigh the conservation benefits of specifying such an area as part of the critical habitat, unless the failure to designate such an area as critical habitat will result in the extinction of the species concerned. The Service has done biological and economic analyses of the critical habitat designation, and areas proposed for designation will be evaluated to determine whether an area or areas may be excluded. A summary of the exclusion process has been provided in the Overview Document. This exclusion process will review the areas that have been proposed as critical habitat and determine whether any area or areas, if any, should be excluded from the critical habitat designation. The Service solicits public comments on the criteria for exclusion determinations, the benefits of exclusion or inclusion of any area, and information related to whether the exclusion of a particular area would result in the extinction of any of the four species of fishes. Information and recommendations also are requested on economic criteria for use in the exclusion determination, benefits associated excluding areas as critical habitat, and benefits of including proposed areas as critical habitat.

Author

The author of this notice is Harold M. Tyus, U.S. Fish and Wildlife Service, Denver Regional Office, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Authority

Authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 17

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

Dated: November 1, 1993

John L. Spinks, Jr.

Acting Regional Director.

[FR Doc. 93-27911 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-55-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 930955-3255; I.D. 092493C]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations that would prohibit the retention of groundfish caught with nontraditional gear types in the exclusive economic zone off Alaska. The intended effect of this action is to prevent fishing with non-traditional gear from causing fishing ground preemption and gear conflicts, undermining prohibited species bycatch measures while amounts of groundfish total allowable catch (TAC) are available, and affecting prohibited species bycatch mortality.

DATES: Comments must be received by 4:30 p.m., Alaska local time, December 13, 1993.

ADDRESSES: Comments may be sent to Ronald Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Copies of the environmental assessment/regulatory impact review (EA/RIR) may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT:

Ellen R. Varosi, Fisheries Management Division, Alaska Region, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands (BSAI) is managed by the Secretary of Commerce according to the Fishery Management Plan (FMP) for Groundfish of the GOA and the FMP for the Groundfish Fishery of the BSAI. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*) (Magnuson Act), and are implemented by regulations governing the U.S. groundfish fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to U.S. fisheries are codified at 50 CFR part 620.

This action proposes to amend §§ 672.7 and 675.7 of the regulations to prohibit the retention of groundfish caught with other than authorized fishing gear types. Authorized fishing gear would be defined at §§ 672.2 and 675.2 as all currently defined traditional fishing gear types listed under §§ 672.2 and 675.2.

The harvest of groundfish using fishing gear types not currently defined in the regulations has recently generated interest due to: (1) Strong groundfish markets; (2) shortened seasons for other groundfish gear types; and (3) economic or stock declines in traditional crab and salmon fisheries. This interest has led to a Council recommendation to prohibit the retention of groundfish caught with unauthorized fishing gear types and an Alaska State Board of Fisheries decision to prohibit the use of sunken gill net gear for groundfish in waters of the State of Alaska.

Traditional gear types used to fish for groundfish are defined in regulations at §§ 672.2 and 675.2. These definitions describe fishing gear types currently used in the groundfish fisheries off Alaska. These traditional gear types are hook-and-line, jig, longline, longline pot, non-pelagic, non-trawl, pelagic trawl, pot-and-line, and trawl gear. However, the definition of Trawl is inconsistent between §§ 672.2 and 675.2. NMFS proposes to revise the BSAI regulations by adopting the definition published in the GOA regulations. NMFS also proposes to add the § 675.2 definition of Non-trawl to the GOA regulations. NMFS proposes to add a definition for Authorized fishing gear. That definition would list all traditional fishing gear types currently defined in the regulations as authorized fishing gear. The revised and added definitions are proposed to provide consistency between the GOA and BSAI regulations.

Small amounts of groundfish are harvested off Alaska with fishing gear types that are undefined in §§ 672.2 and 675.2 (non-traditional fishing gear). The reported amount of groundfish harvested during 1992 with non-traditional fishing gear was 320 metric tons (mt). This amount is minimal compared to the total 1992 groundfish harvest off Alaska, which totaled 2,214,206 mt. The potential exists for increased use of non-traditional fishing gear types, as indicated by recent industry interest. This has raised conservation and management concerns among NMFS and the Alaska Board of Fisheries. At its September 22–28, 1992, meeting, the Council requested that an analysis be prepared on alternatives developed to address these concerns. A draft EA/RIR was reviewed by the Council at its April 21–23, 1993, meeting. After considering public comment and testimony on the analysis, the Council recommended that a regulatory amendment be implemented that would prohibit the retention of groundfish taken with non-traditional fishing gear types. Similar concerns were addressed by the Alaska Board of Fisheries, which took action to prohibit the use of sunken gillnet gear for groundfish in all areas of the State of Alaska during its November 8–10, 1992, meeting.

Fishing with non-traditional fishing gear types poses several conservation and management concerns: (1) Additional fishing effort using non-traditional fishing gear types in the overcapitalized groundfish fisheries could aggravate fishing grounds preemption and gear conflicts; (2) prohibited species bycatch management measures imposing gear-specific closures when specific bycatch limits are reached would be undermined to the extent that non-traditional gear may be used to continue to fish for groundfish while amounts of groundfish TAC are available; and (3) fishing with non-traditional gear types has unknown effects on prohibited species bycatch mortality and on the biological and physical environment.

Competition has steadily increased for groundfish quotas and associated prohibited species bycatch limits, resulting in prohibited species bycatch allowances being reached more quickly, and in earlier closures for specified gear types. Interest in fishing groundfish with nontraditional fishing gear types has increased accordingly. Concerns exist that additional fishing effort using non-traditional fishing gear types in the overcapitalized groundfish fisheries would aggravate grounds preemption and gear conflict problems within the groundfish fisheries and undermine the intent of defined gear type closures to limit bycatch mortality of prohibited species.

Prohibited species bycatch management measures have been developed specifically for traditional fishing gear types that close gear-specific fisheries when specified bycatch limits are reached. These measures are intended to limit further bycatch amounts of prohibited species after established bycatch limits have been reached. However, they are undermined to the extent that non-traditional gear types may be used to continue to fish for groundfish while amounts of TAC specified for groundfish remaining available. This activity results in additional bycatch mortality of prohibited species and a consequent thwarting of the existing bycatch management measures. One exception to the prohibition of retention is proposed by this action. That exception is for groundfish incidentally taken by pot gear by vessels participating in an open crab season governed by the State of Alaska. Incidental take of groundfish by vessels participating in the crab fisheries generally is unavoidable and the groundfish taken are often used as a source of bait on board these vessels. This use of groundfish reduces waste of groundfish unavoidably taken in the crab fisheries and should be allowed to continue. Under the proposed exception, groundfish may only be retained by vessels using crab pots if the groundfish are used as unprocessed bait on board the vessel.

Additional issues include concerns about the unknown effects that non-traditional fishing gear types may have on prohibited species bycatch mortality and on the biological and physical environment. These concerns were not assessed under current management regimes. Under this proposed rule, new gear types for fishing for groundfish could be developed under experimental fishing permits as provided in §§ 672.6 and 675.6. Under an experimental fishing permit, fishing efficiency, bycatch mortality rates, and the effects on the biological and physical environment could be assessed. Fishing gear types assessed under this process could be subsequently authorized to fish for groundfish under future regulatory amendments.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has initially determined that this rule is necessary for the conservation and management of the groundfish fisheries off Alaska and is consistent with the Magnuson Act and other applicable laws.

The Alaska Region, NMFS, prepared an EA for this rule that describes the impact on the environment as a result of this rule. A copy of the EA may be obtained (see **ADDRESSES**).

The proposed rule, if adopted, is not likely to result in an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The socioeconomic impacts of this rule are discussed in the EA/RIR prepared by the Alaska Region (see **ADDRESSES**).

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, would not have a significant economic effect on a substantial number of small entities. In 1992, approximately 2,000 catcher vessels landed groundfish from the GOA and BSAI. Fewer than 20 vessel used undefined gear types to harvest groundfish. This represents less than 1 percent of the catcher vessel fleet. Therefore, this proposed regulation would not impact a substantial number of small entities. As a result, a regulatory flexibility analysis was not prepared.

This rule does not include a collection-of-information requirement subject to the Paperwork Reduction Act.

NMFS has determined that this rule, if adopted, 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. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

The Regional Director determined that fishing activities conducted under this rule would not affect endangered and threatened species under the Endangered Species Act (ESA). Specifically, the Regional Director determined that fishing activities conducted under this action would not affect Steller sea lions in a way that was not already considered in the informal section 7 consultation on the final 1993 initial groundfish specifications that was concluded on January 27, 1993. The Regional Director also determined that fishing activities conducted under this action would not affect listed, proposed, and candidate seabirds under the ESA in a way that was not already considered in the informal section 7 consultation for the final 1993 initial groundfish specifications dated February 1, 1993, and clarified on February 12, 1993. Finally, the Regional Director determined that fishing activities conducted under this action would not affect listed species of Pacific salmon in a way that was not already considered in the informal section 7 consultation on the final 1993 initial groundfish specifications that was concluded on April 21, 1993. NMFS has determined that no further consultation, pursuant to section 7 of the ESA, is required for adoption of this rule.

The Regional Director determined that fishing activities conducted under this rule would adversely impact marine mammals.

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

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: November 5, 1993.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for 50 CFR part 672 continues to read as follows:

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

2. In § 672.2, the definition for *Trawl* is revised and definitions for *Authorized fishing gear* and *Non-trawl* are added in alphabetical order to read as follows:

§ 672.2 Definitions.

* * * * *

Authorized fishing gear means hook-and-line, jig, longline, longline pot, non-pelagic trawl, non-trawl, pelagic trawl, pot-and-line, and trawl gear.

* * * * *

Non-trawl means hook-and-line, jig, longline and pot-and-line gear.

* * * * *

Trawl means a conical-shaped net that is towed through the water for catching fish. This definition includes, but is not limited to, Danish and Scottish seines and otter trawls.

* * * * *

3. In § 672.7, paragraph (n) is added to read as follows:

§ 672.7 General prohibitions.

* * * * *

(n) Retain groundfish taken with other than *Authorized fishing gear* as defined at § 672.2, except that groundfish incidentally taken by pot gear by a vessel while participating in an open crab season governed by the State of Alaska may be retained for use as unprocessed bait on board that vessel.

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

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

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

5. In § 675.2, the definition for *Trawl* is revised and the definition for *Authorized fishing gear* is added, in alphabetical order, as follows:

§ 675.2 Definitions.

* * * * *

Authorized fishing gear means hook-and-line, jig, longline, longline pot, non-pelagic trawl, non-trawl, pelagic trawl, pot-and-line, and trawl gear.

* * * * *

Trawl means a conical-shaped net that is towed through the water for catching fish. This definition includes, but is not limited to, Danish and Scottish seines and otter trawls.

* * * * *

6. In § 675.7, paragraph (o) is added to read as follows:

§ 675.7 General prohibitions.

* * * * *

(o) Retain groundfish taken with other than *Authorized fishing gear* defined at § 675.2, except that groundfish incidentally taken by pot gear by a vessel while participating in an open crab governed by the State of Alaska may be retained for use as unprocessed bait on board that vessel.

[FR Doc. 93-27744 Filed 11-10-93; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 58, No. 217
Friday, November 12, 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

Forms Under Review by Office of Management and Budget

November 5, 1993.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Question about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Administration Building, Washington, DC 20250, (202) 690-2118.

Extension

- Agricultural Cooperative Service

Agricultural Cooperative Service Questionnaire: Market Potential for New cooperatives (Buyer Survey for New Cooperative Activity)
On occasion
Businesses or other for-profit; Small businesses or organizations; 105 responses; 53 hours
Gerald E. Ely, (202) 720-3350

- Federal Crop Insurance Corporation

Application for Assignment of Indemnity—Transfer of Right to An Indemnity—Claim for Cotton Indemnity
FCI-20, FCI-21, and FCI-74-B
On occasion
Individuals or households; Farms; 60,000 responses; 30,000 hours
Bonnie L. Hart, (202) 254-8393

New Collection

- Animal and Plant Health Inspection Service

Federal Plant Pest and Noxious Weed Regulations—Addendum 1 PPQ Form 519
On occasion
Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; 3,746 responses; 312 hours
Dr. Ronald B. Caffey, (301) 436-7633

- Food Safety and Inspection Service

Application and Permit for Importation of Undernatured Inedible Meat Product
FSIS Form 9540-4
Recordkeeping; On occasion
Businesses or other for-profit; 60 responses; 3 hours
Lee Purcelli, (202) 720-7163

Larry K. Roberson,
Deputy Department Clearance Officer.

[FR Doc. 93-27888 Filed 11-10-93; 8:45 am]
BILLING CODE 3410-01-M

Forest Service

Red Lodge Mountain Ski Area Master Plan; Custer National Forest, Carbon County, MT

AGENCY: Forest Service, USDA.
ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an environmental impact statement (EIS) to disclose the environmental effects of further ski area development at Red Lodge Mountain, west of Red Lodge, Montana. The lands involved include portions of the Beartooth Ranger District, Custer National Forest.

DATE: Written comments concerning the scope of the analysis must be received by December 27, 1993, or as listed in information mailed to the public.

ADDRESSES: Written comments concerning the analysis should be sent to District Ranger, Custer National Forest, Beartooth Ranger District, Rt. 2 Box 3420, Red Lodge, Montana 59068.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS should be directed to Linda Ward-Williams, District Ranger, Beartooth Ranger District. Phone (406) 446-2103.

SUPPLEMENTARY INFORMATION: The Custer National Forest received a master plan proposal from Red Lodge Mountain Inc. that details six phases of ski area development spanning a ten year period. Following a completeness review conducted by the Forest Service, the proposal was accepted. The Custer National Forest now intends to develop an EIS for the Red Lodge Mountain ski area master development plan and associated permit.

The proposed 200 page master development plan can be read, by appointment, at the Beartooth District Office, Rt. 2 Box 3420, Red Lodge, Montana and the Custer National Forest Supervisor's Office, 2602 First Avenue North, Billings, Montana.

Over the last decade, regional, end-destination, ski resort complexes have experienced growth in visitation and market share while local ski areas have experienced declines. During this same period, Red Lodge Mountain has experienced flat visitation growth and a declining market share. The proposed action is intended to transition Red Lodge Mountain into a regional, end-destination ski area resort. Achieving this objective will help meet current and future demand for alpine and nordic skiing on the Beartooth Ranger District of the Custer National Forest.

Improvements will be oriented toward enhancing the quality and safety of skiing experiences for all public users, diversifying the local tourism based economy while introducing summer recreation opportunities, and enhancing Red Lodge Mountain's market position.

The proposed master development plan is composed of numerous individual projects, all designed to achieve the objectives stated above. The Forest Service proposed action includes:

1. All projects and scheduling in the master development plan. The plan is conceptual, which refers to the general philosophy or ability of the plan to meet the purpose and need objectives. The plan details the need for, and reasoning behind, the type and location of components such as snowmaking, trails, and lifts; the relative order actions are scheduled to begin and end

construction; and an assessment on the effects of these activities on the comfortable carrying capacity.

2. Individual site specific actions in phases 1, 2, and 3. These are the actions that can be reasonably constructed within five years and are ripe for a site specific decision. Actions in phases 4, 5, and 6 are not proposed for site specific analysis at this time, because they can not reasonably be constructed in the first five years and, therefore, are not ripe for a site-specific decision.

3. Reissuance of a permit to Red Lodge Mountain Inc which would authorize the occupancy and use of National Forest System lands. The permit would supersede the existing permit, span 40 years, and apply terms and conditions for occupancy and use.

The decisions to be made are:

1. Approve or deny, in part or whole, a ski area master development plan.

2. Approve or deny, in part or whole, for implementation, individual development actions. Authorization by permit would allow Red Lodge Mountain Inc. to begin approved actions. Denial could either preclude implementation of these actions and/or defer the decision and project implementation to a later date.

3. Re-Issue or deny a term permit to Red Lodge Mountain Inc. Permit issuance would authorize Red Lodge Mountain Inc. to occupy and use National Forest System lands for a term of 40 years and would specify the terms and conditions for such occupancy and use. The permit would assure that development is implemented and monitored according to the schedule outlined in the approved master development plan. Denial would maintain Red Lodge Mountain's existing permit terms and conditions.

Lands in the area of the analysis include portions of the following Townships and Ranges: T7S, R18E; T7S, R19E; and T7S, R20E. The analysis area boundary will vary depending on the geographic scope of the environmental issues. Currently, there are approximately 2,088 acres of land within the ski area development boundary, including about 800 acres private property owned by Red Lodge Mountain. The area of decision will include National Forest System Lands only.

This analysis will tier to the Custer National Forest Land and Resources Management Plan, EIS, and Record of Decision (1987), as amended. The scope of the analysis will be confined to issues associated with the proposed action. Aspects of the proposed action or alternatives to be developed may require amendments to Forest Plan direction or standards. This analysis will consider potential amendments and their effects.

Federal, state, and local agencies, potential developers, and other individuals or organizations interested in or affected by the decision are invited to participate in the scoping process. Input to identify issues and alternatives to be addressed in this analysis will be gathered from the public through mailing of scoping information to all known interested publics.

Based on comments made by the public on past proposals the following list of preliminary environmental issues has been identified. This list will be confirmed or modified based on further input from the public. What will be the effects of ski area development on:

1. Water Quality in Willow and Coal Creek watersheds including riparian areas?

2. Water Quantity in Willow and Coal Creek watersheds including water yield and minimum flow?

3. Wildlife and Fish habitats including threatened, endangered, or sensitive wildlife and plant species; Management Indicator Species; and Game species?

4. The community of Red Lodge and surrounding Carbon County including effects to the sense of place, traffic (safety, smell, and noise) and housing?

5. The economy of Red Lodge and surrounding Carbon County?

6. Visual resources as seen from Red Lodge, Luther area, Highway 212, and Billings?

7. Heritage resources?

8. Air Quality including the Absaroka-Beartooth Wilderness and the city of Red Lodge and surrounding area?

9. Roadless areas (Burnt Mountain)?

10. Absaroka-Beartooth Wilderness (Management Area I)?

11. Recommended wilderness (Management Area H) and congressionally proposed wilderness?

12. The ability of the Forest Service to manage wildfire and prescribed fire surrounding the ski area?

Alternatives to be considered in this analysis depend on the final list of environmental issues. The following is a list of preliminary alternatives:

1. Maintain operations under existing development plan signed in 1973 and existing permit signed in 1975 with no additional site-specific project development approved (NO ACTION).

2. Conceptually approve master development plan. Issue 40-year term permit. Approve for immediate implementation site-specific projects in phases 1–3 (PROPOSED ACTION).

3. Conceptually approve a master development plan that modifies the types, locations, and scheduling of development actions. Issue 40-year term permit. Approve, with differing site locations or project mitigation, selected projects for immediate site-specific implementation.

RELEASE OF DRAFT AND FINAL EIS: The draft environmental impact statement (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and available for public review on March 1, 1994. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in management of the Red Lodge Mountain participate at this time. To be most helpful, comments on the draft EIS should be as site-specific as possible. The final EIS is scheduled to be completed by June 1, 1994.

The Forest Services believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering tentative issues and proposed alternatives it is helpful if comments are as specific as possible. 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.

I am the responsible official for this decision and EIS. My address is Custer National Forest, 2602 First Avenue

North, P.O. Box 2556, Billings, Montana 59103.

Dated: October 29, 1993.

Stephen J. Solem,

Acting Forest Supervisor.

[FR Doc. 93-27777 Filed 11-10-93; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket Nos. 2116-01]

Decision and Order

In the Matter of: Andrew Pietkiewicz ul. Choragwii Pancernej 15 PL 02-951 Warsaw, Poland, Respondent.

On June 19, 1992, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), issued a Charging Letter against Andrew Pietkiewicz (Pietkiewicz) [1] alleging that Pietkiewicz violated the provisions of § 787.1(b) of the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1993)) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401-2420 (1991, Supp. 1993, and Public Law 103-10, March 27, 1993)) (the Act), in that Pietkiewicz failed to pay any portion of the $25,000 civil penalty imposed against him by an August 17, 1990 Order entered by then-Under Secretary for Export Administration Dennis Kloske in settlement of an administrative proceeding initiated against Pietkiewicz for violations of the Act and the Regulations.

Pietkiewicz filed an answer to the Charging Letter. After the answer was filed, the Department and Pietkiewicz entered into a Consent Agreement pursuant to § 788.17(a) of the Regulations, whereby they agreed to settle the matter (1) by amending the August 17, 1990 Order to provide for a modified payment schedule for payment of the $25,000 civil penalty due under the provisions of that Order and (2) by denying Pietkiewicz's export privileges for five years, with the denial period being suspended in its entirety.

The Administrative Law Judge has recommended that I approve the terms of the Consent Agreement and I approve those terms.

Therefore, it is ordered:

1. The Order of August 17, 1990 is amended to provide for the following modified payment schedule: payment of the civil penalty due under the terms of the August 17, 1990 Order, $25,000, shall be made in 50 equal monthly payments of $500 each, with the first such monthly payment being due on November 1, 1993. Each succeeding monthly payment shall be due on the first day of the following 49 months. Payment shall be made in the manner specified in the attached instructions.

2. Pietkiewicz and all of his successors, assigns, officers, representatives, agents, and employees, are, for a period of five years from the date of entry of this Order, hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (1) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

(a) Pursuant to § 788.17(b) of the Regulations, the denial period is hereby suspended, in its entirety, for a period of five years from the date of entry of this Order and shall thereafter be waived, provided that, during the period of suspension, Pietkiewicz commits no violation of the Act or any regulation, order or license issued under the Act.

(b) The suspension of the denial period is specifically contingent upon, *inter alia*, the timely payment of the civil penalty due under the August 17, 1990 Order in accordance with the modified payment schedule as set forth in paragraph 1. above. If Pietkiewicz fails or refuses to make, in a timely manner, any of the monthly payments set forth herein, I will immediately issue an order reinstating the denial period.

3. The Charging Letter and the Consent Agreement shall be made available to the public. A copy of this Order shall be served upon Pietkiewicz and published in the **Federal Register.**

This constitutes the final agency action in this matter.

Dated: November 4, 1993.

Barry E. Carter,

Acting Under Secretary for Export Administration.

[FR Doc. 93-27872 Filed 11-10-93; 8:45 am]

BILLING CODE 3510-DT-M

[1] The original action against Pietkiewicz was brought against him individually, and doing business as American Advanced Technologies, International Advanced Technologies, and Aero Space Technologies, Inc. Pietkiewicz has informed the Department that all of his former businesses have been dissolved. Accordingly, the names of those businesses have been deleted from the caption in this matter.

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Tagged Groundish Research Program.

Agency Form Number: None.

OMB Approval Number: None.

Type of Request: Collection in use without OMB approval.

Burden: 299 hours.

Number of Respondents: 1,000 (several responses per respondent).

Avg Hours Per Response: 5 minutes.

Needs and Uses: Tagging groundfish for subsequent tracking and recovery is an important tool for managing fishery resources. Persons that recover tags are asked to provide basic information, which is compared to the original tagging information. Scientists from Japan, Canada, and Alaska then use the information to determine the population size and rates of migration.

Affected Public: Individuals, state or local governments, Federal agencies or employees, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Don Arbuckle, (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to

Don Arbuckle, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 5, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–27874 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–CW–F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1994 Annual Demographic Survey – Supplement to the Current Population Survey.

Form Number(s): CPS–580, CPS–580(SP), CPS–676, CPS–676(SP), CPS–676(A), CPS–665, CPS–1.

Agency Approval Number: 0607–0354.

Type of Request: Reinstatement of a previously approved collection for which approval has been expired.

Burden: 24,250 hours.

Number of Respondents: 60,000.

Avg Hours Per Response: 24 minutes.

Needs and Uses: The Bureau of the Census conducts the Annual Demographic Survey (ADS) every year in March as a supplement to the Current Population Survey (CPS). The Bureau of the Census, the Bureau of Labor Statistics, and the Department of Health and Human Services sponsor this supplement. In the ADS, we collect information in the areas of work experience, migration, personal income and noncash benefits, household noncash benefits, and race. The Bureau of Labor Statistics and the Department of Health and Human Services use data gathered in the ADS to determine the official Government poverty statistics.

Affected Public: Individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 8, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–27870 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–07–F

Bureau of Export Administration

[Docket No. 2114–01]

ASB Traders, Inc., 2825 Wilcrest, Suite 520, Houston, Texas 77042; Decision and Order

On July 17, 1992, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. sections 2401–2420 (1991, Supp. 1993, and Public Law No. 103–10, March 27, 1993)) (the Act), issued a Charging Letter against ASB Traders, Inc. (ASB), alleging that ASB violated the provisions of Section 787.13 of the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1993)) (the Regulations) issued pursuant to the Act, in that ASB failed to keep records of its participation in 74 exports of commodities from the United States to Kuwait and Saudi Arabia between on or about July 19, 1987 and on or about July 19, 1989.

The Department and ASB have now entered into a Consent Agreement whereby the Department and ASB have agreed to settle this matter in accordance with the terms and conditions set forth therein.

The Administrative Law Judge has recommended that I approve the terms of the Consent Agreement and I approve those terms.

It is therefore ordered,

First, that a civil penalty of $40,000 is assessed against ASB. ASB shall pay the civil penalty to the Department as follows: (1) The first installment of $5,000 shall be paid within 30 days from the date of entry of this Order; and (2) the second installment of $5,000 shall be paid within 60 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining $30,000 shall be suspended for a period of two years from the date of entry of this Order and shall be thereafter be waived, provided that, during the two-year period ASB commits no violation of the Act or any regulation, order or license issued under the Act;

Second, that, as authorized by Section 11(d) of the Act, the timely payment of each installment of the civil penalty is hereby made a condition to the granting, restoration, or continuing validity of any export license, permission, or privilege granted, or to be granted, to ASB. Accordingly, if ASB should fail to pay in a timely manner any installment of the civil penalty set forth above, the undersigned will enter an Order under the authority of Section 11(d) of the Act denying all of ASB's U.S. export privileges for a period of one year from the date of entry of this Order.

Third, that the Charging Letter, the Consent Agreement, and this Order shall be made available to the public. A copy of this Order shall be served upon ASB and published in the **Federal Register**. This Order is effective immediately.

Dated: November 4, 1993.

Barry E. Carter,

Acting Under Secretary for Export Administration.

[FR Doc. 93–27871 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–DT–M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held December 2 & 3, 1993, in the Herbert C. Hoover Building, room 1617M(2), 14th Street & Pennsylvania Avenue NW., Washington DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to computer systems/peripherals or technology.

Agenda

Executive Session December 2 9 a.m.–12 p.m.

1. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

General Session December 2 1 p.m.–4 p.m.

2. Opening remarks by the Chairmen.
3. Presentation of papers or comments by the public.
4. Discussion on Composite Theoretical Performance (CTP) formula changes.
5. Discussion on telecommunication controls on computers.
6. Update on computer export controls.

Executive Session December 3 9 p.m.–1 p.m.

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter TAC Unit/OAS/EA room 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6020, U.S. Department of Commerce, Washington DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: November 8, 1993.

Betty Ferrell,

Director, Technical Advisory Committee Unit.

[FR Doc. 93–27879 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–588–032]

Large Power Transformers From France; Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On July 21, 1993, the Department of Commerce (the Department) initiated an administrative review of the antidumping finding on large power transformers from France. The Department is now terminating that review.

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph Hanley or Michael Rill, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION: On July 21, 1993, the Department published in the **Federal Register** (58 FR 39007) a notice of initiation of administrative review of the antidumping finding on large power transformers from France at the request of the petitioner, ABB Power T&D Company, Inc. This notice stated that we would review one manufacturer/exporter, Jeumont Schneider Transformateurs, for the period June 1, 1992 through May 31, 1993. The petitioner subsequently withdrew its request for review on September 16, 1993. Under § 353.22(a)(5) of the Department's regulations, a party requesting a review may withdraw that request not later than 90 days after the date of publication of the notice of initiation. Because the withdrawal occurred within the time frame specified, the Department is now terminating this review.

Absent a review, entries during this period are subject to the automatic assessment provisions of § 353.22(e) of the Department's regulations. We shall instruct the Customs Service accordingly.

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is in accordance with § 353.22(a)(5) of the Department's regulations (19 CFR 353.22(a)(5)).

Dated: November 3, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–27866 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–580–806, A–582–802, A–583–806]

Sweaters Wholly or in Chief Weight of Man-Made Fiber From Korea, Hong Kong, and Taiwan; Court Decision and Suspension of Liquidation

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

ACTION: Notice of court decision.

SUMMARY: On August 11, 1993, the United States Court of International Trade affirmed the International Trade Commission's amended determination on remand that there is no material injury to the U.S. industry. The case has been appealed; if it is affirmed on appeal, then the antidumping duty orders will be revoked.

In accordance with the decision of the Court of Appeals for the Federal Circuit in *Timken Co. v. United States*, 893 F. 2d. 337 (Fed. Cir. 1990), Commerce will continue to order the suspension of liquidation of the subject merchandise.

EFFECTIVE DATE: August 21, 1993.

FOR FURTHER INFORMATION CONTACT: Donald Little or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC, 20230; telephone (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On September 19, 1990, the International Trade Commission (ITC) determined that a U.S. industry was being materially injured by reason of imports of sweaters wholly or in chief weight of man-made fiber (MMF sweaters) from the Republic of Korea (Korea), Hong Kong, and Taiwan. The Department of Commerce (the Department) determined that sales of MMF sweaters from Korea, Hong Kong, and Taiwan were being sold in the United States at less than fair value (LTFV) and published antidumping duty orders on September 24, 1990.

The ITC decision was appealed, and the Court of International Trade (CIT) remanded the determination to the ITC. On November 23, 1992, the ITC determined on remand there was no material injury to a U.S. industry. This remand was affirmed by the CIT on August 11, 1993, *Chung Ling Co., Ltd.*,

et. al v. *United States*, Slip Op. 93–153 (CIT August 11, 1993). The petitioner, the National Knitwear & Sportswear Association (NKSA), appealed the CIT's decision on October 6, 1993.

Accordingly, upon a final decision by the Court of Appeals for the Federal Circuit (CAFC), affirming the CIT, the antidumping duty orders will be revoked. Because plaintiffs in the proceedings obtained an injunction from the CIT, the revocation of these orders would be effective as of April 27, 1990, the date of the preliminary determination of sales at LTFV in these cases, for all unliquidated entries.

SUSPENSION OF LIQUIDATION: In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990), the CAFC held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department's or the ITC's respective determinations. Publication of this notice fulfills that obligation. The CAFC also held that in such a case, the Department must suspend liquidation until there is a final decision in the action. Therefore, the Department is continuing to suspend liquidation at the cash deposit rates set in the investigation of sales at LTFV or the most recent review, as applicable, pending a final decision of the CAFC.

Dated: November 3, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–27867 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–DS–P

[C–791–001]

Ferrochrome From South Africa; Preliminary Results of Countervailing Duty Administrative Review

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

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce is conducting an administrative review of the countervailing duty order on ferrochrome from South Africa for the period January 1, 1991 through December 31, 1991. We preliminarily determine the bounty or grant to be 2.80 percent *ad valorem* for all companies. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Dana S. Mermelstein or Maria P. MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–0984 and (202) 482–2786, respectively.

SUPPLEMENTAL INFORMATION:

Background

On March 5, 1992, the Department of Commerce (the Department) published a notice of "Opportunity to Request Administrative Review" (57 FR 7910) of the countervailing duty order on ferrochrome from South Africa (46 FR 21155, April 9, 1981). On March 31, 1992, Chromecorp Technology (Pty) Ltd., Consolidated Metallurgical Industries Ltd., Ferralloys Limited, Middleburg Steel and Alloys (Pty) Ltd., and Samancor, all South African exporters of ferrochrome, requested an administrative review of the order covering the period January 1, 1991 through December 31, 1991. We published a notice of initiation of review on April 13, 1992 (57 FR 12797). The Department is now conducting this review in accordance with the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imported products covered by this review are South African ferrochrome, which is currently classifiable under items 7202.41.00, 7202.49.10 and 7202.49.50 of the Harmonized Tariff Schedule. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers the period January 1, 1991 through December 31, 1991, five companies, and seven programs.

Analysis of Programs

I. Industrial Development Corporation Loans

The Industrial Development Corporation (IDC) is a South African government corporation which makes financing available in several specific areas: (1) For small and medium-sized firms; (2) for projects aimed at import replacement and increasing export capacity, especially where local raw materials are upgraded and refined to maximize foreign exchange earnings; (3) for projects with a high technology and capital content; (4) for the development of agro-industries which create large-scale employment in rural areas; and (5) for projects aimed at increasing eco-tourism.

During the review period, one company had outstanding an IDC loan for increasing export capacity. Because the availability of this type of IDC loan is limited to exporters, the Department previously determined that they constitute bounties or grants to the extent that their terms are preferential. See Preliminary Results of Countervailing Duty Administrative Review; Ferrochrome from South Africa (56 FR 12170; March 22, 1991) (Ferrochrome Preliminary Results); Final Results of Countervailing Duty Administrative Review; Ferrochrome from South Africa (56 FR 33254 July 19, 1991) (Ferrochrome Final Results). In this review, neither the Government of South Africa nor the respondents have provided new information which would warrant reconsideration of this determination.

The loan was granted in October 1988, in two tranches (portions) of equal amounts. One tranche had a variable interest rate until October 1990, when the interest rate became fixed at a rate established at the time of the loan agreement; the other has a variable rate throughout the life of the loan. Because the terms of the two tranches differ, we have considered them as separate loans.

We have treated the fixed-rate tranche as a long-term fixed-rate loan because the interest rate was fixed at the time of the loan agreement; to calculate the benefit, we used our standard long-term loan methodology as described in section 355.49(c) of the Department's Proposed Rules. See Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, 54 FR 23366, 23384; May 31, 1989 (Proposed Rules). As a benchmark for this portion of the loan, we used the company loan securities rate, published in the Quarterly Bulletin of the South Africa Reserve Bank. We used the annual average rate for 1988, the year in which the interest rate in effect during and subsequent to the review period was established.

We calculated the benefit from the portion of the loan which remained at a variable interest rate in accordance with our practice as set forth in § 355.49(d)(1) of the Proposed Rules. We selected the benchmark in accordance with our practice and the order of preference described in § 355.44(b)(5) of the Proposed Rules, and used the bankers acceptance rate, published in the Quarterly Bulletin of the South Africa Reserve Bank. To calculate the benefit resulting from this portion of the IDC loan, we compared the amount of interest which was actually paid during the review period with the interest which would have been paid at the benchmark rate.

To determine the total benefit resulting from the IDC loan, we added the benefits from both the fixed- and variable-rate portions of the loan and

divided the resulting sum by the company's total exports to all markets. We then weight-averaged the result by the company's share of exports of the subject merchandise to the United States during the review period. On this basis, we preliminarily determine the bounty or grant from this program to be 0.10 percent *ad valorem* for all exporters.

There was a change in ownership in September 1991 which affected the ferrochrome exporter which had this loan outstanding during the review period; we verified that by the end of the review period this company no longer has an outstanding IDC loan. Therefore, we are not including this amount in the calculation of the rate of cash deposit of estimated countervailing duties which will be required from the date of the final results of this administrative review.

II. Export Incentive Program

The Export Incentive Program provides assistance to exporters through a number of different subprograms. Because the availability of this program is limited to exporters, the Department previously determined that the benefits available under this program constitute bounties or grants within the meaning of the Act. See Ferrochrome Preliminary Results; Ferrochrome Final Results. In this review, neither the Government of South Africa nor the respondents provided new information which would warrant reconsideration of this determination.

Category A allowed exporters to claim a rebate of 50 percent of the import duties applicable to inputs used in the production of goods for export. Exporters could claim this rebate regardless of whether the inputs were actually imported or obtained domestically. Category B, the Value-Added Incentive, allowed exporters to receive a benefit credit equal to 10 percent of the value added in South Africa to exported products. In calculating the Category B benefit claim, the Category A benefit was deemed a component of the value-added, and benefits from these two programs were claimed and paid together. Eligibility for Category B benefits was further limited to exported products for which the competing imports were subject to import duties as protection for the domestic industry.

Although we verified that the Category A and B programs were terminated on March 30, 1990, we found that two companies had received residual benefits during the review period. These benefits resulted from the practice of the Department of Trade and Industry of using promissory notes to pay claims. These two companies had received promissory notes pursuant to claims filed in an earlier period, but the notes matured during the review period. Therefore, consistent with the Department's practice of recognizing the occurrence of the benefit at the time that the benefit has a cash-flow effect on the recipient (see, § 355.48(a) of the Proposed Rules, 54 FR 23366, 23384, May 31, 1989), we determine that promissory notes which matured during the review period constitute a bounty or grant within the meaning of the Act. To calculate the benefit resulting from these promissory notes, we divided the total amount of the promissory notes by the recipient companies' total exports of all products to all markets during the review period. We then weight-averaged the resulting rate by each company's share of exports of subject merchandise to the United States during the review period. On this basis, we preliminarily determine the benefits from Categories A and B promissory notes to be 0.44 percent *ad valorem* for all companies. However, we verified that no ferrochrome exporters had outstanding promissory notes received in lieu of payment of Category A and B benefits, due to mature after the review period. Therefore, we have determined that no further residual benefits are available under this program. We consider this to be a program-wide change under § 355.50 of the Proposed Rules, and therefore we are not including this amount in the calculation of the rate of cash deposit of estimated countervailing duties which will be required from the date of the final results of this administrative review.

Category C provided cash grants to exporters under a number of subprograms, including a program of financial assistance to exporters for warehousing goods abroad. Most provisions of Category C were terminated by March 31, 1990; some provisions were included in the General Export Incentive Scheme which replaced the Export Incentive Program (see below). However, we verified that no residual benefits were available of provided to exporters under Category C after the termination date.

Category D provided exporters an additional tax deduction for marketing expenses related to export sales. Based on export performance, an exporter could deduct from taxable income an additional 75 or 100 percent of export marketing expenses, in addition to the deductions normally allowed. All five ferrochrome exporters under review received Category D benefits during the review period. The benefit is based on the amount of the deduction claimed by the company on the tax return filed during the review period under the line item "Export Marketing Allowance." To calculate the benefit resulting from this program, we multiplied the Export Marketing Allowance by the nominal tax rate applicable during the review period. We then divided the result by each company's total exports of all products to all markets during the review period. We weight-averaged the results by each company's share of exports of subject merchandise to the United States during the review period. On this basis, we preliminarily determine the bounty or grant from this program to be 2.23 percent *ad valorem* for all companies.

Although the Category D program was terminated on March 31, 1992, residual benefits are available to exporters for export marketing expenses incurred until that date. Therefore, benefits will continue to be granted to users of this program filing tax returns for fiscal years which include that date. Because residual benefits may continue to be available, and in accordance with § 355.50(d) of the Proposed Rules, we will not adjust the rate of cash deposit of estimated countervailing duties which will be required from the date of publication of the final results of this administrative review.

III. Regional Industrial Development Incentives

The Government of South Africa offered several incentives to companies located in geographically remote areas, designated as Industrial Development Points. We determined in our previous review of this order that, as regional subsidies, these incentives constitute bounties or grants within the meaning of the Act. See Ferrochrome Preliminary Results; Ferrochrome Final Results. In this review, neither the Government of South Africa nor the respondents have provided new information which would warrant reconsideration of this determination.

(a) Labor Incentive

This incentive is offered as an annual cash grant for seven years to approved regional development industries. The incentive is calculated on the basis of the number of employees directly involved in the manufacturing process at the regional development point, and is granted as a percentage of the average salary/wage per employee.

One ferrochrome exporter received an incentive under this program. Because this incentive is an annually recurring grant, we expense the benefit in the year of receipt, consistent with our practice

as described in § 355.48(a) of the Proposed Rules (54 FR 23366, 23384, May 31, 1989). To calculate the benefit resulting from this program, we divided the amount of the grant received during the review period by the company's total sales during the review period. We then weight-averaged the result by the company's share of exports of subject merchandise to the United States during the review period. On this basis, we preliminarily determine the bounty or grant from this program to be 0.01 percent *ad valorem* for all companies.

(b) Interest Concession

An interest concession is paid quarterly as a cash grant to approved industries at regional development points, for a period of ten years, on 100 percent of the company's investment on land and buildings (excluding residential accommodations), and on 50 percent of their investment in other assets. The value of the grant is based on the interest cost as reflected in the company's financial statements. The grant is calculated on the basis of a pre-determined market-related interest rate.

One company received benefits under this program. To calculate the benefit attributable to this program, we divided the amount of the grant received during the review period by the company's total sales during the review period. We then weight-averaged the result by the company's total exports of subject merchandise to the United States during the review period. On this basis, we preliminarily determine the rate from this program to be 0.01 percent *ad valorem* for all companies.

(c) Subsidy on Housing for Key Personnel

The Regional Industrial Development Authorities subsidize housing for key personnel at regional development points for a maximum of 20 years on new mortgage loans and the outstanding principal of existing loans. The government subsidizes the interest paid based on the interest rate charged by the largest building society, with the proviso that the recipient company must pay interest at the rate of at least six percent; the Regional Industrial Development Authorities pay the interest differential monthly.

One company reported having worker housing loans with the Industrial Development Corporation which were subsidized by the Regional Industrial Development Authorities, and reported the amount of the interest differential paid by the government during the review period. At verification, we discovered that another company had outstanding loans which were granted under this program. For the company which reported this benefit, we calculate the benefit by dividing the amount of the government's payments toward the interest accrued on the housing loans during the review period by the recipient company's total sales during this period. For the company which failed to report these benefits, we assign a rate based on best information available, 0.002 percent *ad valorem*, which is the country-wide rate determined in the last administrative review of this order, the only review in which a rate was calculated for this program. See Ferrochrome Preliminary Results; Ferrochrome Final Results. We then weight-averaged the result by each company's share of exports of subject merchandise to the United States during the review period. On this basis, we preliminarily determine the bounty or grant from this program to be 0.01 percent *ad valorem* for all companies.

IV. Other Programs

We also examined the following four programs and preliminarily determine that producers/exporters of ferrochrome to the United States did not use them during the review period:

A. Preferential Rail Rates
B. Government Loan Guarantees
C. Beneficiation Allowances—Electric Power Cost Aid Scheme
D. General Export Incentive Scheme
E. Rail Transport Rebate on Outgoing Goods (subprogram of the Regional Industrial Development Incentives).

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 2.80 percent *ad valorem* for all companies for the period January 1, 1991 through December 31, 1991.

Upon completion of this review, the Department intends to instruct the Customs Service to assess countervailing duties of 2.80 percent of the f.o.b. invoice price on shipments of this merchandise from all companies exported on or after January 1, 1991 and on or before December 31, 1991.

Further, the Department intends to instruct Customs to collect cash deposits of estimated countervailing duties of 2.26 percent of the f.o.b. invoice price on shipments of this merchandise from all companies, entered or withdrawn from warehouse for consumption on or after the date of publication of the final results of review.

Parties to this proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than ten days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication of this notice. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case briefs. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due under 19 CFR 355.38(c).

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing. This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: November 4, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93–27868 Filed 11–10–93; 8:45 am]

BILLING CODE 3510–DS–P

[C–475–812]

Postponement of Preliminary Determination: Grain-Oriented Electrical Steel From Italy

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

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Stephanie Hager, Annika O'Hara, or David Boyland, Office of Countervailing Investigations, U.S. Department of Commerce, room 3099, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5055, (202) 482–4198, and (202) 482–0588, respectively.

POSTPONEMENT: On September 21, 1993, the Department published in the **Federal Register** the initiation of a countervailing duty investigation of grain-oriented electrical steel from Italy (58 FR 49018). Our preliminary determination was originally scheduled for November 19, 1993.

On October 28, 1993, we decided to investigate two subsidy allegations

which were not included in our September 21, 1993 notice of initiation. These two programs (*i.e.*, Law 464/72 financing received by Terni and subsidies allegedly provided to Terni by the Government of Italy in connection with Terni's 1990 asset contribution to Ilva) were part of a revised subsidy allegation submitted by petitioners on October 7, 1993.

Including these two new subsidy allegations, the Department is now examining 21 programs in this investigation. Therefore, in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 355.15(b), we determine this investigation to be extraordinarily complicated due to the number and complexity of the subsidy programs alleged. We further determine that the Government of Italy and other parties are cooperating and that additional time is necessary to make the preliminary determination. Therefore, in accordance with section 703(c)(1)(B) of the Act and 19 CFR 355.15(b), we are postponing the preliminary determination for this investigation to no later than January 24, 1994.

This notice is published pursuant to section 703(c)(2) of the Act and 19 CFR 355.15(e).

Dated: November 3, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-27869 Filed 11-10-93; 8:45 am]

BILLING CODE 3510-DS-P

Scope Rulings

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

ACTION: Notice of scope rulings and anticircumvention inquiries.

SUMMARY: The Department of Commerce (the Department) hereby publishes a list of scope rulings and anticircumvention inquiries completed between July 1, and September 30, 1993. In conjunction with this list, the Department is also publishing a list of pending requests for scope clarifications and anticircumvention inquiries. The Department intends to publish future lists within 30 days of the end of each quarter.

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Wendy Frankel or David Guglielmi, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-2704.

Background

Sections 353.29(d)(8) and 355.29(d)(8) of the Commerce Department's regulations (19 CFR 353.29(d)(8) and 355.29(d)(8) (1993)) provide that on a quarterly basis the Secretary will publish in the **Federal Register** a list of scope rulings completed within the last three months.

This notice lists scope rulings and anticircumvention inquiries completed between July 1, and September 30, 1993, and pending scope clarification and anticircumvention inquiry requests. The Department intends to publish in January 1994 a notice of scope rulings and anticircumvention inquiries completed between October 1, 1993, and December 31, 1993, as well as pending scope clarification and anticircumvention inquiry requests.

The following lists provide the country, case reference number, requester(s), and a brief description of either the ruling or product subject to the request.

Scope Rulings Completed Between July 1, 1993 and September 30, 1993

Country: Japan

A-588-405: Cellular Mobile Telephones
Murata Erie North America Inc. and Murata Manufacturing Co.,—Certain Cellular Mobile Telephone "boosters" are within the scope of the order—09/01/93.

A-588-405: Cellular Mobile Telephones
Fujitsu Ltd., Fujitsu America, Inc., and Fujitsu Network Transmission Systems Inc.—The F80P-172 Portable Cellular Telephone and certain accessories are outside the scope of the order—09/30/93.

A-588-087: Portable Electric Typewriters
Swintec Corporation—typewriter models 4000, 4040, 7000, 7001, 7003, and 7040 are outside the scope of the order—09/17/93.

A-588-807: Industrial Belts and Components
Nitta Industries Corp. and Nitta International Inc.—"Conveyor belts," of five series comprised of 30 models, are outside the scope of the order—08/16/93.

Country: People's Republic of China

A-570-504: Petroleum Wax Candles
Hallmark Cards Inc.—The Hallmark WCD3013, WCD3093, and WCD4000 ("Unity candles") candles are outside the scope of the order and Hallmark 149PCL9345 (Party candles) are within the scope of the order—09/30/93.
Cherrydale Farms Confections—The Currier & Ives holiday candles are outside the scope of the order—09/30/93.

A-570-803: Heavy Forged Hand Tools
Forrest Tool Company—The Max Multipurpose Tool is within the scope of the order—08/16/93.

Anticircumvention Rulings Completed Between July 1, 1993 and September 30, 1993

None

Scope Inquiries Terminated Between July 1, 1993 and September 30, 1993

None

Anticircumvention Inquiries Terminated Between July 1, 1993 and September 30, 1993

None

Pending Scope Clarification Requests as of September 30, 1993

Country: Mexico

A-201-805: Circular Welded Non-Alloy Steel Pipe
Allied Tube & Conduit Corp., American Tube Co., Century Tube Corp., CSI Tubular Productions, Inc., Laclede Steel Co., LTV Tubular Productions Co., Sawhill Tubular Division, Sharon Tube Co., Tex-Tube Division, Western Tube & Conduit Corp., Wheatland Tube Co.—Clarification to determine whether pipe produced to API 5L line pipe specifications or to both ASTM A-53 standard pipe specification and the API 5L line pipe specification (dual-certified pipe), when intended for use as standard pipe or when actually used as standard pipe, is within the scope of the order.

Country: Brazil

A-351-809: Circular Welded Non-Alloy Steel Pipe
Allied Tube & Conduit Corp., American Tube Co., Century Tube Corp., CSI Tubular Productions, Inc., Laclede Steel Co., LTV Tubular Productions Co., Sawhill Tubular Division, Sharon Tube Co., Tex-Tube Division, Western Tube & Conduit Corp., Wheatland Tube Co.—Clarification to determine whether pipe produced to API 5L line pipe specifications or to both ASTM A-53 standard pipe specification and the API 5L line pipe specification (dual-certified pipe), when intended for use as standard pipe or when actually used as standard pipe, is within the scope of the order.

Country: People's Republic of China

A-570-501: Paint Brushes
Stanley Works—Clarification to

determine whether paint brushes with a blend of 60% synthetic and 40% natural fibers are within the scope of the order.

A-570-003: Cotton Shop Towels
Win-Tex Products, Inc. (original applicant)—Clarification to determine whether certain cotton shop towels are within the scope of the order. This scope ruling was remanded to the Department by the Court of International Trade for further analysis.

Country: Korea

A-580-809: Circular Welded Non-Alloy Steel Pipe
Allied Tube & Conduit Corp., American Tube Co., Century Tube Corp., CSI Tubular Productions, Inc., Laclede Steel Co., LTV Tubular Productions Co., Sawhill Tubular Division, Sharon Tube Co., Tex-Tube Division, Western Tube & Conduit Corp., Wheatland Tube Co.—Clarification to determine whether pipe produced to API 5L line pipe specifications or to both ASTM A-53 standard pipe specification and the API 5L line pipe specification (dual-certified pipe), when intended for use as standard pipe or when actually used as standard pipe, is within the scope of the order.

Country: Japan

A-588-014: Tuners
Alpine Electronics—Clarification to determine whether certain car radio/stereo and/or replacement parts, comprised of four subassemblies and their components, are within the scope of the order.
Fujitsu Ten Corporation of America—Clarification to determine whether certain "front end" components of car tuners are within the scope of the order.

A-588-015: Televisions
AGIV (USA) Inc.—Clarification to determine whether AIWA Model VX-T1000MK3KEI color TV-VCR combination is within the scope of the order.

A-588-055: Acrylic Sheet
Sekisui America Corp.—Clarification to determine whether ESLON DC PLATE manufactured by Sekisui Chemical Co., Ltd., is within the scope of the order.

A-588-405: Cellular Mobile Telephones and Subassemblies
Matsushita Communication Industrial Co., Ltd., and its related entities—Clarification to determine whether certain portable cellular telephones, Panasonic models EB-3530 and EB-3531, comprised of eight kits and numerous accessories, subassemblies and/or components thereof, are within the scope of the order.

A-588-405: Matsushita Communication Industrial Co., Ltd., and its related entities—Clarification to determine whether three models of hand-held portable cellular telephones and their subassemblies and/or components thereof, are within the scope of the order.

A-588-405: Toyocom U.S.A. Inc.—Clarification to determine whether temperature compensated crystal oscillators (TCXOs) and High Frequency Crystal Mechanical filters (HCM filters) are within the scope of the order.

A-588-810: Mechanical Transfer Presses
Aida Engineering, Ltd.—Clarification to determine whether the FMX cold forging press is within the scope of the order.

A-588-817: Flat Panel Displays
International Digital Electronics—Clarification to determine whether certain electroluminescent FPDs used in the Graphic Control Panels, models GP-410 and GP-430, are within the scope of the order; models GP-511T, GP-530T and GP-530VM terminated due to the revocation of the active-matrix FPD order.

Country: Sweden

A-401-040: Stainless Steel Plate
Petitioner—Clarification to determine whether three steel products are within the scope of the order.

Country: Italy

A-475-801: Antifriction Bearings
Fiber Services—Clarification to determine whether certain textile machinery components are within the scope of the order.

Country: Germany

A-428-801: Antifriction Bearings
SKF—Clarification to determine whether certain textile machinery components are within the scope of the order.

Pending Anticircumvention Inquiry Requests as of September 30, 1993

Country: Mexico

A-201-806: Steel Wire Rope
Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers—Anticircumvention inquiry to determine whether a producer of steel wire rope in Mexico is circumventing the antidumping order by importing steel wire strand into the United States where it is wound into steel wire rope.

Country: Japan

A-588-807: Industrial Belts and Components
BRECOFLEX Corp.—Anticircumvention inquiry to determine whether the order is being circumvented by the processing of belting into belts in Mexico before importation into the United States.

Country: Japan

A-588-818: Personal Word Processors
Smith Corona Corporation—Anticircumvention inquiry to determine whether the order is being circumvented by the importation, completion and assembly of personal word processor parts and components by Brother Industries (USA), Inc. in the United States.

Country: People's Republic of China

A-570-814: Butt-Weld Pipe Fittings
U.S. Fittings Group—Anticircumvention inquiry to determine whether the order is being circumvented by adding value in Thailand (modifying pipe fittings to "finished" from "unfinished" status) after importation from the PRC.

Interested parties are invited to comment on the accuracy of the list of pending scope clarification requests. Any comments should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: October 29, 1993.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 93-27865 Filed 11-10-93; 8:45 am]

BILLING CODE 3510-DS-P

Minority Business Development Agency

Business Development Center Applications: Charlotte, NC

AGENCY: Minority Business Development Agency, DOC.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program. The total cost of performance for the first budget period (12 months) from April 1, 1994 to March 31, 1995 is estimated at $169,125. The application must include a minimum cost-share of 15% of the total project cost through non-Federal contributions. The Federal

amount includes $4,125 for an annual audit fee. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The MBDC will operate in the Charlotte, North Carolina geographic service area.

The award number for this MBDC will be 04–10–94004–01.

The funding instrument for this project will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC Program provides business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of management and technical assistance to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firms' estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest points score will not necessarily receive the award.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, the MBDC will charge client fees at 20% of the total cost firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

Quarterly reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

DATES: The closing date for application is December 17, 1993. Applications must be postmarked on or before December 17, 1993.

ADDRESSES: Atlanta Regional Office, U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., Suite 1715, Atlanta, Georgia 30308–3516, (404) 730–3300.

FOR FURTHER INFORMATION CONTACT: Robert M. Henderson, Acting Regional Director, Atlanta Regional Office, telephone (404) 730–3300.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640–0006. A pre-application conference to assist all interested applicants will be held on December 1, 1993, 9 a.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1715, Atlanta, Georgia 30308–3516.

Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address.

Pre-Award Costs—Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

Outstanding Account Receivable—No award of Federal funds shall be made to an applicant who has outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

Name Check Policy—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honestly or financial integrity.

Award Termination—The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

False Statements—A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Primary Applicant Certifications—All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

Nonprocurement Debarment and Suspension—Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

Drug-Free Workplace—Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

Anti-Lobbying—Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000.

Anti-Lobbying Disclosures—Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

Lower Tier Certifications—Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: November 5, 1993.

Robert M. Henderson,

Acting Regional Director, Atlanta Regional Office.

[FR Doc. 93–27881 Filed 11–10–93; 8:45 am]

BILLING CODE 3510-21-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Import Limits and Restraint Periods for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Oman

November 5, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending import limits and restraint periods.

EFFECTIVE DATE: November 16, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated October 6, 1993 between the Governments of the United States and the Sultanate of Oman, agreement was reached to establish a bilateral agreement for certain cotton and man-made fiber textile products, produced or manufactured in Oman.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to amend the limits and restraint periods for Categories 340/640, 341/641 and 347/348. As a result, the limit for Categories 340/640, which is currently filled, will re-open.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 39672, published on September 1, 1992; 57 FR 56329, published on November 27, 1992; 58 FR 30027, published on May 18, 1993; and 58 FR 48039, published on September 8, 1993.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 5, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directives issued to you on November 20, 1992, May 18, 1993 and September 8, 1993, by the Chairman, Committee for the Implementation of Textile Agreements. Those directives concern imports of certain cotton and man-made fiber textile products, produced or manufactured in Oman and exported during the twelve-month periods May 31, 1993 through May 30, 1994 (Categories 347/348); June 29, 1993 through June 28, 1994 (Categories 341/641), and September 21, 1992 through September 20, 1993 and September 21, 1993 through September 20, 1994 (Categories 340/640).

Effective on November 16, 1993, you are directed, pursuant to a Memorandum of Understanding (MOU) dated October 6, 1993 between the Governments of the United States and the Sultanate of Oman, to combine the restraint periods for Categories 340/640 for a fifteen-month period beginning on October 1, 1992 and extending through December 31, 1993; and amend the restraint periods for Categories 341/641 and 347/348 for a twelve-month period beginning on January 1, 1993 and extending through December 31, 1993. The levels shall be amended as follows:

Category	Amended limit [1]
340/640	235,849 dozen.
341/641	141,509 dozen.
347/348	674,528 dozen.

[1] The limits have not been adjusted to account for any imports exported after September 30, 1992 (Categories 340/640) and December 31, 1992 (Categories 341/641 and 347/348).

Also, you are directed to amend, but not cancel, the directive dated August 26, 1992 for cotton and man-made fiber textile products, produced or manufactured in Oman and exported during the periods May 31, 1992 through May 30, 1993 for Categories 347/348 and June 29, 1992 through June 28, 1993 for Categories 341/641.

Effective on November 16, 1993, you are directed to amend the restraint periods to begin on June 1, 1992 (Categories 347/348) and July 1, 1992 (Categories 341/641) and extend through December 31, 1992 at the limits listed below. Goods exported in excess of these amended limits shall be charged to the corresponding categories for the restraint period January 1, 1993 through December 31, 1993.

Category	Amended limit [1]
341/641	66,750 dozen.
347/348	371,203 dozen.

[1] The limits have not been adjusted to account for any imports exported after May 31, 1992 (Categories 347/348) and June 30, 1992 (Categories 341/641).

All import charges already made to the foregoing categories shall be retained. Of these charges the following amounts shall be deducted for goods exported on May 31, 1992 for Categories 347/348 and during the periods June 29, 1992 through June 30, 1992 for Categories 341/641, and September 21, 1992 through September 30, 1992 for Categories 340/640:

Category	Amount to be deducted
340	20,927 dozen.
341	–0–
347	3,789 dozen.
348	12,683 dozen.

Category	Amount to be deducted
640	8,892 dozen.
641	1,155 dozen.

The levels set forth above are subject to adjustment in the future according to the provisions of the MOU dated October 6, 1993 between the Governments of the United States and the Sultanate of Oman.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93-27877 Filed 11-10-93; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

Action: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Forms, and OMB Control Number: DoD FAR Supplement, part 245, Government Property, and Related Clauses at 252.245; DD Forms 1149, 1149C, 1342, 1419, 1637, 1639, 1640, and 1662; OMB Control Number 0704-0246.

Type of Request: Expedited Processing—Approval Date Requested: 30 days following publication in the **Federal Register**.

Number of Respondents: 14,896.

Responses per Respondent: 2.94.

Annual Responses: 43,932.

Average Burden per Response: 1.21 hours.

Annual Burden Hours: 53,185.

Needs and Uses: DoD FAR Supplement, part 245, prescribes policies and procedures for providing government property to contractors, contractors' use and management of government property and reporting, and redistributing and disposing of contractor inventory. The information collected hereby is used by contractors, property administrators, and contracting officers to maintain government furnished property records.

Affected Public: Businesses of other for-profit, Non-profit institutions, and Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202-4302.

Dated: November 5, 1993.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000-04-M

SHIPPING CONTAINER TALLY → 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

REQUISITION AND INVOICE / SHIPPING DOCUMENT

Form Approved
OMB No. 0704-0246
Expires xxxxx

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0246), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES. RETURN COMPLETED FORM TO THE ADDRESS IN ITEM 2

1. FROM: *(Include ZIP Code)*

SHEET NO. | NO. OF SHEETS | 5. REQUISITION DATE | 6. REQUISITION NUMBER

7. DATE MATERIAL REQUIRED *(YYMMDD)* | 8. PRIORITY

2. TO: *(Include ZIP Code)*

9. AUTHORITY OR PURPOSE

10. SIGNATURE | 11a. VOUCHER NUMBER & DATE *(YYMMDD)*

3. SHIP TO - MARK FOR

12. DATE SHIPPED *(YYMMDD)* | b.

13. MODE OF SHIPMENT | 14. BILL OF LADING NUMBER

15. AIR MOVEMENT DESIGNATOR OR PORT REFERENCE NO.

4. APPROPRIATIONS SYMBOL AND SUBHEAD	OBJECT CLASS	EXPENDITURE ACCOUNT *(From)*	*(To)*	CHARGEABLE ACTIVITY	BUREAU CONTROL ACTIVITY NO.	BUREAU CONTROL NO.	AMOUNT

ITEM NO. (a)	FEDERAL STOCK NUMBER, DESCRIPTION, AND CODING OF MATERIEL AND / OR SERVICES (b)	UNIT OF ISSUE (c)	QUANTITY REQUESTED (d)	SUPPLY ACTION (e)	TYPE CON-TAINER (f)	CON-TAINER NOS. (g)	UNIT PRICE (h)	TOTAL COST (i)

16. TRANSPORTATION VIA MATS OR MSTS CHARGEABLE TO

17. SPECIAL HANDLING

18. RECAPITULATION OF SHIPMENT	ISSUED BY	TOTAL CON-TAINERS	TYPE CON-TAINER	DESCRIPTION	TOTAL WEIGHT	TOTAL CUBE
	CHECKED BY					
	PACKED BY					
				← TOTAL →		

19. RECEIPT				
	CONTAINERS RECEIVED EXCEPT AS NOTED	DATE *(YYMMDD)*	BY	SHEET TOTAL
	QUANTITIES RECEIVED EXCEPT AS NOTED	DATE *(YYMMDD)*	BY	GRAND TOTAL
	POSTED	DATE *(YYMMDD)*	BY	20. RECEIVERS VOUCHER NO.

DD Form 1149, 931101 Draft

51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

PREVIOUS EDITION MAY BE USED.

SHIPPING CONTAINER TALLY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

REQUISITION AND INVOICE / SHIPPING DOCUMENT *(Continuation Sheet)*

Form Approved
OMB No. 0704-0246
Expires xxxxx

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SHEET NO.	NO. OF SHEETS	6. REQUISITION NUMBER	11.a. VOUCHER NUMBER AND DATE	b. VOUCHER NUMBER AND DATE

ITEM NO. (a)	FEDERAL STOCK NUMBER, DESCRIPTION, AND CODING OF MATERIEL AND/OR SERVICES (b)	UNIT OF ISSUE (c)	QUANTITY REQUESTED (d)	SUPPLY ACTION (e)	TYPE CON-TAINER (f)	CON-TAINER NOS. (g)	UNIT PRICE (h)	TOTAL COST (i)
							SHEET TOTAL	

DRAFT

DD Form 1149C, 931101 Draft 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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DOD PROPERTY RECORD

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Public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0246), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES. RETURN COMPLETED FORM TO THE CONTRACT ADMINISTRATION OFFICE

1.	a. ACTIVE	b. INITIAL	c. IDLE	d. CHANGE	2. JULIAN DATE	3. I.D./GOVERNMENT TAG NO.

SECTION I - INVENTORY RECORD

4. COMMODITY CODE	5. STOCK NUMBER	6. ACQUISITION COST	7. TYPE CODE	8. YR OF MFG.	9. POWER CODE	10. STATUS CODE	11. SVC CODE	12. COMMAND CODE	13. ADM OFFICE CODE

14. NAME OF MANUFACTURER	15. MFR'S CODE	16. MANUFACTURER'S MODEL NO.	17. MANUFACTURER'S SERIAL NO.

18. LENGTH	19. WIDTH	20. HEIGHT	21. WEIGHT	22. CERTIFICATE OF NON-AVAILABILITY NUMBER	23. PEP NO.	24. ARD	25. CONTRACT NUMBER

26. DESCRIPTION AND CAPACITY

CONTINUED ON BACK OF FORM ☐ YES ☐ NO

27. ELECTRICAL CHARACTERISTICS

a. QTY	b. HORSEPOWER	c. VOLTS	d. PHASE	e. CYCLE	f. AC	g. DC	h. SPEED	i. TYPE AND FRAME NUMBER

28a. PRESENT LOCATION	28b. DIPEC CONTROL NO.
	29. POSSESSOR CODE

SECTION II - INSPECTION RECORD *(If explanation is required, respond in Remarks)*

	YES	NO		YES	NO
30. Can items be stored and maintained on site for at least 12 months?			42. Must item be repaired/rebuilt/overhauled to perform all functions? $		
31. Has item been rebuilt/overhauled? If so, when? Date					
32. Has item been modified from original configuration? If so, explain.			43. Do QC records indicate satisfactory performance? If no, explain.		
33. Was item inspected under power? If no, explain.			44. Are manually operated mechanisms in working order? If no, describe.		
34. Are maintenance costs normal? If no, explain.			45. Are scales, dials, and gauges working and readable? If no, describe.		
35. Are safety devices adequate and satisfactory? If no, explain.			46. Are hydraulic pumps, valves/fittings operating properly? If no, describe.		
36. Are installation instructions available for transfer?			47. Are electronic systems and controls operating properly? If no, explain.		
37. Are operating instructions available for transfer?			48. How many hours was item used by current possessor?		
38. Was item last used on a finishing operation?			49. Explain last use of equipment described in item 26 above.		
39. Will adjustments or calibration correct deficiencies?			50. Estimated cost for packing, crating, handling. $		
40. Is item severable without damage to components If not, give their replacement cost. $			51. Indicate date item will be available for redistribution.		
			52. Condition code.		
41. Is item in operable condition?			53. Operating test code.		

SECTION III - REMARKS

54. REMARKS

CONTINUED ON BACK OF FORM ☐ YES ☐ NO

SECTION IV - VALIDATION RECORD

55. VALIDATION *(Typed name(s) and signature(s))*

DD Form 1342, 931101 Draft PREVIOUS EDITION MAY BE USED

1.	a. ACTIVE	b. INITIAL	c. IDLE	d. CHANGE	2. JULIAN DATE	3. I.D./GOVERNMENT TAG NO.

SECTION V - NUMERICALLY CONTROLLED MACHINE DATA

56. CONTROL MFR	57. MODEL	58. SERIAL NO.	59. MFG. DATE

60. CONTROL DESIGN

a. NC	b. CNC	c. STORED PROG.	d. EDIT	e. SOLID STATE	f. VACUUM TUBE	g. OTHER (List)

63. AXES NAMED ER RS-267 FIGURE

61. TYPE NUMERICAL CONTROL SYSTEM: a. POSITIONING; b. CONTOURING; c. CONTOURING/POSITIONING

62. DIRECT NC: a. NO; b. YES (If yes, X (1), (2) and/or (3)): (1) READER BY-PASS; (2) MGT. DATA; (3) DEDICATED COMPUTER

64. EIA FORMAT DETAIL

65. EIA FORMAT CLASSIFICATION SHORTHAND	66. ROTARY MOTIONS UNDER NC (Name and Identify)	67. SPECIFY AXES UNDER POSITIONING CONTROL	68. SPECIFY AXES UNDER CONTOURING CONTROL

69. AXES MAXIMUM TRAVEL (Enter axes: X, Y, Z, etc., and specify inches or mm)

70. POSITIONING RATE, MAX

71. FEED RANGE: a. ROTARY, RPM; b. LINEAR, XY; c. LINEAR, Z

72. SPINDLE DATA: a. NO. OF SPINDLES; b. NO. OF SPDL MOTORS; c. HP/SPDL MOTOR; d. TAPER; e. SPEED RANGE; f. NO. OF INCREMENTS; g. TAPE CONTROL: (1) YES; (2) NO

73. EIA ASSIGNED "G" FUNCTION CODES (Identify functions in Remarks that are not EIA assigned)

74. EIA ASSIGNED "M" FUNCTION CODES (Identify functions in Remarks that are not EIA assigned)

75. INPUT DATA: a. STANDARD: (1) RS-273; (2) RS-274; (3) RS-326; b. FORMAT: (1) WORD ADD; (2) TAB SEQ; (3) FIXED SEQ; (4) CL DATA; c. CODE: (1) RS-244aa; (2) RS-358; (3) BINARY; d. DIMENSIONAL INPUT: (1) Inch; (2) METRIC; (3) BOTH

76. TOOL CHANGE DATA: a. NO. OF TURRETS; b. NO. STATIONS; c. AUTO. CHANGER: YES; NO; d. NO. OF TOOLS; e. SELECTION: (1) SEQUENTIAL Z; (2) RANDOM; f. MAX. TOOL DIA; g. TOOL LENGTH; h. MAX. TOOL WT.; i. TOOL CODING METHOD

77. ROTABLE TABLE DATA: a. INDEXING: (1) MANUAL; (2) NC; b. NO. OF STOPS; c. POSITIONING, NC: (1) YES; (2) NO; d. NO. OF POSITIONS; e. CONTOURING, NC: (1) YES; (2) NO; f. FEED RANGE: RPM

78. NO. OF READERS: 79. READER TYPE (X one): a. MECH; b. PHOTO; c. OTHER (List); 80. READER SPEED; 81. INTERPOLATION: a. PARABOLIC; b. LINEAR; c. CIRCULAR; d. NONE; 82. BUFFER STORAGE: a. YES; b. NO; 83. THREAD-CUTTING MAX. LEAD.

84. CUTTER DIA. COMPENSATIONS: a. NUMBER OF; b. MAX. AMOUNT

85. TOOL OFFSETS: a. NO. TOOL OFFSETS; b. MAX. AMOUNT

86. READOUTS: a. SEQ. NO.; b. POSITION; c. COMMAND DATA; d. OTHER (List)

87. FEEDBACK DEVICE: a. ANALOG; b. NONE; c. DIGITAL

88. MIN. PROGRAMMABLE INCREMENT

89. MOTOR DRIVE: a. STEPPING; b. DC; c. HYDRAULIC

90. POST PROCESSOR (Name)

91. DEVELOPED BY (Name)	92. COMPUTER LANGUAGE USED	93. PART PROGRAM LANGUAGE	94. APPLICABLE COMPUTER (Name, Model and Min. Core Storage)

95. REQUIRED MANUALS (Title and Manual Edition)

96. REMARKS (Features not covered above, functions not EIA assigned, etc.)

CONTINUED ON REVERSE SIDE ☐ YES ☐ NO

DD Form 1342, 931101 Draft (BACK)

DOD INDUSTRIAL PLANT EQUIPMENT REQUISITION	REQUISITION NUMBER	Form Approved OMB No. 0704-0246 Expires xxxxx

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SECTION I - ITEM DESCRIPTION

1. COMMODITY CODE	2. MANUFACTURER			3. MODEL NUMBER
4. STOCK NUMBER	5. POWER CODE	6. ESTIMATED COST	7. PHYSICAL INSPECTION REQUIRED (X one) ☐ YES ☐ NO	8. PROCUREMENT SPECIFICATION ATTACHED (X one) ☐ YES ☐ NO

9. DESCRIPTION

CONTINUED UNDER REMARKS SECTION ☐ YES ☐ NO

SECTION II - REQUIRING AGENCY / FACILITY / CONTRACTOR

10. NAME AND ADDRESS (Include ZIP Code)	11. CONTRACT NUMBER (X one)	12. DATE (YYMMDD)	13. COMMAND CODE
	14. PROGRAM (X one) ☐ MILITARY ☐ CONTRACTOR		
15. INTENDED USE	16. DATE ITEM REQUIRED AT DESTINATION (YYMMDD)	17. DATE CERT. N/A REQUIRED (YYMMDD)	18. PRIORITY
19. BASIC FOR AUTHORIZATION (X one) ☐ PRODUCTION ☐ MOBILIZATION ☐ REPLACEMENT	20. PROCUREMENT PLANNED (X one) ☐ YES ☐ NO (If "YES," cite Appropriation)		21. REBUILD/OVERHAUL CANDIDATE ☐ YES
22. TYPED NAME AND TITLE OF REQUESTING OFFICIAL	23. SIGNATURE OF REQUESTING OFFICIAL		24. DATE (YYMMDD)
25. CERTIFICATION OF NEED BY ADMINISTERING ACTIVITY		a. ADMINISTERING OFFICE CODE	
b. NAME AND ADDRESS (Include ZIP Code)	c. TYPED NAME AND SIGNATURE OF PRODUCTION REPRESENTATIVE		d. DATE (YYMMDD)
	e. SIGNATURE OF ADMIN. CONTRACTING OFFICER		f. DATE (YYMMDD)

SECTION III - APPROVAL AUTHORITY

26. NAME AND ADDRESS (Include ZIP Code)	27. TITLE, SYMBOL AND TELEPHONE NO. OF APPROVING OFFICIAL	
	28. TYPED NAME & SIGNATURE OF APPROVING OFFICIAL	29. DATE (YYMMDD)

SECTION IV - ALLOCATION AND AUTHORITY TO INSPECT (To be completed by DIPEC)

30. COMMODITY CODE	31. I.D./GOVERNMENT TAG NUMBER	32. DESCRIPTION (See attached copy of DD Form 1342, dated)
33. PRESENT LOCATION (Name, address and ZIP Code)		34. SHIPPED TO (Name, address and ZIP Code)

35. ESTIMATED TIME REQUIRED FOR SHIPMENT FROM DATE OF ACCEPTANCE (Enter number of days)

a. AS IS CONDITION	b. TEST REQUIRED	c. REPAIR REQUIRED	d. REPAIR/OVERHAUL REQUIRED	e. STANDARD ATTACHMENTS REQUIRED
36. TYPED NAME AND SIGNATURE OF ALLOCATING OFFICIAL			37. DATE (YYMMDD)	38. DATE OFFER EXPIRES (YYMMDD)

SECTION V - NON-AVAILABILITY CERTIFICATE (To be completed by DIPEC)

39. The item described in Section I of this form has been screened by DIPEC against the idle inventory of the Department of Defense and it is hereby certified as not available or cannot be delivered on or before the date specified in Section II (Item 14). Procurement action resulting from this Certification of Non-Availability must be initiated within 45 calendar days of the date included in this Section (item 40) or complete rescreening is required. Equipment offered by DIPEC in Section IV must be considered if the supplier cannot deliver new equipment before expiration of the period specified in Section IV (Item 33).

40. TYPED NAME AND SIGNATURE OF CERTIFYING OFFICIAL	41. DATE CERTIFICATE ISSUED (YYMMDD)	42. DATE CERTIFICATE EXPIRES (YYMMDD)	43. CERTIFICATE NUMBER

DD Form 1419, 931101 PREVIOUS EDITION MAY BE USED.

SECTION VI - CERTIFICATION OF ACCEPTANCE

44. THE ITEM ALLOCATED IN SECTION IV OF THIS FORM *(X as applicable)*

	a. HAS BEEN PHYSICALLY INSPECTED AND IS ACCEPTABLE		b. IS ACCEPTABLE WITHOUT PHYSICAL INSPECTION
	c. ITEM IS ACCEPTED UNDER ONE OF THESE CONDITIONS:		
	(1) AS IS CONDITION		(2) REPAIR REQUIRED
	(3) TEST REQUIRED		(4) REBUILD OVERHAUL REQUIRED
	(5) OTHER		
	d. IS NOT ACCEPTABLE *(A complete description of conditions making item unacceptable must be stated under REMARKS below)*		

45. TYPED NAME AND TITLE OF CERTIFYING OFFICIAL	46. SIGNATURE OF CERTIFYING OFFICIAL	47. DATE *(YYMMDD)*

SECTION VII - SPECIAL SHIPPING INSTRUCTIONS

48. SHIP TO *(Include ZIP Code)*	49. FOR TRANSSHIPMENT TO *(Include ZIP Code)*

50. MARK FOR

51. APPROPRIATION CHARGEABLE FOR		d. PAYING OFFICE/ ACTIVITY NAME AND ADDRESS *(Include ZIP Code)*
a. PACKING/ CRATING/ HANDLING		
b. TRANSPORTATION		
c. OTHER		

52. SPECIAL DISTRIBUTION OF SHIPPING DOCUMENTS AND OTHER INSTRUCTIONS

SECTION VIII - REMARKS

53. REMARKS

DRAFT

DD Form 1419, 931101 Draft (BACK)

NOTICE OF ACCEPTANCE OF INVENTORY SCHEDULES	1. PLANT CLEARANCE CASE NUMBER	Form Approved OMB No. 0704-0246 Expires xxxxx

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0246), Washington, DC 20503.

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RETURN COMPLETED FORM TO ADDRESS IN BLOCK 2

ALL FUTURE DOCUMENTS CONCERNING THIS CASE MUST BEAR THE PLANT CLEARANCE CASE NUMBER SHOWN ABOVE

2. TO *(Include ZIP Code)*	3. FROM *(Include ZIP Code)*

NOTE TO CONTRACTOR

This office accepts the inventory schedules listed below as being satisfactory in form for storage or removal purposes. Acceptance of the inventory schedules as satisfactory in form will not affect the Government's right to require additional information on any listed item, nor to prejudice the Government's right to contest the cost, quantities, and allocability of any item or items. Within a few days a Government representative will visit your plant to verify the inventory submitted, review your bill of material, and to confirm allocability of the inventory submitted.

4. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER	5. SUBCONTRACT OR PURCHASE ORDER NUMBER	6. CHANGE ORDER NUMBER	7. TERMINATION DOCKET NUMBER

8. CONTRACTOR'S REFERENCE NUMBER	9. TYPE OF CONTRACT *(X one)*					
		a. FIXED PRICE		b. COST TYPE		c. FACILITY
		d. LEASE		e. BAILMENT		f. STORAGE
10. TYPE OF INVENTORY *(X one)*		a. TERMINATION		b. RESIDUAL TO CONTRACT		
	c. CHANGE ORDER	d. EXCESS GFP		e. PRODUCTION EQUIPMENT		

11. COST OF INVENTORY SCHEDULES		12. LOCATION OF PROPERTY
a. STANDARD FORM 1426 *(Schedule A)*	$	
b. STANDARD FORM 1428 *(Schedule B)*	$	
c. STANDARD FORM 1430 *(Schedule C)*	$	
d. STANDARD FORM 1432 *(Schedule D)*	$	13. CONTRACTOR OR SUBCONTRACTOR a. NAME *(Identify as Prime Contractor or Subcontractor)*
e. DD FORM 1342	$	
f. STANDARD FORM 1434	$	b. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR *(Include ZIP Code)*
g. TOTAL	$	

14. COMMENTS *(Continue on reverse if necessary.)*

15. PLANT CLEARANCE OFFICER		
a. TYPED NAME	b. SIGNATURE	c. DATE

DD Form 1637, 931101 Draft

PREVIOUS EDITION MAY BE USED

SCRAP WARRANTY

Form Approved
OMB No. 0704-0246
Expires xxxxx

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RETURN COMPLETED FORM TO THE CONTRACT ADMINISTRATION OFFICE

1. PLANT CLEARANCE CASE NUMBER	2. CONTRACT NUMBER

3. CONTRACTOR	4. INVENTORY REFERENCE

5. WARRANTY

a. This scrap warranty covers materials listed below at indicated procurement cost and selling prices as approved by the _____ Plant Clearance Officer and as sold by _____

PAGE (1)	ITEM (2)	DESCRIPTION (3)	WEIGHT (4)	ACQUISITION COST (5)	SELLING COST (6)

b. In consideration of the transfer to the undersigned of the property covered by this agreement at a value based upon its being used as scrap, the undersigned represents and warrants to the United States as follows:

(1) The property covered by this agreement will be used only as scrap, either in its existing condition or after further preparation, unless and until the undersigned is released from this warranty.

(2) In the event the undersigned is released from this warranty, any payment agreed on as consideration for such release shall be made to the United States regardless of whether this warranty shall have been executed at the request of the United States.

(3) In the event the undersigned sells the property covered by this agreement prior to release of this warranty, the undersigned will obtain from the purchaser and tender to the United States a warranty identical to this executed by the purchaser, and upon receipt of such other warranty this warranty will be released by the United States.

(4) All obligations of the undersigned under this warranty shall expire five years from the date hereof.

6. PURCHASER

a. TYPED NAME *(Last, First, Middle Initial)*		b. ADDRESS *(Street, City, State, and Zip Code)*
c. SIGNATURE	d. DATE SIGNED *(YYMMDD)*	

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REQUEST FOR PLANT CLEARANCE	1. DATE PREPARED (YYMMDD)	Form Approved OMB No. 0704-0246 Expires xxxxx

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2. TO (Include ZIP Code)	3. FROM (Include ZIP Code)

It is requested that plant clearance, including prescribed screening and disposal actions, be accomplished with respect to the contractor inventory described in the enclosed schedules. Plant clearance authority is hereby delegated for the purpose of this referral.

4. GROSS VALUE OF INVENTORY SCHEDULES ($)	5. SCHEDULE PARTIAL NUMBER	6. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER
7. PRIME CONTRACT END ITEM		8. SUBCONTRACT NUMBER

9. NAME AND ADDRESS OF PRIME CONTRACTOR (Include ZIP Code)	10. NAME AND ADDRESS OF SUBCONTRACTOR (Include ZIP Code)

11. LOCATION OF PROPERTY	12. TYPE OF CONTRACT (X one)					
		a. FIXED PRICE		b. COST TYPE		c. FACILITY
		d. LEASE AGREEMENT		e. FORMAL STORAGE AGREEMENT		f. BAILMENT

13. TYPE OF INVENTORY (X one)

	a. TERMINATION		b. RESIDUAL TO COMPLETED CONTRACT		c. CHANGE ORDER
	d. EXCESS TO ACTIVE CONTRACT		e. PRODUCTION EQUIPMENT		

14. REMARKS

15. ENCLOSURE(S) (Include Prime Contractor's Certificate of Allocability and Statement of No Further Requirements for the Property)

16. REQUESTING OFFICIAL

a. TYPED NAME (Last, First, Middle Initial)	c. SIGNATURE	d. DATE SIGNED (YYMMDD)
b. TITLE		

FIRST ENDORSEMENT

17. TO (Include ZIP Code)	18. FROM (Include ZIP Code)	19. DATE (YYMMDD)

(1) Disposition will be accomplished under case number _____.

(2) It is requested that all correspondence with this office pertaining to enclosure(s) make reference to the assigned case number.

20. PLANT CLEARANCE OFFICER

a. TYPED NAME (Last, First, Middle Initial)	c. SIGNATURE	d. DATE SIGNED (YYMMDD)
b. TITLE		

DD Form 1640, 931101 Draft PREVIOUS EDITION MAY BE USED.

DOD PROPERTY IN THE CUSTODY OF CONTRACTORS

(DFARS 245.505-14)

(See Instructions on back before completing this form.)

REPORT AS OF 30 SEP 19___ OR _____

Form Approved OMB No. 0704-0246 Expires xxxxx

REPORT CONTROL SYMBOL

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PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES.
RETURN COMPLETED FORM TO THE ADDRESS IN ITEM 1

1. TO *(Enter name and address of property administrator)*

2. FROM *(Enter full name, address and CAGE code of contractor)*

3. IF GOVERNMENT-OWNED, CONTRACTOR-OPERATED PLANT, ENTER GOVERNMENT NAME OF PLANT

4. CONTRACT NO. *(PIIN)*	5. CONTRACT PURPOSE	6. BUSINESS TYPE *(L, S, or N)*	7. OFFICIAL NAME OF PARENT COMPANY

8. PROPERTY LOCATION(S)

9. PLANT EQUIPMENT PACKAGE *(PEP No. and use)*

a. PROPERTY *(Type or Account)*	b. BALANCE START OF PERIOD (1) ACQUISITION COST *(in dollars)*	(2) QUANTITY *(in units or acres)*	c. ADDITIONS *(in dollars)*	d. DELETIONS *(in dollars)*	e. BALANCE END OF PERIOD (1) ACQUISITION COST *(in dollars)*	(2) QUANTITY *(in units or acres)*
10. LAND						
11. OTHER REAL PROPERTY						
12. OTHER PLANT EQUIPMENT						
13. INDUSTRIAL PLANT EQUIPMENT						
14. SPECIAL TEST EQUIPMENT						
15. SPECIAL TOOLING *(Government Title Only)*						
16. MILITARY PROPERTY *(Agency-Peculiar)*						
17. GOVERNMENT MATERIAL *(Government-Furnished)*						
18. GOVERNMENT MATERIAL *(Contractor-Acquired)*						

19. CONTRACTOR REPRESENTATIVE

a. TYPED NAME *(Last, First, Middle Initial)*	b. SIGNATURE	c. DATE SIGNED *(YYMMDD)*

20. DOD PROPERTY REPRESENTATIVE

a. TYPED NAME (Last, First, Middle Initial)	c. SIGNATURE	d. DATE SIGNED *(YYMMDD)*
b. TELEPHONE NUMBERS *(Commercial and DSN)*		

DD Form 1662, 931101 Draft PREVIOUS EDITION MAY BE USED

REPORTING INSTRUCTIONS

GENERAL. The prime contractor shall report all DoD property *(as indicated)* in its custody or in that of its subcontractors as of September 30 to the Government Property Representative by October 31 of each year. Also report zero end of period balances when no DoD property remains accountable to the contract. Report data from records maintained in accordance with FAR Subpart 45.5 and DFARS Subpart 245.5.

REPORT AS OF 30 SEP 19____. Fill in the appropriate year *(or other date)*.

ITEM 1 - TO. Enter the name of the Government Property Representative, the Contract Administration Office or other office the Government Property Representative works for, and the full mailing address *(including City, State, and ZIP + 4)*.

ITEM 2 - FROM. Enter the full name and address of the reporting contractor with the Division name stated after the Corporate name. Use the name as it appears on the contract but omit articles and insert spaces between company names that are made up of letters like XYZ Inc., for example. Also enter the Commercial and Government Entity (CAGE) Code.

ITEM 3 - IF GOVERNMENT-OWNED CONTRACTOR-OPERATED PLANT, ENTER GOVERNMENT NAME OF PLANT. Enter the Government name of the plant if the plant is Government - owned and Contractor - operated. Leave blank if it is a contractor - owned plant.

ITEM 4 - CONTRACT NO. *(PIIN)*. Enter the 13-digit contract number or Procurement Instrument Identification Number *(PIIN)* under which the Government property is accountable. Use format XXXXXX - XX - X - XXXX.

ITEM 5 - CONTRACT PURPOSE. Enter one of the following 1-character alphabetic codes to identify the general purposes of the contract:

A. RDT&E

B. Supplies and Equipment *(deliverable end items)*

C. Facilities Contract

D. Lease of facilities by the contractor

E. Maintenance, Repair, Modification, or Rebuilding of Equipment

F. Operation of a Government - Owned Plant or Facilities including test sites, ranges, installations

G. Service contract performed primarily on Military Installations, test facilities, ranges or sites

H. Contract for storage of Government Property

I. Others

ITEM 6 - BUSINESS TYPE. Enter a 1-character alphabetic code indicating the type of business concern:

L = Large S = Small N = Non-profit

(See FAR Part 19 for definition of Small Business and FAR 31.701 for definition of Non-profit Organizations.)

ITEM 7 - OFFICIAL NAME OF PARENT COMPANY. Enter the name of the Parent Corporation of the Reporting Contractor. The Parent Corporation is one in which common stock has been issued whether or not the stock is publicly traded and which is not a subsidiary of another corporation.

ITEM 8 - PROPERTY LOCATION(S). Enter the primary location(s) of the property if it is located at site(s) other than that of the Reporting Contractor, e.g., location of subcontract property or property at alternate sites of the prime contractor. Location is the City, State and Zip or the Military Installation or the Foreign site. Limit input to 69 characters. NOTE: Can be used as a "REMARKS" field.

ITEM 9 - PLANT EQUIPMENT PACKAGE. Enter the Number and Use of a Plant Equipment Package *(PEP)* if one exists on this contract. Leave blank otherwise. Example: ARMY PEP #570 - 81 mm Shells.

ITEMS 10 - 18.b.(1) - ACQUISITION COST (BALANCE AT THE BEGINNING OF THE FISCAL YEAR). Enter the acquisition cost for each type of property as defined in FAR 45.5 or DFARS 245.5. The amounts reported must agree with the amounts reported in the previous year for BALANCE AT END OF PERIOD.

ITEMS 10, 12 - 16.b.(2) - QUANTITY (BALANCE AT BEGINNING OF THE FISCAL YEAR). Enter the quantity for all categories of Government property except for Other Real Property and Material on hand at the beginning of the fiscal year. The amounts reported must agree with the amounts reported in the previous year for BALANCE AT END OF PERIOD.

ITEMS 10 - 15.c. - ADDITIONS *(in dollars)*. For the property categories indicated, enter the acquisition cost for the total additions to the contract from any source during the fiscal year. Do not enter for Government Material or Military Property.

ITEMS 10 - 15.d. - DELETIONS *(in dollars)*. For the property categories indicated, enter the acquisition cost for the total deletions from the contract during the fiscal year. Do not enter for Government Material or Military Property.

ITEMS 10 - 18.e.(1) - ACQUISITION COST (BALANCE AT THE END OF THE FISCAL YEAR). Enter the acquisition cost for each type of property as defined in FAR 45.5 or DFARS 245.5.

ITEMS 10, 12 - 16.e.(2) - QUANTITY (BALANCE AT END OF FISCAL YEAR). Enter the quantity for all categories of Government Property except for Other Real Property and Material on hand at the end of the fiscal year. These will be carried forward to reflect the balance at the beginning of the following year.

ITEMS 17 and 18 - GOVERNMENT MATERIAL. Report material as reflected on inventory records in accordance with FAR 45.505-3.

ITEM 19 - CONTRACTOR REPRESENTATIVE. Type the name of the contractor representative authorized by the property control system to sign this report.

ITEM 20 - DOD PROPERTY REPRESENTATIVE. Type the name of the DoD Property Administrator or other Authorized Property Representative, plus that individual's commercial area code and telephone number and DSN number *(if one exists)*. Signature and date.

NOTE TO CONTRACTOR: When reporting more than one contract from the same location and the same contractor, you may elect to fill out Data Elements 1, 3, 6, 7, and 19 only once as long as each form can be readily identified if any form becomes separated from the others.

DD Form 1662, 931101 Draft (BACK)

[FR Doc. 93–27745 Filed 11–10–93; 8:45 am]

BILLING CODE 5000–04–C

Office of the Secretary

Establishment of the Advisory Board on the Investigative Capability of the Department of Defense

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 92–463, the "Federal Advisory Committee Act," notice is hereby given that the Advisory Board on the Investigative Capability of the DoD is being established by the Secretary of Defense. This Advisory Board was recommended to be established by the Congress in the Conference Report to accompany H.R. 5006, (pp. 742–745), on the National Defense Authorization Act of Fiscal Year 1993.

The Advisory Board will assess both the criminal and administrative investigative capability of the DoD, including the Military Departments. It will study the organization, personnel, procedures, and effectiveness of the various investigative components, and provide advice and recommendations to the Secretary of Defense based on its findings. A final report is scheduled to be issued by December, 1994.

The Advisory Board will consist of approximately seven members selected from various segments of the legal profession with a diversity of experience in different fields of law, investigation, prosecution, and civilian and government management, to enable them to evaluate the investigative capability of the DoD with an objective and balanced viewpoint. To that end, careful efforts will be made to ensure that the membership will be diverse and well-balanced in terms of the functions to be performed and the interest groups represented.

For additional information regarding the Advisory Board, please contact Ms. E. Vaughn Dunnigan, telephone: 703–697–7228.

Dated: November 5, 1993.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–27746 Filed 11–10–93; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army

Patents Available for Licensing

AGENCY: U.S. Army Aviation and Troop Support Command, DOD.

ACTION: Notice.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive, or nonexclusive licenses under the following patents. Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR 404.7.

Patent No.	Title	Issue date
5,254,474	Method of assessing thermal processing of food using intrinsically-created compounds.	10/19/93
5,254,406	Facepaint material	10/19/93

FOR FURTHER INFORMATION CONTACT: For further information or copies of the above listed patents, contact either Mr. Richard J. Donahue, Patent Counsel or Ms. Jessica M. Niro, Paralegal Specialist at (508) 651–4510.

ADDRESSES: Commander, U.S. Army Natick Research Development and Engineering Center, Office of Chief Counsel, ATTN: Patents, Natick, MA 01760–5035.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–27755 Filed 11–10–93; 8:45 am]

BILLING CODE 5000–03–M

DEPARTMENT OF EDUCATION

Dwight D. Eisenhower National Program for Mathematics and Science Education—Model Professional Development in Use of Technology for Mathematics and Science Instruction

AGENCY: Education.

ACTION: Notice of proposed priority for fiscal year 1994.

SUMMARY: The Secretary proposes a priority for fiscal year 1994 under the Dwight D. Eisenhower National Program for Mathematics and Science Education to support model projects that help teachers respond to National Education Goal Four—U.S. students will be first in the world in mathematics and science achievement—through the effective use of technology in the classroom. The Secretary takes this action to learn from these projects as well as demonstrate effective use of technology. Accordingly, projects will be expected to evaluate their activities in order to disseminate information about effective professional development in this area to other teachers and schools throughout the nation.

DATES: Comments must be received on or before December 13, 1993.

ADDRESSES: All comments concerning this proposed priority should be addressed to Mr. Charles Stalford, U.S. Department of Education, 555 New Jersey Avenue, NW., room 500F, Washington, DC 20208–5643.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Fuller or Ms. Annora Dorsey, U.S. Department of Education, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208–5524. Telephone: (202) 219–1496. 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: The goal of the Eisenhower National Program is to support projects of national significance in elementary and secondary schools in mathematics and science education designed to improve the skills of teachers and the quality of instruction in these areas and to increase the access of students to that instruction. The program is authorized under title II, subpart 1, section 2012 of the Elementary and Secondary Education Act of 1965, as amended.

The proposed priority in this notice supports National Education Goal Four, which calls for U.S. students to be first in the world in mathematics and science achievement by the year 2000. The Secretary supports the development of voluntary national standards for student achievement in the core academic subjects, and encourages the development of challenging state content and performance standards with improved assessments tied to those standards. The Secretary believes that technology can be used to improve instruction in mathematics and science and provide all students with greater opportunity to learn in accordance with the standards.

In addition, the Committee on Education and Training (CET) of the Federal Coordinating Council for Science, Engineering, and Technology (FCCSET) has identified teacher preparation and enhancement as a priority for educational improvement in mathematics and science at the precollege level. The proposed priority in this notice is consistent with the objectives of a larger CET strategic plan to achieve greater excellence in science, mathematics, engineering, and technology education and training.

The Secretary believes that developments in technology have great promise for helping to attain National Education Goal Four; however, he sees ample evidence that many teachers are not confident about using these resources in the classroom. The purpose of this proposed priority is to support, and learn from, projects that serve as

models of teacher professional development in the use of technology to improve mathematics and science education.

Research shows that sustained, intensive, high-quality professional development focused on discipline-based knowledge and effective pedagogical skills can have a positive impact on the opportunities of all students to achieve to higher standards. The Secretary believes that projects that recognize teachers as an important source of knowledge for helping to shape professional development, and that involve teams and professional networks of teachers and administrators interacting and collaborating on the professional development, can motivate teachers to build on their experiences, help them to learn by doing, become incorporated into the everyday life of the school, and dramatically improve classroom instruction and learning.

The Secretary is interested in supporting professional development projects that each year include at least one intensive (at least 10 days) summer institute; several shorter workshops; in-classroom assistance with technology on a continuing basis (including on-call telecommunications support as well as at least monthly on-site visits by project personnel); and one or more of the following: mentoring, practicums, field trips, internships with employers intensively using technology, and individual self-study programs on the cognitive and pedagogical demands of the use of technology in mathematics and science education.

Forms of technology that may be used in the projects include, but are not limited to: Interactive electronic learning, CD-ROM, and multimedia and/or hypermedia systems; applications of electronic networks of computers, including electronic mail and bulletin boards; local area networks (LANs); and information retrieval systems, such as GOPHER and Wide Area Information Servers (WAIS) that are accessible via Internet. Telecommunications technology merits special attention in these projects because of its potential to provide interactive forums for teachers, and because of the many developments in remote, electronic information search and retrieval that can be applied to instruction. However, the Secretary will not fund applications under this announcement that are primarily distance learning projects. These projects may be eligible for assistance under other announcements.

The Secretary recognizes that school districts and schools have widely varying capabilities to use technology at present and to provide professional development to teachers. While wishing to advance state-of-the-art development in the use of technology in mathematics and science education, he especially proposes to further model professional development projects in school districts and schools that have relatively few resources for the purchase of technology in order to demonstrate the effect of using technology in the classrooms of these school districts and schools. Applicants may request a portion of the Federal funding for the project to be used for the purchase of technology, and they may budget appropriate substitute help for participating teachers.

The Secretary is interested in the effects of the use of technology on student learning in mathematics and science, and may subsequently conduct an external study of lessons learned from projects funded under this program for nationwide dissemination. If so, projects will be required to cooperate with the conduct of the study, by sharing their experiences, project evaluations, and data.

The Secretary will announce the final priority in a notice in the **Federal Register**. The final priority will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priority, and the quality of the applications received. The publication of this proposed priority does not preclude the Secretary from proposing additional priorities; nor does it limit the Secretary to funding only this priority, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priority does not solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrently with or following publication of the notice of final priority.

Absolute Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only applications that meet this absolute priority:

Teacher Professional Development in the Use of Technology for Mathematics and Science Education

The Secretary will support model projects that demonstrate effective ways of strengthening teachers' abilities to use technology in the classroom for the improvement of teaching and learning in mathematics and science education at the elementary or secondary school levels, or both.

Required Activities

Each project must:

(a) Form a partnership to develop and implement project activities. Partnerships must include one or more of each of the following parties: Local educational agency or private school(s), State educational agency, institution of higher education, and private sector party with expertise in technology. Partners must contribute resources to the operation of the project. Programming must be designed in consultation with professionals who are experts in the applicable subject matter, educational levels, and technologies to be used in the project. Projects must be coordinated with other professional development efforts in mathematics and science, particularly with the Eisenhower State Grant Program.

(b) Establish an advisory committee to guide the project. The advisory committee must include representation from each of the partners to the application, plus principals of project site schools and classroom teachers participating in the project.

(c) Involve two or more schools serving underachieving students in the project, and involve the majority of, if not all, teachers of mathematics and science in the participating schools in project activities. Participating teachers must implement the use of technology in their teaching of mathematics and science.

(d) Provide participating teachers with sustained, intensive, high-quality professional development activities that focus on the use of technology to improve classroom instruction in mathematics and science. Project activities must reflect relevant research on teaching and learning, as well as the experiences of the partners and participating teachers. Activities must integrate academic content and pedagogical components, and be delivered largely on-site (i.e., in schools or districts) for groups of teachers working cooperatively.

(e) Provide participating teachers with forums for interaction and with access to sources of technical assistance outside their schools. Projects must require that participating teachers collaborate with each other and that they participate in electronic networking with other teachers, including teachers participating in other projects funded under this program, to share experiences and knowledge about how to improve student learning through the use of technology in instruction.

Projects may use up to 20% of the total Federal portion of the project budget to purchase or lease appropriate hardware, software, and communications services or tariffs for use in these projects. In addition, projects must provide, using non-Federal funds, some of the hardware, software, and other requirements of the technology to be used in these projects.

(f) Evaluate lessons learned about effective teacher professional development in the use of technology to improve mathematics and science teaching and learning, and use the information to improve the project on a continuing basis. Evaluations must address the characteristics of participating teachers and students, the technologies used and their relative effectiveness, and the effects on teaching and learning of the use of technology in instruction in mathematics and science. Evaluations must include a mid-course, on-site review by an outside panel, including experts in the use of technology in instruction and classroom teachers with successful experience in using technology to improve instruction.

(g) Disseminate lessons learned to other schools participating in the program, and to others such as schools with similar needs in the project site State, institutions and organizations providing pre-service and in-service teacher development programs in the project site State, and other interested parties that could benefit from this information. Dissemination must begin while the project is in progress and use electronic as well as other forms of communication. Applicants may request Federal funding to support dissemination activities, including travel for dissemination, in amounts not to exceed 20% of the total Federal portion of the project budget. Projects must participate in meetings of the Eisenhower Program held annually in Washington, DC.

Intergovernmental Review

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

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

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 522, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Applicable Program Regulations

34 CFR part 755.

Program Authority: 20 U.S.C. 2992.

(Catalog of Federal Domestic Assistance Number 84.168, Dwight D. Eisenhower National Program for Mathematics and Science Education)

Dated: November 1, 1993.

Dick W. Hays,

Acting Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 93-27743 Filed 11-10-93; 8:45 am]

BILLING CODE 4000-01-P

Fund for Innovation in Education (FIE): Technology Education Program—Teacher Networking Project

AGENCY: Education.

ACTION: Notice of proposed priorities for Fiscal Year 1994.

SUMMARY: The Secretary proposes an absolute priority for Fiscal Year 1994 under the Fund for Innovation in Education Program for teacher networking projects. The Secretary takes this action to focus Federal financial assistance on model projects that demonstrate compelling applications of electronic networks in support of teacher professional development. The priority is intended to increase teacher participation in learning communities of colleagues to enhance teachers' access to resources for self improvement and provide more information about how teachers can use electronic networks as an effective means of professional development. The Secretary also proposes a competitive priority for projects that propose particularly effective ways of providing professional development networks for teachers in schools with concentrations of students from poor families.

DATES: Comments must be received on or before December 13, 1993.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Cheryl P. Garnette, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502, Washington, DC 20208-5644.

FOR FURTHER INFORMATION CONTACT: Cheryl P. Garnette, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502, Washington, DC 20208-5644. Telephone: (202) 219-2116. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The proposed absolute priority in this notice supports the National Education Goals, and in particular Goal Three, which calls for American students by the year 2000 to demonstrate competency over challenging subject matter and for all students to learn to use their minds well, so they are prepared for responsible citizenship, further learning and productive employment. State and local reform efforts to make challenging State content standards a reality in every classroom would include strengthened and improved teacher training, technologies, and innovative student performance assessments to gauge progress.

One promising approach to meeting the instructional challenges that rise from implementing standards-based reform is to provide teachers with immediate access to information and help. This is possible when teachers, linked through a computer-based electronic network, form a learning community that allows participants to draw upon the combined knowledge and resources of all participants in the network and bring those resources to bear on questions they face in their own classrooms.

Electronic networks designed to enhance teacher professional growth are becoming increasingly available to teachers. For example, at least 25 States now have state-wide electronic networks. Yet there is little understanding of what it takes for a network to be successful in meeting user needs, to be cost effective, and to maintain continuing user interest and garner long-term financial support.

Through this proposed absolute priority, the Secretary intends to support projects that model compelling applications of electronic networking in support of teacher professional development. By providing support for the demonstration of model networking projects, the Secretary intends to stimulate and promote the practice of teacher networking, and to learn more about what it takes for teacher networks to be effective.

The implementation of standards-based reform presents particularly

severe challenges to schools located in areas plagued by poverty and economic distress. Teachers in schools that serve large numbers of low-income students frequently lack access to professional development resources and opportunities. The Secretary intends to address this problem by proposing a competitive preference priority for projects that offer particularly effective professional development opportunities by means of electronic networks to teachers in schools with high concentrations of students from low-income families.

The Secretary will announce the final priorities in a notice in the **Federal Register**. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priorities, and the quality of the applications received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priorities does not solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrent with or following publication of the notice of final priority.

Priorities

Proposed Absolute Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only applications that meet this absolute priority:

Model Projects That Demonstrate Applications of Electronic Networks for Teacher Professional Development

The Secretary is seeking teacher networking projects that are designed to achieve the following purposes: (a) Increase teacher access to and participation with their colleagues in electronic networks that provide resources for professional development; and (b) improve student instruction in the core subjects of English, science, mathematics, history, geography, civics, foreign languages and the arts.

Each proposed teacher networking project must include the following:

(1) A unifying focus for the professional development activities of the network on some aspect of standards-based reform. For example, a network might focus its activities on helping teachers make the adjustments needed within their classrooms to meet challenging State content standards in one of the core subjects; expanding learning opportunities for students in inner city urban or isolated rural schools; or changing classroom instructional practices to incorporate hands-on learning, motivate students to meet more demanding expectations, or improve the quality and use of student assessments.

(2) Computer-based electronic communication among individuals and groups of individuals; exchange of textual information, including transfer of documents; and provision of access to education data bases and other sources of information, including access to Internet.

(3) Professional development activities that include creating a learning community of professional colleagues with a clearly defined common interest; linking participating teachers with one another and with researchers and other sources of research and practical knowledge about the defined area of interest; facilitating and providing structure for focused electronic discussions by network participants; and providing direct and timely responses to teachers' questions.

(4) Documentation activities that describe critical events in planning, implementing, and operating the network; that archive and analyze the results of network use; and that summarize data about user needs, cost effectiveness, and long-term network maintenance that have been compiled from the project experiences.

Proposed Competitive Priority

Within the absolute priority specified in this notice, the Secretary, under 34 CFR 75.105(c)(2)(i), proposes to give preference to applications that meet the following competitive priority. The Secretary proposes to award up to 10 points to an application that meets this competitive priority in a particularly effective way. These points are in addition to any points the application earns under the selection criteria for the program: Projects that use electronic networks to provide professional development opportunities for teachers in schools and classrooms with high concentrations of students from low-income families.

Intergovernmental Review

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

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

Invitation to Comment

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

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 522, 555 New Jersey Avenue, NW., Washington, DC., between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Applicable Program Regulations

The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

Program Authority: 20 U.S.C. 3151, 3153.

(Catalog of Federal Domestic Assistance Number: 84:215C Secretary's Fund for Innovation in Education: Technology Education Program)

Dated: November 4, 1993.

Sharon Porter Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 93-27741 Filed 11-10-93; 8:45 am]

BILLING CODE 4000-01-P

[CFDA No. 84.200]

Graduate Assistance in Areas of National Need Program

AGENCY: Education.

ACTION: Notice of technical assistance workshops.

SUMMARY: The Department of Education will conduct technical assistance workshops to assist prospective applicants in developing applications for the Graduate Assistance in Areas of National Need Program for fiscal year 1994. Reservations are not required for attendance at these workshops, which will be conducted from 9 a.m.–3 p.m. at each site. The workshops dates and locations are as follows:

November 15, 1993

Location: Indiana University—Purdue University, 850 West Michigan Street (Conference Center), Indianapolis, IN 46202.

Contact: David Malik, Chairperson, Department of Chemistry, Telephone: (317) 274–6875.

November 17, 1993

Location: University of Oregon, Klamath Hall, room 331, Eugene, OR 97403–1253.

Contact: David Johnson, Department of Chemistry, Telephone: (503) 346–4612.

November 19, 1993

Location: Georgia Institute of Technology, room 319, Student Center, Atlanta, GA.

Contact: Glenna Thomas, Graduate Studies and Research, Telephone: (404) 894–3090.

December 3, 1993

Location: Regional Office Building 3, General Services Administration Auditorium, 7th and D Streets, SW. (D Street entrance), Washington, DC 20202.

Contact: Tanyelle Hawkins, U.S. Department of Education, Telephone: (202) 708–6578.

FOR FURTHER INFORMATION CONTACT: Celeste B. Felious, U.S. Department of Education, 400 Maryland Avenue, SW., ROB–3, room 3022, Washington, DC 20202–5251, Telephone: (202) 708–9419. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C., 1134l–1134q.

Dated: November 5, 1993.

Maureen A. McLaughlin,

Acting Assistant for Postsecondary Education.

[FR Doc. 93–27740 Filed 11–10–93; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Floodplain Statement of Findings for Proposed Upgrades/Installation of Monitoring Stations at Waste Area Grouping 6, Oak Ridge, TN

AGENCY: Department of Energy (DOE).

ACTION: Floodplain Statement of Findings.

SUMMARY: This is a Floodplain Statement of Findings for proposed upgrades/installation of monitoring stations at Waste Area Grouping (WAG) 6. Prepared in accordance with 10 CFR part 1022. DOE proposes to upgrade/install monitoring stations on intermittent streams draining WAG 6. DOE prepared a Floodplain and Wetlands Assessment describing the effects, alternatives, and measures designed to avoid or minimize potential harm to or within the affected floodplain and wetlands. DOE will endeavor to allow 15 days of public review after publication of the Statement of Findings before implementing the proposed action.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Sleeman, Director, Environmental Restoration Division, Oak Ridge Operations Office, U.S. Department of Energy, Post Office Box 2001, Oak Ridge, Tennessee 37831–8541

FAX comments to: (615) 576–6074.

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN/WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS, CONTACT: Ms. Carol M. Borgstrom, Director, Office of NEPA Oversight, EH–25, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: This is a Floodplain Statement of Findings for Proposed Upgrades/Installation of Monitoring Stations at WAG 6 on DOE's Oak Ridge Reservation prepared in accordance with 10 CFR part 1022. A Notice of Floodplain Involvement was published in the **Federal Register** on March 26, 1992, (57 FR 10473) and a Floodplain and Wetlands Assessment was prepared.

To facilitate future remedial actions at WAG 6 under the Comprehensive Environmental Response, Compensation, and Reliability Act (CERCLA), DOE proposes a preliminary action—upgrading/installing monitoring stations on intermittent streams draining WAG 6, which would take place within the floodplain.

Approximately 2.5 acres of WAG 6 lie within the 100-year floodplain of White Oak Lake. There are three floodplain areas near the mouths of four unnamed intermittent streams that drain the WAG. Monitoring stations 1, 2, and 3, near the points where the streams leave WAG 6, will be upgraded before environmental restoration activities begin and a fourth monitoring station, number 4, will be installed just below the discharge from the intermittent stream located northeast of monitoring stations 1 and 2. The monitoring station upgrades/installation will involve installing sampling equipment, H-flumes to accurately measure flow rates, and box culverts for road crossings. Where current road crossings would be subject to flooding after future remedial actions are completed, DOE would include elevating and repositioning such crossings as part of this monitoring station upgrade/installation action. In accordance with DOE Order 6430.1A, the monitoring station upgrades/installation will be designed to accommodate the peak flow from a 25-year, 6-hour storm.

The upgrade of monitoring stations 1, 2, and 3 and installation of monitoring station 4 will require excavating and transporting earth in several hundred square feet of land within the floodplain. Based on the small area to be affected, the activities taking place in the floodplain are not expected to have an adverse impact on White Oak Lake floodplain. Measures to be taken to minimize potential harm to or within the affected floodplain would include the preparation of a sediment control plan identifying the Best Management Practices to be employed during construction to reduce any minor sedimentation and/or erosion. These may include installing sediment control fences, scheduling construction during dry periods when little or no stream flow occurs, and constructing a diversion channel for any stream flow that occurs during construction.

On the basis of the Floodplain Assessment, DOE has determined that there are no practical alternatives to the proposed action and that the action has been designed to avoid or minimize potential impacts to or within the 100-year floodplain associated with White Oak Lake and WAG 6. The no-action alternative of leaving the existing weirs in place would result in DOE being unable to accurately measure possible contaminant releases into the intermittent streams flowing from WAG 6 and would impede the process of analyzing future remedial actions executed under CERCLA. The proposed action does conform to applicable State or local floodplain protection standards.

The proposed action is necessary to ensure proper management of WAG 6 and enable DOE to pursue future remedial actions at WAG 6 and meet the requirements of CERCLA. The proposed action has been designed to avoid or minimize impacts to the floodplain and would have no adverse impact on the 100-year floodplain of White Oak Lake and WAG 6. DOE will endeavor to allow 15 days of public review after publication of the Statement of Findings prior to implementing the proposed action.

Issued in Washington, DC, on November 5, 1993.

Clyde W. Frank,

Acting Principal Deputy Assistant Secretary for Environmental Restoration, and Waste Management.

[FR Doc. 93–27852 Filed 11–10–93; 8:45 am]

BILLING CODE 6450–01–M

Inventions Available for Licensing

AGENCY: Department of Energy, Morgantown Energy Technology Center, Technology Transfer Program Division.

ACTION: Notice of inventions available for licensing.

SUMMARY: The United States Department of Energy, Morgantown Energy Technology Center hereby announces that the inventions listed below are available for licensing in accordance with 35 U.S.C. 207–209 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents rights have been retained on selected inventions to extend market coverage for U.S. companies and may also be available for licensing. A copy of issued patents may be obtained, for a modest fee, from the U.S. Patent and Trademark Office, Washington, DC 20231.

FOR FURTHER INFORMATION CONTACT: Lisa A. Jarr, Technology Transfer Program Division, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, 3610 Collins Ferry Road, Morgantown, WV 26505, Telephone: (304) 291–4555.

SUPPLEMENTARY INFORMATION: 35 U.S.C. 207 authorizes licensing of Government-owned inventions. Implementing regulations are contained in 37 CFR part 404. 37 CFR 404.7(a)(1) authorizes exclusive licensing of Government-owned inventions under certain circumstances, provided that notice of the invention's availability for licensing has been announced in the **Federal Register**.

Issued Patents

Number and Title

4,447,297 Combined Fluidized Bed Retort and Combustor
4,451,826 Single Transmission Line Data Acquisition System
4,453,948 Air-Flow Regulation System for a Coal Gasifier
4,453,949 Ash Bed Level Control System for a Fixed-Bed Coal Gasifier
4,453,950 Coal Gasification System with a Modulated On/Off Control System
4,465,135 Fire Flood Method for Recovering Petroleum From Oil Reservoirs of Low Permeability and Temperature
4,466,360 Loop-Bed Combustion Apparatus
4,466,757 Ash Level Meter for a Fixed-Bed Coal Gasifier
4,475,884 Reversed Flow Fluidized-Bed Combustion Apparatus
4,523,465 Wireless Remote Liquid Level Detector and Indicator for Well Testing
4,524,796 Sliding-Gate Valve for Use With Abrasive Materials
4,616,137 Optical Emission Line Monitor with Background Observation and Cancellation
4,667,097 Compensated Vibrating Optical Fiber Pressure Measuring Device
4,680,585 Pulse-Excited, Auto-Zeroing Multiple Channel Data Transmission System
4,696,680 Method and Apparatus for the Selective Separation of Gaseous Coal Gasification Products by Pressure Swing Adsorption
4,747,938 Low Temperature Pyrolysis of Coal or Oil Shale in the Presence of Calcium Compounds
4,769,045 Method for the Desulfurization of Hot Product Gases From Coal Gasifier
4,786,291 Method for Increasing Steam Decomposition in a Coal Gasification Process
4,832,704 Method for Enhancing the Desulfurization of Hot coal Gas in a Fluid-Bed Gasifer
4,840,931 Method of Inducing Surface Ensembles on a Metal Catalyst
4,867,079 Combustor with Multistage Internal Vortices
4,876,080 Hydrogen Production with Coal Using a Pulverization Device
4,880,528 Method and Apparatus for Hydrocarbon Recovery from Tar Sands
4,886,521 Decaking of Coal or Oil Shale During Pyrolysis in the Presence of Iron Oxides
4,896,965 Real-Time Alkali Monitoring System
4,921,765 Combined Coal Gasifier and Fuel Cell System and Method
4,926,112 3–D Capacitance Density Imaging System
4,939,376 Light Collection Device for Flame Emission Detectors
4,955,942 An In-Bed Tube Bank for a Fluidized-Bed Combustor
4,976,549 Apparatus and Method for Direct Measurement of Coal Ash Sintering and Fusion Properties at Elevated Temperatures and Pressures
4,976,940 Method of Producing H2 Using a Rotating Drum Reactor With a Pulse Jet Heat Source
4,996,483 Spinning Angle Optical Calibration Apparatus
5,008,005 Integrated Coke, Asphalt and Jet Fuel Production Process and Apparatus
5,052,426 System for Pressure Letdown of Abrasive Slurries
5,067,317 Process for Generating Electricity in a Pressurized Fluidized-Bed Combustor System
5,069,685 Two-Stage Coal Gasification and Desulfurization Apparatus
5,123,835 Pulse Combustor With Controllable Oscillations
5,126,676 Gas Amplified Ionization Detector for Gas Chromatography
5,130,097 Method and Apparatus for Hot-Gas Desulfurization of Fuel Gases
5,139,535 Two-Stage Fixed-Bed Gasifier With Selectable Middle Gas Off-Take Point
5,144,251 Three-Axis Particle Impact Probe
5,163,385 Coal-Water Slurry Fuel Internal Combustion Engine and Method for Operating Same
5,163,754 Isolated Thermocouple Amplifier System for Stirred Fixed-Bed Gasifier
5,165,239 Water Augmented Indirectly-Fired Gas Turbine Systems and Method
5,167,676 Apparatus and Method for Removing Particulate Deposits From High Temperature Filters
5,170,670 Three Axis Velocity Probe System
5,177,294 Catalysts for Conversion of Methane to Higher Hydrocarbons
5,198,002 Gas Stream Clean-Up Filter and Method for Forming Same
5,217,510 Apparatus for Preventing Particle Deposition From Process Streams on Optical Access Windows
5,227,351 Sorbent for Use in Hot Gas Desulfurization
5,230,716 Grate Assembly for Fixed-Bed Coal Gasifier
5,232,673 Shielded Fluid Stream Injector for Particle Bed Reactor

Patent Applications Filed

Serial Number and Title

07/967,496 Coal Distribution Apparatus for Fixed-Bed Coal Gasifiers
08/076,060 Method for Reducing Sulfate Formation During Regeneration of Hot-Gas Desulfurization Sorbents
08/089,920 Coal-Fired Prime Mover Means With Fuel Supply System and Method
08/092,107 Phased-Array Ultrasonic Surface Contour Mapping System and Method for Solids Hoppers and the Like
08/108,501 A Staged Fluidized-Bed Combustion and Filter System
NA*—Apparatus and Method for Desulfurizing Hot Sulfur-Containing Gases and Sorbent Regeneration

*Serial number is not available.

NA*—An Improved System and Method for Networking Electrochemical Devices

NA*—Indirect-Fired Gas Turbine Bottomed With Fuel Cell

Issued: November 4, 1993.

Thomas F. Bechtel,

Director, METC.

[FR Doc. 93-27853 Filed 11-10-93; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER94-69-000, et al.]

New England Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

November 4, 1993.

Take notice that the following filing have been made with the Commission:

1. New England Power Company

[Docket No. ER94-69-000]

Take notice that New England Power Company (NEP), on October 29, 1993, tendered for filing a service agreement for additional transmission service to the Vermont Public Power Supply Authority. Said service will be provided according to the rates, terms and conditions of NEP's FERC Electric Tariff, Original Volume No. 3 on file with the Commission.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Pennsylvania Electric Company

[Docket No. ER94-64-000]

Take notice that on October 29, 1993, Pennsylvania Electric Company (Penelec) tendered for filing pursuant to Rule 205 of the Commission's Rules of Practice and Procedure (18 CFR 385.205) a proposed Wheeling and Supplemental Power Agreement with the Borough of Madison, New Jersey. Under such Agreement, Penelec proposes to provide supplemental power service to Madison through a delivery point in New Jersey which is now being provided with supplemental power service by Penelec's affiliate, Jersey Central Power & Light Company (JCP&L).

The rates proposed to be charged by Penelec for such supplemental power service to such delivery point for Madison will be essentially similar to the rates charged by Penelec to Allegheny Electric Cooperative, Inc. (Allehgeny) for supplemental power service to the approximately 158 delivery points of Allegheny's member cooperatives now served by Penelec, after excluding from such Penelec rates the transmission component thereof. These rates are also essentially similar to those employed by Penelec, beginning July 29, 1993, for service to Allegheny's member cooperatives through 16 additional delivery points in Pennsylvania and one additional delivery point in New Jersey in accordance with a rate schedule that became effective July 29, 1993 (FERC Letter Order, dated July 23, 1993, Docket No. ER93-669-000).

The transmission service to deliver such Penelec supplemental power to Madison will be provided by JCP&L. The rate charged by JCP&L to deliver such supplemental power to Madison will be comparable to the rate now charged by JCP&L to deliver Penelec supplemental power service to Allegheny's New Jersey member, Sussex Rural Electric Cooperative, Inc.

Copies of the filing have been served on Madison.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Pennsylvania Electric Company

[Docket No. ER94-65-000]

Take notice that on October 29, 1993, Pennsylvania Electric Company (Penelec) tendered for filing pursuant to Rule 205 of the Commission's Rules of Practice and Procedure (18 CFR 385.205) a proposed Wheeling and Supplemental Power Agreement with the Borough of Lavallette, New Jersey. Under such Agreement, Penelec proposes to provide supplemental power service to Lavallette through a delivery point in New Jersey which is now being provided with supplemental power service by Penelec's affiliate, Jersey Central Power & Light Company (JCP&L).

The rates proposed to be charged by Penelec for suc supplemental power service to such delivery point for Lavallette will be essentially similar to the rates charged by Penelec to Allegheny Electric Cooperative, Inc. (Allegheny) for supplemental power service to the approximately 158 delivery points of Allegheny's member cooperatives now served by Penelec, after excluding from such Penelec rates the transmission component thereof. These rates are also essentially similar to those employed by Penelec, beginning July 29, 1993, for service to Allegheny's member cooperatives through 16 additional delivery points in Pennsylvania and one additional delivery point in New Jersey in accordance with a rate schedule that became effective July 29, 1993 (FERC Letter Order, dated July 23, 1993, Docket No. ER93-669-000).

The transmission service to deliver such Penelec supplemental power to Lavallette will be provided by JCP&L. The rate charged by JCP&L to deliver such supplemental power to Lavallette will be comparable to the rate now charged by JCP&L to deliver Penelec supplemental power service to Allegheny's New Jersey member, Sussex Rural Electric Cooperative, Inc. (after adjustment for the difference between delivery at primary distribution voltage as opposed to delivery at transmission voltage.)

Copies of the filing have been served on Lavallette.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Madison Gas and Electric Company

[Docket No. ER94-66-000]

Take notice that on October 29, 1993, Madison Gas and Electric Company (MGE) tendered for filing with the Federal Energy Regulatory Commission three Agreements between it and Heartland Energy Services, Inc. (HES). MGE and HES request waiver of the notice requirements to permit the Agreements to become effective November 1, 1993.

MGE states that a copy of the filing has been provided to HES and also to the Public Service Commission of Wisconsin.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Fitchburg Gas and Electric Light Company

[Docket No. ER94-71-000]

Take notice that on October 29, 1993, Fitchburg Gas and Electric Light Company (Fitchburg) filed with the Commission a service agreement between Fitchburg and Central Vermont Public Service Corporation (Central Vermont) for the sale of up to 14 MW (winter maximum) of capacity and associated energy from Fitchburg #7. This is a service agreement under Fitchburg's FERC Electric Tariff. Original Volume No. 2, which was accepted for filing by the Commission in Docket No. ER92-88-000 on September 30, 1992. The capacity rate to be charged Central Vermont is below the maximum capacity charges set forth in the Tariff, and the energy rate is that established in the Tariff. Fitchburg requests that service commence as of November 1, 1993. A notice of cancellation was also filed.

Fitchburg states that copies of the filing were served on Central Vermont

and the Massachusetts Department of Public Utilities.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. New England Power Company

[Docket No. ER94-70-000]

Take notice that on October 29, 1993, New England Power Company (NEP), and Boston Edison Company (BECO) filed a Unit Power Exchange Contract (the Contract). BECO will purchase from NEP a portion of the capacity from NEP's Bear Swamp Unit Nos. 1 and 2 (Bear Swamp). NEP will purchase from BECO a portion of the capacity from Mystic Unit No. 7, an oil/gas-fired steam generating unit and from Pilgrim Unit No. 1 (Pilgrim), a nuclear unit. NEP furthermore has an option to purchase Peaking Capacity from BECO under the terms of the Contract. The amount of capacity involved in the exchange varies during the term of the Contract. The applicants request that the proposed contract be made effective November 1, 1993.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. New England Power Company

[Docket No. ER94-68-000]

Take notice that New England Power Company (NEP), on October 29, 1993, tendered for filing a service agreement executed by the Vermong Electric Generation and Transmission Cooperative, Inc. for service under NEP's FERC Electric Tariff No. 6. Said tariff permits unit sales and exchanges.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Commonwealth Edison Company

[Docket No. ER94-67-000]

Take notice that on October 29, 1993, Commonwealth Edison Company (Edison) submitted a Letter Agreement, dated September 7, 1993, between Commonwealth Edison Company (Edison) and the Illinois Municipal Electric Agency (IMEA). IMEA, acting as Scheduling Agent for the Village of Winnetka (Village), pursuant to the Scheduling Agent Agreement between Edison, IMEA, and the Village dated December 31, 1988, requested a one-year extension of the transmission service currently provided by Edison to Village under the terms and conditions of Service Schedule G to the Electric Coordination Agreement (ECA) between Edison and Village. In the Letter Agreement Edison agrees to a one-year extension to the termination date of service provided in Schedule G thereby extending the term of Schedule G to May 31, 1997.

Edison requests an effective date of June 1, 1996 to coincide with the proposed extension of service and therefore requests waiver of the Commission's notice requirements which bar the tendering for filing of a rate schedule "more than one hundred-twenty days prior to the date on which the electric service is to commence and become effective * * *" 18 CFR 35.3. Edison states that good cause exists for the requested waiver for the parties must know for planning purposes that the extension will be permitted to take effect as agreed.

Copies of this filing were served upon IMEA, the Village, and the Illinois Commerce Commission.

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Donald G. Raymer

[Docket No. ID-1688-001]

Take notice that on October 6, 1993, Donald G. Raymer (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Director, Central Illinois Public Service Company
Director, Bank One, Springfield

Comment date: November 18, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. James M. Rosser

[Docket No. ID-2805-000]

Take notice that on October 27, 1993, James M. Rosser (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Company
Director, Sanwa Bank California

Comment date: November 18, 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 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-27838 Filed 11-10-93; 8:45 am]

BILLING CODE 6717-01-P

[Project No. 2456-009-NH]

Public Service Co. of New Hampshire Intention To Prepare an Environmental Impact Statement, Conduct Project Site Visit, and Hold Public Scoping Meetings

November 5, 1993.

Public Service Company of New Hampshire (applicant) filed on December 26, 1991, a new license application to continue to operate and maintain its Ayers Island Hydroelectric Project, located on the Pemigewasset River in Belknap and Grafton Counties, New Hampshire.

The Ayers Island Hydroelectric Project as presently licensed consists of the following: (1) A reinforced concrete Ambursen dam, totaling about 699 feet long, which consists of: (a) A 267-foot-long spillway section, with a maximum height of 72 feet at a crest elevation of 437.33 feet (USGS), topped with 8-foot-high steel flashboards for 87 feet long; 16-foot-high steel flashboards for 88 feet long; and 16-foot-high wooden flashboards for 88 feet long; (b) an Ambursen gate structure, located on the west end of the spillway section, having one steel Broome-type gate, 16 feet high by 28 feet wide, with a sill elevation of 437.33 feet (USGS), and (c) a sluiceway structure, located on the east end of the spillway section, having three 5-foot by 5-foot sluice gates, with a sill elevation of 379.8 feet (USGS); (2) an intergral powerhouse, located on the east end of the spillway section, measuring about 96 feet long by 31 feet wide by 37 feet high, equipped with three 2,800 kilowatt (kW) generating units producing (a) a total capacity of 8,400 kW, (b) a range of hydraulic capacity of 140 to 1,539 cubic feet per second (cfs), and (c) an operating head of 80 feet; (3) an impoundment having (a) a surface area of 600 acres; (b) a gross storage capacity of 10,000 acre-feet (AF); (c) a useable storage capacity of 1,200 AF; and (d) a normal headwater elevation of 453.53 feet (USGS); (4) a 262-foot-long, 2.4 kilovolt, 3-phase overhead transmission line; and (5) appurtenant facilities.

The applicant is not proposing any new development. However, it is proposing to modify the peaking operating between May 15th to August 31st and to implement new ramping rate schedules. The applicant estimates the average annual generation for this project would be 44.228 gigawatthours. The dam and existing project facilities are owned by the applicant. Project power would be utilized by the applicant for sale to its customers.

Notice of Intention to Prepare an Environmental Impact Statement

The Commission staff has determined that licensing the existing project could potentially effect a regionally important Class II and III Whitewater boating area known as the Bristol Section of the Pemigewasset River, as well as important regional salmon restoration and fishery resources. These affects would constitute a major Federal action significantly affecting the quality of the human environment. Therefore, the staff intends to prepare an environmental impact statement (EIS) for Ayers Island Project in accordance with the National Environmental Policy Act.

The staff's EIS will consider both site specific and cumulative environmental impacts of the proposed project and reasonable alternatives, and will include an economic, financial and engineering analysis.

A draft EIS will be issued and circulated for review by all interested parties. All comments filed on the draft EIS will be analyzed by the Commission staff and considered in a final EIS.

Project Site Visit

The applicant and Commission staff will conduct a project site visit of the Ayers Island Project. The site meeting will be held starting at 8 a.m. on Tuesday, December 14, 1993 at the project location in Bristol, New Hampshire. All interested individuals, organizations, and agencies are invited to attend. All participants are responsible for their own transportation to and from the project site. For more details, interested parties should contact James Kearns, NE Utilities Company, at (203) 665–5936, prior to the site visit date.

Scoping Meetings

The Commission staff will conduct one evening scoping meeting and one morning scoping meeting. All interested individuals, organizations, and agencies are invited to attend and assist the staff in identifying the scope of environmental issues that should be analyzed in the EIS.

To help focus discussions, a preliminary EIS scoping document outlining subject areas to be addressed at the scoping meetings will be distributed by mail to persons and entities on the FERC mailing list. Copies of the preliminary scoping document will also be made available at the meetings.

The evening meeting will be held on Tuesday, December 14, 1993, from 7 p.m. to 10 p.m. (or later) at the Newfound Regional High School, Newfound Road, Bristol, New Hampshire.

The morning meeting will be held on Wednesday, December 15, 1993, from 9 a.m. to 12 p.m. at the New Hampshire Legislative Office Building, 33 North State Street, room 103, Concord, New Hampshire.

Objectives

At the scoping meetings, the Commission staff will: (1) Summarize the environmental issues tentatively identified for analysis in the planned EIS; (2) solicit from the meeting participants all available information, especially qualified data, on the resources at issue, and (3) encourage statements from experts and the public on issues that should be analyzed in the EIS.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the EIS.

Meeting Procedures

The meetings will be recorded by a stenographer and, thereby, will become a part of the formal record of the Commission proceeding on the Ayers Island Project. Individuals presenting statements at the meetings will be asked to identify themselves for the record.

Concerned parties are encouraged to offer us verbal guidance during public meetings. Speaking time allowed for individuals will be determined before each meeting, based on the number of persons wishing to speak and the approximate amount of time available for the session, but all speakers will be provided at least five minutes to present their views.

Persons choosing not to speak but wishing to express an opinion, as well as speakers unable to summarize their positions within their allotted time, may submit written statements for inclusion in the public record.

Written scoping comments may also be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, until December 31, 1993. All filings should contain an original and 8 copies. Failure to file an original and 8 copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. See 18 CFR 4.34(h).

All correspondence should clearly show the following caption on the first page: Scoping Comments, Ayers Island Project, FERC No. 2456–009, New Hampshire.

All those attending the meeting are urged to refrain from making any communications concerning the merits of the application to any member of the Commission staff outside of the established process for developing the record as stated into the record of the proceeding.

Further, interested persons are reminded of the Commission's Rules of Practice and Procedures, requiring parties or interceders (as defined in 18 CFR 385.2010) to file documents on each person whose name is on the official service list for this proceeding. See 18 CFR 4.34(b).

For further information, please contact Ed Lee at (202) 219–2809.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93–27763 Filed 11–10–93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP94–44–000, et al.]

ANR Pipeline Company, et al.; Natural Gas Certificate Filings

November 4, 1993.

Take notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP94–44–000]

Take notice that on October 27, 1993, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP94–44–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an emergency exchange service between ANR and Consumers Power Company (CPC), which was authorized in Docket No. CP84–94–000, all as more fully set forth in the application on file with the Commission and open to public inspection.

ANR proposes to abandon its exchange of natural gas with CPC in Allegan County, Michigan, carried out under an agreement dated November 15, 1983, on file with the Commission as ANR's Rate Schedule X–145. It is stated that ANR and CPC have agreed that neither party requires the exchange, and

that CPC has confirmed this in a letter dated March 20, 1990. It is asserted that no facilities are proposed for abandonment.

Comment date: November 26, 1993, in accordance with Standard Paragraph F at the end of this notice.

2. ANR Pipeline Company and Transcontinental Gas Pipe Line Corporation

[Docket No. CP94-47-000]

Take notice that on October 28, 1993, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243 and Transcontinental Gas Pipe Line Corporation (TGPL), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP94-47-000, a joint application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a natural gas exchange service between ANR and TGPL, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

It is stated that in an order issued June 21, 1963, in Docket No. CP63-279, the Commission authorized the emergency exchange of gas between American Louisiana Pipe Line Company (American Louisiana) and TGPL pursuant to a Letter Agreement dated February 20, 1963. American Louisiana was merged into Michigan Wisconsin Pipe Line Company, which later became ANR. The service between ANR and TGPL is designated as Rate Schedule X-4 under Original Volume No. 2 of ANR's FERC Gas Tariff and Rate Schedule X-19 under Original Volume No. 2 of TGPL's FERC Gas Tariff, it is stated.

The Letter Agreement provides that it will remain in effect until terminated by either party, upon thirty days' written notice to the other. In a letter dated July 27, 1993, ANR notified TGPL of the termination of the Agreement effective September 1, 1993. Accordingly, ANR and TGPL request permission to abandon Rate Schedules X-4 and X-19. The applicants state that no facilities are proposed to be abandoned herein.

Comment date: November 26, 1993, in accordance with Standard Paragraph F at the end of this notice.

3. Ouachita River Gas Storage Company, L.L.C.

[Docket No. CP94-38-000]

Take notice that on October 21, 1993, Ouachita River Gas Storage Company, L.L.C. (Ouachita River), 9801 Westheimer, Suite 310, Houston, Texas 77042, filed in Docket No. CP94-38-000 pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing Ouachita River to construct and operate a storage field and related hub facilities, and blanket authority to render storage and hub services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Ouachita River proposes to construct and operate a gas storage field; to drill 11 injection/withdrawal wells and two observation wells; four miles of field gathering lines; a 12,500 horsepower compressor station at the storage field; 24 miles of 24-inch pipeline, a 6,260 horsepower compressor station at the header station; and nine miles of header pipeline and meter stations to connect the storage facility to nine interstate and intrastate pipelines near Monroe, Louisiana. Ouachita River states that it would use the depleted South Downsville natural gas field located in Union and Lincoln Parishes, Louisiana to develop the proposed South Downsville Storage Facility.

Ouachita River states that the South Downsville Storage Facility would have 27 Bcf of working gas capacity with an estimated peak withdrawal capacity of 550 MMcf per day and an estimated peak injection capacity of 250 MMcf per day. Ouachita River also states that the proposed hub facilities would have sufficient capacity to accommodate 250 MMcf per day of gas receipts for delivery to the storage facility for injection on a firm basis and accommodate 550 MMcf per day of deliveries from the storage field on a firm basis. Ouachita River states that interruptible capacity through the hub would be substantially greater than the firm capacity.

Ouachita River requests blanket authorization to offer flexible storage and hub services in connection with the South Downsville Storage Facility under three rate schedules—Firm Storage Service under Rate Schedule FSS, Interruptible Storage Service under Rate Schedule ISS and Interruptible Hub Service under Rate Schedule IHS. Ouachita River states that it would not offer firm hub service at this time. Ouachita River further states that it would hold an open season during which time all requests for service would be treated as if received at the same time. Ouachita River states that requests for service received after the open season would be treated on a first-come first-served basis.

Ouachita River proposes to charge market-based rates for its storage and hub services. Ouachita River states that it has no market power. Ouachita River requests that the Commission approve the proposed market-based rates as initial rates under the Natural Gas Act.

Comment date: November 26, 1993, in accordance with Standard Paragraph F at the end of this notice.

4. Columbia Gulf Transmission Company and Natural Gas Pipeline Company of America

[Docket No. CP94-53-000]

Take notice that on November 1, 1993, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 1273, Charleston, West Virginia 25325 and Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP94-53-000, a joint application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service between Columbia Gulf and Natural under Columbia Gulf's Rate Schedule X-45 and Natural's Rate Schedule X-92, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

Columbia Gulf and Natural state that pursuant to a gas exchange agreement between Columbia Gulf and Natural dated September 12, 1977 (Agreement), which became Columbia Gulf's Rate Schedule X-45 and Natural's Rate Schedule X-92 authorized in Docket No. CP77-643, as amended, Columbia Gulf made available to Natural for exchange up to 750 Mcf of natural gas per day which Columbia Gas Transmission Corporation (Columbia Gas) purchased from the Gamble-Daniel Cameron Meadows Land Company No. 16 Well located in Cameron Parish, Louisiana and Natural delivered thermally equivalent volumes of natural gas to Columbia Gulf at the tailgate of Amoco Production Company's South Thormwell Processing Plant located in Cameron Parish, Louisiana and at the Texaco Henry Plant located in Vermilion Parish, Louisiana for subsequent delivery by Columbia Gulf to Columbia Gas.

Therefore, Natural and Columbia Gulf requested authority in the present joint application to abandon their exchange service performed under the Agreement, as amended, and Natural's Rate Schedule X-92 and Columbia Gulf's Rate Schedule X-45 authorized in Docket No. CP77-643, as amended.

Comment date: November 26, 1993, in accordance with Standard Paragraph F At the end of this notice.

5. Arkla Energy Resources Company

[Docket No. CP94-54-000]

Take notice that on November 1, 1993, Arkla Energy Resources Company

(AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP94-54-000, a request pursuant to §§ 157.205, 157.211 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate certain facilities in Arkansas under the blanket certificate issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

AER states that it proposes to convert an existing domestic tap to a town border delivery point to be used to deliver gas to Arkansas Louisiana Gas Company's (ALG) Hot Springs Distribution rural extension to serve customers in Garland County, Arkansas. The volume of gas that will be delivered through this tap is approximately 1,000 Mcf annually and 11 Mcf on a peak day. The facilities will be constructed at an estimated cost of $5,709,00, and ALG will reimburse AER for all construction costs.

Comment date: December 20, 1993, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93-27751 Filed 11-10-93; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. RP94-45-000]

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

November 5, 1993.

Take notice that on October 29, 1993, National Fuel Gas Supply Corporation (National) tendered for filing in accordance with the Commission's Letter Order issued October 19, 1993, Original Sheet Nos. 237A and 237B which provide for refunds and direct bills associated with its Account Nos. 191 and 186 Balances, prior to August 1, 1993.

National further states that copies of this filing were served upon the National's jurisdictional customers and the Regulatory Commission's of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts, and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 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 in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-27750 Filed 11-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-27-001]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

November 5, 1993.

Take notice that on November 1, 1993, Transcontinental Gas Pipe Line Corporation (TGPL), tendered for filing as part of its FERC Gas Tariff, Substitute Second Revised Sheet No. 40A to Third Revised Volume No. 1, with a proposed effective date of November 1, 1993.

TGPL states that the purpose of the instant filing is to supplement TGPL's Account No. 858 Transportation By Others (TBO) filing of October 20, 1993, in Docket No. RP94-27-000 in order to delete footnote #1 set forth on Second Revised Sheet No. 40A. TGPL states that although the rates set forth on Sheet No. 40A are correct, footnote #1 incorrectly states that referenced reservation rate surcharge includes the TBO unit. Therefore, it is appropriate to delete footnote #1.

TGPL states that copies of the instant filing are being mailed to customers, state commissions and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protest should be filed on or before November 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. Copies of this filing are

on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-27749 Filed 11-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP94-1-000, RP94-1-001, and RP93-161-000]

Columbia Gas Transmission Corp.; Technical Conference

November 5, 1993.

In the Commission's order issued on October 29, 1993, the Commission ordered that a technical conference be convened to resolve issues raised by the filings. The conference to address the issues has been scheduled for December 14, 1993, at 10 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-27747 Filed 11-10-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP93-187-004]

Equitrans, Inc.; Compliance Filing

November 5, 1993.

Take notice that on November 1, 1993, Equitrans, Inc. (Equitrans) tendered for filing the following proposed tariff sheets in compliance with the Commission's September 30, 1993, "Order Accepting and Suspending Tariff Sheets Subject to Refund and Conditions, Rejecting Other Tariff Sheets, Consolidating Proceedings and Establishing Hearing":

Substitute Second Revised Sheet No. 5
Substitute Second Revised Sheet No. 6
Substitute First Revised Sheet No. 7
Substitute Second Revised Sheet No. 8
Substitute First Revised Sheet No. 40
Substitute First Revised Sheet No. 45
Substitute First Revised Sheet No. 51

Equitrans proposes an effective date for these tariff sheets of March 1, 1993.

Equitrans states that the purpose of this filing is to (1) revise rates to reflect the elimination of certain proposed stranded costs relating to gathering, products extraction, and the plugging of unproductive wells, as required by the Commission's September 30, 1993 order, and (2) to eliminate tariff language providing for the ratcheting of storage withdrawals on Equitrans' peaking storage service. Equitrans states that it is including workpapers with this filing fully supporting its proposed rate adjustments.

Equitrans states that copies of this filing were served on all of Equitrans' customers, interested state commissions and parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before November 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. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 93-27748 Filed 11-10-93; 8:45 am]

BILLING CODE 6717-01-M

U.S. Department of Energy

Office of Hearings and Appeals

Determination of Excess Petroleum Violation Escrow Funds for Fiscal Year 1994

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of determination of excess monies pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986.

SUMMARY: The Petroleum Overcharge Distribution and Restitution Act of 1986 requires the Secretary of Energy to determine annually the amount of oil overcharge funds held in escrow that is in excess of the amount needed to make restitution to injured parties. Notice is hereby given that $17,531,775 of the amounts currently in escrow is determined to be excess funds for fiscal year 1994. Pursuant to the statutory directive, these funds will be made available to state governments for use in specified energy conservation programs.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director; Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2094 (Mann); (202) 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: The Petroleum Overcharge Distribution and Restitution Act of 1986 (hereinafter PODRA), contained in title III of the Omnibus Budget Reconciliation Act of 1986, Public Law 99-509, establishes certain procedures for the disbursement of funds collected by the Department of Energy (hereinafter DOE) pursuant to the Emergency Petroleum Allocation Act of 1973 (hereinafter EPAA) or the Economic Stabilization Act of 1970 (hereinafter ESA). These funds, commonly referred to as oil overcharge funds, are monies obtained through enforcement actions instituted to remedy actual or alleged violations of those Acts.

PODRA requires the DOE, through the Office of Hearings and Appeals (hereinafter OHA), to conduct proceedings under 10 CFR part 205, subpart V, to accept claims for restitution from the public and to refund oil overcharge monies to persons injured by violations of the EPAA or the ESA. In addition, PODRA requires the Secretary of Energy to determine annually the amount of oil overcharge funds that will not be required for restitution to injured parties in these refund proceedings and to make this excess available to state governments for use in four energy conservation programs. This determination must be published in the **Federal Register** within 45 days after the beginning of each fiscal year. The Secretary has delegated this responsibility to the OHA Director.

Notice is hereby given that based on the best currently available information, $17,531,775 is in excess of the amount that is needed to make restitution to injured parties.

To arrive at that figure, the OHA has reviewed all accounts in which monies covered by PODRA are deposited. PODRA generally covers all funds now in DOE escrow which are derived from alleged violations of the EPAA or the ESA, with certain exclusions. Excluded are funds which (1) Have been identified for indirect restitution in orders issued prior to enactment of PODRA; (2) have been identified for direct restitution in a judicial or administrative order; or (3) are attributable to alleged violations of regulations governing the pricing of crude oil and subject to the settlement agreement in *In re The Department of Energy Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan., July 7, 1986). As of September 30, 1993, the total in escrow subject to the PODRA procedures was $185,727,448.

The OHA has employed the following methodology to determine the amount of excess funds. We took special account of the provision of PODRA which directs that "primary consideration [be given] to assuring that at all times sufficient funds (including a reasonable reserve) are set aside for

making [direct] restitution." Thus, in proceedings in which refund claims are pending, we have on a claim-by-claim basis examined pending claims and established reserves sufficient to pay the entire amount of these claims. The reserves also include all refunds ordered by the OHA since the end of the last fiscal year on September 30, 1993, but not yet paid. For proceedings in which all claims have been considered or in which no claims have been filed, and the deadline for filing claims has passed, all funds remaining are excess. Small amounts of interest accrued, until transfer, on funds in accounts that were closed (with a zero balance) in the fiscal year 1993 PODRA determination (57 FR 53499 (1992)) are included as part of the "excess" for fiscal year 1994. Finally, a relatively small amount of oil overcharge funds is currently subject to the control of the Department's Economic Regulatory Administration, which finds in its accompanying determination, as it has found in the past, that none of those funds are currently excess. No "other commitments" are reflected in the reserves.

As indicated above, the total escrow account equity subject to PODRA is $185,727,448. The total amount needed as reserves for direct restitution in those cases is $168,195,673. When this figure is subtracted from the former, the remainder—$17,531,775—is the amount in fiscal year 1994 that is "in excess" of the amount that will be needed to make restitution to injured persons. Appendix A sets forth for each refund case within the OHA's jurisdiction the total amount eligible for distribution under PODRA and the "excess" amount. Appendix B reflects information supplied by the Economic Regulatory Administration regarding cases subject to PODRA under its jurisdiction.

Accordingly, $17,531,775 will be transferred to a separate account within the United States Treasury and made available to the States for use in the four designated energy conservation programs in the manner prescribed by PODRA.

Dated: November 8, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX A.—FUNDS AVAILABLE UNDER PODRA IN FISCAL YEAR 1994

Name of case	Case No.	Consent order No.	Equity as of September 30, 1993	Excess funds available under PODRA
Murphy Oil Corporation	KEF-0095	RMUH01983Z	$3,774,959.06	$3,750,847
Enron Corporation	HEF-0116	730V00221Z	34,889,426.87	3,000,000
Beacon Oil Co	HEF-0203	910S00008Z	3,121,076.20	2,000,000
Indian Wells Oil Company	KEF-0103	710V02002Z	1,640,940.60	1,640,941
Good Hope Refineries Inc	HEF-0211	150S00154Z	6,956,468.49	1,573,357
AOC Acquisition Corporation	LEF-0003	RCKH016A1Z	9,877,981.14	1,419,167
Atlantic Richfield Co. (ARCO)	HEF-0591	RARH00001Z	19,878,754.55	1,000,000
Empire Gas Corporation	KEF-0048	720T00521Z	1,471,872.95	1,000,000
Metropolitan Petroleum Co, Inc	LEF-0032	412H00171Z	496,482.18	361,263
Mobil Oil Corporation	HEF-0508	RMOA00001Z	353,382.12	353,382
Exxon Corporation	KEF-0087	REXLD0201Z	286,333.56	280,000
Edgington Oil Company	KEF-0003	930S00173Z	256,652.23	256,652
Agway, Inc	KEF-0102	RTYA00001Z	494,360.64	200,000
Quintana Energy Corp. et al	KEF-0131	650X00356Z	1,178,914.31	200,000
Aminoil U.S.A., Inc	HEF-0007	740V01259Y	188,446.82	188,447
Crescent Oil Company	LEF-0044	930H00094Z	188,517.77	150,000
Sauvage Gas Service Co, Inc	KEF-0024	710H06008Z	54,430.18	32,118
Quantum Chemical Corporation	LEF-0011	720V01245Z	105,675.71	30,000
Starks Shell Service	LEF-0034	999K90065Z	26,898.81	26,899
Fuel Oil Supply & Terminating	LEF-0037	650X00284Z	23,388.35	23,388
United Refining Company	KEF-0132	340S00445Z	14,297.50	14,298
Thomas P. Reidy, Inc	KEF-0137	720H06015Z	6,751.74	6,752
John R. Adams	LEF-0020	660H00060Z	6,026.88	6,027
South Hampton Refining	HEF-0222	6E0S00002Z	5,796.65	5,797
Meadows Realty Company	KEF-0133	910S00001Z	4,221.61	4,222
Product Tracking—PODRA	N/A	999DOE005W	1,690.41	1,690
Diamond Industries, Inc	KEF-0130	320H00097Z	1,649.68	1,650
Gulf Oil Corporation	DFF-0001	NOOR00007Y	1,478.46	1,478
True Oil Company	HEF-0557	733V02019Z	1,228.65	1,229
Fletcher Oil & Refining Comp	LEF-0010	960S00100Z	798.91	799
Pester Marketing Company	KEF-0134	730S01236Z	407.37	407
Paul Invests & A.B. Holding Co	LEF-0006	400H00231Z	315.30	315
Northeast Petrol Industry Corp	HEF-0580	6C0X00241Z	217.06	217
Crown Central Petroleum Corp	KEF-0044	RCWA00000Z	182.12	182
Elias Oil Company	KEF-0022	412H00105Z	166.69	167
West Coast Oil Company	KEF-0142	961S00028Z	73.49	73
Wallace & Wallace	HEF-0190	240H00399Z	11.71	11
A-1 Exxon	HEF-0509	999K90080T	3,006.84	0
Alameda Chevron	LEF-0093	999K90081T	1,469.97	0
Alameda Chevron	LEF-0093	900Z06251T	805.95	0
Anchor Gasoline Corporation	KEF-0120	740S01247Z	4,535,686.46	0
Aptos Shell	LEF-0092	999K90083T	4,599.01	0
Automatic Comfort Corp	LEF-0005	110H00519A	11,423.62	0
Beacon Bay Enterprises, Inc	LEF-0074	999K90120T	100,931.31	0
Bell Fuels Inc	LEF-0061	570H00195T	34,051.83	0
Ben's Exxon Service	HEF-0512	999K90085T	3,063.43	0
Berryesse Chevron	LEF-0095	999K90086T	2,940.06	0
Bill Wren's Shell	LEF-0096	999K90087T	4,376.45	0

APPENDIX A.—FUNDS AVAILABLE UNDER PODRA IN FISCAL YEAR 1994—Continued

Name of case	Case No.	Consent order No.	Equity as of September 30, 1993	Excess funds available under PODRA
Bob Hutchinson, Inc	LEF–0080	900Z02252T	275.59	0
Bob's Broadway	LEF–0075	900Z40056T	2,104.85	0
Buchanan Shell Inc	LEF–0081	900Z10250T	565.86	0
CJ King Chevron	LEF–0109	999K90089T	4,797.42	0
Capitol 66 Oil Company	LEF–0067	422H00238T	15,802.92	0
Clearview Gulf	LEF–0076	640Z00670T	596.19	0
Crude Oil Purchasing Inc	LEF–0058	6A0X00269T	93,967.40	0
Cumberland Farms Dairy Inc	LEF–0068	120K00497T	183,618.57	0
Cutting Shell Service	LEF–0097	999K90091T	4,826.96	0
Doma Corp/Don Martin	LEF–0049	6A0X00111Z	7,676.08	0
E–Z Service Inc	LEF–0077	400H0022OT	369,405.25	0
Eason Oil Company	LEF–0040	740S01314Z	7,636,900.37	0
Ed Gularte Chevron	LEF–0098	999K90095T	6,250.10	0
Ed's Exxon	LEF–0078	999K90097T	2,505.71	0
Elwood Chevron Service	LEF–0085	999K90098T	2,755.26	0
Este Oil Company	LEF–0062	533H00163T	63,180.03	0
G&G Oil Company	LEF–0063	550H00332T	49,210.91	0
General Petroleum	LEF–0064	550H00075T	23,113.94	0
Getty Oil Company	HEF–0209	RGEA00001Z	5,352,711.87	0
Gulf Oil Corporation	HEF–0590	RGFA00001Z	15,567,357.95	0
Gulf States Oil & Refining	LEF–0073	6E0S00057T	501,159.57	0
Half Moon Bay Exxon	LEF–0087	999k90099T	2,505.71	0
Hughes Burlingame Shell	LEF–0110	999K90100T	7,300.84	0
Intercoastal Oil Co	LEF–0057	940X00076T	29,008.71	0
Jaguar Petroleum Inc	LEF–0059	640X00444T	64,649.51	0
Jim Campbell Shell	LEF–0082	900Z03255T	196.98	0
Joe Berube Services	LEF–0099	999K90101T	8,313.17	0
Kickapoo Oil	LEF–0069	570H00214T	40,907.12	0
Lampton-Love Inc	LEF–0070	422T00013T	13,013.94	0
MacMillan Oil Company, Inc	LEF–0046	730T00031Z	708,013.48	0
Marathon Petroleum Co	KEF–0021	RMNA00001Z	8,266,712.30	0
Maxwell Oil Co	HEF–0125	000H00425W	15,495.42	0
McDowell Exxon	LEF–0100	999K90104T	7,014.56	0
Milbrae Shell	LEF–0079	900Z06293T	1,766.11	0
Miles Union Service	LEF–0083	900Z03258T	1,213.07	0
NC Ginther Company	LEF–0060	710V03022T	145,200.75	0
Oasis Petroleum Corp	LEF–0007	940X00217Z	1,723,837.23	0
Permian Corporation	LEF–0035	650X00246T	1,321,044.91	0
Petaluma Standard Service	LEF–0101	999K90106T	3,996.44	0
Pete Alijian Chevron	LEF–0089	999K90062T	8,209.44	0
Reco Petroleum Inc	LEF–0065	320H00304T	26,533.72	0
Redhill Mobil and Towing	LEF–0088	999K90109T	4,599.75	0
Regalia's Chevron Service	LEF–0102	999K90110T	8,908.42	0
Reinauer Petroleum Company, Inc	KEF–0110	240H00492Z	330,589.87	0
Ron's Shell	LEF–0084	900Z10251T	1,160.37	0
Sandusky's Union Service	LEF–0111	999K90068T	2,862.23	0
Shaw & 99 Chevron	LEF–0090	999K90061T	6,737.55	0
Shell Oil Company	KEF–0093	RSHA00001Z	4,825,834.02	0
Skinney's Inc	LEF–0071	400H00227T	16,037.03	0
Skycrest Shell	LEF–0112	999K90112T	2,255.14	0
SOS Monarch Oil Corp	LEF–0066	240H00498T	5,914.61	0
Starr Union Service	LEF–0103	999K90067T	6,789.16	0
Strasburger Enterprises, Inc	LEF–0014	400H00219Z	531,626.03	0
Sunset Blvd Car Wash	LEF–0091	999K90113T	52,213.45	0
Telum, Inc	LEF–0114	820H00020W	64,144.94	0
Tenth Street Chevron	LEF–0104	999K90115T	7,114.35	0
Tesoro Petroleum Corp	KEF–0128	BUBBBBBBBB	5,790,809.01	0
Texaco Inc	KEF–0119	RTXE006A1Z	40,076,947.88	0
Tom's Coffee Tree Chevron	LEF–0105	999K90116T	4,510.32	0
Vermont Morgan Corp	LEF–0072	110H00514T	20,321.96	0
Wallace Arco Service	LEF–0106	999K90117T	2,071.76	0
Walt's Shell	LEF–0107	999K90118T	3,570.95	0
Weber's Chevron Service	LEF–0108	999K90119T	8,018.44	0
Western Asphalt Service Corp	LEF–0047	940X00182Z	577,926.59	0
Whitaker Oil Company	LEF–0052	410H00109Z	330,578.18	0
Witco Chemical Corp	HEF–0227	240S00054Z	749,558.10	0
Totals			185,727,448.02	17,531,775

Appendix B

October 26, 1993.

Memorandum for: George B. Breznay, Director, Office of Hearings and Appeals.

From: Jay F. Thompson, Acting Administrator, Economic Regulatory Administration.

Subject: ERA Input for the PODRA Section 3003(c) Report.

ERA has reviewed the funds held in escrow as of September 30, 1993, which have not been petitioned under subpart V. The purpose of the review was to identify funds held in escrow in excess of the amounts required to effect restitution to persons or classes of persons in accordance with section 3003(b)(1) of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA). Since the amount of funds which will be available and the extent of claims which will be filed are not known, the funds currently on deposit in the escrow accounts we reviewed are not excess funds for the purposes of PODRA.

[FR Doc. 9327854 Filed 111093; 8:45 am]

BILLING CODE 645001P

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL-4800-3]

Listing of Marine Vessel Loading Operations Under Section 112(c) of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of marine vessel loading category listing.

SUMMARY: This notice adds marine vessel loading and unloading operations to the list of categories of major sources of hazardous air pollutants (HAP's), as required under section 112(c)(5) of the Clean Air Act (CAA).

The Agency considers the listing of categories of sources under section 112(c) to be an ongoing process. Under section 112(c), the Agency is obligated to revise the list if appropriate, in response to public comment or new information, from "time to time, but no less often than every 8 years" and section 112(c)(5) provides that additional categories shall be listed according to the same criteria as those initially listed. In the case of source categories and subcategories listed after publication of the initial list, emission standards are to be promulgated with 10 years of enactment of the 1990 Clean Air Act Amendments or 2 years after listing, whichever is later.

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Contact Mr. David Markwordt, Chemicals and Petroleum Branch, Emission Standards Division (MD-13), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-0837.

SUPPLEMENTARY INFORMATION:

I. Legislative Background Relating to the Marine Vessel Loading and Unloading Source Category

In the Agency's initial list of categories of sources under section 112(c)(1) of the Clean Air Act Amendments of 1990, the marine vessel loading and unloading source category was not listed because the Agency intended to regulate the emissions of hazardous air pollutants (HAP's) as well as volatile organic compounds (VOC's) under the authority of section 183(f) of the CAA (57 FR 31566).

Since publication of the initial list of source categories the Agency has decided to regulate HAP emissions from major sources of marine vessel loading and unloading facilities under authority of section 112 of the CAA.

Consistent with that decision, on July 22, 1993, the parties to *Sierra Club* v. *Browner*, Case No. 93-0124 (and consolidated cases) lodged a proposed consent decree with the United States District Court for the District of Columbia which provided a schedule for the regulation of marine vessel loading and unloading facilities under section 112.

In accordance with section 113(g) of the CAA, that consent decree has undergone public comment, and the EPA is now evaluating those comments preparatory to filing a final consent decree with the court.

Section 112(e)(4) states that, notwithstanding section 307 of the Act, no action of the Administrator listing a source category or subcategory under subsection (c) shall be a final Agency action subject to judicial review, except that any such action may be reviewed under section 307 when the Administrator issues emission standards for such pollutant or category. Therefore, today's list is not a final Agency action and is not subject to judicial review.

Prior to issuance of the initial source category list under section 112(c)(1), the EPA published a draft initial list for public comment, see 56 FR 28548 (June 21, 1991). Although EPA was not required to take public comment on the initial source category list, it believed it was useful to solicit input on a number of issues related to the list. Indeed, in most instances, even where there is no statutory requirement to take comment, EPA solicits public comment on actions it is contemplating. The EPA has, however, decided that it is unnecessary to solicit additional public comment on its decision to list marine vessel loading and unloading operations. First, the primary purpose of soliciting comment on the draft list was to obtain information about particular source categories, whether they emitted HAPs, and whether they were major sources of HAP emissions. For marine vessel loading and unloading operations, EPA already has that information. Second, the issues related to the decision on whether to list marine loading vessel operations under section 112 were addressed when EPA issued the initial section 112(c) list. See 57 FR 31576, 31586 (July 16, 1992). Therefore, interested parties have already had the opportunity to address that issue. Third, as this action is not a final agency action (see section 112(e)(4)), parties who have additional interest in this listing decision will have the opportunity to comment on the appropriateness of the listing decision in the context of the rulemaking to issue section 112(d) standards, and will have the opportunity to seek judicial review when the standards for the source category are promulgated. See section 112(e)(4). Finally, interested parties have also had the opportunity to provide comments on the listing of the marine vessel source category in the context of providing comments pursuant to the section 113(g) notice on a draft partial consent decree in *Sierra Club* v. *Browner*, 93-0124 (D.D.C.) described above. See 58 FR 41474 (August 4, 1993).

II. Description of Source Category

The category of major sources for marine vessel loading and unloading operations includes marine terminals which emit chemicals listed under Section 112 from the direct loading and unloading of bulk liquids from marine vessels at marine terminals.

This category does not include emissions from offshore vessel-to-vessel bulk liquid transfer operations (i.e., lightering operations). Lightering operations do not take place at onshore terminals. The Agency may consider addressing lightering operations in a separate source category.

III. Administrative Requirements

A. Docket

Address: Docket. Docket No. A-90-49, containing supporting information used in developing the notice, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at the

Agency's Air Docket, room M1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

B. Executive Order 12866 Review

EPA has determined that this action is not "significant" under the terms of the Executive Order 12866 and is therefore not subject to OMB review.

C. Paperwork Reduction Act

This action does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act, 55 U.S.C. 3501 *et seq.*

D. Regulatory Flexibility Act Compliance

Pursuant to 5 U.S.C. 605(6), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements.

Dated: November 4, 1993.

Carol M. Browner,

Administrator.

[FR Doc. 93-27710 Filed 11-10-93; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4705-5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 25, 1993 through October 29, 1993 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1993 (58 FR 18392).

Draft EISs

ERP No. D-AFS-E61068-FL Rating LO, Sopchoppy River Corridor, Wild and Scenic River Study, National Wild and Scenic Rivers System, Suitability or Nonsuitability, Walkulla Ranger District, Apalachicola National Forest, Wakulla County, FL.

Summary: EPA expressed no objections to the preferred alternative.

ERP No. D-AFS-K60025-CA Rating EO2, Mount Baldy Land Exchange Project, Implementation and Special-Use-Permit, Angeles National Forest, San Antonio Canyon, Los Angeles and San Bernardino Counties, CA.

Summary: EPA expressed environmental objections because of potential impacts to water quality and biological resources. The potential affect of management activities to resources in San Antonio Canyon and on the California Spotted Owl should be discussed in the final EIS.

ERP No. D-COE-K67020-CA Rating EO2, Syar Mining Operation and Reclamation Plan, Six Sites Selected along the Russian River, Construction, Mining-Use-Permit and COE Section 404 Permit, City of Healsburg, Sononma County, CA.

Summary: EPA expressed environmental objections due to potential direct and cumulative adverse impacts to wetlands and waters of the U.S., fisheries, riparian habitat, groundwater and air quality. The DEIS did not provide the necessary information to show that the proposed project is the least environmentally damaging practicable alternative. EPA requested that final EIS include additional information on these issues.

Final EISs

ERP No. F-FHW-L40178-WA. First Avenue South Bridge Improvement, from WA-509 at South Cloverdale Street to WA-99/East Marginal Way South crossing the Duwamish River, Funding, Section 10 and 404 Permits, King County, WA.

Summary: EPA expressed environmental concerns regarding wetland mitigation, storm water runoff collection and containment, spill control structures for hazardous materials, spills and air conformity. EPA recommends that the Record of Decision contain commitments to complete these more detailed information needs.

ERP No. F-SCS-K36109-00. Kagman Watershed Plan, Flood Prevention and Watershed Protection, Funding and COE Section 404 Permit, Saipan, Commonwealth of the Northern Mariana Islands.

Summary: Review of this final EIS was not deemed necessary. No formal comments were sent to the agency.

Dated: November 8, 1993.

Marshall Cain,

Senior Legal Advisor, Office of Federal Activities.

[FR Doc. 93-27882 Filed 11-10-93; 8:45 am]

BILLING CODE 6550-50-U

[ER-FRL-4705-4]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075. Weekly receipt of Environmental Impact Statements Filed November 1, 1993 through November 5, 1993 pursuant to 40 CFR 1506.9.

EIS No. 930387, Draft EIS, HHS, MD, National Institutes of Health Bethesda Main Campus Comprehensive Master Plan, Implementation, Montgomery County, MD, Due: December 31, 1993, Contact: Thomas Flavin (301) 496-5787.

EIS No. 930388, Draft EIS, FHW, AZ, Red Mountain Freeway (Loop 202) Transportation Facility, Construction from Salt River between the Price Freeway on the west and AZ-87 on the east, COE Section 404 and NPDES Permits, Phoenix Metropolitan Area, Maricopa County, AZ, Due: December 27, 1993, Contact: Ken Davis (602) 379-3646.

EIS No. 930389, Draft EIS, FHW, MD, Canal Parkway-Development Study, Improvement from MD-51 to the Wiley Ford Bridge in Cumberland, Funding, Right-of-Way Grant and COE Section 404 Permit, Allegany County, MD, Due: January 14, 1994, Contact: David Lawton (410) 962-4010.

EIS No. 930390, Final EIS, FRC, NH, Upper Androscoggin River Basin Hydroelectric Projects, Issuance of New Licenses/Relicensing for Operation of Seven Hydroelectric Projects, Coos County, NH, Due: December 13, 1993, Contact: R. Feller (202) 219-2796.

EIS No. 930391, Draft EIS, FHW, OR, Port of the Dalles (Chenoweth) Columbia River Highway, Construction of New Interchange North of Hostetler Street near Second and Division Streets, Funding and COE Section 404 Permit, Wasco County, OR, Due: January 6, 1994, Contact: Alan R. Steger (503) 399-5749.

EIS No. 930392, Final EIS, BOP, WA, King County Federal Detention Center, Site Selection, Operation and Construction, City of Seattle or the City of SeaTac, King County, WA, Due: December 13, 1993, Contact: Patricia K. Sledge (202) 514-6470.

EIS No. 930393, Draft EIS, DOE, NY, Tonawanda Site, (Formerly Utilized Sites Remedial Action Program) Remedial Investigation and Feasibility Study for Residual Radioactive Contamination, Funding, City of Tonawanda, NY, Due: January 11,

1994, Contact: Ron Kirk (315) 576–7477.

EIS No. 930394, Draft EIS, USA, ID, Idaho Training Range, Air-to-Ground Aircraft Tactical Training Facilities within the Idaho Air National Guard at Gowen Field and the Composite Wing Mountain Home Air Force Base, ID, Due: December 27, 1993, Contact: Butch Peugh (208) 384–3076.

EIS No. 930395, Draft EIS, TVA, KY, TN, Land between the Lakes (LBL) Natural Resource Management Plan, Implementation, KY and TN, Due: December 27, 1993, Contact: Dale K. Fowler (615) 632–4223.

Dated: November 8, 1993.

Marshall Cain,

Senior Legal Advisor, Office of Federal Activities.

[FR Doc. 93–27883 Filed 11–10–93; 8:45 am]

BILLING CODE 6560–50–U

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

DATES: Comments must be received on or before December 27, 1993. If you anticipate commenting on a report form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Copies of the proposed report form, the request for clearance (Standard Form 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: EEOC Agency Clearance Officer: Margaret P. Ulmer, Office of Management, room 2204, 1801 L Street NW., Washington, DC 20507; Telephone (202) 663–4279.

OMB Reviewer: Joseph Lackey, Office of Information and Regulatory Affairs, Human Resources and Housing Branch, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503; Telephone (202) 395–7316.

Type of Request: Extension (No change)
Title: Local Union Report EEO–3
Form Number: EEOC FORM 274
Frequency of Report: Biennial
Type of Respondent: Business/other institutions
Standard Industrial Classification (SIC) Code: 863
Description of Affected Public: Referral Unions with 100 or more members.
Responses: 3,000
Reporting Hours: 4,500
Federal Cost: $43,500
Applicable under section 3504(h) of Public Law 96–511: Not applicable
Number of Forms: 1
Abstract-Needs/Uses: Data are used to investigate charges of employment discrimination against local unions and apprenticeship programs. Data are shared with 38 State and 102 local Fair Employment Practice Commission agencies, and other Federal agencies.

Dated: November 5, 1993.

For the Commission.

Kassie A. Billingsley,

Acting Management Director, Equal Employment Opportunity Commission.

[FR Doc. 93–27886 Filed 11–10–93; 8:45 am]

BILLING CODE 6570–06–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

November 3, 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, NW., 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 Timothy Fain, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–3561.

OMB Number: None.
Title: Section 76.503, National subscriber limits.
Action: New collection.
Respondents: Businesses or other for-profit.
Frequency of Response: On occasion reporting requirement.
Estimated Annual Burden: 25 responses; 1 hour average burden per response; 25 hours total annual burden.
Needs and Uses: Section 613 of the Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act of 1992, requires that the Commission adopt regulations within one year of enactment of the 1992 Cable Act to prescribe reasonable limits on the number of cable subscribers a person can reach through cable systems owned by such person and to prescribe reasonable limits on the number of cable channels that can be occupied by a video programmer in which a cable operator has an ownership interest. On 9/23/93, the Commission adopted a Second Report and Order, MM Docket No. 92–264, Implementation of Sections 11 and 13 of the Cable Television Consumer Protection and Competition Act of 1992, Horizontal and Vertical Ownership Limits. This Second R&O added § 76.503 to require cable operators reaching 20% or more of cable homes passed nationwide must certify to the Commission prior to the acquisition of an additional cable system that such acquisition will not result in a violation of the horizontal ownership limits. The data will be used by FCC staff to ensure that any one cable system cannot exert undue market power on the diversity of programming services available through cable television. If this information were not collected, the FCC would be unable to insure that the larger multiple system operators are in compliance with section 613 of the Communications Act of 1934, as amended by the Cable Act of 1992.

OMB Number: None.
Title: Section 76.504, Limits on carriage of vertically integrated programming.
Action: New collection.
Respondents: State or local governments and businesses or other for-profit (including small businesses).
Frequency of Response: Recordkeeping requirement.
Estimated Annual Burden: 31,000 recordkeepers; 15 hours average burden per recordkeeper; 465,000 hours total annual burden.

Needs and Uses: On 9/23/93, the Commission adopted a Second Report and Order, MM Docket No. 92–264, Implementation of Sections 11 and 13 of the Cable Television Consumer Protection and Competition Act of 1992, Horizontal and Vertical Ownership Limits. This Second R&O added § 76.504 which requires cable operators to maintain records regarding the nature and extent of their attributable interests in all video programming services as well as information regarding their carriage of such vertically integrated video programming services on cable systems in which they also have an attributable interest. The records will be used by local franchising authorities and FCC to monitor compliance with channel occupancy limits in the local franchise area. If these records were not kept, the FCC and local franchising authorities would be unable to verify complaints that systems are not in compliance.

OMB Number: None.

Title: Section 76.1302, Adjudicatory proceedings.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting requirement.

Estimated Annual Burden: 100 responses; 20 hours average burden per response; 2,000 hours total annual burden.

Needs and Uses: Section 12 of the Cable Television Consumer Protection and Competition Act of 1992 added new Section 616 to the Communications Act of 1934, as amended. Section 616 of the Act proscribes a multichannel distributor vendor from requiring a programming vendor to provide it with a financial interest in the programming service or to provide exclusive rights as a condition of carrying the program service on its system. In addition, Section 616 directs the Commission to, among other things, prescribe regulations to provide for an expedited review of complaints made by a video programming vendor under this section. Accordingly, the Commission adopted a Second Report and Order, MM Docket No. 92–265, on 9/23/93, which added § 76.1302 to its Rules. Section 76.1302 provides that any aggrieved video programming vendor intending to file a carriage agreement complaint must first notify the potential defendant multichannel video programming distributor that it intends to file such a complaint with the Commission. If the parties cannot resolve the dispute, the complainant may file a complaint with the Commission. The information will be used by FCC staff to resolve disputes alleging a violation of our carriage agreement regulations. These regulations will prevent multichannel programming distributors from entering into carriage agreements with video programming vendors that are conditioned on concessions of various rights, including financial interests or exclusivity.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 93–27735 Filed 11–10–93; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

November 2, 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, NW., 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 Timothy Fain, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–3561.

OMB Number: 3060–0309.

Title: Section 74.1281, Station records.

Action: Extension of a currently approved collection.

Respondents: State or local governments, non-profit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 2,140 recordkeepers; 1 hour average burden per recordkeeper; 2,140 hours total annual burden.

Needs and Uses: Section 74.1281 requires that licensees of FM translator/booster stations maintain adequate records. These records include the current instrument of authorization, official correspondence with FCC, maintenance records, contracts, permission for rebroadcasts and other pertinent documents. They also include entries concerning any extinguishment or improper operation of tower lights. The data is used by FCC staff in investigations to assure that the licensee is operating in accordance with the technical requirements as specified in the FCC rules and with the station authorization, and is taking reasonable measures to preclude interference to other stations.

OMB Number: 3060–0311.

Title: Section 76.54, Significantly viewed signals; method to be followed for special showings.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting requirement.

Estimated Annual Burden: 100 responses; 2 hours average burden per response; 200 hours total annual burden.

Needs and Uses: Section 76.54(c) requires that notification be made to all licensees and permittees of television broadcast stations, system community units, franchisees and franchise applicants in the survey area whenever an audience survey is conducted by an organization for significantly viewed signal purposes. This section also requires notification to the franchising authority when an audience survey is taken to determine television signal availability. This notification shall be made at least 30 days prior to the initial survey period and shall include the name of the survey organization and a description of the procedures to be used. On 6/13/91, the Commission adopted a Report and Order, MM Docket No. 90–4, Reexamination of the Effective Competition Standard for the Regulation of Cable Television Basic Service Rates. The only change to this information collection requirement is a reference citation to rule section 76.33.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 93–27734 Filed 11–10–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

BanPonce Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding

Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 6, 1993.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. BanPonce Corporation, Hato Rey, Puerto Rico; Popular International Bank, Hato Rey, Puerto Rico; and BanPonce Financial Corp., Mount Laurel, New Jersey; to acquire 100 percent of the voting shares of Pioneer Bancorp, Chicago, Illinois, and River Associates Bancorp, Chicago, Illinois, and thereby indirectly acquire Pioneer Bank & Trust Company, Chicago, Illinois.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. City National Bancshares, Inc., Guymon, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of City National Bank, Guymon, Oklahoma.

Board of Governors of the Federal Reserve System, November 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–27790 Filed 11–10–93; 8:45 am]

BILLING CODE 6210–01–F

Edgemark Financial Corp.; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 2, 1993.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Edgemark Financial Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary, Edgemark Financial Services, Inc., Countryside, Illinois, in providing securities brokerage services in connection with investment advisory services pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–27791 Filed 11–10–93; 8:45 am]

BILLING CODE 6210–01–F

George A. Mylander, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 2, 1993.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. George A. Mylander, Sandusky, Ohio; to retain 0.16 percent, and to acquire an additional 0.26 percent of the voting shares of First Citizens Banc Corp., Sandusky, Ohio, for a total of 10.40 percent.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Adams Bancshares, Inc. Employee Stock Ownership Plan, Adams, Minnesota; to acquire an additional 21.66 percent of the voting shares of Adams Bancshares, Inc., Adams, Minnesota, for a total of 24.99 percent, and thereby indirectly acquire Farmers State Bank of Adams, Adams, Minnesota.

Board of Governors of the Federal Reserve System, November 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–27792 Filed 11–10–93; 8:45 am]

BILLING CODE 6210–01–F

Norwest Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities

of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 6, 1993.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Bank of Montana System, Great Falls, Montana, and thereby indirectly acquire Bank of Montana, Great Falls, Montana; Montana Bancsystem, Inc., Billings, Montana, and thereby indirectly acquire Montana Bank, Billings, Montana.

In connection with this application, Applicant also proposes to acquire BMS Computer Corporation, Great Falls, Montana, through its acquisition of Bank of Montana System, and thereby engage in providing data processing services pursuant to § 225.25(b)(7); and Montana Agencies, Great Falls, Montana, and thereby engage in insurance agency activities, including the sale of fixed and variable annuities, pursuant to § 225.25(b)(8)(vii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-27793 Filed 11-10-93; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. 9226]

Textron Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, a Rhode Island-based manufacturer of blind rivets to grant to a Commission-approved entity a license to the rights, technology and know-how to manufacture, use and sell blind rivets in the United States and Canada; and divest the Monobolt-manufacturing assets, owned either by Textron or Avdel, sufficient to support the highest level of Monobolt production over the past five years. Textron would also be prohibited, for 10 years, from acquiring, without prior Commission approval, any interest in any entity that manufactures for sale, or sells Monobolt/MagnaLok-type structural blind rivets.

DATES: Comments must be received on or before January 11, 1994.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Steve Newborn, FTC/H-374, Washington, DC 20580. (202) 326-3523.

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

The agreement herein, by and between the signatory respondent hereto, hereinafter sometimes referred to as "Respondent", by its respective duly authorized officers, and its respective 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 Textron Inc. ("Textron") is a corporation organized under the laws of the State of Delaware with its principal place of business at 40 Westminster Street, Providence, Rhode Island 02903.

2. Textron has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violating Section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act, and has filed an answer to said complaint denying said charge.

3. Textron admits all jurisdictional facts alleged in the complaint.

4. Textron waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. Any claim under the Equal Access to Justice Act.

5. This agreement shall not become 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 ether withdraw its acceptance of this agreement and so notify Textron, 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 Textron that the law

has been violated as alleged in the complaint issued by the Commission, or that the facts as alleged in the complaint, other than jurisdictional facts, are true.

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 Textron, (1) issue its decision containing the following Order in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order 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 Textron's address as stated in this agreement shall constitute service. Textron waives any right it may 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. Textron has read the complaint and Order contemplated hereby. It understands that once the Order becomes final, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Textron further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

I

It is ordered that, as used in this Order, the following definitions will apply:

A. "Textron" means Textron Inc., its predecessors, successors and assigns, subsidiaries, divisions, groups and affiliates controlled by Textron, and their respective directors, officers, employees, agents and representatives, and their respective successors and assigns.

B. "Avdel" means Avdel plc, its predecessors, successors and assigns, subsidiaries, divisions, groups and affiliates controlled by Avdel, and their respective directors, officers, employees, agents, and representatives, and their respective successors and assigns.

C. "Cherry-Textron" means the Cherry Division of Textron.

D. "Avdel (US)" means Avdel Inc., a wholly-owned subsidiary of Avdel.

E. "Monobolt/MagnaLok Type Structural Blind Rivet" means a multi-grip, flush break, positive lock, pull mandrel, self-plugging blind rivet suitable for use in joining the component parts of assemblies of varying grip range where structural integrity is a design requirement, used in non-aerospace applications.

F. "Monobolt" means all Monobolt/MagnaLok Type Structural Blind Rivets manufactured by Avdel, and, pursuant to license from Avdel, by Cherry-Textron and by Avdel (US), under the "Monobolt" trademark.

G. "Monobolt License" means an agreement that grants the perpetual non-exclusive right, without the right to transfer or to sublicense (except to a wholly owned subsidiary), under all Monobolt related patents, including but not limited to United States Letters Patent No. 4,046,053 and 4,365,495, and under Avdel's and Textron's proprietary rights to technology, know how and associated information related to manufacture, qualification and general sales applications (including all innovations since the original Monobolt patent), to manufacture, use and sell the Monobolt and associated systems in the United States and Canada, and that grants the non-exclusive right to use the "MONOBOLT" trademark, in the U.S. and Canada for five (5) years.

H. "Monobolt Assets" means such quantity and quality of machinery, fixtures, equipment, tooling, tools, gauges, and test plates as are necessary for the manufacture of Monobolts in order to maintain approximately 80 million units or $4.5 million sales annually, if the Monobolt Assets of Cherry-Textron are divested, and 44 million units or $3.3 million sales annually, if such Monobolts Assets of Avdel (US) are divested (including but not limited to the assets listed with respect to each of Cherry-Textron and Avdel (US) in Appendix A to this Order), but not including equipment or machinery that is contained in Appendix B to this Order. Monobolt Assets also include manuals, drawings, blueprints (including blueprints for customer owned tooling), technology, know-how, specifications, and other tangible document or documents sufficient to manufacture and sell Monobolts, and include customer and distributor lists of the firm whose Monobolt Assets are divested.

II

It is further ordered That, within six (6) months of the date this Order becomes final, Textron shall:

A. Cause Avdel to enter into a Monobolt License, absolutely and in good faith, at no minimum price, without any obligation to pay royalties, with a licensee that receives the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. *Provided*, however, that Huck Manufacturing Company shall not be eligible to be the licensee so long as it manufactures a Monobolt/MagnaLok Type Structural Blind Rivet, and; *provided* further that nothing in this Paragraph shall preclude Textron from seeking payment for the license consistent with its absolute obligation to grant a license without royalties and at no minimum price; and

B. Cause the divestiture to such licensee, absolutely and in good faith, at no minimum price, of the Monobolt Assets of either Cherry Textron or of Avdel (US). The divestiture of the Monobolt Assets shall be made only in a manner that receives the prior approval of the Commission. In the event that the licensee chooses not to acquire the Monobolt Assets, or any part thereof, because the licensee does not need such assets in order to manufacture and sell Monobolts, Textron shall not be required to divest such assets.

The purpose of the license and divestiture required by paragraph II of this Order is to enable the licensee to manufacture and sell Monobolt/MagnaLok Type Structural Blind Rivets and to remedy the lessening of competition in the Monobolt/MagnaLok Type Structural Blind Rivet market resulting from the acquisition of Avdel by Textron as alleged in the Commission's complaint.

III

It is further ordered That:

A. If Textron has not fully complied, absolutely and in good faith, with paragraph II of this Order within the time period provided in such paragraph, Textron shall consent to the appointment of a trustee to enter the license and to divest the assets pursuant to paragraph II of this Order. In the event the Commission or the Attorney General brings an action pursuant to Section 5(*l*) of the Federal Trade Commission Act, 15 U.S.C. 45(*l*), or any other statute enforced by the Commission, for any failure by Textron to comply with paragraphs II or III of this Order, Textron shall consent to the appointment of a trustee in such action.

Neither the appointment of a trustee nor a decision not to appoint a trustee under this paragraph shall preclude the Commission or the Attorney General from seeking civil penalties and any other available relief, including a court-appointed trustee, pursuant to section 5(*l*), or any other statute enforced by the Commission, for any failure by Textron to comply with this Order.

B. If a trustee is appointed by the Commission or a court pursuant to paragraph III.A of this Order, Textron shall consent to the following terms and conditions regarding the trustee's powers, authority, duties, and responsibilities:

(1) The Commission shall select the trustee, subject to the consent of Textron, which consent shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in licensing technology. If Textron has not opposed the selection of a proposed trustee, in writing, within fifteen (15) days after notice by the Commission's staff to Textron of the identity of the proposed trustee, Textron shall be deemed to have consented to the selection of the proposed trustee.

(2) The trustee shall, subject to the prior approval of the Commission, have the exclusive power and authority to effect the requirements of paragraph II of this Order.

(3) The trustee shall have eighteen (18) months from the date of appointment to effect the requirements of paragraph II of this Order. If, however, at the end of the 18-month period, the trustee has submitted a plan for effecting the requirements of paragraph II of this Order or believes that such requirements can be accomplished within a reasonable time, the trustee's period for effecting such requirements may be extended by the Commission or, in the case of a court-appointed trustee, by the court.

(4) The trustee shall have full and complete access to the personnel, books, records and facilities of Textron and Avdel, or any other relevant information to effect the requirements of paragraph II of this Order. Textron shall develop such financial or other information as the trustee may reasonably request. Textron shall cooperate with the trustee and shall take no action to interfere with or impede the trustee's accomplishment of the requirements of paragraph II of this Order. Any delays caused by Textron in meeting the reasonable requests of the trustee shall extend the time for the trustee to accomplish such requirements in an amount equal to the delay, as determined by the Commission or, for a court-appointed trustee, by the court.

(5) Subject to Textron's absolute and unconditional obligations under paragraph II of this Order, the trustee shall use his or her best efforts to negotiate the most favorable price and terms available in effecting the requirements of paragraph II of this Order.

(6) The trustee shall serve, without bond or other security, at the cost and expense of Textron on such reasonable and customary terms and conditions as the Commission or a court may set. The trustee shall have authority to employ, at the cost and expense of Textron, such consultants, attorneys, investment bankers, business brokers, accountants, appraisers, and other representatives and assistants as are reasonably necessary to carry out the trustee's duties and responsibilities. The trustee shall account for all monies derived from effecting the requirements of paragraph II of this Order and for all expenses incurred. After approval by the Commission and, in the case of a court-appointed trustee, by the court, of the account of the trustee, including fees for his or her services, all remaining monies shall be paid to Textron, and the trustee's power shall be terminated. The trustee's compensation shall be based at least in significant part on a commission arrangement contingent on the trustee's effecting the requirements of paragraph II of this Order.

(7) Except in the case of reckless disregard of his or her duties or intentional wrongdoing, Textron shall indemnify the trustee and hold the trustee harmless against any losses, claims, damages, or liabilities arising in any manner out of, or in connection with, the trustee's duties under this Order.

(8) Within thirty (30) days after appointment of the trustee and subject to the prior approval of the Commission and, in the case of a court-appointed trustee, of the court, Textron shall execute a trust agreement that transfers to the trustee all rights and powers necessary to permit the trustee to effect the requirements of Paragraph II of this Order.

(9) If the trustee ceases to act or fails to act diligently, a substitute trustee shall be appointed in the same manner as provided in Paragraph III.A of this Order.

(10) The Commission and, in the case of a court-appointed trustee, the court, may on its own initiative, or at the request of the trustee, issue such additional orders or directions as may be necessary or appropriate to effect the requirements of this Order.

(11) The trustee shall report in writing to Textron and to the Commission every sixty (60) days concerning the trustee's efforts to effect the requirements of Paragraph II of this Order.

IV

It is further ordered that Textron shall comply with all the terms of the Agreement to Hold Separate (Agreement) executed on September 8, 1993, and attached hereto as appendix C and made a part of this Order. The Agreement shall continue in effect until such time as Textron or the trustee has accomplished the licensing and the divestiture required by Paragraph II of this Order or until such time as the Agreement provides.

V

It is further ordered that, pending Textron's or the Trustee's full compliance with Paragraphs II or III of this Order, Textron shall not, without prior Commission approval, transfer, sell, assign or otherwise divert Monobolt Assets from or to any divisions, subsidiaries or otherwise related entities of Textron or to any other person. Textron shall preserve the value of the Monobolt Assets of Cherry-Textron and to the extent permitted by the Agreement, Textron shall also cause Avdel to preserve the value of the Monobolt Assets of Avdel until the obligations of paragraphs II or III of this Order have been fully complied with.

VI

It is further ordered that, upon the Commission's approval of the licensee under Paragraph II of this Order, and for a period of five (5) years from the date the licensee is approved by the Commission, and on reasonable notice from the licensee to Textron, Textron shall provide reasonable technical assistance to the licensee with respect to the design, manufacture, qualification and general sales applications of the licensed products. Such technical assistance shall include reasonable consultation with knowledgeable Textron employees and training at the licensee's manufacturing facility. Textron shall charge the licensee at a rate no more than its own direct costs for providing such technical assistance.

VII

It is further ordered that, for a period of ten (10) years from the date on which this Order becomes final, Textron shall not, without the prior approval of the Commission, directly or indirectly through subsidiaries, partnerships, or otherwise:

A. Acquire any stock, share capital, equity or other interest in any concern, corporate or non-corporate, engaged in

the manufacturer or sale of Monobolt/MagnaLok Type Structural Blind Rivets; *provided*, however, Textron may acquire up to one percent of the stock of any entity for any Textron employee benefit plan or Textron insurance company investment in accordance with normal investment practices; or

B. Acquire any assets used for, or previously used for (and still suitable for use for) the production of Monobolt/MagnaLok Type Structural Blind Rivets from any concern, corporate (other than Avdel) or non-corporate, engaged in or having engaged, at any time during the two years prior to such acquisition, in the manufacture or sale of Monobolt/MagnaLok Type Structural Blind Rivets; *provided*, however, Textron may acquire, without the prior approval of the Commission but with thirty (30) days prior notice to the Commission, machinery or equipment provided by or at the direction of Textron to the licensee pursuant to Paragraph II of this Order, and which machinery or equipment is available to Textron pursuant to a provision of the license agreement whereby Textron has the right of first refusal with respect to the sale of such machinery or equipment, if such right of first refusal is approved by the Commission in the license agreement pursuant to Paragraph II of this Order.

VIII

It is further ordered that:

A. Within thirty (30) days after the date this Order becomes final and every sixty (60) days thereafter until Textron has fully complied with the provisions of paragraph II or the Trustee has fully complied with Paragraph III of this Order, Textron shall submit to the Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying or has complied with those provisions.

B. Within thirty (30) days after the divestiture pursuant to paragraph II or III of this Order and on the next five anniversary dates of the date this Order becomes final, Textron shall submit to the Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying or has complied with the provisions of Paragraph VI of this Order.

C. On the anniversary of the date on which this Order becomes final, and on every anniversary thereafter for the following nine (9) years, Textron shall file with the Commission a verified written report of its compliance with Paragraph VII of this Order.

IX

It is further ordered that, for the purpose of determining or securing compliance with this Order and subject to any legally recognized privilege, upon written request and on reasonable notice to Textron made to its principal office, Textron shall permit any duly authorized representatives of the Commission access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts correspondence, memoranda and other records and documents in the possession or under the control of Textron and to interview officers or employees of Textron relating to any matter contained in this order.

X

It is further ordered that, Textron shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation that may affect compliance obligations arising out of this Order such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change.

Appendix A

Avdel Corporation Monobolt Assets

Manufacturing Equipment

A. *Headers.*

Name	Model	Machine No.
1. Malmedie	QPB 41	16
2. SACMA	250	39
3. SACMA	250	40
4. Tooling for Headers		

B. *Threadroll Machines.*

Name	Asset No.	Machine No.
1. Hartford	200	60
2. Hartford	10–400	62
3. Tooling for Threadroll Machines		

C. *Assembly Machines.*

Name	Machine No.
1. 1/4" Assembly Machine	2
2. 3/16" Assembly Machine	3

D. *Accessory Equipment.*

1. Avtect Tool Protection Device for Malmedie Header
2. Avtect Tool Protection Devices (2) for SACMA Headers
3. Dynapure AS–5 Oil Mist Collector for Malmedie Header
4. PHC Parts Feeder EB–142 for Hartford
5. Dynapure AS–5 Oil Mist Collector for Hartford
6. Rame Hart Feed Wheel for 1/4" Assembly Machine
7. FMC Parts Feeder for 1/4" Assembly Machine

Cherry Division of Textron Inc. Monobolt Assets

I. Manufacturing Equipment

A. *Headers.*

Name	Size	Asset No.	Number of dies
1. SACMA	5/16	2559	4
2. SACMA	5/16	2541	5
3. SACMA	5/16	2927	4
4. SACMA	5/16	1879	5
5. National	3/8	4312	4
6. Tooling for Headers			

B. *Threadroll Machines.*

Name	Asset No.
1. ROY	2519
2. ROY	4140
3. ROY	4359
4. Tooling for Threadroll Machines	

C. *Final Assembly Machines.*

Name	Type	Asset No.
1. Warren	wra 2000	4661
2. Warren	wra 2000	4662

D. *Wire Draw Machines.*

Name	Serial No.
1. Fastener Eng	790/6561
2. Fastener Eng	387/6224
3. Fastener Eng	887/6249

II. *Monobolt Inspection Equipment*

Equipment	Quantity
1. 80286 computers with monitors	4
2. Calipers	2
3. Micrometers	2
4. Concentricity gauges	2
5. Head pop gauges	2
6. Go/No go gauges	8
7. Installation tools	4
8. Test plates	[1] 3

[1] Per order.

Appendix B

Avdel Corporation Excluded Monobolt Assets

1. SACMA Header Modifications For Machine 40 on Exhibit A.
2. SACMA 5 Die Header

3. Ranshoff Parts Washing Machine
4. Lindberg 850 Belt Conveyor Furnace
5. Barret 402WD Centrifugal Dryer
6. SPC Retention Tester
7. SPC Equipment, consisting of:
   a. Booth
   b. PCW/Monitor
   c. Micrometer
   d. Gagetalker
   e. Sylvac
   f. Diatest
   g. Probes, set rings
   h. Miscellaneous SPC equipment

Cherry Division of Textron Inc. Excluded Monobolt Assets

Item	Asset No.
1. Bellows Albair Arbor Press.	12672.
2. Ronci Speed Dip Spinner	2760.
3. Break Load Tester	2297.
4. Steel Washer	SP29.
5. Globe Tumbler	None.
6. New Holland Spinner Dryer.	None.
7. McKenzie Chip Separator	2741.
8. Turnkey Furnace	1197 and 1242.
9. American Gas Rotary Furnace.	2658.
10. Automatic Ipsen Heat Treat Unit.	1261 and 1249.
11. Dispatch Furnace	4257.
12. Customer-owned special tooling.	

Agreement to Hold Separate

This Agreement to Hold Separate (the "Agreement") is by and between Textron Inc. (Textron), a corporation organized and existing under the laws of the State of Delaware, with its principal office and place of business located at 40 Westminster Street, Providence, Rhode Island 02903, and the Federal Trade Commission (the "Commission"), an independent agency of the United States Government, established under the Federal Trade Commission Act of 1914, 15 U.S.C. 41, *et seq.* (collectively, the "Parties").

Premises

Whereas, Textron has acquired the capital stock of Avdel plc ("Avdel") (hereinafter the "Acquisition"); and

Whereas, United States District Judge John H. Pratt for the District of Columbia entered a Preliminary Injunction Order in Civil Action No. 89–0484 on March 2, 1989, as modified by the further Order of the Court on March 20, 1989, appointing an independent trustee for Avdel and enjoining Textron from assuming or exercising any form of direction or control over Avdel except as provided by that Order; and

Whereas, Textron and Avdel have been operating pursuant to the United States District Court Orders entered on March 2, and March 20, 1989, in Civil Action No. 89–0484; and

Whereas, the Bureau of Competition of the Federal Trade Commission and Textron intend to execute an Agreement Containing Consent Order ("Consent Agreement") as to which this Agreement constitutes appendix C, which, if finally accepted by the Commission, would settle the Commission's Complaint issued in Docket No. 9226; and

Whereas, if the Commission accepts the Consent Agreement to which this Agreement is attached (the acceptance for comment), the Commission must place it on the public record for a period of at least sixty (60) days and may subsequently withdraw such acceptance pursuant to the provisions of § 2.34 of the Commission's Rules; and

Whereas, the Parties intend that within seven (7) business days after the Commission's acceptance for comment of the Consent Agreement, they will jointly petition the Court to lift the United States District Court Orders entered on March 2, 1989, as modified by Order dated March 20, 1989, in Civil Action No. 89–0484 and to terminate the Voting Trust Agreement ordered thereunder; and

Whereas, a purpose of this Agreement is to maintain Avdel as an independent business pending the granting of the Monobolt license and the divestiture of the Monobolt Assets identified in the Consent Agreement; and

Whereas, a purpose of the Consent Agreement is to remedy the lessening of competition in the Monobolt/MagnaLok Type Structural Blind Rivet market resulting from the acquisition of Avdel by Textron as alleged in the Commission's complaint; and

Whereas, Textron entering into this Agreement shall in no way be construed as an admission by Textron that the Acquisition is illegal; and

Whereas, Textron understands that no act or transaction, other than those contemplated by this Agreement or the Consent Agreement, shall be deemed immune or exempt from the provisions of the antitrust laws or the Federal Trade Commission Act by reason of anything contained in this Agreement.

Now, therefore, upon understanding that the Commission has determined that it has reason to believe the acquisition may substantially lessen competition, and in consideration of the Commission's agreement that, unless the Commission determines to reject the Consent Agreement, it will not seek further relief from Textron with respect to the effects of the Acquisition, except that the Commission may exercise any and all rights, and other relief, to enforce this Agreement and the Consent Agreement to which it is annexed and made a part thereof, the Parties agree as follows:

1. Textron agrees to execute and, after acceptance by the Commission for comment, to be bound by the Consent Agreement to which this Agreement is attached.

2. Paragraph 4 of this Agreement shall become effect immediately upon the lifting of the United States District Court Order entered on March 2, 1989, as modified by Order dated March 20, 1989, in Civil Action No. 89–0484.

3. Textron agrees that from the date of the lifting of the United States District Court Order entered on March 2, 1989, as modified by Order dated March 20, 1989, in Civil Action No. 89–0484, until the first of the dates listed in subparagraphs 3.a and 3.b, it will comply with the provisions of Paragraph 4 of this Agreement:

a. if the Complaint in Docket No 9226 is dismissed, either pursuant to action by the Commission or appeal of any Commission Decision and Order, the day following dismissal of the Complaint; or

b. if a final order to divest and or license is issued by the Commission, either pursuant to the Consent Agreement or pursuant to further adjudication, the day after all licensing and divestitures required by such final order have been completed.

4. Textron will hold Avdel as it is presently constituted separate and apart on the following terms and conditions; *provided*, however, that nothing contained in Paragraph 4 shall prohibit Textron from taking those actions that are necessary to comply with the Consent Agreement:

a. As used in this Agreement, the following terms shall have the prescribed meanings:

(1) "Textron" means Textron Inc., its predecessors, successors and assigns, subsidiaries, divisions, groups ad affiliates controlled by Textron, and their respective directors, officers, employees, agents and respective directors, officers, employees, agents and representatives, and their respective successors and assigns.

(2) "Avdel" means Avdel plc, its predecessors, successors and assigns, subsidiaries, divisions, groups and affiliates controlled by Avdel, and their respective directors, officers, employees, agents, and representatives, and their respective successors and assigns.

(3) "Assets" means all assets, tangible and intangible, including, without limitation, manufacturing and production facilities and plants,

inventory, finished goods, brand names, technology, together with all associated titles, properties, interests, rights and privileges, all buildings, machinery, equipment, customer lists, patents, rights to use any patents, know-how, trade secrets, intellectual property, trade names, trademarks, and other property of whatever description, together with all additions and improvements thereto.

b. Textron and Avdel shall continue to compete, exercising their respective best business judgments without regard to the Acquisition or any agreement or understanding between Textron and Avdel, as if Textron and Avdel were in all respects separate and independent business entities.

c. For the term of this Agreement Textron shall not exercise any voting power, influence, or control, directly or indirectly, with respect to the conduct of Avdel or the shares of Avdel held by it. All rights to exercise voting power with respect to the Avdel shares acquired by Textron shall be vested in Patricia P. Bailey, as trustee, who shall act in accordance with the Voting Trust Agreement that is part of the Preliminary Injunction Order entered in Civil Action No. 89–0484 and which is made a part of this Agreement. The Trustee shall not be liable for her execution of this trust except for conduct as specified in Paragraph 7(d) of the Voting Trust Agreement and the Consent Order. The Trustee shall use the Trustee's best business judgment in exercising such voting trust power during the term of this Agreement in a manner consistent with the purpose and requirements of this Agreement and the Consent Agreement. The Trustee shall remain independent of and unrelated to any current or prospective participant in the manufacture and sale of aerospace blind rivets or blind bolts or non-aerospace structural blind rivets in the United States or abroad, throughout the term of this Agreement. Provided, however, the Trustee may remain a member of Avdel's Board of Directors in execution of this trust. The Trustee shall be entitled to reasonable compensation and reimbursement of actual expenses. Textron shall pay for all compensation and reimbursement of actual expenses to which the Trustee is entitled.

d. Textron shall not exercise or attempt to exercise direction or control over, or influence or attempt to influence directly or indirectly, the conduct of Avdel's business during the term of this Agreement. Avdel shall be maintained as a separate corporate entity with an independent Board of Directors. In no event shall any director officer, employee agent or representative of Textron become or remain a member of Avdel's Board of Directors or become or remain an officer of Avdel. Nor may any director, officer, employee agent or representative of Avdel become or remain a member of Textron's Board of Directors or become or remain an officer of Textron. The independent Avdel Board of Directors shall maintain separate corporate books and records for Avdel. Textron and Avdel shall not transfer assets between them, except for the purchase and sale of commercial products at arms' length in the ordinary course of business, nor engage in any joint activity, during the term of this Agreement except with the prior approval of the Commission. Textron and Avdel shall not extend any existing contract or agreement between them, or change the terms of such agreements in any way, during the term of this Agreement except with the prior approval of the Commission; *provided*, however, that Textron may take those actions necessary with respect to Avdel (after approval by the Trustee) that will enable Textron to carry out its obligations under the Consent Agreement. The Trustee shall provide the Commission with prior written notice of the Trustee's intention to approve an action by Textron, including a complete description of the proposed action and copies of all documents related thereto. If staff of the Commission notifies, in writing, the Trustee of its objection to the proposed action within three (3) business days of receipt of such prior notice from the Trustee, the Trustee may approve the proposed action, only upon obtaining the prior approval of the Commission. In the event the Trustee fails to approve an action with respect to Avdel requested by Textron, Textron may request the Commission to approve such action denied by the Trustee, and the Commission's decision will be final and binding on Textron and the Trustee. The Commission shall also be promptly provided with copies of Avdel's separate quarterly and annual financial statements and capital spending reports and other financial information upon request, during the term of this Agreement.

e. Textron shall not seek or obtain, directly or indirectly, any of Avdel's customer lists, trade secrets, unpublished price lists, non-public financial and accounting books and records, or other confidential competitively sensitive information including, without limitation, information, data, prototype or other experimental devices from Avdel concerning the operation or design of Avdel's fastener equipment, systems, controls or other components, other than that in the public domain, nor shall Textron obtain the rights to use any patents, trade secrets, know-how or other technical information concerning the operation or design of Avdel's fastener equipment, systems, controls or other components, other than those in the public domain or that which was in the possession of Textron prior to the purchase of any shares of Avdel by Textron; *provided*, however, that up to ten (10) Textron executives who have no direct decision making responsibility in Textron's Monobolt production or sales operations, who are approved by the Trustee, may receive such information, approved by the Trustee, as is necessary to enable Textron to carry out its obligations under the Consent Agreement. Textron may also obtain from Avdel, after the approval of the Trustee, such other information as Textron shall demonstrate it needs to acquire; *provided*, further, that such information shall only be disclosed to individuals approved by the Trustee. Any request for information with respect to Avdel by Textron shall be made to the Trustee (and approved by the Trustee) and shall be carried out under the supervision of the Trustee. The Trustee shall provide the Commission with prior written notice of the Trustee's intention to approve a request for information by Textron, including a complete description of the requested information and the information to be provided in response thereto. If staff of the Commission notifies, in writing, the Trustee of its objection to the request, within three (3) business days of receipt of such prior notice from the Trustee, the Trustee may approve the request for information, and Textron may obtain the information, only upon obtaining the prior approval of the Commission. In the event the Trustee fails to provide the information requested, Textron may request the Commission to approve the request for information denied by the Trustee and the Commission's decision will be final and binding on Textron and the Trustee.

f. Textron may seek and obtain, upon application to the Trustee and 30 days notice to the Commission with a copy of the application, and the Trustee shall provide Textron with, such financial information from Avdel as is necessary for Textron to prepare and file financial and tax reports to the extent required by law, provided that (i) Textron's application shall specify in detail the need for the information requested; (ii) for purposes of tax reports Textron shall not seek or obtain information at a level of detail greater than necessary to

prepare and file tax reports required by law, and shall certify to the Trustee that its request for information is so limited; and for purposes of financial reports (i.e., SEC reports and quarterly and annual reports to shareholders), Textron shall seek and obtain only the following items on an aggregated company-wide basis: revenues; cost of goods sold; general and administrative expenses; income before interest; interest expense; income before taxes; tax expense; and net income; (iii) the Textron shall provide only such information that it determines is necessary for the preparation of such financial and tax reports; (iv) information required for tax reports shall be provided or disclosed only to designated individuals within Textron's tax department who are responsible for the analysis of the information and preparation of the required tax reports; and information required for financial reports shall be provided or disclosed only to designated individuals within Textron's controller department; (v) each designated individual in the tax department and controller department shall submit to the Trustee an affidavit in the form appended as Attachment B or Attachment C to the Preliminary Injunction Order entered in Civil Action No. 89–0484, whichever is applicable; and (vi) Textron shall use such information only for the preparation and filing of such required financial and tax reports and not for any other purpose whatsoever.

g. Textron shall not make available to Avdel, directly or indirectly, any of Textron's customer lists, trade secrets, unpublished price lists, non-public financial and accounting books and records, or other confidential competitively sensitive information including, without limitation, information, data, prototype or other experimental devices from Avdel concerning the operation or design of Avdel's fastener equipment, systems, controls or other components, other than that in the public domain, nor shall Textron make available to Avdel, directly or indirectly, the rights to use patents, trade secrets, know-how or other technical information concerning the operation or design of Textron's fastener equipment, systems, controls or other components, other than those in the public domain.

h. Neither outside counsel for Textron nor any in-house counsel of Textron may have an attorney-client relationship with Avdel or Avdel personnel for purposes of ensuring compliance with this Agreement or the Consent Agreement.

i. During the term of this Agreement, the Trustee and the independent Board of Directors shall use their best efforts to maintain the value of Avdel's assets and shall not sell, transfer, encumber, or otherwise impair their marketability, other than in the normal course of business, without the prior approval of the Commission and upon reasonable notice to Textron. Nothing in this Agreement shall preclude Avdel from redeeming its 10 percent Cumulative Preference Shares or Textron from purchasing from the employees of Avdel their rights under options to purchase shares in Avdel. The Textron and the independent Board of Directors shall also use their best efforts to protect and preserve the confidential, competitively sensitive information of Avdel. Textron shall not seek or accept, directly or indirectly, any part of the earnings and profits of Avdel, except such sums as the Trustee may authorize from cash dividends. Nor shall Textron seek or accept, directly or indirectly, the proceeds of any debt incurred by Avdel, except in connection with Avdel redeeming its 10 percent Cumulative Preference Shares. Textron shall not hire any person who is currently an employee of Avdel or who was an employee of Avdel at the time Textron began purchasing stock of Avdel or transfer any employees between Textron and Avdel.

5. For purposes of ensuring compliance with this Agreement, and subject to any legally recognized privilege, any authorized representatives of the Commission shall be permitted (subject to the statutes and rules and regulations that restrict access to classified information) on reasonable notice to Textron or Avdel, as the case may be, (a) access, during office hours of Textron or Avdel, to inspect and copy all ledgers, books, accounts, correspondence, memoranda and other documents in the possession or under the control of Textron or Avdel relating to any matters contained in this Agreement and reasonably related to Textron's compliance with this Agreement, and (b) depose or interview at the option of the Federal Trade Commission appropriate officers and employees of Textron or Avdel at their place of employment, or at another mutually agreeable site, regarding matters that are reasonably related to compliance with this Agreement. If, at any time, information or documents are furnished by Textron or Avdel and are identified as "Confidential," such documents or information shall be handled pursuant section 21 of the Federal Trade Commission Act.

6. This Agreement shall not be binding until approved by the Commission.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission (Commission) has accepted, subject to final approval, an Agreement Containing Consent Order from Textron Inc. (Textron) in the Matter of Textron Inc., Docket No. 9226.

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 Consent Agreement and the comments received and will decide whether it should withdraw from the Consent Agreement or make final the Consent Agreement's proposed Order.

In February 1989, the Commission filed an action under section 13(b) of the Federal Trade Commission Act in the United States District Court for the District of Columbia for preliminary injunctive relief against Textron's acquisition of Avdel plc, a foreign maker of aerospace and nonaerospace structural blind rivets. At the time the Commission filed its Federal Court action, Textron had acquired over ninety (90) percent of Avdel's stock. On March 2, 1989, United States District Judge John H. Pratt entered a stipulated order preliminary enjoining Textron from acquiring any additional shares of Avdel's stock and from exercising any form of direction or control over Avdel pending a Commission administrative proceeding. That Order was modified by Order of the Court on March 20, 1989, to allow Textron to acquire the remaining shares of Avdel's stock. The Orders required Avdel to be held separate and apart from Textron as an independent competitive entity, barred Textron employees or representatives from serving on Avdel's board of directors, and ordered the appointment of an independent trustee to exercise Textron's voting rights in trust and to elect an independent Avdel board of directors.

The Commission issued an administrative complaint against Textron on February 28, 1989. That complaint alleged that the acquisition of Avdel would substantially lessen competition in the aerospace blind rivet market and in the nonaerospace structural blind rivet market, in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade

Commission Act, as amended, 15 U.S.C. 45. An administrative trial was held between October 29, 1990, and June 4, 1991. In an Initial Decision filed on October 4, 1991, the Administrative Law Judge dismissed the complaint. Complaint Counsel filed an appeal; oral argument was held on April 28, 1992, and the appeal was pending before the Commission on April 14, 1993, when the case was withdrawn from adjudication for the purpose of considering a proposed consent agreement. That consent agreement would have required Textron to license certain of its aerospace blind riverts and the Monobolt, its nonaerospace structural blind rivet.

After consideration of the proposed consent, the Commission directed staff on August 6, 1993, to negotiate with Textron a revised consent agreement in resolution of the complaint allegations in Docket No. 9226. The proposed Consent Agreement, which the Commission has now accepted for public comment, requires Textron, among other things, to (1) cause Avdel to grant a Monobolt license; (2) divest Monobolt assets that will support the highest production level during the past five years of either Textron's or Avdel plc's (Avdel) Monobolt sales; (3) hold Avdel separate pending the divestiture and preserve the value of Textron's and Avdel's Monobolt assets that may be divested; and (4) provide technical assistance to the new licensee for a five-year period. The proposed Consent Agreement prescribes no relief with respect to the aerospace blind rivet market.

Under the terms of the proposed Consent Order, Textron would require Avdel to enter into a Monobolt license with a Commission-approved licensee. Textron would license to the Commission-approved licensee rights, technology, and know-how required to manufacture Monobolts. Textron would also be required to divest to the Commission-approved licensee the assets used either by Textron or by Avdel in the manufacture of Monobolts. Such assets include machinery, fixtures, equipment, tooling, and gauges as well as blueprints, product specifications, and distributor and customer lists. Appendix A to the proposed Consent Order is a list of equipment and machinery that Textron represented to the Commission is required to make Monobolts in the volume necessary to replace the sales of either Avdel or Textron. Appendix B is a list of equipment and machinery also used to make Monobolts but which Textron has represented is readily and economically obtainable from alternative sources. Because the equipment and machinery listed on appendix B is either readily and economically obtainable from alternative sources or not owned by Textron, Textron is not required to divest it. The Commission seeks public comment if potential licensees believe any of the equipment and machinery listed in Appendix B is not readily and economically obtainable from alternative sources or is owned by Textron.

The Commission believes that the granting of a Monobolt license and the divestiture of Monobolt assets will enable a licensee to quickly begin manufacturing Monobolts while avoiding significant barriers to entry into this market, such as the time-consuming effort associated with the development of a structural blind rivet product comparable to the Monobolt and MagnaLok that does not infringe other firms' patents.

Textron would have six (6) months from the date the proposed Order becomes final to license the above technology and accomplish the required divestiture. If Textron fails to perform its obligations under the proposed Consent within that time, the Commission would appoint a trustee to grant the license and accomplish the divestiture.

The proposed Consent Order would also prohibit Textron, for a period of ten (10) years from the date the proposed Order becomes final, from either: (A) acquiring, without the prior approval of the Commission, any interest in any concern engaged in the manufacture or sale of Monobolt/MagnaLok type structural blind rivets (although Textron may acquire up to one (1) percent of the stock of any such entity for any Textron employee benefit plan or Textron insurance company investment in accordance with normal investment practices); or (B) acquiring, without the prior approval of the Commission, assets used or previously used (and still suitable for use) in the production of Monobolt/MagnaLok type structural blind rivets from any concern that makes such rivets or made them at any time during the two (2) years prior to the acquisition. Textron, however, need not obtain prior Commission approval to acquire machinery or equipment provided by or at the direction of Textron to the licensee pursuant to Paragraph II of the Order (if a right of first refusal is approved by the Commission in the license agreement), so long as Textron provides thirty (30) days' prior notice to the Commission.

The Commission and Textron have also entered into a Hold Separate Agreement, which requires Textron to continue to operate Avdel as an independent company under the supervision of a trustee until Textron has completed its licensing and divestiture obligations under the Consent Agreement. The Hold Separate, which replaces the Federal Court injunction, contemplates that Commission Counsel and Textron, within seven (7) business days after the Commission's acceptance of the Consent Agreement for public comment, will jointly petition the United States District Court to dissolve the injunction entered on March 2, 1989, and modified on March 20, 1989. In the event that the Commission decides, after public comment, to reject the Consent Agreement and return the matter to administrative adjudication for a final resolution, the Hold Separate Agreement would continue until the day after the complaint is dismissed by a court or the Commission or the day after all licensing and divestitures required by a final order have been completed.

It is anticipated that the proposed Consent Order would resolve all of the competitive problems alleged in the complaint and that no further relief will be sought from Textron with respect to its acquisition of Avdel. The purpose of this analysis is to facilitate public comment on the proposed Order, and 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.

Dissenting Statement of Commissioner Mary L. Azcuenaga in Textron Inc., Docket 9226

To resolve concerns about the anticompetitive effects of the acquisition by Textron Inc. of Avdel plc, the Commission today issues for public comment a proposed consent order that imposes a licensing requirement in one of the two markets at issue in this case and no relief in the second market. The proposed order, in my view, is inadequate in both markets. Textron and Avdel are significant competitors in the design, manufacture and sale of two products, aerospace blind rivets and a specialized non-aerospace blind rivet,[1] each of which is a market under Section 7 of the Clayton Act. Anticompetitive effects from the acquisition are likely in both markets and a Commission order

[1] Blind rivets are fasteners that join two or more sheets of material with access to only one side of the join. Aerospace blind rivets are used in aircraft; Monobolt/Magna-Lok (non-aerospace) blind rivets are used in heavy duty land transportation vehicles.

should provide an effective remedy in both markets. Full divestiture is the appropriate remedy, and nothing impedes the Commission from imposing that remedy immediately.

Since all that remains to be done in the final adjudication of this case is the issuance of a Commission opinion and decision,[2] the decision to accept a weak settlement is incomprehensible. A negotiated consent order offers advantages (*e.g.*, certainty and reduced expenditure of resources) at the pre-trail stage of a case, when the record is incomplete and when uncertainty about the likelihood of obtaining a remedy provides a sound basis for compromise.[3] After the trail, as here, the completed record in the case enables us to resolve the issue of liability. Because a negotiated consent order offers few, if any, advantages at this stage, there is no reason for the Commission to agree to any major concessions (assuming liability).[4] Presumably, then, the limited relief provided in the proposed consent order is close to optimal, from the majority's point of view. To the extent this is true, the selection of this remedy represents either a troubling change in long-established and well-founded practice or an unexplained and troubling aberration from that practice.

On the merits, the licensing remedy the Commission has chosen is unlikely to cure the competitive problem in the Monobolt/Magna-Lok market. The evidence in support of liability seems to me even stronger in the aerospace blind rivet market, in which the Commission imposes no remedy at all.

Monobolt/Magna-Lok Market

The proposed consent order requires Textron to grant a license to manufacture the Monobolt (a non-aerospace structural blind rivet). The proposed license may provide some price competition in the Monobolt/Magna-Lok (non-aerospace) blind rivet market,[5] depending on the capabilities and experience of the licensee. Indeed, Textron itself began production of the Monobolt under a license from Avdel. Whether the licensee will be able to compete with Textron and Huck, the two remaining firms in the market, remains unknown. The only firms that have succeeded in the Monobolt/Magna-Lok market—Avdel, Textron and Huck—have been aerospace blind rivet firms. These are the firms that have the technological expertise to participate in the Monobolt/Magna-Lok market as low cost, innovative competitors. The history of failed attempts to enter the Monobolt/Magna-Lok market by firms that lack aerospace rivet experience is evidence of the need for technological expertise.

After Textron's acquisition of Avdel, two of the three remaining aerospace blind rivet firms, Textron and Huck, will be the only firms in the Monobolt/Magna-Lok market. Huck is excluded under the proposed order from obtaining the Monobolt license from Textron. The remaining aerospace blind rivet firm (Allfast[6]) may lack the ability as well as the interest to compete in the Monobolt/Magna-Lok market. Based on information in the record after a full trial of the case, it seems unlikely that a licensee under the proposed consent order will have the design and technological capabilities to provide effective, low cost, long term competition in the Monobolt/Magna-Lok market.

Aerospace Blind Rivet Market

The decision of the majority not to order relief in the aerospace blind rivet market is perhaps even more perplexing, because anticompetitive effects from the acquisition appear to be even more likely in this than in the Monobolt/Magna-Lok market. Textron is the dominant firm in the industry in the United States and the world (based on sales). Only three firms, including Avdel, compete with Textron, and with this acquisition, Textron reduces the number of its aerospace blind rivet competitors from three to two.

Aerospace blind rivets are complex, specialized fasteners used to join aircraft components when access for installation is limited to one side of the join. Aerospace blind rivets differ in their materials, dimensions, installation tooling and performance characteristics, such as shear strength, fatigue resistance and spindle retention, and they must be produced to very narrow tolerances in order to meet military or industrial performance and design specifications and qualification tests. Aerospace design engineers specify or "call out" particular aerospace blind rivets, depending on the performance and design requirements that the aircraft demands.

Competition in the aerospace blind rivet market occurs principally at the design stage of aircraft that use aerospace blind rivets. Firms in the blind rivet industry compete to have their blind rivets, with their particular performance characteristics, specified for an aircraft design.[7] Once a particular blind rivet has been designed into an aircraft, the possibilities for substitution to other blind rivets (with different design and performance characteristics) are limited, and competition for sales of blind rivets at the procurement stage (when an aircraft manufacturer is buying the parts that have been specified for the aircraft) is similarly limited.

Design stage competition also is important to constrain prices at the procurement level. A firm that seeks to exploit its success in winning an aircraft design competition by, for example, raising the price of its blind rivets after the design has been completed, may find a less favorable reception for its future bids. Its customers, the aerospace manufacturers, will have incentives in the next design competition to avoid doing repeat business with a price gouger.

Avdel's aerospace blind rivet is a relative newcomer to design stage competition in the United States, having obtained the necessary national industry specification only in 1987.[8] In the United States, in the relatively brief period reflected in the record of this case, Avdel demonstrated that its product could compete successfully with Textron's at the design stage, by participating in and winning aircraft

[2] The complaint issued in February 1989. In March 1989, Textron assented to entry in federal district court of an order requiring that Avdel be maintained under separate management pending the outcome of the Commission's proceeding.

[3] In March 1990, almost 8 months before the commencement of the trail in this case, Textron offered to settle the case in the Monobolt/Magna-Lok market on terms substantially similar to those contained in the proposed consent order. See Joint Motion of Complaint Counsel and Respondent Textron Inc. To Withdraw this Matter from Adjudication (Mar. 9, 1990). The Commission rejected the proposal. See Order Denying Joint Motion To Withdraw Matter from Adjudication (May 23, 1990).

[4] At this stage of the proceeding, the Commission should not impose any remedy unless it first finds liability based on a preponderance of the evidence in the record. See my statement dissenting from Order Withdrawing Matter from Adjudication in Textron Inc. (April 14, 1993).

[5] Monobolt/Magna-Lok rivets are similar to aerospace blind rivets but differ in strength and other characteristics from other commercial rivets and from their aerospace counterparts. There is no dispute that Monobolt/Magna-Lok rivets constitute a relevant product market. I.D.F. 324. Avdel developed the Monobolt in England in 1975 and licensed it to Textron in 1977; Huck developed the Magna-Lok in 1983.

[6] Allfast entered the aerospace blind rivet market by substantially copying Textron's product, see I.D.F. 128–30, and subsequently acquired the aerospace blind rivet business of another firm. I.D.F. 148 & 175. Insofar as the record discloses, Allfast has not attempted to enter the Monobolt/Magna-Lok market.

[7] See *FTC* v. *PPG Industries, Inc.*, 628 F. Supp. 881, 884 (D.D.C.), *aff'd*, 798 F.2d 1500, 1505 (D.C. Cir. 1986) (design stage competition).

[8] Industry specifications document the performance characteristics of the various aerospace blind rivets and are used by aerospace design engineers to identify and select rivets. Obtaining certification is a critical first step to overcoming reputational barriers with aircraft manufacturers.

design competitions.[9] The record shows that Avdel has been second only to Textron in design competition wins since the late 1980's in the United States and the world. Avdel's success in aerospace design competitions is not yet reflected in its sales in the United States, because of the significant time lapse, often years, between the design and the building of an aircraft. As a result, Avdel's share of sales in the United States understates its competitive significance. Focusing narrowly on Avdel's sales in the United States exalts market share over market realities as a predictor of competitive effects, places unwarranted emphasis on competition at the procurement stage and ignores the more significant competition that occurs when blind rivets are incorporated in aircraft designs.

Even before referring to these limitations, however, the market share and concentration data, properly assessed, preliminarily indicate that Textron's acquisition of Avdel is likely to affect competition adversely in the aerospace blind rivet market. Textron is the dominant firm in the industry, with approximately 64% of sales in the United States and a lesser but still dominant share in the world.[10] Avdel, one of only three firms that compete with Textron in these markets, obtained 0.5% of U.S. sales within two years after obtaining certification.[11] Even if Avdel's competitive significance is measured solely by its sales in the United States, the acquisition "raise[s] significant competitive concerns" in a highly concentrated market.[12] From the perspective of Avdel's share of sales in world markets, where Avdel has competed with Textron for a longer period of time,[13] the increase in concentration from the acquisition is in the range "presumed * * * likely to create or enhance market power."[14] A third approach would acknowledge the importance in this industry of competition at the design stage of aircraft by assigning equal shares to the market participants.[15] Using this approach, Textron, Huck and Avdel each would have one-third of the market, and the acquisition would increase the HHI from 333 points to 5000 points.[16] None of these approaches can be regarded as exclusive in this case,[17] but, in the aggregate, they reflect the serious potential of this acquisition to have anticompetitive effects and demonstrate the need for careful analysis of other characteristics of the market.

Textron's arguments in defense of the acquisition rest almost entirely on the alleged lack of competition between Textron and Avdel at the procurement stage and the size of Avdel's sales in the United States. As we have seen, however, design competition, not procurement competition, is the appropriate focus. Competition at the design stage is reduced by the elimination of Avdel as an independent firm.[18] As we also have seen, the sales that Avdel achieved within the first two years after having obtained certification in the United States do not reflect its significance in the market. Indeed, the record shows that Textron projected a similar level of sales in the years following the introduction of its own, new-generation product. New products, even Textron products, take time to win acceptance from aircraft manufacturers and to be included in aircraft designs before they can achieve substantial sales.

Other characteristics of the market support the need for a remedy in the aerospace blind rivet market. The record shows that entry is difficult and time consuming. Designing a product takes several years, production is demanding and difficult, and obtaining industry specification and acceptance from aerospace engineers who design aircraft can take additional years. Achieving sales takes additional time, because of the lag between the design and the building of an aircraft. With the acquisition of Avdel, three firms will have exited the market since 1988.[19] After the acquisition, with only two firms competing to be included in new aircraft designs, the likelihood of collusion is enhanced. New aerospace blind rivet product design also is likely to be affected adversely. The impetus that competition provides for innovation is diminished by this acquisition. Divestiture is the only effective remedy to prevent these anticompetitive effects.

Textron's acquisition of Avdel is likely substantially to reduce competition in both the aerospace and the non-aerospace blind rivet markets. The proposed consent order is inadequate to remedy the likely anticompetitive effects of the acquisition. The Commission should instead require full divestiture by Textron of Avdel.

I dissent.

[FR Doc. 93-27862 Filed 11-10-93; 8:45 am]

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[9] A firm need not win the design stage competition to affect competition in the market. See *e.g., FTC v. Elders Grain, Inc.*, 868 F.2d 901, 907 (7th Cir. 1989) ("The possibility of such [competing] offers keeps the existing relationships from becoming exploitative."); Grumman Corp. v. LTV Corp., 665 F.2d 10, 13 (2d Cir. 1981) ("Unsuccessful bidders are no less competitors than the successful one.").

[10] The market share and concentration data cited in the text are derived from the Initial Decision, I.D.F. 169-77.

[11] Huck and Allfast are the other firms in the aerospace blind rivet market.

[12] Using the sales figures cited in the Initial Decision, the pre-acquisition HHI is 4617, and the acquisition would increase the HHI by 64 points. See 1992 Horizontal Merger Guidelines section 1.51(b). The Guidelines define markets in which the Herfindahl-Hirschman Index ("HHI") is above 1800 as highly concentrated and mergers that produce an increase in the HHI of more than 50 points in such markets "potentially raise significant competitive concerns," depending on other relevant factors. The other relevant considerations, such as the ability to exercise market power and conditions of entry, counsel that anticompetitive effects are likely as a result of this acquisition.

[13] Textron claims that Avdel's success in Europe reflects some difference in demand, but the argument is undermined by the fact that Textron is the dominant firm in Europe, as it is in the United States. In 1987, Textron/Europe acknowledged that Avdel's product "is steadily pro[gr]essing to become an established blind rivet in the aerospace industry." CX407W.

[14] The world aerospace blind rivet market is highly concentrated, and the acquisition would increase the HHI by more than 100 points. In this range, mergers are "presumed * * * likely to create or enhance market power or facilitate its exercise." 1992 Horizontal Merger Guidelines section 1.51(c).

[15] See 1992 Horizontal Merger Guidelines section 1.4 n.15.

[16] If we include Allfast at the design stage, Textron's acquisition of Avdel would increase the HHI from 2500 points to 3333 points. Only Textron, Avdel and Huck have developed blind rivet designs and competed in aircraft design competitions. Allfast substantially copied Textron's blind rivets and participates primarily at the procurement stage of aircraft construction, not the design stage. See note 17 below.

[17] None of these approaches, for example, reflects the ability to design aerospace blind rivets, a process that can take several years. Textron, Huck and Avdel appear to be the only firms that compete in designing blind rivets. Firms that do not design blind rivets (e.g., Allfast) tend to be second sources for the procurement of blind rivets, not participants in the competition to be included in aircraft designs.

[18] The availability of a different, independently produced rivet at the design stage of aircraft also constrains prices at the procurement stage.

[19] Vol-Shan, a former Textron licensee, and Olympic exited the market in 1988 and 1989, respectively.

[File No. 912 3253]

Redmond Products, Inc., 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 Minnesota-based

manufacturer of hair care products and its officer from making unsubstantiated representations regarding the environmental benefits of any cosmetic product in the future.

DATES: Comments must be received on or before January 11, 1994.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz or Kevin Bank, FTC/S–4002, Washington, DC 20580. (202) 326–3158 or 326–2675.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Redmond Products, Inc., a corporation, and Thomas M. Redmond, individually and as an officer of said corporation ("proposed respondents"), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between Redmond Products, Inc., by its duly authorized officer, and Thomas M. Redmond, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Redmond Products, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its office and principal place of business at 18930 West 78th Street, Chanhassen, Minnesota 55317.

Proposed respondent Thomas M. Redmond is an officer of said corporation. He formulates, directs and controls the acts and practices of said corporation, and his address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the attached draft complaint.

3. Proposed 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;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) All claims under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the attached draft complaint, 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 proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the attached draft complaint, or that the facts as alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to proposed respondents address as stated in this agreement shall constitute service. Proposed 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.

7. Proposed 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 they have fully complied with the order. Proposed 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

Definitions

For purposes of this Order, the following definitions shall apply:

The term "Volatile Organic Compound" ("VOC") means any compound of carbon which participates in atmospheric photochemical reactions as defined by the U.S. Environmental Protection Agency at 40 CFR 51.100 (s), and as subsequently amended. When the final rule was promulgated, 57 FR 3941 (February 3, 1992), the EPA definition excluded carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate and certain listed compounds that the EPA has determined are of negligible photochemical reactivity.

"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 in the profession to yield accurate and reliable results.

I

It is ordered That respondents Redmond Products, Inc., a corporation, its successors and assigns, and its officers, and Thomas M. Redmond, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any Redmond hair care product containing any volatile organic compound, in or

affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, through the use of such terms as "Environmentally Formulated," "Environmental Formula Contains Natural Propellants and No Fluorocarbons," or any other term or expression, that any such product will not harm the atmosphere or the environment, unless at the time of making such representation, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

II

It is further ordered That respondents, Redmond Products Inc., a corporation, its successors and assigns, and its officers, and Thomas M. Redmond, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale, or distribution of any cosmetic product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that any product offers any environmental benefit, unless at the time of making such representation, respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

III

Nothing in this Order shall prevent respondents from using any of the terms cited in Part I, or similar terms or expressions, if necessary to comply with any Federal rule, regulation, or law governing the use of such terms in advertising and labeling.

IV

It is further ordered That for five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or their successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

1. All materials that were relied upon disseminating such representation; and
2. All tests, reports, studies, surveys demonstrations or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

V

It is further ordered That the corporate respondent shall distribute a copy of this order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this order.

VI

It it further ordered That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment, or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

VII

It is further ordered That the individual respondent shall notify the Commission in the event of the discontinuance of his present business or employment and of each affiliation with a new business or employment. In addition, for a period of five (5) years from the date of service of this Order, he shall promptly notify the Commission of each affiliation with a new business or employment whose activities include the sale, distribution, and/or manufacturing of cosmetic products or of his affiliation with a new business or employment in which his own duties and responsibilities involve the sale, distribution, and/or manufacturing of cosmetic products. Each such notice shall include the individual respondent's new business address and a statement of the nature of the business or employment in which such respondent is newly engaged, as well as a description of such respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

VIII

It is further ordered That respondents shall, within sixty (60) days after the service of this Order upon them, and at such other times as the Commission may require, file with the Commission a report, in writing setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondents Redmond Products, Inc., a Minnesota corporation and Thomas M. Redmond, individually and as an officer of the corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and 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 the labeling and advertising of two of respondents' aerosol hair spray products—"Aussie Mega Styling Spray" and "New Zealand Hair Paradise Zapset Hair Spray." The Commission's complaint in this matter charges that respondents made advertising claims that these products are "environmentally formulated" and labeling claims that the products have an "environmental formula" that "contains natural propellants and no fluorocarbons." The complaint alleges that through such claims, respondents made unsubstantiated representations that there are no ingredients in the hair sprays which are damaging to the environment and that because the hair sprays contain natural propellants and no fluorocarbons, they do not harm the environment. In fact, Redmond's hair spray products contain the volatile organic compounds propane, butane and SD alcohol 40, chemicals that under many atmospheric conditions contribute to the formation of ground level ozone, a major component of smog.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

The term "volatile organic compound" (VOC) is defined in the consent order in accordance with the definition adopted by the Environmental Protection Agency ("EPA") in a February 3, 1992, rulemaking. To assist the public and the industry in understanding the coverage of the order, those compounds that the EPA expressly excluded from the definition of VOC at the time the definition was promulgated are listed in the order. Because EPA could in the

future modify its definition based on evolving scientific evidence, the term VOC as used in the order will vary depending upon EPA's definition of the term. Those compounds that EPA may decide should be excluded from the definition of VOC because negligible photochemical reactivity will thus be excluded under the consent order. Likewise any compounds that EPA may decide should be defined as VOCs will be covered by the order.

Part I of the proposed order requires respondents to cease and desist from representing that any product containing volatile organic compounds is "environmentally formulated" or has an "environmental formula" containing "natural propellants and no fluorocarbons," or through the use of any other term or expression, that any such product will not harm the atmosphere or the environment, unless respondents possess competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

Part II of the proposed order provides that if the respondents represent in advertising or labeling that any cosmetic product offers any environmental benefit, they must have competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

The proposed order also requires respondents to maintain materials relied upon to substantiate claims covered by the order, to distribute copies of the order to certain company officials and employees, to notify the Commission of any changes in corporate structure that might affect compliance with the order, to notify the Commission of any changes in the business or employment of the named individual respondent, and to file one or more reports detailing compliance with the order.

The purpose of the 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. 93-27861 Filed 11-10-93; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC-404]

Evaluation of a Community Intervention in China of the Use of Periconceptional Folic Acid Supplements To Prevent Spina Bifida and Anencephaly

Summary

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1994 funds to continue a cooperative agreement with the Beijing Medical University (BMU) of the People's Republic of China (PRC) for the conduct of a program to evaluate a community intervention in China of the use of periconceptional folic acid supplements to prevent spina bifida and anencephaly (SBA). It is anticipated that up to $2,000,000 will be available in FY 1994 to fund the cooperative agreement beginning approximately December 1993. The cooperative agreement will have a project period of up to three years that will be divided into twelve-month budget periods.

The purpose of this cooperative agreement is to support a project to be undertaken by BMU to evaluate a community intervention program promoting the use of periconceptional folic acid supplements to prevent spina bifida and anencephaly.

In conjunction with the Chinese Ministry of Public Health (MOPH) recommendation that women of childbearing age should consume 0.4 mg of folic acid, four provinces have been selected to be model intervention sites: Hebei & Shanxi in Northern China, and Jiangsu & Zhejiang in southern China. The intervention will educate and encourage women to consume 0.4 mg of folic acid supplements per day which will be made available for purchase in the community. The evaluation of the intervention will take three to four years to complete.

The CDC will (1) assign a medical epidemiologist to the project; (2) provide technical and scientific consultation and assistance for the implementation of all epidemiologic and surveillance activities; (3) provide epidemiologic training and on-site consultation; (4) provide guidance on project management and administration matters related to the conduct of the scientific aspects; (5) collaborate in the development of scientific protocols; (6) collaborate in developing methods and procedures for collecting, processing and analyzing study data; (7) collaborate in the general design and conduct of the intervention evaluation; (8) collaborate in the definition and preparation of reports that may result from the project; and (9) collaborate with the Cooperative Oversight Group and the Project Operating Group.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the Healthy People 2000 Priority Area directed toward improving Maternal and Infant Health by the year 2000. (For ordering a copy of "Healthy People 2000," see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized under sections 301 and 307 of the Public Health Service Act, as amended, 42 U.S.C. 241 and 242*l*, section 5 of the International Health Research Act of 1960, 22 U.S.C. 2101-2104, and section 104 of the Foreign Assistance Act of 1961, 22 U.S.C. 2151b.

Eligible Applicant

Assistance will be provided only to the Beijing Medical University of the People's Republic of China for this program. No other applications are solicited. The Program Announcement and application kit have been sent to BMU.

The People's Republic of China is the most appropriate country and the Beijing Medical University is the most appropriate organization to conduct the work under this cooperative agreement because:

1. Northern China has the highest known rate of SBA in the world. In rural areas, the rate is about 6 per 1,000 total births, or almost 10 times the U.S. rate.
2. SBA are major causes of stillbirth and infant mortality in northern China. Improving birth outcomes is a high priority at all levels of government and within most Chinese public health and medical organizations.
3. China has a large stable population with virtually no routine access to multivitamin or folic acid supplements in most rural and many urban areas.
4. Women can be identified early when they register for marriage; premarital pregnancy is uncommon; and 80% of those married become pregnant within one year.
5. Well trained and qualified Chinese scientists at the National Center for Maternal and Infant Health, Beijing

Medical University, have collaborated with CDC for 10 years on a World Health Organization risk approach project in Beijing Municipality, Shunyi County. This project established a surveillance system—the Perinatal Health Care Delivery System—which monitors all pregnancies in the county and their outcomes. To help plan this community intervention effort, a special birth defects surveillance system has provided accurate and timely current estimates of births and birth-defect rates.

During the first two years of the CDC cooperative agreement with BMU, the Perinatal Health Care Delivery System has been extended to additional counties and will be used to monitor pregnancy outcomes during the intervention.

6. In March 1993, the Chinese Ministry of Public Health issued a recommendation that all women of childbearing age, whether or not they have had a previous neural tube defect (NTD)-affected pregnancy, should consume 0.4 mg of folic acid. This recommendation, based on recently published research, has shown that if women take folic acid shortly before they become pregnant and in the early weeks of pregnancy, they may reduce their chances of having a baby with SBA by 50%. Based on the available research results, the PHS issued a public health recommendation in September 1992. The PHS recommended that all women of childbearing age who are capable of becoming pregnant should consume 0.4 mg of folic acid per day for the purpose of reducing their risk of having a pregnancy affected with spina bifida or other neural tube defects.

7. The proposed project activities involving epidemiology, surveillance and prevention efforts are strongly and directly related to the achievement of the United States CDC National Center for Environmental Health research and development programs in Birth Defects and Developmental Disabilities. The project activities are based on 10 years of experience with the World Health Organization risk approach project in Beijing Municipality mentioned previously in this document, as well as the past two years of experience with the cooperative agreement between CDC and BMU.

Executive Order 12372 Review

This program is not subject to the Executive Order 12372 Review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Assistance number is 93.283.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please reference Program Announcement Number 404, entitled "Evaluation of a Community Intervention in China of the Use of Periconceptional Folic Acid Supplements to Prevent Spina Bifida and Anencephaly," and contact Ms. Carolyn J. Russell, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Mailstop E-09, Atlanta, Georgia 30305, telephone (404) 842-6655.

A copy of "Healthy People 2000" (Full Report, Stock No. 017-001-00474-0) or "Healthy People 2000" (Summary Report Stock No. 017-001-00473-1) referenced in the "Summary" may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: November 5, 1993.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-27784 Filed 11-10-93; 8:45 am]

BILLING CODE 4160-18-P

Health Care Financing Administration

Notice of Hearing: Reconsideration of Disapproval of Pennsylvania State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration, HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on December 16, 1993, in room 3020; 3535 Market Street, Philadelphia, Pennsylvania, to reconsider our decision to disapprove Pennsylvania SPA 91-42.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by November 29, 1993.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, Groundfloor, Meadowwood East Building, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, Telephone: (410) 597-3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Pennsylvania State plan amendment (SPA) number 91-42.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Health Care Financing Administration (HCFA) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

The amendment was submitted by the Commonwealth of Pennsylvania on May 6, 1993. It requested an exception to the payment process to assist the State in placing limited high-tech residents, such as ventilator dependent and head and spinal cord injured individuals, into nursing facilities. The Commonwealth requested an effective date of March 29, 1992.

Federal regulations at 42 CFR 447.253(h) require that the Medicaid agency must comply with the public notice requirements in § 447.205 when it is proposing significant changes to its methods and standards for setting payment rates for inpatient hospital and long-term care facility services. Section 447.205(d)(1) requires that the notice be published before the proposed effective date of the change. Section 447.205(c)(2) requires that the notice include an estimate of any expected increase or decrease in annual expenditures.

The issue in this matter is whether the Commonwealth complied with public notice requirements at 42 CFR 447.205(c)(2). Section 447.205(c)(2) requires that the notice include an estimate of any expected increase or decrease in annual expenditures.

The Commonwealth submitted the plan amendment on April 3, 1992, and

included a copy of its March 28, 1992, public notice. This notice, however, did not comply with the requirements of 42 CFR 447.205(c)(2) since it did not include an estimate of the expected increase or decrease in aggregate annual expenditures. The Commonwealth subsequently published public notice which amended the March 28, 1992, notice to meet the requirements of 42 CFR 447.205(c)(2). This notice was published on February 27, 1993.

The Commonwealth believes the requested March 29, 1992, effective date is approvable because any interested individual could have been provided the expenditure information by writing to the contact person listed in the March 28, 1992, notice.

HCFA believes the effective date for the amendment cannot be March 29, 1992, because the Commonwealth did not publish the required public notice until February 27, 1993. Therefore, in accordance with 42 CFR 447.205(d)(1), HCFA can approve the amendment with an effective date of February 28, 1993, the day following the publication of the Commonwealth's notice.

Based on the above, and after consultation with the Secretary as required by 42 CFR 430.15(c)(2), the proposed effective date of March 29, 1992, was disapproved.

The notice to the Commonwealth announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Ms. Karen F. Snider,
Secretary, Department of Public Welfare, Health and Welfare Building, Room 333, Harrisburg, Pennsylvania 17120–2675.

Dear Ms. Snider: I am responding to your request for reconsideration of the decision to disapprove Pennsylvania State Plan Amendment (SPA) 91–42.

The amendment was submitted by the Commonwealth of Pennsylvania on May 6, 1993. It requested an exception to the payment process to assist the State in placing limited high-tech residents, such as ventilator dependent and head and spinal cord injured individuals, into nursing facilities. The Commonwealth requested an effective date of March 29, 1992.

The issue in this matter is whether the Commonwealth complied with public notice requirements at 42 CFR 447.205(c)(2). Section 447.205(c)(2) requires that the notice include an estimate of any expected increase or decrease in annual expenditures.

I am scheduling a hearing on your request for reconsideration to be held on December 16, 1993, at 10 a.m., room 3020, 3535 Market Street, Philadelphia, Pennsylvania. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, part 430.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (410) 597–3013.

Sincerely,

Bruce C. Vladeck,

Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR section 430.18) (Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: November 5, 1993.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 93–27830 Filed 11–10–93; 8:45 am]

BILLING CODE 4120–01–P

Health Resources and Services Administration

Special Project Grants; Maternal and Child Health Services; Federal Set-Aside Program; State Systems Development Initiative

AGENCY: Health Resources and Services Administration (HRSA).

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration is announcing the availability of fiscal year 1994 funds for a limited competition for State Systems Development Initiative (SSDI) grants. The purpose of the SSDI is to assist State Maternal and Child Health (MCH) and Children with Special Health Care Needs (CSHCN) programs in developing and implementing an infrastructure to establish community-based service systems to meet the health and health-related needs of all children and their families. Competition is limited to State MCH and CSHCN agencies because our intent is to directly support their infrastructure development efforts. In FY 1993, 57 of the 59 States and jurisdictions applied for SSDI grants and 50 were funded. This competition is limited to the nine States and jurisdictions which do not have SSDI grants. Awards will be made under the program authority of section 502(a) of the Social Security Act, the MCH Federal Set-Aside Program.

Grants/Amounts: Up to $900,000 will be available to support up to nine new projects in an amount up to $100,000 per award for 1 year. Project periods are up to 3 years.

Eligibility: The nine States and jurisdictions not already receiving funds under the SSDI grant program: New York, Puerto Rico, Mississippi, Arkansas, Louisiana, Texas, Nebraska, Pennsylvania, and Republic of the Marshall Islands. Either the State agency MCH or CSHCN program is eligible. However, the application must be jointly developed and the project must be jointly implemented by both programs.

ADDRESSES: Grant applications must be submitted to: Chief, Grants Management Branch, Office of Program Support, Maternal and Child Health Bureau, Health Resources and Services Administration, room 18–12, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1440. Applicants for these projects will use application Form PHS 5161–1 with revised factsheet DHHS Form 424, approved by OMB under control number 0937–0189.

DATES: The application deadline date is November 30, 1993. Eligible applicants have been notified by letter of October 28, 1993.

Competing applications will be considered to be on time if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline date and received in time for orderly processing. (Applicants should request a legibly dated receipt from a commercial carrier or U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late competing applications not accepted for processing or those sent to an address other than indicated in the **ADDRESSES** section will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: For programmatic or technical information on MCH issues, contact David E. Heppel, M.D., 5600 Fishers Lane, room 18A–30, telephone: 301 443–2250; on CSHCN issues, contact John C. Shwab, 5600 Fishers Lane, room 18A–18, telephone: 301 443–2370. For information concerning business management issues, contact Mrs. Maxine Toense, Grants Management Branch, Maternal and Child Health Bureau, room 18–12, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, telephone: 301 443–1440. The OMB Catalog of Federal Domestic Assistance number is 93.110.

Dated: November 5, 1993.

William A. Robinson,

Acting Administrator.

[FR Doc. 93–27798 Filed 11–10–93; 8:45 am]

BILLING CODE 4160–15–P

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on October 29, 1993.

(Call PHS Reports Clearance Officer on (202) 690–7100 for copies of requests).

1. Services Research Outcomes Study (Pilot Study and Abstracting)—(New)—The Services Research Outcomes Study employs the National DRS client sample to gather information required in the formulation of National drug policy. A sample of 3000 treatment clients will be followed up through records and personal interview to obtain information on drug use, criminal activity, and treatment utilization patters. *Respondents:* Individuals or households; State or local governments; businesses or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations; *Number of Respondents:* 165; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* 3.93 hours; *Estimated Annual Burden hours:* 648 hours.

2. List of Ingredients Added to Tobacco in the Manufacture of Smokeless Tobacco Products—New—Public Law 99–252 (15 U.S.C. 4403(a) requires manufacturers, packagers, and importers of smokeless tobacco products to provide the Secretary of HHS annually with a list of all ingredients added to tobacco in the manufacture of smokeless tobacco products. Each ingredient should be reported by chemical name and Chemical Abstract Service number. *Respondents:* Businesses or other for-profit; small businesses or organizations; *Number of Respondents:* 11; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* 15 hours; *Estimated Annual Burden:* 165 hours.

3. School Health Policies and Programs Study—New—This is a national study of policies and programs related to school health at the State, district, and school levels. This study will gather baseline data on what school health programs are doing to achieve national health objectives and national educational goals. *Respondents:* Individuals or households, State or local governments; *Number of Respondents:* 7,931; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* 0.783 hours; *Estimated Annual Burden:* 6,214 hours.

4. Hanford Thyroid Disease Study—0920–0296 (Revision)—An epidemiologic study will be conducted to determine whether thyroid disease is increased among persons exposed as young children to radioactive iodine released from the Hanford Nuclear site. A pilot is being conducted to test procedures and determine actual levels of exposure. A full epidemiologic study will follow the pilot phase. *Respondents:* Individuals or households; *Number of Respondents:* 1,863; *Number of Responses Per Respondent:* 3.48; *Average Burden Per Response:* 0.544 hours; *Estimated Annual Burden:* 3,532 hours.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated below at the following address: Shannah Koss, Human Resources and Housing Branch, New Executive office Building, room 3002, Washington, DC 20503.

Dated: November 5, 1992.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 93–27817 Filed 11–10–93; 8:45 am]

BILLING CODE 4160–17–M

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on Friday, October 15, 1993.

(Call Reports Clearance Officer on (410) 965–4142 for copies of package.)

1. Federal Assistance Application Form—0960–0184. The information on form SSA–96 is used by the Social Security Administration (SSA) to evaluate proposed Federal grants to eligible applicants. The affected public consists of various organizations, educational institutions, small businesses and State and local government agencies which apply for grants from SSA.

Number of Respondents: 400.

Frequency of Response: 1.

Average Burden Per Response: 14 hours.

Estimated Annual Burden: 5,600 hours.

2. Report of New Information in Disability Cases—0960–0071. The information on form SSA–612 is used by the Social Security Administration to determine (based on a reported change) whether or not a disability insurance beneficiary should continue receiving benefits and, if so, the amount of such benefits. The affected public consists of such beneficiaries who report changes.

Number of Respondents: 200,000.

Frequency of Response: On occasion.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 16,667 hours.

3. Statement of Funds You Received and Statement of Funds You Provided—0960–0481. The information on forms SSA–2854 and SSA–2855 is used by the Social Security Administration to verify allegations of informal loans to recipients of Supplemental Security Income. The respondents are lenders and recipients of such loans.

Number of Respondents: 40,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 6,667 hours.

4. Physical Residual Functional Capacity Assessment and Mental Residual Functional Capacity Assessment—0960–0431. The information on forms SSA–4734 and 4734–SUP is used by the Social Security Administration (SSA) to provide State and Federal disability determination services (DDSs) with information needed to properly assess a claimant's ability to perform work-related physical or mental activities on a sustained basis in competitive employment. The respondents are State and Federal DDSs.

Number of Respondents: 54.

Frequency of Response: 25,605.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 460,890 hours.

5. Statement of Employer—0960–0030. The information on form SSA–7011 is used by the Social Security Administration (SSA) to substantiate alleged wages which are not shown in SSA's records and for which the worker does not have proof. The affected public consists of employers for whom wages are alleged but not posted.

Number of Respondents: 925,000.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 308,333 hours.

6. Statement of Living Arrangements, In-Kind Support and Maintenance—0960–0174. The information on form SSA–8006 is used by the Social Security Administration to determine if an applicant or recipient meets the income criteria for eligibility to Supplemental Security Income (SSI) benefits. The respondents are individuals who apply for or are receiving SSI payments.

Number of Respondents: 775,000.

Frequency of Response: 1.

Average Burden Per Response: 7 minutes.

Estimated Annual Burden: 90,417 hours.

7. Supplemental Security Income Claim Information—0960–0324. The information on form SSA–L8050 is used to obtain the benefit status of applicants for, or recipients of, Supplemental Security Income (SSI) benefits who are potentially eligible for benefits from other agencies. The respondents are agencies and organizations which pay benefits.

Number of Respondents: 10,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 1,667 hours.

8. Reporting Events—SSI—0960–0128. Form SSA–8150 is used by applicants or recipients of Supplemental Security Income (SSI) to report specified changes to the Social Security Administration. The information contained on this form is used to determine if the reported change affects the individual's eligibility to SSI. The respondents are applicants or recipients of SSI.

Number of Respondents: 43,600.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 3,633 hours.

OMB Desk Officer: Laura Oliven.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: November 8, 1993.

Charlotte Whitenight,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 93–27819 Filed 11–10–93; 8:45 am]

BILLING CODE 4190–29–P

Rescission of Ruling; Schisler v. Sullivan

In the matter of Rescission of *Schisler* Ruling Dated March 9, 1989, Based on Second Circuit Decision in *Schisler* v. *Sullivan*, Nos. 92–6232, 92–6234, 92–6233, and 92–6243 (Aug. 23, 1993).

AGENCY: Social Security Administration, HHS.

ACTION: Notice of rescission of ruling.

SUMMARY: The Commissioner of Social Security hereby gives notice of Rescission of the *Schisler* Ruling dated March 9, 1989—

Subject: *Schisler* v. *Sullivan*

EFFECTIVE DATE: November 12, 1993.

FOR FURTHER INFORMATION CONTACT: Marg Handel, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 3–K–26 Operations, (410) 965–4639.

SUPPLEMENTARY INFORMATION: On March 9, 1989, pursuant to a decision of the U.S. Court of Appeals for the Second Circuit, the Commissioner of Social Security issued a ruling (*Schisler* Ruling) in a memorandum to all adjudicators of disability claims arising in states within the Second Circuit (New York, Vermont, and Connecticut) to reflect the holding in *Schisler* v. *Bowen*, 851 F.2d 43 (1988) on the weight to be given medical evidence provided by treating sources.

On August 1, 1991, the Department of Health and Human Services published a final rule in the **Federal Register** establishing standards for consultative examinations and medical evidence when determining claims of disability under the Social Security Act. See 56 FR 36,932 (1991) (codified at 20 CFR part 404, subpart P, and part 416, subpart I). These regulations contain standards for evaluating and developing treating source opinion on the subject of medical disability. The regulations were effective upon publication on a national basis except in those states where court orders delayed implementation, such as states within the Second Circuit (which were evaluating disability claims under the *Schisler* (New York) order and *Aldrich* (Vermont) order). As explained below, these regulations now apply throughout the nation at all decision-making levels, and they render obsolete prior instructions on matters addressed by the regulations, such as the *Schisler* Ruling.

On August 23, 1993, the U.S. Court of Appeals for the Second Circuit resolved the only pending litigation about applying the regulations, i.e., to claims of individuals residing in the Second Circuit, fully in favor of the Department of Health and Human Services. In *Schisler* v. *Sullivan*, which addressed litigation in the *Schisler* class action and in the consolidated *Aldrich* v. *Sullivan* class action, the Second Circuit approved use of the Department's regulations to decide claims of individuals residing in the Second Circuit. The Second Circuit held that the Department's regulations for evaluating treating physician opinions or "treating physician opinion evidence" are valid in that circuit because they are "reasonable" and not "arbitrary, capricious, or manifestly contrary to the Statute." Therefore, since the *Schisler* Ruling, which stated prior Second Circuit case law, no longer expresses the law of the circuit, it may be rescinded. Accordingly, the *Schisler* Ruling dated March 9, 1989, is hereby rescinded.

Dated: November 3, 1993.

Shirley S. Chater,

Commissioner of Social Security.

[FR Doc. 93–27835 Filed 11–10–93; 8:45 am]

BILLING CODE 4190–29–P

Privacy Act of 1974; Computer Matching Programs: SSA and Treasury Department, Bureau of the Public Debt

AGENCY: Social Security Administration, HHS.

ACTION: Publication of notice of computer matching programs to comply with Public Law (Pub. L.) 100–503, the Computer Matching and Privacy Protection Act of 1988.

SUMMARY: We are publishing a notice of a computer matching program that SSA conducts that is subject to the requirements of Public Law 100–503. The purpose of this publication is to meet the reporting and publication requirements of Public Law 100–503.

DATES: Upon publication of this notice in the **Federal Register**, we will file a report of the subject SSA matching program with the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives and Office of Information and Regulatory Affairs, Office of Management and Budget. The matching program is effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by writing to the Associate Commissioner for Program

and Integrity Reviews, 860 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program and Integrity Reviews at the address above.

SUPPLEMENTARY INFORMATION:

A. General

Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, amended the Privacy Act (5 U.S.C. 552a) by adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of Public Law 101–508, the Computer Matching and Privacy Protection Amendments of 1990, further amended the Privacy Act regarding protections for such individuals. The Privacy Act regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, and local government records. The amendments require Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with source agencies;

(2) Provide notification to applicants and beneficiaries that their records are subject to matching;

(3) Verify match findings before reducing, suspending or terminating an individual's benefits or payments;

(4) Furnish detailed reports to Congress and the Office of Management and Budget; and

(5) Establish a Data Integrity Board that must approve match agreements.

B. SSA Computer Matches Subject to Public Law 100–503

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of Public Law 100–503. Below is a brief description followed by a detailed notice of a match that SSA will be conducting as of October 1993 or later.

C. SSA Matching With Department of the Treasury, Bureau of the Public Debt (BPD)

Purpose: SSA will match its supplemental security income (SSI) records against savings bond registration records to identify recipients who did not report or incorrectly reported ownership of savings bonds and to determine the effect of bond ownership on SSI eligibility.

Dated: November 3, 1993.

Shirley S. Chater,

Commissioner of Social Security.

Notice of Computer Matching Program, Social Security Administration (SSA) Supplemental Security Income Record (SSR) Matching With the Bureau of the Public Debt (BPD)

A. Participating Agencies

SSA and BPD.

B. Purpose of the Matching Program

Section 1631(e)(1)(B) of the Social Security Act (the Act) requires SSA to verify the allegations of applicants and recipients for SSI payments before making a determination of eligibility or payment amount. Section 1631(f) of the Act requires Federal agencies to furnish SSA with information necessary to verify SSI eligibility.

The purpose of this matching program is obtain data from the BPD to identify individuals who did not report or incorrectly reported ownership of savings bonds and to determine the effect of bond ownership on SSI eligibility.

C. Authority for Conducting the Matching Program

Sections 1631(e)(1)(B) and 1631(f) of the Act (42 U.S.C. 1383(e)(1)(B) and 1383(f)).

D. Categories of Records and Individuals Covered by the Match

SSA will match savings bond information received from the BPD's records with data in the SSR (last published November 24, 1992 (57 FR 55265)). The SSA SSR contains identifying and payment information about recipients under the title XVI program. The BPD's records contain information about the ownership and redemption values of savings bonds.

E. Inclusive Dates of the Match

The matching program shall become effective 40 days after a copy of the agreement, as approved by the HHS Data Integrity Board, is sent to Congress and the Office of Management and Budget, or 40 days after publication of this notice in the Federal Register (December 22, 1993), whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

F. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program should submit comments to the Associate Commissioner for Program and Integrity Reviews, 860 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

[FR Doc. 93–27736 Filed 11–10–93; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–93–3681; FR–3612–N–01]

The Performance Review Board

AGENCY: Office of the Secretary, Housing and Urban Development.

ACTION: Notice of appointments.

SUMMARY: The Department of Housing and Urban Development announces the appointments of Terrence R. Duvernay as Chairperson, Marilynn A. Davis as Vice Chairperson, Frank D. Wing, Jr., Sandra J. Webb, Sylvester C. Angel, David R. Williamson, Donna M. Abbenante, Choco G. Meza as members, and Frank M. Malone, Madeline Hastings, as alternates to the Departmental Performance Review Board. Their address is: Department of Housing and Urban Development, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Performance Review Board and its members may contact Norm Phelps, Director, Office of Personnel, Department of Housing and Urban Development, Washington, DC 20410, telephone (202) 708–2000. (This is not a toll free number.)

Dated: November 5, 1993.

Henry G. Cisneros,

Secretary, Department of Housing and Urban Development.

[FR Doc. 93–27816 Filed 11–10–93; 8:45 am]

BILLING CODE 4210–32–M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–93–1917; FR–3350–N–57]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact Mark Johnston, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Corps of Engineers:* Bob Swieconek, Headquarters, Army Corps of Engineers, Attn: CERE-MC, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314–1000; (202) 272–1750; *Dept. of Interior:* Lola D. Knight, Property Management Specialist, Dept. of Interior, 1849 C St. NW, Mailstop 5512–MIB, Washington, DC 20240; (202) 208–4080; *U.S. Army:* Robert Conte, Dept. of Army, Military Facilities, DAEN–ZCI–P; Rm. 1E671, Pentagon, Washington, DC 20310–2600; (703) 693–4583; (These are not toll-free numbers).

Dated: November 5, 1993.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 11/12/93

Suitable/Available Properties

Buildings (by State)

Florida

Bldg. SF–97
Port Mayaca Lock & Spillway
9 miles north of Canal Point
Port Mayaca Co: Martin FL 33438-
Landholding Agency: COE
Property Number: 319340001
Status: Unutilized
Comment: 1700 sq. ft., 1-story concrete block/stucco, most recent use—laboratory, off-site use only

Iowa

Bldg.—Prairie Ridge
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544-
Landholding Agency: COE
Property Number: 319340002
Status: Unutilized
Comment: water storage tower, off-site use only

Bldg.—Bridgeview
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544-
Landholding Agency: COE
Property Number: 319340003
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only

Bldg.—Island View
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544-
Landholding Agency: COE
Property Number: 319340004
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only

Bldg.—Rolling Cove
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544-
Landholding Agency: COE
Property Number: 319340005
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only

Ohio

William H. Harsha Lake Bldg.
3782 Williamsburg-Bantam Road
Batavia Co: Clermont OH 45106-
Landholding Agency: COE
Property Number: 319240011
Status: Unutilized
Comment: 1568 sq. ft., wood frame residence, needs major repairs, off-site use only

Suitable/To Be Excessed

Buildings (by State)

Washington

Quarters No. 1204
604 S. Maple
Warden Co: Grant WA 98857-
Landholding Agency: Interior
Property Number: 619330001
Status: Excess
Comment: 850 sq. ft., one story frame residence, asbestos siding

Quarters No. 1208
608 S. Maple
Warden Co: Grant WA 98857-
Landholding Agency: Interior
Property Number: 619330002
Status: Excess
Comment: 709 sq. ft., one story frame residence, asbestos siding

Quarters No. 1301
3 SE and N Warden Road
Warden Co: Grant WA 98857-
Landholding Agency: Interior
Property Number: 619330003
Status: Excess
Comment: 709 sq. ft., one story frame residence on 4.9 acres, asbestos siding

Unsuitable Properties

Buildings (by State)

California

Bldg. 647
Oakland Army Base
Oakland Co: Alameda CA 94626-5000
Landholding Agency: Army
Property Number: 219340008
Status: Unutilized
Reason: Secured Area

Bldg. 648
Oakland Army Base
Oakland Co: Alameda CA 94626-5000
Landholding Agency: Army
Property Number: 219340009
Status: Unutilized
Reason: Other; Secured Area
Comment: Extensive deterioration

Bldg. 834A
Oakland Army Base
Oakland Co: Alameda CA 94626-5000
Landholding Agency: Army
Property Number: 219340010
Status: Unutilized
Reason: Other; Secured Area
Comment: Extensive deterioration

Bldg. 905
Oakland Army Base
Oakland Co: Alameda CA 94626-5000
Landholding Agency: Army
Property Number: 219340011
Status: Unutilized
Reason: Other; Secured Area
Comment: Extensive deterioration

Kansas

Bldgs. A2506, B2506
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219340001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldgs. A2508-1, B2508-1
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219340002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldg. A5817-1
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219340003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldgs. A7812-1, A7812-2, A7812-4 thru A7812-6
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219340004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldgs. A6807-1 thru A6807-21
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219340005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldgs. A6808-1, B6801-1, A6808-7, B6808-7
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219340006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldg. A7871-2
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018-
Landholding Agency: Army
Property Number: 219340007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Maryland

Bldg. T-116, Fort Detrick
Frederick Co: Frederick MD 21762-5000
Landholding Agency: Army
Property Number: 219340012
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldg. 2416
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 21061-
Landholding Agency: Army
Property Number: 219340013
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldg. T-2844
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 21061-
Landholding Agency: Army
Property Number: 219340014
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Minnesota

Bldg. 585
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112-
Landholding Agency: Army
Property Number: 219340015
Status: Unutilized
Reason: Other Secured Area
Comment: Extensive deterioration

Nevada

Bldg. 00167
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219340016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldg. 00302
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219340017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldg. 00329
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219340018
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldg. 00359
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219340019
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldg. 106-20
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219340020
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Bldg. 106-40
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415-
Landholding Agency: Army
Property Number: 219340021
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area
Comment: Extensive deterioration

Texas

Bldg. 3948, Fort Hood
Ft. Hood Co: Coryell TX 76544-
Landholding Agency: Army
Property Number: 219340022
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

[FR Doc. 93-27762 Filed 11-10-93; 8:45 am]
BILLING CODE 4210-29-F

Office of Administration

[Docket No. N-93-3680]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: Angela Antonelli, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 28, 1993.

John T. Murphy,

Director, IRM Policy and Management Division.

Proposal: Request for Occupied Conveyance

Office: Housing

Description of the need for the information and its proposed use: Tenants will provide information on the form that will determine if the occupant is financially able to pay the fair market rent and/or whether a member of the immediate family suffers from a temporary illness or injury which would prevent a physical move from the property.

Form number: HUD–9539

Respondents: Individuals or Households

Frequency of submission: On Occasion

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Mortgagees	10,250		6.83		.25		17,500
Mortgagors	10,500		1.00		.50		5,250

Total estimated burden hours: 22,750

Status: Extension

Contact: Art Orton, HUD, (202) 708–4767; Angela Antonelli, OMB, (202) 395–6880.

Dated: October 28, 1993.

Proposal: Request Voucher for Grant Payment—Request Voucher for Homeless Grant Payment—LOCCS Voice Response Access Authorization

Office: Chief Financial Officer

Description of the need for the information and its proposed use: These forms will be used by recipients to request payments of grant funds or to designate the appropriate officials who can have access to the Department's voice activated payment system. The information on these forms will be used as an internal control mechanism to safeguard Federal funds and to improve the payment process for recipients.

Form number: HUD–27053, 27053–A, and 27054

Respondents: State or Local Governments and Non-Profit Institutions

Frequency of submission: On Occasion

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–27053	1,200		180		.16		36,000
HUD–27053–A	800		24		.25		4,800
HUD–27054	2,000		1		.16		333

Total estimated burden hours: 41,133

Status: Extension

Contact: Sandra Jackson, HUD, (202) 708–0143; Angela Antonelli, OMB, (202) 395–6880.

Dated: October 28, 1993.

Proposal: Civil Rights Tenant Characteristics/Occupancy Report Insured Unsubsidized Housing Programs

Office: Fair Housing and Equal Opportunity

Description of the need for the information and its proposed use: Participants in HUD housing programs will be required to furnish information concerning race/ethnicity and gender characteristics to assist the Department in carrying out the responsibility for assuring that Federal statutes that prohibit discrimination and provide for fair housing are met.

Form number: HUD–949

Respondents: Businesses or Other For-Profit

Frequency of submission: Annually

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–949	4,000		2.3		.50		4,600
Recordkeeping	4,000		1.0		.08		338

Total estimated burden hours: 4,938
Status: Extension
Contact: Hughes S. Hobson, HUD, (202) 708–0142, Angela Antonelli, OMB, (202) 395–6880

Dated: October 28, 1993.

Proposal: Competitive Bidding for Section 202 Direct Loan Program for Elderly or Handicapped

Office: Housing

Description of the need for the information and its proposed use: Owners of Section 202 projects have the option of choosing a construction contractor by using either competitive bidding or a negotiated noncompetitive method of contract award. The information provided will be used in obtaining competitive bids in accordance with 24 CFR 885.415.

Form number: HUD–92328, HUD–92442–A–EH, HUD–92450–EH, HUD–92452–EH, HUD–2554, HUD–2530, and HUD–92443

Respondents: Businesses or Other For-Profit

Frequency of submission: On Occasion

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collections	20		1		24		480

Total estimated burden hours: 480
Status: Revision
Contact: Evelyn F. Berry, HUD, (202) 708–2866, Angela Antonelli, OMB, (202) 395–6880

Dated: October 26, 1993.

Proposal: Supplemental Assistance for Facilities to Assist the Homeless (SAFAH) Program—Annual Progress Report

Office: Conmmunity Planning and Development

Description of the need for the information and its proposed use: This report provides information necessary for program monitoring and program evaluation.

Form number: HUD–40077

Respondents: State or Local Governments and Non-Profit Institutions

Frequency of submission: Annually and Recordkeeping

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual Progress Report (APR)	14		1		45		630
Recordkeeping for APR	14		1		10		140

Total estimated burden hours: 770
Status: Revision
Contact: Mark Johnston, HUD, (202) 708–4300, Angela Antonelli, OMB, (202) 395–6880

Dated: October 6, 1993.

Proposal: Evaluation of Environmental Interventions Conducted Under the HUD Lead-Based Paint Hazard Reduction Grant Program

Office: Lead-Based Paint Abatement and Poisioning Prevention

Description of the need for the information and its proposed use: Public and private organizations concerned with both environmental health and the provision of affordable housing need information on how to control lead-based paint hazards in housing in the most cost-effective manner. Data from the evaluation study will be used by HUD and other Federal agencies to determine the cost and efficacy of various strategies for controlling lead-based paint hazards and reducing childhood lead exposure. Results will affect Federal regulations and guidelines required under law, and the actions of State, local and private-sector organizations will be affected as well.

Form number: None

Respondents: Individuals or Households and State or Local Governments

Frequency of submission: On occasion

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	10		8,240		0.48		39,550

Total estimated burden hours: 39,550
Status: New
Contact: Steve Weitz, HUD, (202) 755–1805, Angela Antonelli, OMB, (202) 395–6880

Dated: October 6, 1993.

[FR Doc. 93–27761 Filed 11–10–93; 8:45 am]
BILLING CODE 4210–01–M

[Docket No. D–93–1040; FR–3600–D–01]

Office of the Manager, New Orleans Field Office, Region VI (Fort Worth); Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Manager is designating officials who may serve as acting manager during the absence, disability, or vacancy in the position of the manager.

EFFECTIVE DATE: This designation is effective September 20, 1993.

FOR FURTHER INFORMATION CONTACT:

Rita Vinson, Director, Management and Budget Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113-2905, Telephone (817) 885-5451 (this is not a toll free number).

DESIGNATION: Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Manager
2. Deputy Manager
3. Special Assistant to the Manager
4. Director of Community Planning and Development
5. Director of Public Housing
6. Director of Housing Management
7. Director of Housing Development
8. Chief Counsel.

This designation supersedes the designation effective March 10, 1986, published in the **Federal Register** issue of February 6, 1987 (52 FR 3869).

Authority: Delegation of Authority by the Secretary of Housing and Urban Development, effective October 1, 1970; 36 FR 3389, February 23, 1971.

Dated: October 12, 1993.

Robert J. Vasquez,

Manager, New Orleans Office.

Frank L. Davis,

Acting Regional Administrator—Regional Housing Commissioner, Region VI (Fort Worth).

[FR Doc. 93-27760 Filed 11-10-93; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-020-04-4140-05; LEAS]

Intent To Prepare an Environmental Impact Statement; Cyprus Casa Grande Mine, Papago Indian Reservation, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement; Cyprus Casa Grande Mine; Tohono O'odham Nation, Papago Indian Reservation, Arizona.

SUMMARY: The Bureau of Land Management, Phoenix District Office, is preparing an Environmental Impact Statement for a proposed large scale open pit copper mine at the Cyprus Casa Grande Mine. The mine is currently being operated as a modified in situ copper leaching operation. The mine is located within the Tohono O'odham Nation, Papago Indian Reservation, Pinal County, Arizona, Cyprus Casa Grande Corporation has submitted a proposed large scale open pit mining plan to the Bureau of Land Management as required under subpart 3590, title 43, and subpart 216, title 25, Code of Federal Regulations. The Bureau of Land Management has responsibility for analysis, review, and approval of the mining plan. Preparation of the Environmental Impact Statement will follow the Code of Federal Regulations, title 40, subpart 1500.

The mine plan proposes to expand an existing open pit copper mine, to create a new overburden storage site, and add new copper oxide ore heap leach pads. The mine plan proposes production of appropriately one billion pounds of copper during the thirteen year life of the proposal. The public is invited to participate in the NEPA process beginning with the scoping and identification of issues in November 1993.

DATES: Comments relating to the identification of issues will be accepted until December 30, 1993.

ADDRESSES: Send comments to: Bureau of Land Management, Phoenix District Office, Attn: Paul J. Buff, 2015 W. Deer Valley Road, Phoenix, Arizona 85027.

FOR FURTHER INFORMATION CONTACT: Moon Hom, Mining Engineer, Bureau of Land Management, Phoenix District Office 2015 West Deer Valley Road, Phoenix, Arizona, (602) 780-8090.

SUPPLEMENTARY INFORMATION: The Cyprus Casa Grande Mine is located on the west flank of the Slate Mountains, Tohono O'odham Nation, Papago Indian Reservation, Pinal County, Arizona. The mine is located approximately 2.5 miles northeast of the Village of Gu Komelik and approximately 30 miles southwest of Casa Grande, Arizona.

Cyprus Casa Grande Corporation proposes to mine copper oxide ore by conventional open pit mining methods. Prior to placement on the heap leach pad, the copper oxide ore will be crushed, sized, and sulfuric acid agglomerated.

After placement on the leach pad, a weak sulfuric acid solution will be sprayed on the ore to chemically place the copper metal into solution. The solution is then recovered and processed through an existing Solvent Extraction/Electrowinning plant located at the mine site.

The total new disturbance from the proposed operation will be approximately 1,139 acres, consisting of 176 acres for the pit enlargement, 550 acres for the new overburden storage site, and 413 acres for the new heap leach pad.

Potential issues are air quality, groundwater quality, cultural resources, visual resources, and mine reclamation and revegetation.

The Environmental Impact Statement will be developed by a third party contractor who has been approved by the Bureau of Land Management. The contractor will use an interdisciplinary team to develop the document. The Bureau of Land Management, the Bureau of Indian Affairs, and the Tohono O'odham Nation will have responsibility for the review of the Impact Statement. There will be five public scoping meetings to obtain input on issues. These meetings will be held at the following times and locations:

November 30, 1993, 1 p.m., Casa Grande, Arizona, Holiday Inn
December 1, 1993, 5:30 p.m., Sells, Arizona, Health Complex
December 2, 1993, 9 a.m., Chuichu, Arizona, Elderly Center
December 3, 1993, 9 a.m., Santa Rosa, Arizona, District Center
December 4, 1993, 6 p.m., Gu Komelik, Arizona, Community Center

Complete records of all phases of the environmental documentation process will be available for public review at the Bureau of Land Management, Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027.

The proposed mining plan and environmental documentation will also be available at the Bureau of Indian Affairs, Sells, Arizona, and the Tohono O'odham Nation Headquarters, Sells, Arizona.

Dated: November 5, 1993.

John R. Christensen,

Acting District Manager.

[FR Doc. 93-27788 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-32-M

[NM-060-04-4760-01-(602)]

Closure Notice of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure notice of public lands.

SUMMARY: Notice is hereby given that effective immediately the following public lands within the Roswell District, acquired in the Rio Bonito land

exchange, are closed to all public uses until legal boundaries are clearly established, marked and activity plans are developed. In addition, all lands acquired in future exchanges along the Rio Bonito will be closed to all public uses. The purpose of this closure is to prevent adverse environmental impacts from unplanned use and to ensure the safety of nearby residents.

New Mexico Principal Meridian

T. 9 S., R. 15 E.,
Secs. 13, 14, 15, 23, 24, 25.
T. 9 S., R 16 E.,
Secs. 19, 20, 29, 30.
T. 10 S., R 16 E.,
Secs. 1, 2, 3, 10, 11, 12, 13,.

EFFECTIVE DATE: On November 12, 1993.

ADDRESSES: The areas which are closed are identified on maps available upon request from the following Bureau of Land Management Offices: Roswell District Office, 1717 W. Second Street, Roswell, NM 88201–2019; Roswell Resource Area Office, 5th and Richardson St. (Federal Building), P.O. Drawer 1857, Roswell, NM 88202–1857.

FOR FURTHER INFORMATION CONTACT: Howard Parman (505) 627–0212.

SUPPLEMENTARY INFORMATION: The authority for this closure is 43 CFR 8364.1. Penalties for any person failing to comply with this closure are a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months (43 CFR 8341.0–7 Penalties).

Dated: November 2, 1993.

Armando A. Lopez,

Acting District Manager.

[FR Doc. 93–27776 Filed 11–10–93; 8:45 am]

BILLING CODE 4310–FB–M

[OR–100–6321–01; G–4–018; Case File #OR–49268]

Notice of Availability, Proposed Decision Management Framework Plan Amendment, Exchange of Public Lands, Designation of Area of Critical Environmental Concern (ACEC)

SUMMARY: The Bureau of Land Management (BLM) in the State of Oregon, Douglas County, Roseburg District, has completed a proposed land use plan amendment to the Drain and North Umpqua Resource Area Management Framework Plans (MFPs). The MFP amendments will allow the completion of a land exchange involving 360 acres of Federal land managed by the BLM for approximately 6,600 acres of private ranch land. The majority of the private parcel acquired through exchange (approximately 6,200 acres) will be designated an ACEC. The MFP amendments also identify 3 additional Federal parcels for potential disposal through exchange. The proposed MFP amendment is available for a thirty (30) day protest period.

DATES: The thirty-day public protest period for this proposed MFP amendment will begin on November 12, 1993 and close on December 13, 1993. Protests must be postmarked no later than the closing date.

ADDRESSES: Protests must be sent to the following address: Bureau of Land Management, Division of Planning and Environmental Coordination (WO–760), 1849 C Street NW. (406 L St.), Washington, DC 20240. Protests must meet the requirements of 43 CFR 1610.5–2.

FOR FURTHER INFORMATION CONTACT: Eileen Cotnam, BLM Realty Specialist, BLM Roseburg District (503) 440–4930. Copies of the proposed plan amendment are available from the Roseburg District BLM at 777 NW., Garden Valley Blvd., Roseburg, OR 97470.

SUPPLEMENTARY INFORMATION: On September 1, 1993, BLM Roseburg District began a 60-day public comment period on the proposed MFP amendments and the Dunning Ranch Land Exchange Proposal. The comment period was advertised with publication of a Notice of Availability in both the **Federal Register** and the local newspaper. The public comment period ended October 30, 1993, with the receipt of nine written comments.

The proposed plan amendment identified five (5) Federal parcels, located in Douglas County, Oregon, as being available for disposal through exchange. The Dunning Ranch exchange proposal analyzed the impacts of trading up to 360 acres of revested Oregon and California (O & C) timber land for an approximately 6,600-acre ranch. Interim management guidelines for the ranch, if acquired, were also analyzed.

Under the proposed decision, the Federal Government will: (1) Designate the 5 parcels of Federal land as being available for disposal through exchange; (2) of the five parcels designated, exchange two parcels totaling 360 acres of Federal land for the 6,581-acre Dunning Ranch; (3) designate all but 400 acres of the acquired ranch as an Area of Critical Environmental Concern; and (4) manage the site under the "Interim Management Plans for the Offered Parcel (Proposed Action)" as identified in the Environmental Assessment prepared for the MFP amendment and proposed land exchange.

In addition to publishing this Notice of Availability in the **Federal Register**, the Roseburg District has: (1) Mailed copies of the proposed decision to all parties on the MFP amendment mailing list; (2) provided the Office of the Governor of the State of Oregon with a copy of the Environmental Analysis and Proposed Decision; and (3) published a similar Notice of Availability in the local newspaper.

Dated: November 3, 1993.

James Moorhouse,

District Manager.

[FR Doc. 93–27549 Filed 11–10–93; 8:45 am]

BILLING CODE 4310–33–M

[WY–040–04–4210–03; WYW–105817]

Realty Action, Recreation and Public Purposes Classification and Application for Lease in Lincoln County; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Clarification of comment period.

SUMMARY: In the issue of Thursday, October 21, 1993, notice document 93–25818 on page 54371 in the second and third columns under supplementary information, replace the third and fourth paragraphs of the notice with the following paragraphs:

For a period ending on December 6, 1993, interested persons may submit comments regarding the proposed lease or classification of the lands to the District Manager, Rock Springs District Office, P.O. Box 1869, Rock Springs, Wyoming 82902–1869.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a short-term camping area. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a short-term camping area.

Any adverse comments will be reviewed by the State Director. In the absence of any comments, the classification will become effective on December 20, 1993.

Dated: October 29, 1993.

Lynn Harrell,

Acting Area Manager.

[FR Doc. 93-27775 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-22-M

[CA-010-02-4212-13; CACA-31356]

Realty Action; Correction to Proposed Land Exchange in Merced, Monterey, Fresno, and San Benito Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction of notice of reality action; exchange of public and private lands in Merced, Monterey, Fresno, and San Benito Counties, California (CACA-31356).

SUMMARY: This document corrects and supplements the Notice of Realty Action (CACA-31356) published in 58 FR 40671-40673, July 29, 1993. Listed below are additional lands being considered in the exchange, and corrections to several typographical errors.

The above referenced notice should have included the following Selected Public Lands being considered for exchange of the surface estate only:

Mount Diablo Meridian, California

T. 12 S., R. 8 E.,
Sec. 7, Lot 2
T. 15 S., R. 9 E.,
Sec. 1, NE¼SE¼, E½NW¼SE¼
T. 16 S., R. 10 E.,
Sec. 2, W½SW¼
Sec. 4, Lot 3, SE¼NW¼, E½SW¼, SE¼
Sec. 9, N½SE¼
Sec. 15, NW¼NE¼, N½NW¼, SW¼NW¼

The above referenced notice should have included the following non-Federal lands to be considered for federal acquisition of the surface estate only:

Mount Diablo Meridian, California

T. 17 S., R. 13 E.,
Sec. 21, E½SE¼, SW¼SE¼, SW¼
Sec. 22, SW¼SE¼, SE½SWE¼
Sec. 23, SE¼NE¼, NW¼
Sec. 24, E½SE¼
Sec. 28, E½NE¼
Sec. 31, Lots 2, 3, & 4, SE¼NE¼, NE¼SE¼
Sec. 34, W½E½
Sec. 36, SE¼
T. 17 S., R. 14 E.,
Sec. 19, Lots 1, 2, 3, & 4, E½, E½W½
T. 19 S., R. 14 E.,
Sec. 23, All
T. 20 S., R. 14 E.,
Sec. 30, N½ of Lot 7

SUPPLEMENTARY INFORMATION: The primary purpose of this exchange is (1) to acquire habitat for several threatened or endangered species including the San Joaquin woollythreads (*Lembertia congdonii*), San Benito evening primrose (*Camissonia benitensis*), giant kangaroo rat (*Dipodomys ignens*), blunt-nosed leopard lizard (*Gambelia silus*), and San Joaquin kit fox (*Vulpus macrotis mitica*), (2) to acquire habitat for several rare species that could become threatened or endangered including the San Joaquin antelope squirrel (*Ammospermophilus nelsoni*), the southwestern pond turtle (*Clemmys marmorata pallida*), the foothill yellow-legged frog (*Rana boylei*), and the San Benito fritillary (*Fritillaria viridea*), (3) to enhance regional biodiversity objectives by acquiring a cross-section of Diablo Range ecosystems ranging from Jeffrey/Coulter/Digger pine forests to alkali desert shrub communities, (4) to acquire eight miles of riparian habitat, and (5) to enhance public recreation opportunities by acquiring key parcels that improve public access to existing public lands.

Federal lands identified for disposal are generally small isolated parcels without public access and with low public resource values. The exchange is consistent with the Bureau's land use plans for the lands involved. The public interest will be well served by making the exchange.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

(1) A reservation to the United States for a right-of-way for ditches and canals constructed under the authority of the Act of August 20, 1890 (43 U.S.C. 945).

(2) Authorized pipelines, power lines, roads, highways, telephone lines, minerals leases, and any other authorized land uses will be identified as prior existing rights.

(3) All necessary clearances for archaeology, rare plants and animals shall be completed prior to conveyance of title.

(4) Grazing operations that will have their allotments affected by this exchange are entitled to a 2-year adjustment period. However, a lessee may waive this 2-year notice.

This notice, as provided in 43 CFR 2201.1(b), shall segregate the public lands that are being considered for this exchange.

By publication of this notice, those vacant, unappropriated and unreserved public lands described above are segregated from settlement, location and entry under the public land laws, including the mining laws, but not the mineral leasing laws. The segregative effect shall terminate upon issuance of patent, or upon publication in the Federal Register of a termination of the segregation, or two (2) years from the date of this notice, whichever occurs first. This action is necessary while eliminating conflicting encumbrances on the public lands during exchange processing.

Detailed information concerning the exchange, including the environmental assessment, is available at the Hollister Resource Area Office, 20 Hamilton Court, Hollister, CA 95023.

For a period of 45 days from publication of this notice in the Federal Register, interested parties may submit comments to the Area Manager, Hollister Resource Area at the above address. Comments should specify the specific parcel affected by the comment. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination.

FOR FURTHER INFORMATION CONTACT: Steve Addington, Hollister Resource Area Office, (408) 637-8183 or at the address above.

Robert E. Beehler,

Hollister Area Manager.

[FR Doc. 93-27772 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-41-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-782494

Applicant: Zoological Society of San Diego, San Diego, CA

Applicant requests a permit to import and re-export one wild-born female giant panda (*Ailuropoda melanoleuca*) from the People's Republic of China. The panda will be imported for medical treatment at San Diego Zoo and will be re-exported upon recovery.

PRT-784215

Applicant: NYZS/The Wildlife Conservation Society, Bronx, NY

The applicant requests a permit to import one male captive-born proboscis monkey (*Nasalis larvatus*) from the Wilhelma Zoo, Stuttgart, Germany, to enhance the propagation and survival of the species.

PRT-783782

Applicant: Rare Feline Breeding Center, Center Hill, FL

The applicant requests a permit to export one captive born male Siberian tiger (*Panthera tigris altaica*) to Lionel Taesch, Maubeuge, France, to enhance the propagation and survival of the species.

PRT-781922

Applicant: University of California, San Diego, San Diego, CA

The applicant requests a permit to import hair samples taken from 9 different *Gazella* species from both wild and captive-born sources in Saudi Arabia for DNA analysis to enhance the propagation and survival of the species.

PRT-781925

Applicant: University of California, San Diego, San Diego, CA

The applicant requests a permit to import hair samples taken from wild and captive-born Eld's brow-antlered deer (*Cervus eldi*) from Thailand for DNA analysis to enhance the propagation and survival of the species.

PRT-781926

Applicant: University of California, San Diego, San Diego, CA

The applicant requests a permit to import hair samples taken from wild and captive-born White-eared marmosets (*Callithrix jacchus aurita*) and Buff-headed marmosets (*Callithrix jacchus flaviceps*) from Brazil for DNA analysis to enhance the propagation and survival of the species.

PRT-783610

Applicant: California Dept. of Water Resources, Fresno, CA

The applicant requests a permit to take Tipton (*Dipodomys nitratoides nitratoides*), Giant (*Dipodomys ingens*) and Stephens' (*Dipodomys stephensi*) kangaroo rats and blunt-nosed leopard lizard (*Gambelia silus*) to determine the species' presence or absence on permittee's land to enhance the propagation and survival of the species.

PRT-783938

Applicant: Duke University Primate Center, Durham, NC

The applicant requests a permit to export tissue samples from wild caught and captive-born Verreaux's sifakas (*Propithecus verreauxi*), Diademed sifakas (*Propithecus diadema*), grey gentle lemur (*Hapalemur griseus*), greater dwarf lemur (*Cheirogaleus major*) and flat-tailed dwarf lemur (*Cheirogaleus medius*) for DNA analysis to enhance the propagation and survival of the species.

PRT-784225

Applicant: Phoenix Zoo, Phoenix, AZ

The applicant requests a permit to import one female captive-born ocelot (*Felis pardalis mitis*) from Fundacao Parque Zoologico de Sao Paulo, Sao Paulo, Brazil, to enhance the propagation and survival of the species.

PRT-784091

Applicant: Louis J. Bougie, DePere, WI

The applicant requests a permit to import a pair of captive-hatched Cabot's tragopan (*Tragopan caboti*) from Glen Howe, Aylmer, Ontario, Canada, to enhance the propagation and survival of the species.

PRT-784092

Applicant: Jack W. Donaldson, Findlay, OH

The applicant requests a permit to import a pair of captive-hatched Cabot's tragopan (*Tragopan caboti*) from William Ming, London, Ontario, Canada, to enhance the propagation and survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 420(c), Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: November 5, 1993.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 93-27742 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-55-M

Aquatic Nuisance Species Task Force Risk Identification and Management Committee; Meeting

AGENCY: Department of the Interior, Fish and Wildlife Service.

ACTION: Notice of meeting.

SUMMARY: This notice announce a meeting of the Risk Identification and Management Committee (Committee), a committee of the Aquatic Nuisance Species Task Force. A number of subject will be discussed during the Committee meeting including: Overall objective of the Committee, criteria to assist in identifying and prioritizing potential pathways of nonindigenous species introduction, and review of proposed risk analysis process.

DATES: The Risk Identification and Management Committee will meet from 9 a.m. to 3 p.m. on Tuesday, November 30, 1993.

ADDRESSES: The Risk Identification and Monitoring Committee meeting will be held at the U.S. Fish and Wildlife Service Building, room 200A, 4401 N. Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Sharon Gross, ANS Task Force Coordinator, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 820, Arlington, Va. 22203 (703) 358-1718.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. I), this notice announces a meeting of the Aquatic Nuisance Species Task Force Risk Identification and Management Committee established under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, 104 Stat. 4761, 16 U.S.C. 4701 *et seq.*, November 29, 1990). Minutes of the meetings will be maintained by the Coordinator, Acquatic Nuisance Species Task Force, room 840, 4401 North Fairfax Drive, Arlington, Virginia 22203 and the Risk Identification and Management Committee Chairman, U.S. Dept. of Agriculture, Animal and Plant Health Inspection Service, 6505 Belcrest Rd., room 810, Hyattsville, MD 20782 and will be available for public inspection during regular business hours, Monday through Friday within 30 may following the meeting.

Dated: November 5, 1993.

Gary Edwards,

Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director—Fisheries.

[FR Doc. 93-27839 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

National Water-Quality Assessment Advisory Council; Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of an open meeting of the National Water-Quality Assessment (NAWQA) Advisory Council.

SUMMARY: Notice is hereby given of a meeting of the NAWQA Advisory

Council. The proposed agenda for the meeting includes presentations by Federal officials on the U.S. Geological Survey (USGS) NAWQA Program followed by questions and answers and an open discussion of the program. On Wednesday, December 8, 1993, representatives of the NAWQA Advisory Council will be given an orientation briefing followed by a tour of the USGS National Water Quality Laboratory.

The NAWQA Advisory Council is a subcommittee of the Advisory Committee on Water Data for Public Use and consists of representatives of water-resources-oriented groups, including Federal agencies, national, State, and regional organizations; Native Americans; professional and technical societies; public interest groups; private industry; and the academic community. Its principal responsibility is to advise the USGS, through the Advisory Committee on Water Data for Public Use, on activities and plans related to the USGS NAWQA Program and the effectiveness of that program in assessing the Nation's water quality. The Council will help assure that information from the NAWQA Program will support environmental decisionmaking at all levels of government and in the private sector. Also, the Council will serve as a forum for the exchange of information about complementary activities conducted by other organizations and will identify opportunities to collaborate, transfer technology, and share information. The Chief Hydrologist of the USGS chairs the NAWQA Advisory Council.

DATES: The meeting will convene at 8:30 a.m. on Tuesday, December 7, 1993, and will adjourn at noon on Wednesday, December 8, 1993.

ADDRESSES: Holiday Inn West, 14707 West Colfax Avenue, Golden, Colorado 80401.

FOR FURTHER INFORMATION CONTACT: P. Patrick Leahy, Chief, NAWQA Program; 413 National Center; Reston, Virginia 22092 Telephone: (703) 648-5012; Fax: (703) 648-5722.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Time has been set aside for public comment at 4 p.m., Tuesday, December 7, 1993. Persons wishing to make a brief presentation (up to 5 minutes) must provide a written request with a description of the general subject area to P. Patrick Leahy no later than noon, December 1, 1993, to reserve space on the agenda. It is requested that 30 copies of a written statement for the record be submitted to P. Patrick Leahy at the time of the meeting for distribution to the members of the NAWQA Advisory Council and for the official file. Any member of the public may submit written information and/or comments to P. Patrick Leahy for distribution to the NAWQA Advisory Council.

Philip Cohen,

Chief Hydrologist.

[FR Doc. 93-27779 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Concession Contract; Gateway National Recreation Area, New York and New Jersey

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a concession contract authorizing continued snack bar and beach supply shops, facilities, and services for the public at the Sandy Hook Unit, Gateway National Recreation Area, New York—New Jersey for a period of ten (10) years from January 1, 1994, through December 31, 2003.

EFFECTIVE DATE: February 10, 1994.

ADDRESSES: Interested parties should contact the Regional Director, National Park Service, North Atlantic Region, Attention: Division of Concessions Program Management, 15 State Street, Boston, MA 02109-3572, Telephone (617) 223-5209, to obtain a copy of the prospectus describing the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This proposed contract bears upon a Government construction and improvement program, which is applicable to the National Environmental Policy Act. An Amendment to the General Management Plan for Gateway National Recreation Area, Sandy Hook Unit dealt with the development concepts for these Beach Centers. Some of the development areas have required further environmental compliance documentation. An environmental assessment has been prepared for the North Area beaches and environmental compliance proceedings are to be completed in conjunction with contract award.

The existing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on September 30, 1987, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract, providing that the existing concessioner submits a responsive offer (a timely offer which meets the terms and conditions of the Prospectus). This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offer.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Regional Director not later than the ninetieth (90th day following publication of this notice to be considered and evaluated.

Dated: November 8, 1993.

John C. Reed,

Acting Regional Director.

[FR Doc. 93-27885 Filed 11-10-93; 8:45 am]

BILLING CODE 4310-70-M

Mazama, Munson Valley, and Panhandle Development Concept Plan/ Environmental Impact Statement for Crater Lake National Park, OR

AGENCY: National Park Service, DOI.

ACTION: Notice of Intent to prepare an environmental impact statement for the Mazama, Munson Valley, and Panhandle Development Concept Plan for Crater Lake National Park.

SUMMARY: The National Park Service will prepare a Development Concept Plan/Environmental Impact Statement (DCP/EIS) for Mazama, Munson Valley, and Panhandle areas within Crater Lake National Park. In the DCP/EIS and its accompany public review process, the National Park Service will formulate and evaluate the environmental impacts of a range of alternatives to address development and use of these three areas. Development in these areas will support or complement the long-term improvements taking place in Rim Village, which is being renovated to improve year-round visitor facilities, reduce vehicles, better protect Crater Lake, and create a safer and more pleasant environment for the visitor.

Persons who may be interested in or affected by the proposed DCP/EIS are invited to participate in the scoping process by responding to this Notice with written comments. The scoping process will help define issues, concerns, and potential impacts related to the plan. Public scoping meetings are expected to be held in early December 1993. The time and location of these meetings will be announced prior to that time through the local media and the park's mailing list.

The draft plan and environmental impact statement are expected to be completed and available for public review by August 1994. The final plan, environmental impact statement, and Record of Decision are expected to be completed in May 1995.

The responsible official is Charles H. Odegaard, Regional Director, Pacific Northwest Region, National Park Service.

DATES: Written comments about the scope of issues and impact topics to be analyzed in the DCP/EIS should be received on or before January 11, 1994.

ADDRESSES: Written comments concerning the DCP/EIS should be sent to the Superintendent, Crater Lake National Park, P.O. Box 7, Crater Lake, Oregon 97604–0007.

FOR FURTHER INFORMATION CONTACT: Superintendent, Crater Lake National Park, at the above address or at telephone number (503) 594–2211.

Dated: October 29, 1993.

William C. Walters,

Deputy Regional Director, Pacific Northwest Region, National Park Service.

[FR Doc. 93–27887 Filed 11–10–93; 8:45 am]

BILLING CODE 4310–70–M

Bureau of Reclamation

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information reproduced below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). An expedited review has been requested in accordance with the Act, since allowing for the review period would adversely affect the public interest for the reasons given below. Approval has been requested by December 30, 1993. Comments and suggestions on the proposal should be made directly to the bureau clearance officer listed below and to the Office of Management and Budget, Paperwork Reduction Project (1006–XXXX), Washington, DC 20503; Telephone 202–395–7340.

Title: Glen Canyon Environmental Studies Passive-Use Values Study.

OMB Approval Number: 1006–XXXX.

Abstract: Individuals who may not physically use certain unique or significant resources may hold some value for their existence and preservation. Passive-use or non-use economic value is a monetary measure of this value. Studies completed under the Glen Canyon Environmental Studies Program have shown that the operation of Glen Canyon Dam affects downstream natural and cultural resources in Glen Canyon National Recreation Area and Grand Canyon National Park. If individuals hold passive-use value for resources affected by the timing and amount of the releases from the dam, the magnitude of these values could be influenced by changes in the way the dam is operated. Information will be collected from a random sample of the U.S. population in an effort to quantify passive-use value for a range of dam operation strategies. This information may be used by decision makers to help assess the trade-offs between recreation benefits, power production benefits, and passive-use benefits associated with different strategies for operating Glen Canyon Dam.

Reason for Expedited Review: Implementation of this information collection is required for completion of the draft Glen Canyon Dam Environmental Impact Statement. The Grand Canyon Protection Act of 1992 stipulates the completion of the final Glen Canyon Dam EIS by October 30, 1994. In order to meet this schedule, it will be necessary to begin survey administration not later than January 15, 1994.

Frequency: Once.

Description of Respondents: Residents of the U.S., aged 18 or more.

Estimated Completion Time: ½ hour.

Responses: 8,000.

Burden Hours: 4,000.

Bureau Clearance Officer: Robert A. Lopez, 303–236–6769.

Dated: October 5, 1993.

Donald R. Glaser,

Deputy Commissioner.

[FR Doc. 93–27771 Filed 11–10–93; 8:45 am]

BILLING CODE 4310–94–M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders or Ms. Johnnie Davis, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927–6212 or (202) 927–6245. Comments on the following assessment are due 15 days after the date of availability:

AB–12 (Sub-No. 162X), Southern Pacific Transportation Company—Abandonment Exemption—In Jackson, Victoria and Wharton Counties, Texas. Ea available 11/5/93.

Comments on the following assessment are due 30 days after the date of availability:

AB–307 (Sub-No. 2X), Wyoming and Colorado Railroad Company, Inc.—Abandonment Exemption—In Jackson County, Colorado. Ea available 11/4/93.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–27863 Filed 11–10–93; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32350]

The Indiana and Ohio Railroad Company, Inc.—Trackage Rights Exemption—The Central Railroad Company of Indiana

The Central Railroad Company of Indiana (CIND) has entered into two agreements with The Indiana and Ohio Railroad Company, Inc. (INOH).[1], granting INOH joint trackage rights. Under the first agreement, INOH obtains joint trackage rights: (a) for the purpose of handling car load freight in overhead movement between the tracks of INOH at milepost 17.7 at Valley Junction, OH, (a point of connection between the INOH and CIND) and the end of ownership of CIND at milepost 0.0 in Cincinnati, OH; (b) for the purpose of handling commodities with the

[1] The verified notice of exemption was filed September 27, 1993. Commission staff contacted INOH and requested clarification of its verified notice. INOH supplemented the record by letters dated October 8, 1993 and October 21, 1993. Commission staff also contacted INOH after the filing of the October 8 and October 21, 1993 letters.

Standard Transportation Commodity Codes beginning with the digits 14- (principally sand) originating on the tracks of INOH and terminating at any point on CIND between milepost 1.6 and milepost 0.0; and (c) for the purpose of handling grain or soybeans originating at any point served by INOH or any of its subsidiaries [2] as of April 1, 1993, and terminating at milepost 3.5 at the Consolidated Grain Sedamsville Elevator or at milepost 14.5 at its North Bend Terminal. INOH may not use any portion of the joint trackage rights to originate, terminate or in any fashion handle commodities included in the Standard Transportation Commodity Codes commencing with 24-, 29-, 32-, and 33-, covering lumber, roofing shingles, fiberglass mat, and slag, respectively.

Under the second agreement, CIND has agreed to grant joint trackage rights to INOH: (a) For the handling of car load freight in overhead movement between the tracks of INOH at milepost 17.7 at Valley Junction, OH and the jointly-owned trackage of CIND and CSX Transportation, Inc. at milepost 1.6 at C.P. Oklahoma in Cincinnati, OH; (b) for the handling of commodities with Standard Transportation Commodity Codes beginning with the digits 14- (principally sand) originating on the tracks of INOH and terminating at any point on CIND between milepost 17.7 and milepost 1.6; and (c) for the handling of grain or soybeans originating at any point served by INOH or any of its subsidiaries (see footnote 2) as of April 1, 1993, and terminating at milepost 3.5 at the Consolidated Grain Sedamsville Elevator or at milepost 14.5 at its North Bend Terminal. INOH may not use any portion of the second joint trackage rights to originate, terminate, or in any fashion handle commodities included in the Standard Transportation Commodity Codes commencing with 24-, 29-, 32-, and 33-, covering lumber, roofing shingles, fiberglass mat, and slag, respectively.

INOH operations over these rights would connect with CSX Transportation at CIND's milepost 1.6. The trackage rights were to become effective on or after October 3, 1993.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Robert L. Calhoun, Sullivan & Worcester, Suite 1000, 1025 Connecticut Avenue, NW., Washington, DC 20036.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: November 5, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–27864 Filed 11–10–93; 8:45 am]

BILLING CODE 7035–01–P

[2] Includes the Indiana & Ohio Railway Company, Inc.; The Indiana & Ohio Eastern Railroad Company, Inc.; and The Indiana & Ohio Central Railroad Company, Inc.

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; United States v. Alderman Dow Iron & Metal Co., Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Alderman Dow Iron & Metal Co., Inc., et al.*, Civil Action No. 3:93–CIV1676 was lodged on October 28, 1993 with the United States District Court for the Middle District of Pennsylvania. The defendants in the action are alleged to be persons who arranged for the disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances at the Tonolli Corporation Superfund Site, in Nesquehoning Borough, Carbon County, Pennsylvania. The proposed consent decree requires the defendants to conduct certain cleanup activities at the Site under the oversight of the United States Environmental Protection Agency. The proposed consent decree also obtains certain other relief.

The Department of Justice will receive, for a period ending thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should specifically refer to *United States* v. *Alderman Dow Iron & Metal Co., Inc. et al.*, D.J. reference #90–7–2–174B.

The proposed consent decree may be examined at the Office of the United States Attorney for the Middle District of Pennsylvania, suite 1162, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy of the proposed consent decree, please enclose a check in the amount of $60.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Lois J. Schiffer,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 93–27770 Filed 11–10–93; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; United States v. Crown Cork & Seal Co., Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 30, 1993, a proposed Consent Decree in *United States* v. *Crown Cork & Seal Company, Inc.*, Civil Action No. 2:93 CV 146–SO, was lodged with the United States District Court for the Northern District of Mississippi. This consent decree represents a settlement of claims against Crown Cork & Seal for violations of the Clean Air Act.

Under this settlement between the United States and Crown Cork & Seal, Crown Cork & Seal will pay the United States a civil penalty of $343,000. In addition, the Consent Decree requires Crown Cork & Seal to comply with the Clean Air Act and, in particular, with the Prevention of Significant Deterioration ("PSD") requirements and regulations, and the New Source Performance Standards ("NSPS"), and the terms of permit no. 2100–0004, issued by the Mississippi Office of Pollution Control on November 11, 1991. The Consent Decree further requires Crown Cork & Seal to conduct a pilot project with respect to the installation and operation of a biofilter bed at its Cheraw, South Carolina can facility, for the control of VOC emissions and to replace the existing control units at its Batesville, Mississippi facility with regenerative incinerators and to improve control efficiency in accordance with the schedule set forth in the Consent

Decree. Crown Cork & Seal is also required under the Consent Decree to conduct internal environmental management training in accordance with the schedule set forth in the Consent Decree. Stipulated penalties may be imposed in the event Crown Cork & Seal does not comply with the requirements of the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Crown Cork & Seal Company, Inc.*, D.J. Ref. 90-5-2-1-1383.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of Mississippi, 911 West Jackson Avenue, Oxford, Mississippi, and at Region IV, Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365 and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $3.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93-27766 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; United States v. Western Mobile New Mexico, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Western Mobile New Mexico, Inc.*, Civil Action No. 93-1228 LH, was lodged on October 20, 1993 with the United States District Court for the District of New Mexico. Western Mobile New Mexico, Inc. operates a rock crushing facility on the Sandia Pueblo Indian Lands near the City of Albuquerque, New Mexico. A civil complaint filed simultaneously with the lodging of this proposed consent decree alleges that Western Mobile violated New Source Performance Standards by failing to give notice to the Administrator of the United States Environmental Protection Agency of its intent to modify its facility, failed to notify the Administrator of the intended and actual startup dates of the facility and failed to conduct performance testing of its facility to ensure compliance with applicable emission standards found in 40 CFR part 60, subpart 000.

The proposed consent decree requires Western Mobile to pay a civil penalty of $30,000 and to conduct the required performance testing.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Western Mobile New Mexico, Inc.*, DOJ Ref. #90-5-2-1-1435.

The proposed consent decree may be examined at the Office of the United States Attorney, 625 Silver SW., 4th Floor, Albuquerque, New Mexico; the Region 6 Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $3.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 93-27769 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 80-93]

Privacy Act of 1974; Modified Systems

On February 13, 1989 (54 FR 6622 and 6623), the Department published notice of two new Privacy Act systems of records which would assist in its efforts to collect overdue debts owed to the United States. The new systems, published pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), were entitled "Debt Collection Enforcement System, JUSTICE/USA-015, and "Debt Collection Management System, JUSTICE/JMD-006." The enforcement system was established to cover Privacy Act records used in debt collection efforts by contract private counsel and United States Attorneys (USAs) in ten selected judicial districts on a pilot project basis.[1] The management system was established to provide litigation/administrative support to the pilot districts by (1) serving as an automated database for debt collection litigation, (2) performing such administrative functions as reconciling Department and client agency records, maintaining account data and managing the contract private counsel portfolios, etc., and (3) creating an automated inventory of debt cases received from client Federal agencies and assigned to contract private counsel and to USAs in the ten pilot districts.

The Department has modified both systems of records. Modifications include additional clarity regarding the purpose of the systems and the categories or records covered there. Modifications also reflect (1) that the pilot program will now cover 15 judicial districts and (2) that an automated data base has been added which will enable the Justice Management Division's Central Intake Facility to (a) assign cases to the USAs in the remaining 79 non-pilot districts, (b) provide an automated inventory of debt collection cases in the non-pilot districts, similar to that provided for the pilot districts, and (c) provide "summary level" data to the non-pilot districts while continuing to provide full administrative and litigation support to the pilot districts—until such support is provided, seriatim, to all 94 judicial districts.

Further, in addition to making a number of changes to clarify and better describe these systems, we are adding to the management system two routine use disclosures, identified as (j)(2), and (k) together with notice of disclosure pursuant to subsection (b)(12). Finally, we have edited the enforcement system to clarify existing routine use (j) as well as the language which permits disclosure under subsection (b)(12). Accordingly, as required by 5 U.S.C. 552a(e) (4) and (11) and 31 U.S.C. 3711(f)(1)(A), a 30-day comment period is provided. Any comments may be addressed to Patricia E. Neely, Staff Assistant, Systems Policy Staff, Justice Management Division, room 850, Washington Center Building, Department of Justice, Washington, DC 20530 by December 13, 1993.

As required by 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) implementing regulations, the Department of Justice has provided a report on the proposed changes to OMB and the Congress.

[1] On November 10, 1992, Public Law No. 102-58 expanded the pilot program to 15 judicial districts and extended the period covered by the program to September 30, 1996.

Modified system descriptions are set forth below. Changes have been italicized for public convenience.

Dated: November 2, 1993.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/USA-015

SYSTEM NAME:

Debt Collection Enforcement System, JUSTICE/USA-015.

SYSTEM LOCATIONS:

Executive Office for United States Attorneys, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530; and 94 United States Attorney (USA) Offices (see Appendix of USA office locations, JUSTICE/USA-999). In addition, not to exceed 15 of the 94 Federal judicial districts, are pilot districts from which contract private counsel are/have been employed to assist USAs in debt collection litigation. Ten of the judicial districts are named below; the remaining five have not been identified.

SYSTEM LOCATIONS:

Southern District of Texas, P.O. Box 61129, Houston, TX 77208

Southern District of Florida, *Federal Justice Building, 99 NE 4th Street,* Miami, FL *33132*

Eastern District of Michigan, Room *817,* Federal Building, 231 W. Lafayette, Detroit, MI 48226-2784

Northern District of California, 10th Floor, Claims &Judgment Unit; 450 Golden Gate Avenue, P.O. Box 36055, San Francisco, CA 94102

Middle District of Florida, room 400, Robert Timberlake Building, 500 Zack Street, Tampa, FL 33602

Eastern District of New York, U.S. Courthouse, *225 Cadman Plaza East,* Brooklyn, NY 11201

Central District of California, 312 N. Spring Street, room 446D, Los Angeles, CA 90012-4701

District of New Jersey, room 502, Federal Building, 970 Broad Street, Newark, NJ 07102-2506

Western District of Louisiana, *Suite 2100, Louisiana Tower, 401 Edwards Street,* Shreveport, LA 71101-6133

District of Columbia, Judiciary Center Building, 555 Fourth Street NW., Washington, DC 20001

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons indebted to the United States (1) who have allowed their debts to become delinquent and whose delinquent debts have been assigned by the Department's Justice Management Division (JMD) to a U.S. Attorney (USA) or contract private counsel for settlement or enforced collection through litigation, *and/or (2) who have incurred debts assessed by the court, e.g., fines or penalties, as a result of a criminal proceeding.*

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains records relating to the negotiation, compromise, settlement, and litigation of *debts* owed the United States. Records consist of a case file and automated *and/or hard copy* support data.

The case file includes such documents as: the Claims Collection Litigation Report; Certificate of Indebtedness; Satisfaction of Judgment or Certificate of Discharge; court and related legal documents such as judgments, orders, briefs, pleadings and settlement agreements; status reports, and correspondence, and any other documentation developed during the negotiation, compromise, settlement and/or litigation of the *debts.*

The automated *and/or hard copy support* data contains *information* extracted from the case file and any data generated or developed to support the administrative operations of the debt collection program. Information may include personal data, e.g., name, social security number, date of birth, and locator information; claim information e.g., type of claim such as benefit overpayment, loan default, bankruptcy, etc.: payment demand information, compromise offered, etc.: account information, e.g., debtor payments including principal, penalties, interests, and balances, etc.; information regarding debtor's employment, ability to pay, property liens, etc.; value of claim, name of source agency which provided the loan or benefit; information on the status and disposition of cases at various intervals of time; and any other information related to the negotiation, compromise, settlement, or litigation of *debts* owed the United States, or to the administrative management of the debt collection program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3711 and 3718, and *28 U.S.C. 3201.*

PURPOSE(S):

Title 31 U.S.C. 3711 authorizes the Attorney General to conduct litigation to collect delinquent debts due the United States; 31 U.S.C. 3718(b) authorizes the Attorney General to contract with private counsel to assist the Department (specifically, the USAs) in collecting consumer and commercial debts owed the United States on a pilot basis; Chapter 176 of Title 28, United States Code ("Federal Debt Collection Procedure"), authorizes the Attorney General to obtain both prejudgment and postjudgment remedies against delinquent debtors, and Section 3201(e) of that Chapter states that a judgment against such a debtor creates a lien on all real property of the debtor and renders that debtor "ineligible" for any grant or loan made, insured, financed, or guaranteed by the Federal Government. Accordingly, this system of records is maintained by the Executive Office for U.S. Attorneys to cover records which are used by the 94 USAs, and/or private counsel in selected pilot districts where the Department has contracted with private counsel, to perform legal services such as the negotiation, settlement, litigation and enforcement of debts owned the United States.[1]

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the course of its collection and enforcement activities, the Department *may* release client Federal agency case files and any related records or information created by the Department to contract private counsel to negotiate, settle, and litigate *debts* owed the United States.

In the course of its collection and enforcement activities, or during the course of a trial or hearing or preparation for a trial or hearing, the Department through contract private counsel in the *pilot* judicial districts, or through its own USAs in *all 94 judicial* districts, may disclose *relevant* records or information from this system as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, civil or regulatory in nature—to the appropriate Federal, State, local or foreign agency charged with the responsibility of investigating, defending or pursuing such violation, civil claim or remedy, or charged with

[1] *A separate but ancillary system of records entitled "Debt Collection Management System, Justice/JMD-006" is maintained by JMD to furnish automated litigation/administrative support to USAs and to private counsel in pilot districts (and ultimately to provide, seriatim, such support to all USAs), and to create an inventory of debtor files in all 94 judicial districts. The inventory consists of all debtor files referred by USAs and by client Federal agencies to the Department (and subsequently referred/assigned by JMD to such private counsel, and to USAs in the 94 judicial districts) for enforced collection via litigation. The inventory enables the Department to provide statistical data to the Congress and to the Office of Management and Budget on debt collection as required by 31 U.S.C. 3718(c).*

enforcing, defending or implementing such law.

(b) To a Federal, State, local, or foreign agency or to an individual or organization; if there is reason to believe that such agency, individual, or organization possesses information relating to the debt, the debtor's ability to pay, or relating to any other matter which is relevant and necessary to the settlement, effective litigation and enforced collection of the debt, or relating to the civil action trial or hearing, and the disclosure is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency.

(c) To an actual or potential party, or to his or her attorney, for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings.

(d) To client agencies who have referred debt collection cases to the Department for settlement or litigation and enforced collection to notify such agencies of the status of the case or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case.

(e) To a Federal agency in response to its request and in connection with hiring or retention of an employee, the issuance of the required security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

(f) To volunteer student workers and students working under a college work-study program as is necessary to enable them to perform their duties.

(g) To employees or to contract personnel to access the records for Privacy Act training purposes.

(h) In a proceeding before a court or adjudicative body before which the Department or contract private counsel is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the Department or contract private counsel to be arguably relevant to the litigation: (1) The Department, or any subdivision thereof, or contract private counsel, or (2) any employee of the Department or contract private counsel in his or her official capacity or (3) any employee of the Department or contract private counsel in his or her individual capacity where the Department has agreed to represent the employee, or (4) the United States, where the Department or contract private counsel determines that the litigation is likely to affect the Department or any of its subdivisions.

(i) In a proceeding before a court or adjudicative body before which the Department or contract private counsel is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Department or contract private counsel to be arguably relevant to the litigation.

(j) *To (1) any Federal agency which employs and/or pays pension, annuity and/or other benefits to an individual who has been identified as a delinquent debtor for the purpose of offsetting the individual's salary, and/or pension, annuity or other benefit payment received from that agency, when the Justice Department is responsible for the enforced collection of a judgment or claim on behalf of the United States against that person; and* (2) a Federal, State, local or foreign agency, an organization, or individual to elicit information to assist the Department in the settlement or effective litigation and enforced collection of the overdue debt.

(k) To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(l) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(m) To the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure to consumer reporting agencies under subsection (b)(12) of the Privacy Act:

Disclosure to consumer reporting agencies in accordance with section 3711(f) of Title 31 (as authorized under subsection (b)(12) of the Privacy Act): Relevant records may be disclosed to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) where such information is directly related to the identity of debtors and the history of claims contained in this system of records and for the purpose of encouraging repayment of overdue debts. Such disclosure may be made only when a claim is overdue and only after due process steps have been taken to notify the debtor and give him or her a chance to meet the terms of the debt. Addresses of taxpayers obtained from the Department of the Treasury may be disclosed to consumer reporting agencies only for the purpose of allowing such agencies to prepare a commercial credit report on the taxpayer for use by the Department. Prior to such disclosure, satisfactory assurances will be obtained from such consumer reporting agency concerning compliance by that agency with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and any other Federal law governing the provision of consumer credit information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case files *and hard copy support data, i.e., index cards, are stored in locked rooms; automated data is stored on magnetic tape.*

RETRIEVABILITY:

Data is retrieved by name of debtor.

SAFEGUARDS:

Access to records is restricted to those Department and contract employees who must have access to perform their settlement or litigation and enforced collection activities, and/or administrative responsibilities. Case files are maintained separately in locked rooms during non-duty hours. Access to automated data requires the use of the proper password and user identification code. Access by contract private counsel is restricted to those cases assigned.

RETENTION AND DISPOSAL:

Case files which were assigned to private counsel during the pilot program will remain in the physical custody of such counsel until the debtor has paid his/her debt in full, the pilot program has expired, or the debtor has ceased making payments. At such time, the case file will be returned to the USA. Case files, together with any data which has been extracted therefrom and included in the automated data base, will be erased 10 years after close of litigation. Administrative records in both hard copy and automated format will be destroyed six years after the close of the Fiscal Year in which the records were compiled.

SYSTEM MANAGER AND ADDRESS:

System Manager is the Administrative Officer/Assistant for the *USA* in each of

the *94* judicial districts *identified in the Appendix of USA office locations, JUSTICE/USA-999.*

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager of the judicial district in which collection efforts have been initiated. (See "System Locations.")

RECORDS ACCESS PROCEDURES:

Address requests for access to the System Manager of the judicial district in which collection efforts have been initiated. (See "System Locations.") Clearly mark the envelope "Privacy Access Request." Include in the request the debtor's name, date of birth, address, and any other identifying information which may be of assistance in locating the record, e.g., name of the case or Federal agency to whom the debtor is indebted. In addition, include notarized signature of the debtor as well as the name and address of the individual to receive the information if other than the debtor.

CONTESTING RECORD PROCEDURES:

Address requests to the System Manager of the judicial district in which collection efforts have been initiated. (See "System Locations.") State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

The individuals covered by the system; client agencies of the Department to whom the individual is indebted; an attorney or other representative for the debtor and/or payor; any Federal, State, local, foreign, private organization or individual who may have information relating to the debt, the debtor's ability to pay or any other information relevant and necessary to assist in settlement or effective litigation and enforced collection of the debt.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/JMD-006

SYSTEM NAME:

Debt Collection Management System, JUSTICE/JMD-006

SYSTEM LOCATION:

Department of Justice, Justice Management Division (JMD), Central Intake Facility (CIF), 1110 Bonifant Street, Suite 220, Silver Spring, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons indebted to the United States who have allowed their debts to become delinquent and whose debts have been sent by client Federal agencies to the Department of Justice for settlement or enforced collection through litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records *contains records for all 94 judicial districts of the United States. It contains* records relating to the negotiation, compromise, settlement, and litigation of *debts* owed the United States. Records will consist of an automated support data base and temporary custody of case files. Case files are assigned promptly to a U.S. Attorney (USA) or, *where the Department has contracted for their services, to* private counsel to undertake enforced debt collection action.[1] This system describes case files during the period *when* they are in the possession of the JMD, CIF. Upon assignment of a case file to *a* USA or contract private counsel, the case is covered by the Debt Collection Enforcement System, JUSTICE/USA-015.

The client agency case file includes such documents as the Claims Collection Litigation Report; Certificate of Indebtedness; any partial payment records, status reports, correspondence, and any other documentation developed during the negotiation of the *debts.*

An automated data base *provides litigation/administrative support to private counsel and USAs in the pilot districts*[2] *and creates an inventory of cases assigned to the 94 judicial districts. The data base contains* data extracted from the case file and any data generated or developed to support the administrative operations of the debt collection program. Information may include personal data, e.g., name, social security number, date of birth, and locator information; claim information, e.g., type of claim such as benefit overpayment, loan default, bankruptcy, etc.; payment demand information, compromise offered, etc.; account information, e.g., debtor payments including principal, penalties, interests, and balances, etc.; information regarding debtor's employment, ability to pay, property liens, etc.; value of claim, name of source agency which provided the loan or benefit; information on the status and disposition of cases at various intervals of time; and any other information related to the negotiation; compromise, settlement, or litigation of *debts* owed the United States, or to the administrative management of the debt collection program.

(When a case is closed or a judgment is obtained, the USAs in both pilot and non-pilot districts notify the CIF as to the final disposition of the case on a monthly basis.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3711 and 3718, and *28 U.S.C. 3201*

PURPOSE(S):

Title 31 U.S.C. 3711 authorizes the Attorney General to conduct litigation to collect delinquent debts due the United States; 31 U.S.C. 3718(b) authorizes the Attorney General to contract with private counsel to assist the Department (specifically, the USAs) in collecting consumer and commercial debts owed the United States on a pilot project basis; and Chapter 176 of Title 28, United States Code ("Federal Debt Collection Procedure"), authorizes the Attorney General to obtain both prejudgment and postjudgment remedies against delinquent debtors, and section 3201(e) of that Chapter states that a judgment against such a debtor creates a lien on all real property of the debtor and renders that debtor "ineligible" for any grant or loan made, insured, financed or guaranteed by the Federal Government. Accordingly, this system of records is maintained by JMD under contract by means of the CIF to assist the Attorney General in conducting this debt litigation through the USAs in all 94 judicial districts (for an indefinite period) and, where appropriate, through contract private counsel under a pilot program (for periods specified by legislation). The CIF receives debt collection files from client Federal agencies for assignment to private counsel in any selected pilot judicial districts where the Department has contracted for their services and/or to the USAs in all 94 judicial districts.[3]

[1] *Private counsel are employed under a statutorily-authorized pilot program in specific judicial districts. Pub. L. No. 102-58 (November 10, 1992) authorized a four-year extension of the pilot program through September 30, 1996, and expanded the number of judicial districts from 10 to 15. Ten of these districts have been identified as: Central District of CA; Northern District of CA; Eastern District of NY; Southern District of FL; Eastern District of MI; Southern District of TX; District of Columbia; Middle District of FL; Western District of LA; and the District of NJ.*

[2] The ultimate goal is to provide fully automated debt collection litigation support to all 94 USAs. While moving toward this goal, the Department envisions a system that will maintain summary level data for all 94 USA's until all districts can be provided, seriatim, full administrative and litigation support.

[3] A separate system of records entitled "Debt Collection Enforcement System, Justice/USA-015," covers the records as maintained by the USAs and

The CIF furnishes automated litigation/administrative support to such counsel and to USAs in the pilot districts,[4] and creates an inventory of all debts referred by USAs and by client Federal agencies to the Department (and subsequently referred/assigned by the CIF to such counsel, and to USAs in all 94 judicial districts) for enforced collection via litigation. The inventory enables the Department to provide statistical data to the Congress and the Office of Management and Budget on debt collection activities as required by 31 U.S.C. 3718(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the course of its collection and enforcement activities, the Department *may* release client Federal agency case files to the CIF to conduct the administrative operations of the debt collection program. Through the administrative operations of the CIF, the Department will release the case files and any related records or information created by the CIF to the contract private counsel to negotiate, settle, and litigate *debts* owned the United States.

The Department may also disclose *relevant* records or information from this system as follows:

(a) To client agencies who have referred debt collection cases to the Department for settlement or litigation and enforced collection to notify such agencies of the status of the case or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case.

(b) To a Federal agency in response to its request and in connection with hiring or retention of an employee, the issuance of the required security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

(c) In a proceeding before a court or adjudicative body before which the Department or contract private counsel who are authorized to appear when any of the following is a party to litigation or has an interest in ligation and such records are determined by the Department or contract private counsel to be arguably relevant to the litigation: (1) The Department, or any subdivision thereof, or contract private counsel, or (2) any employee of the Department or contract private counsel in his or her official capacity or (3) any employee of the Department or contract private counsel in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (4) the United States, where the Department or contract private counsel determines that the litigation is likely to affect the Department or any of its subdivisions.

(d) To volunteer student workers and students working under a college work-study program as is necessary to enable them to perform their function;

(e) To employees or to contract personnel to access the records for Privacy Act training purposes.

(f) To (1) a Federal, state, local or foreign agency, an organization or individual to elicit information to assist the Department in the settlement or effective litigation and enforced collection of the overdue debt; and *(2) the Internal Revenue Service to obtain the mailing address of a taxpayer to collect or to compromise a debt owed by the taxpayer to the United States.*

(g) To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(h) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(i) To the National Archives and records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(k) To the Department of Housing and Urban Development (HUD) for its use in evaluating the credit worthiness of Federal loan applicants. Ultimately, this information may be accessed by other entities to determine credit worthiness; that is, HUD may permit access to its data base (possibly through a computer matching program) by authorized employees of Federal agencies and private lenders (i.e., private lenders of Federally insured or guaranteed loans) to determine the credit worthiness of Federal loan applicants. Specifically, HUD operates an automated telephonic prescreening system (the Credit Alert Interactive Voice Response System) through which relevant information may be provided to assist such lenders and agencies in identifying whether there are any outstanding judgments against the applicant for other Federal debts, the amount of the debt, the status thereof, and any other information that may assist the lender/agency in making a decision on whether to approve or not approve an application for a loan. (See 28 U.S.C. 3201(e).)

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure to consumer reporting agencies under subsection (b)(12) of the Privacy Act:

Disclosure to consumer reporting agencies in accordance with section 3711(f) of Title 31 (as authorized under subsection (b)(12) of the Privacy Act): Relevant records may be disclosed to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)) where such information is directly related to the identity of debtors and the history of claims contained in this system of records and for the purpose of encouraging repayment of overdue debts. Such disclosure may be made only when a claim is overdue and only after due process steps have been taken to notify the debtor and give him or her a chance to meet the terms of the debt. Addresses of taxpayers obtained from the Department of the Treasury may be disclosed to consumer reporting agencies only for the purpose of allowing such agencies to prepare a commercial credit report on the taxpayer for use by the Department. Prior to such disclosure, satisfactory assurances will be obtained from such consumer reporting agency concerning compliance by that agency with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and any other Federal law governing the provision of consumer credit information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISCLOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case files are stored in locked rooms; automated data is stored on magnetic tape.

RETRIEVABILITY:

Data is retrieved by name of debtor.

SAFEGUARDS:

Access to records is restricted to those personnel who must have access to perform their duties and is limited to those cases assigned. Case files are maintained separately in locked rooms during non-duty hours. Access to automated data requires the use of the proper password and user identification code.

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such counsel, and identifies the relevant judicial districts.

[4] See note 2, *supra*.

RETENTION AND DISPOSAL:

Paper records in this system will be returned to client Federal agencies for disposition; automated information will be erased ten years after the related case files reported in the Debt Collection Enforcement System, JUSTICE/USA-015 have been closed.

SYSTEM MANAGER AND ADDRESS:

Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, DC 20530.

RECORDS ACCESS PROCEDURES:

Address requests for access to Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, DC 20530. Clearly mark the envelope "Privacy Access Request." Include in the request the debtor's name, date of birth, address, and any other identifying information which may be of assistance in locating the record, e.g., name of the case or Federal agency to whom the debtor is indebted. In addition, include notarized signature of the debtor as well as the name and address of the individual to receive the information if other than the debtor.

CONTESTING RECORDS PROCEDURES:

Address requests to Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, DC 20530. State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

The individuals covered by the system; client agencies of the Department to whom the individual is indebted; an attorney or other representative for the debtor and/or payor; any Federal, State, local, foreign, private organization or individual who may have information relating to the debt, the debtor's ability to pay or any other information relevant and necessary to assist in the settlement or effective litigation and enforced collection of the debt.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 93-27471 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—1993 Horizontal Well Gravel Pack Program

Notice is hereby given that, on September 24, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the participants in a project titled the "1993 Horizontal Well Gravel Pack Program" filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Chevron Petroleum Technology Co., Houston, TX; Otis Engineering Corporation, Carrolton, TX; Dowell Schlumberger, Maurice, LA; Marathon Oil Company, Lafayette, LA; Petrobras, Rio de Janeiro, RJ Brasil; Shell Development Co., Houston, TX; and Nagaoka USA Corp., Houston, TX. The objective of the project is to collect, compile and distribute information and data regarding procedures and methods of gravel packing horizontal oil wells using Marathon Oil Company's proprietary 100-ft., full-scale, high pressure wellbore model.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93-27765 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Great Lakes Composites Consortium, Inc.

Notice is hereby given that, on October 13, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Great Lakes Composites Consortium, Inc. (GLCC) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following companies have been added as members of GLCC: Airtech International Inc., Carson, CA; Atlantic Research, Gainsville, VA; Aztec Plastic Company, Chicago, IL; Bell Helicoptor—Textron Inc., Fort Worth, TX; Blackhawk Technical College, Janesville, WI; Buehler Ltd., Lake Bluff, IL; Cerritos College, Norwalk, CA; Computing Devices International, Bloomington, MN; Consulier Automotive, Riviera Beach, FL; Courtaulds Aerospace, Bennington, VT; D&Z Mid Atlantic, Newark, DE; DuPont Composites, Wilmington, DE; ICI Fiberite, Tempe, AZ; Ingalls Shipbuilding Inc., Pascagoula, MS; Intermarine USA, Savannah, GA; Kaman Aerospace Corporation, Bloomfield, CT; Lockheed Corporation, Marietta, GA; M.C. Gill Corporation, El Monte, CA; Michigan State University, East Lansing, MI; Ocenco Incorporated, Kenosha, WI; Sunstrand, Rockford, IL; Structural Composites Inc., West Melbourne, FL; Texas Instruments, McKinney, TX; Textron Lycoming, Stratford, CT; University of Kansas, Lawrence, KS; University of Kentucky, Lexington, KY; and Wayne State University, Detroit, MI.

Additionally, the following companies have resigned as members of GLCC: Cooper Composites and Versa Technologies.

GLCC is pursuing projects involving the following areas: Resin Transfer Molding, Composites Repair Definition, Composites Prepreg Scrap Reclamation, Teaching Factory, Fit-Up of Composite Structures During Manufacturing Assembly, Automated Design for Manufacturing of Polymer Composites Parts, Thermoplastic Powder-Coated Towpreg, Advanced Fiber Placement, Intelligent Spectroscopy, Shipbuilding Composites Manufacturing Technology Plan, Technology Transfer, Composite Electronics Housing, High Thermal Conductivity Fibers, Low-Observable Core Manufacturing Process Improvements, Enhanced Production Techniques of Low Observable Structures and Materials, Non-Destructive Inspection for Heat Damage and Repair Bond Integrity and DRA Metal Matrix Composites.

No other changes have been made in either the membership or planned activity of the group research project. Membership in GLCC remains open, and the parties intend to file additional written notification disclosing all changes in membership.

On February 25, 1991, GLCC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on March 15, 1991 (56 FR 11274). The last notification was filed with the Department on December 23, 1992. A notice was published in the Federal Register pursuant to section 6(b) of the Act on January 22, 1993 (58 FR 5758).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 93-27756 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on October 20, 1993, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Coca Leaves (9040)	II
Opium, raw (9600)	II
Opium poppy (9650)	II
Poppy Straw Concentrate (9670)	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Director, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 13, 1993.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Director, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: November 4, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-27753 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on September 18, 1993, Schumacher, Michael, General Television, 2706 E. California, Urbana, Illinois 61801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Morphine (9300)	II
Opium, raw (9600)	II
Opium powdered (9639)	II

The firm will manufacture small quantities of the above listed controlled substances specifically for the dairy industry.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Director, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than December 13, 1993.

Dated: November 4, 1993.

Gene R. Haislip,

Director, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 93-27752 Filed 11-10-93; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large

volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. TN930021, dated Feb. 19, 1993.

Agencies with construction pending projects, to which this wage decision would have been applicable, should utilize the project determination procedure by submitting a SF-308. (See Regulations, 29 CFR part 1, section 1.5.) Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is within ten (10) days of this notice, the contract specifications need not be affected.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State.

Volume I

Connecticut
- CT930008 (Nov. 12, 1993)
- CT930009 (Nov. 12, 1993)
- CT930010 (Nov. 12, 1993)
- CT930011 (Nov. 12, 1993)
- CT930012 (Nov. 12, 1993)

Delaware
- DE930008 (Nov. 12, 1993)
- DE930009 (Nov. 12, 1993)

Florida
- FL930093 (Nov. 12, 1993)

Massachusetts
- MA930016 (Nov. 12, 1993)

Maryland
- MD930045 (Nov. 12, 1993)

Maine
- ME930025 (Nov. 12, 1993)

New Hampshire
- NH930025 (Nov. 12, 1993)

New Jersey
- NJ930009 (Nov. 12, 1993)

Pennsylvania
- PA930050 (Nov. 12, 1993)

Rhode Island
- RI930006 (Nov. 12, 1993)

Virginia
- VA930087 (Nov. 12, 1993)
- VA930088 (Nov. 12, 1993)
- VA930089 (Nov. 12, 1993)

Volume II

Oklahoma
- OK930023 (Nov. 12, 1993)

Texas
- TX930085 (Nov. 12, 1993)
- TX930086 (Nov. 12, 1993)
- TX930087 (Nov. 12, 1993)

Wisconsin
- WI930026 (Nov. 12, 1993)
- WI930027 (Nov. 12, 1993)

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Delaware
- DE930002 (Feb. 19, 1993)
- DE930004 (Feb. 19, 1993)

Florida
- FL930086 (Oct. 08, 1993)

Maryland
- MD930016 (Feb. 19, 1993)

New York
- NY930001 (Feb. 19, 1993)
- NY930007 (Feb. 19, 1993)
- NY930011 (Feb. 19, 1993)
- NY930012 (Feb. 19, 1993)
- NY930013 (Feb. 19, 1993)
- NY930019 (Feb. 19, 1993)
- NY930021 (Feb. 19, 1993)
- NY930031 (July 30, 1993)
- NY930032 (July 30, 1993)
- NY930034 (July 30, 1993)
- NY930036 (Sept. 3, 1993)
- NY930037 (Sept. 3, 1993)
- NY930044 (Oct. 1, 1993)
- NY930045 (Oct. 1, 1993)

Puerto Rico
- PR930001 (Feb. 19, 1993)
- PR930003 (Feb. 19, 1993)

Tennessee
- TN930001 (Feb. 19, 1993)
- TN930002 (Feb. 19, 1993)
- TN930005 (Feb. 19, 1993)
- TN930019 (Feb. 19, 1993)
- TN930029 (Feb. 19, 1993)
- TN930038 (Feb. 19, 1993)
- TN930039 (Feb. 19, 1993)
- TN930040 (Feb. 19, 1993)
- TN930041 (Feb. 19, 1993)
- TN930042 (July 16, 1993)
- TN930043 (July 16, 1993)
- TN930044 (July 16, 1993)
- TN930046 (Sept. 10, 1993)

Virginia
- VA930023 (Feb. 19, 1993)
- VA930024 (Feb. 19, 1993)
- VA930052 (Feb. 19, 1993)
- VA930055 (Feb. 19, 1993)
- VA930060 (Feb. 19, 1993)
- VA930063 (Feb. 19, 1993)
- VA930065 (Feb. 19, 1993)
- VA930067 (Feb. 19, 1993)
- VA930073 (Feb. 19, 1993)
- VA930079 (Feb. 19, 1993)
- VA930085 (July 9, 1993)
- VA930086 (July 9, 1993)

West Virginia
- WV930002 (Feb. 19, 1993)
- WV930003 (Feb. 19, 1993)
- WV930006 (Feb. 19, 1993)

Volume II

Indiana
- IN930002 (Feb. 19, 1993)
- IN930006 (Feb. 19, 1993)

Oklahoma
- OK930001 (Feb. 19, 1993)
- OK930002 (Feb. 19, 1993)
- OK930004 (Feb. 19, 1993)
- OK930013 (Feb. 19, 1993)
- OK930014 (Feb. 19, 1993)
- OK930015 (Feb. 19, 1993)
- OK930016 (Feb. 19, 1993)
- OK930017 (Feb. 19, 1993)
- OK930018 (Feb. 19, 1993)
- OK930019 (Feb. 19, 1993)
- OK930020 (Feb. 19, 1993)

Texas
- TX930001 (Feb. 19, 1993)
- TX930002 (Feb. 19, 1993)
- TX930003 (Feb. 19, 1993)
- TX930004 (Feb. 19, 1993)
- TX930008 (Feb. 19, 1993)
- TX930009 (Feb. 19, 1993)
- TX930011 (Feb. 19, 1993)
- TX930013 (Feb. 19, 1993)
- TX930018 (Feb. 19, 1993)
- TX930019 (Feb. 19, 1993)
- TX930063 (Feb. 19, 1993)
- TX930069 (Feb. 19, 1993)

TX930081 (July 09, 1993)
TX930083 (Aug. 20, 1993)
Wisconsin
WI930016 (Feb. 19, 1993)
WI930018 (Feb. 19, 1993)

Volume III

Idaho
ID930002 (Feb. 19, 1993)
ID930004 (Feb. 19, 1993)
North Dakota
ND930002 (Feb. 19, 1993)
Oregon
OR930004 (Feb. 19, 1993)
Washington
WA930001 (Feb. 19, 1993)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 5th day of November 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93-27720 Filed 11-10-93; 8:45 am]

BILLING CODE 4510-27-M

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

BACKGROUND: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

LIST OF RECORDKEEPING/REPORTING REQUIREMENTS UNDER REVIEW: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/ reporting requirement.

The title of the recordkeeping/ reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/ reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

COMMENTS AND QUESTIONS: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills (202) 219-5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 (202) 395-6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics
Current Employment Statistics
1220-0011; BLS-790

Form No.	Affected Public	Respondents	Frequency	Average time per response
790/BM	Businesses or other for-profit; Small businesses or organizations	400	Monthly	15 minutes.
790/G, G-S,J-FD	Businesses or other for-profit; Small businesses or organizations	31,400	Monthly	5 minutes.
790/CU	Businesses or other for-profit; Small businesses or organizations	45,000	Annually	2 minutes.
790	Businesses or other for-profit; Small businesses or organizations	346,200	Monthly	7 minutes.
518,780 total hours				

The Current Employment Statistics Survey is a Federal/state survey of employment, hours and earnings in non-farm establishments. The survey produces monthly estimates for the nation, states and selected metropolitan areas.

Revision

Bureau of Labor Statistics
Survey of Employer-Provided Training
1220-0148; BLS 9200
One-time collection
Businesses or other for-profit
8,575 respondents; 23.4 minutes per response; 3,344 burden hours; 1 form

The lack of nationally representative information on the provision of training in establishments is a serious handicap to the implementation of effective public policy. This survey will collect such information and report on the provision of training by industry and size of establishment.

Revision

Employment and Training Administration
Experience Rating Report
1205-0164; ETA 204
Annually
State or local governments
53 respondents; 15 minutes per response; 14 total hours; 1 form

The ETA 204, Experience Rating Report, provides the Employment and Training Administration with data to measure the variations in assigned

contribution rates which result from different experience rating systems.

Signed at Washington, D.C. this 29th day of October, 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93-27847 Filed 11-10-93; 8:45 am]

BILLING CODE 4510-24-P

Employment and Training Administration

Notice of Attestations Filed by Facilities Using Nonimmigrant Aliens as Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, roomS3502, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the Attestation Process: Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202-219-5263 (this is not a toll-free number).

Regarding the Complaint Process: Questions regarding the complaint process for the H-1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-219-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 3rd day of November 1993.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS

[10/01/93 to 10/31/93]

CEO-name/facility name/address	State	Approval date
Mr. Ross Hooper, Crittenden Memorial Hospital, 200 Tyler Avenue, West Memphis, 72301, 501-735-1500	AR	10/05/93
Mr. Robert C. Benjamin, Southeast Arizona Medical Ctr., Route 1, Box 30, Douglas, 85607, 602-364-7931	AZ	10/01/93
Mr. William G. Coe, Parker Community Hospital, P.O. Box 1149, Parker, 85344, 602-669-9201	AZ	10/08/93
Mr. Gordon L. Ritter, Mohave Valley Hospital, Inc., 1225 East Hancock Road, Bullhead City, 86442, 602-758-0143	AZ	10/14/93
Mr. John Hoopes, Cobee Valley Community Hospital, P.O. Box 3261, Claypool, 85532, 602-425-3261	AZ	10/27/93
Mr. Gerald L. Price, Royal Care Skilled Nursing Facility, Long Beach, 90806, 310-417-7493	CA	10/01/93
Mr. Harry S. Young, Nurse Providers, 3550 Wilshire Blvd., Ste. 225, Los Angeles, 90010, 213-385-8559	CA	10/06/93
Ms. Patti Cook, Culver West Conval. Hospital, 4035 Grand View Blvd., Los Angeles, 90066, 310-390-9506	CA	10/14/93
Mr. Sidney R. Hewitt, S&V Health Care Recruiting Agency, Ltd., San Diego, 92114, 619-267-4603	CA	10/18/93
Mr. John P. Devine, Pleasant Valley Rehab. and Conval. Hosp., Oxnard, 93033, 805-488-3696	CA	10/20/93
Mr. Jess R. Villaluna, U.S. Medical Manpower Int'l., 9921 Carmew Mountain Road, San Diego, 92129, 619-672-8757	CA	10/20/93
Ms. Cynthia Jansen, Community Dialysis Center, 14020 San Pablo Avenue, San Pablo, 94806, 510-234-0835	CA	10/20/93
Mr. Anselma O. Zeno, Miracare Medical Management, 900 S. Westmoreland Ave., Los Angeles, 90006, 213-252-9364	CA	10/20/93
Mr. Andres N. Embuido, US Lifeline Nursing Services, 8033 Los Sabalos Street, San Diego, 92126, 619-549-3505	CA	10/20/93
Ms. Victoria Thompson, Edgewater Convalescent Hosp., 2625 East Fourth Street, Long Beach, 90814, 310-434-0974	CA	10/21/93
Ms. Pearl Scully, Gems Professional Services US, 3325 Wilshire Boulevard, Los Angeles, 90010, 213-389-9359	CA	10/27/93
Mr. Amparo Ragudo, Greenhills Manor, 238 Virginia Avenue, Campbell, 95008, 408-379-8114	CA	10/27/93
Mr. Td Yokoyama, South Bay Keiro Nursing Home, Gardena, 90247, 310-532-0700	CA	10/27/93
Ms. Cristina Desuasido, Staffing specialists, Inc., 347-D Gellert Blvd., Daly City, 94015, 415-997-3387	CA	10/28/93
Ms. Lois Allen, Scripps Nursing Home, 2212 N. El Molino, Alta Dena, 91001, 818-798-0934	CA	10/28/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[10/01/93 to 10/31/93]

CEO-name/facility name/address	State	Approval date
Mr. Carlos Milanes, Palm Springs General Hosp., I, 1475 West 49th Street, Hialeah, 33012, 305-558-2500	FL	10/06/93
Mr. Victor J. Maya, Kendall Regional Center, 11750 Bird Road, Miami, 33175, 305-223-3000	FL	10/06/93
Mr. Michael J. Stenger, Spring Hill Reg'l Hosp., 10461 Quality Drive, Spring Hill, 34609, 904-544-6150	FL	10/21/93
Mr. Robert B. Hill, Bethesda Memorial Hospital, 2815 S. Seacrest Blvd., Boynton Beach, 33435, 407-737-7733	FL	10/27/93
Mr. William M. Patterson, Palms of Pasadena Hospital, 1501 Pasadena Avenue South, St. Petersburg, 33707, 813-341-7774.	FL	10/27/93
Mr. Gemwee W. Wong, Shore Acres Rehab. Nursing Ct., Shore Renaissance—Shores Acres, Inc., St. Petersburg, 33703, 813-527-5801.	FL	10/27/93
Mr. Walter Gassner, Parkway Reg'l. Med. Ctr., North Miami Med. Ctr., Ltd., North Miami Beach, 33169, 305-654-5064	FL	10/28/93
Mr. John E. Ives, Memorial Medical Ctr., Inc., 4700 Waters Avenue, Savannah, 31403, 912-350-8000	GA	10/01/93
Ms. Jamie H. Crawford, Brian Center Health, P.O. Box 188, Lumber City, 31549, 912-363-4356	GA	10/13/93
Ms. Miriam Duncan, Scenic View Health Care Ctr., Peach Orchard Road, Baldwin, 30511, 706-778-8377	GA	10/13/93
Mr. Alan Hutchins, Fort Oglethorpe Nursing Ctr., 528 Battlefield Parkway, Fort Oglethorpe, 30742, 706-861-5154	GA	10/21/93
Mr. Henry Roberts, Brian Center, 2130 Anderson Mill Road, Austell, 30073, 404-941-8813	GA	10/27/93
Mr. Kevin Metz, Lilburn Geriatric Center, 788 Indian Trail Road, Lilburn, 30247, 404-923-2020	GA	10/27/93
Mr. Marvin Mermelstein, Balmoral Nursing Centre, Inc., 2055 West Balmoral Avenue, Chicago, 60625, 312-561-8661	IL	10/01/93
Mr. John Samatas, Lexington Health Care Ctr. of LaGrange, LaGrange, 60525, 709-495-1700	IL	10/01/93
Ms. Sheila Ilagan, Active Home Health Care, Inc., 1701 South First Avenue Maywood, 60153, 708-786-6700	IL	10/14 /93
Ms. Jacqueline L. Mason, Oak Brook Healthcare Centre, 2013 Midwest Road, Oak Brook, 60521, 708-495-0220	IL	10/15 /93
Mr. Jay Lewkowitz, Oakton Pavillion Healthcare Facility, Inc., Des Plaines, 60018, 708-299-5588	IL	10/18/93
Sister Paulette O'Connell, Misericordia North, 6300 N. Ridge, Chicago, 60660, 312-973-6300	IL	10/20/93
Mr. J. Rex Pippin, Lifelink Corporation, 331 South York Road, Bensenville, 60106, 708-766-3570	IL	10/20/93
Mr. John Samatas, Lexington Health Care Ctr. of Chicago Ridge, Inc., Chicago Ridge, 60415, 708-495-1700	IL	10/20/93
Mr. John Samatas, Lexington Health Care Ctr. of Streamwood, Streamwood, 60107, 708-495-1700	IL	10/20/93
Mr. Robert Jafari, Meadowbrook Manor, Butterfield Health Care, Inc., Bolingbrook, 60440, 708-759-1112	IL	10/20/93
Mr. Richard Haskell, Belhaven Health Care Retirement, Chicago, 60643, 312-233-6311	IL	10/25/93
Ms. Sylvia Y. Mostello, Heritage Health Care Ctr., 5888 N. Ridge, Chicago, 60660, 312-769-2626	IL	10/27/93
Mr. Eddie Gardner, Baton Rouge Heritage House II, Baton Rouge Heritage II Partnership, Baton Rouge, 70806, 504-924-2950.	LA	10/01/93
Mr. Kevin Butler, Heritage Manor of Napoleonville, 252 Highway 402, Napoleonville, 70390, 504-369-6011	LA	10/13/93
Mr. Frank A. Riddick, Jr., Alton Ochsner Med. Foundation, 1516 Jefferson Highway, New Orleans, 70121, 504-842-3604.	LA	10/21/93
Mr. Stewart Seitz, Charlotte Hall Veterans Home, Charlotte Hall, 20622, 301-884-8171	MD	10/27/93
Mr. Timothy Spiro, West Bloomfield Nursing and Conval. Ctr., West Bloomfield, 48322, 313-661-1600	MI	10/13/93
Mr. Robert Hawley, Bolivar County Hospital, Highway 8 East, Cleveland, 38732, 601-846-0061	MS	10/08/93
Mr. W. E. Steiger, MDOC Medical/Dental Facility, P.O. Box E, Hwy. 49-W, Parchman, 38738, 601-745-6611	MS	10/14/93
Ms. Eva Williams, Vicksburg Trace Haven, Southmark CRCA Fund, Vicksburg, 39180, 601-638-9211	MS	10/20/93
Mr. Hugo Hutto, Tishomingo Manor Nursing Home, 230 Kaki Street, Iuka, 38852, 601-423-9112	MS	10/21/93
Ms. Mena Duthu, Heritage Manor of Rolling Fork, 506 West Race Street, Rolling Fork, 39159, 601-873-6218	MS	10/25/93
Mr. Wesley P. Smith, Cross Creek Health Care, Rt. 1 Box 49-C, Swan Quarter, 27885, 919-926-2143	NC	10/01/93
Mr. Paul Babinski, Brian Center Health, 5939 Reddman Road, Charlotte, 28212, 704-563-6862	NC	10/05/93
Mr. Dennis Redmond, Brian Center Nursing Care, 2300 Diary Road, Clayton, 27520, 919-553-8232	NC	10/13/93
Mr. Carl S. Burkhalter, Brian Center Health, 629 South East Railroad St., Wallace, 28466, 919-285-6646	NC	10/13/93
Ms. Sharon Stiles, Brian Ctr. Nursing Care/Gastonia, 969 Cox Road, Gastonia, 28054, 704-866-8396	NC	10/19/83
Mr. Walter Cross, Brian Center Nursing Care, 230 E. Presnell Street, Asheboro, 27203, 919-629-1449	NC	10/19/93
Ms. Mary Ann Thompson, Brian Center Health & Retir., 816 South Aspen Street, Lincolnton, 28093, 704-735-8065	NC	10/20/93
Ms. Vickie L. Carroll, Maple Leaf Health Care, 2640 Davie Avenue, Statesville, 28677, 704-871-0701	NC	10/27/93
Mr. Dan R. Cotten, Brian Center Nursing Care, Box 3566, Wilson, 27895, 919-237-6300	NC	10/27/93
Mr. Richard Thompson, Emerald Health Care, 539 Third Street SW, Taylorsville, 28681, 704-632-8146	NC	10/27/93
Mr. O. Wade Avant, Jr., Shoreland Health Care, Route 7, Box 98-M, Whiteville, 28472, 919-642-4300	NC	10/27/93
Mrs. Juliana Cooper-Goldenburg, Brian Center Nursing Care, 1870 Pisgah Drive, Hendersonville, 28739, 704-693-9796	NC	10/27/93
Mr. Michael E. Gilstrap, Halifax Memorial Hospital, P.O. Box 1089, Roanoke Rapids, 27870, 919-535-8011	NC	10/27/93
Mr. Richard G. Bennett, The Graybrier Nursing and Retirement Ctr., Trinity, 27370, 919-431-8888	NC	10/27/93
Mr. Wade Avant, Jr., Century Care, 316 W. Burkhead Street, Whiteville, 28472, 919-642-7139	NC	10/27/93
Ms. Risa Grace, Brian Center Health and Retirement, Windsor, 27983, 919-794-5146	NC	10/27/93
Ms. Connie Disbrow, Oak Grove Manor, 4809 Redman Avenue, Omaha, 68104, 402-455-5025	NE	10/01/93
Mr. Nolan Pidor, Emma's Nurses, Inc., 246 Monroe Avenue, Paramus, 07652, 201-986-1605	NJ	10/08/93
Mr. Samuel Paneth, Newark Extended Care Facility, Inc., Newark, 07103, 201-483-6800	NJ	10/27/93
Mr. Edward M. Rudow, Eastern Pines Conval. Ctr., 29 N. Vermont Avenue, Atlantic City, 08401, 609-344-8900	NJ	10/27/93
Mr. W.J. Van Ry, Saint Mary's Reg'l. Med. Ctr., 235 West Sixth Street, Reno, 89520, 702-323-2041	NV	10/27/93
Mr. Norman J. Sokolow, Medical Arts Center Hosp., 57 West 57 Street, New York, 10019, 212-755-0200	NY	10/05/93
Ms. Consuelo Vaca, Nurse Care Registry, Inc., 25-31 30th Road, Astoria, 11102, 718-204-8585	NY	10/06/93
Mr. W. Richard Zacher, Williamsville View Manor, 165 South Union Road, Williamsville, 14221, 716-633-9610	NY	10/20/93
Mr. Donald Cromisch, Nassau County Medical Ctr., 2201 Hempstead Tpke., E. Meadow, 11554, 516-542-2301	NY	10/20/93
Ms. Michele B. Anderson, Aro Community Services, Inc., 164 Court Street, Brooklyn, 11201, 718-237-2307	NY	10/26/93
Ms. Filomena Acevedo, NYDNS, Inc., 82-72 Broadway Street, Elmhurst, 11373, 718-205-1131	NY	10/27/93
Mr. Benjamin Santos, United Staffing Agency, Inc., 421 7th Avenue, Rm. 501, New York, 10001, 212-465-8995	NY	10/27/93
Mr. Ernest Dicker, Manhattanville Nursing Care Ctr., Inc., Bronx, 10463, 718-601-8400	NY	10/28/93
Mr. Steven Raichilson, Menorah Park Ctr. for the Aging, Beachwood, 44122, 216-831-6500	OH	10/20/93
Ms. Judy Feuquay, Perry Memorial Hospital, 501 14th Street, Perry, 73077, 405-336-3541	OK	10/21/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[10/01/93 to 10/31/93]

CEO-name/facility name/address	State	Approval date
Mr. George Munchow, Brandywood Nursing Home, 555 East Bledsoe Street, Gallatin, 37066, 615-452-7132	TN	10/21/93
Ms. Bobbie Higgins, Hamilton County Nursing Home, 2626 Walker Road, Chattanooga, 37421, 615-855-6118	TN	10/21/93
Mr. Johnny Rae, Reelfoot Manor Nursing Home, 1034 Reelfoot Drive, Tiptonville, 38079, 901-253-6681	TN	10/27/93
Ms. Merlita A. Velasquez, Nursing Resource, Inc., 10927 Mayfield Road, Houston, 77043, 713-468-7374	TX	10/06/93
Mr. David Cottey, Silsbee Doctors Hospital, P.O. Box 1208, Silsbee, 77656, 409-385-1531	TX	10/07/93
Mr. John A. Guest, Bexter County Hospital District, San Antonio, 78229, 210-616-2055	TX	10/15/93
Mr. Ben M. Durr, Uvalde Memorial Hospital, 1025 Garner Field Road, Uvalde, 78801, 210-278-6251	TX	10/20/93
Mr. W. Taft Martin, Retirement Care Ctr. of Hempstead, Retir. Care Corp. of America, Hempstead, 77445, 409-826-3382.	TX	10/21/93
Ms. Terri Ruble, Southern Manor, 4320 West 19th Street, Lubbock, 79407, 806-795-7147	TX	10/27/93
Mr. James P. Courtney, University Medical Ctr., 602 Indiana Avenue, Lubbock, 79415, 806-743-3515	TX	10/27/93
Mr. Ed L. Lopez, Medicus MG's Rehab. Health Ca, The Ed L. Lopez, Corp., Dallas, 75243, 214-342-1003	TX	10/27/93
Mr. William A. Mathies, Highland Terrace Nursing Ctr., Bev. Enterprises-Washington, Inc., Camas, 98607, 206-834-5055.	WA	10/01/93
Mr. Bruce Rampage, St. Catherine's Hospital, 3556 Seventh Avenue, Kenosha, 53140, 414-656-3011	WI	10/28/93
Total Attestations—102		

[FR Doc. 93-27848 Filed 11-10-93; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Grant Application Availability for Fiscal Year 1994

AGENCY: Institute of Museum Services, NFAH.

ACTION: Grant application availability notice for fiscal year 1994.

SUMMARY: This grant application announcement applies to the General Operating Support (GOS), Conservation Project Support (CP), Conservation Assessment Program (CAP), Museum Assessment Program (MAP I), Museum Assessment Program (MAP II), Museum Assessment Program III (MAP III) Professional Services Program (PSP) and Technical Assistance Grants (TAG) awards under 45 CFR part 1180 for Fiscal Year 1994.

ADDRESSES: Institute of Museum Services, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Mamie Bittner, IMS Public Information Office (202) 606-8536. Deaf and hearing impaired individuals may call TDD Line, (202) 606-8636.

SUPPLEMENTARY INFORMATION: The purpose of these awards is to ease the financial burden borne by museums as a result of their increased use by the public and to help them carry out their educational role, as well as other functions.

Eligibility

Museums meeting the definitions in 45 CFR 1180.3 may apply for these programs. The definition of "museum" includes (but is not limited to) the following institutions if they satisfy the other provisions of this section: Aquariums and zoological parks; botanical gardens and arboretums; nature centers; museums relating to art; history (including historic buildings); natural history; science and technology; and planetariums.

To be eligible for support from IMS a museum must:

Be organized as a public or private nonprofit institution and exist on a permanent basis for essentially educational or aesthetic purposes; and

Exhibit tangible objects through facilities it owns or operates; and

Have at least one professional staff member or the full-time equivalent whose primary responsibility is the care, or exhibition to the public of objects owned or used by the museum; and

Be open and have provided museum services to the general public on a regular basis for at least two full years * prior to the date of application to IMS; and

Be located in one of the fifty States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

Program Categories

General Operating Support (GOS)

IMS makes awards under the GOS program to museums to maintain, increase, or improve museum services through support for basic general operating expenses.

Conservation Project Support Program (CP)

Awards are made through the CP program to assist with the conservation of museum collections, both living and non-living.

Conservation Assessment Program (CAP)

Awards are made through CAP to provide an overall assessment of the condition of a museum's environment and collections to identify conservation needs and priorities. CAP is a non-competitive, one-time funding opportunity, offered on a first-come, first-served basis. It is administered in cooperation with the National Institute for Conservation. See 45 CFR part 1180, subpart D.

Museum Assessment Program (MAP)

The MAP I funds an overall assessment of a museum's operations. The MAP II funds an assessment of the museum's collection-related policies. The MAP III provides an assessment of the public dimension of museum operations. All of the Museum Assessment Programs are non-competitive, one-time funding opportunities, offered on a first-come, first-served basis. The Museum Assessment Programs are administered in cooperation with the American Association of Museums through a memorandum of understanding. See 45 CFR part 1180, subpart D.

Professional Services Program (PSP)

This program provides matching funds to professional museum

* Applicants to the Museum Assessment Program, Technical Assistance Grants and the Conservation Assessment Program need not be open for two years.

associations for projects that serve the museum community.

Museums Leadership Initiatives—

Supports museums leadership projects. In 1993 funds were available to support mentoring projects between larger and smaller museums, minority and rural museums.

Technical Assistance Grants

Provides grants to address the needs of small, emerging, minority and rural museums.

Section 206 of the Museums Service Act, title II of Public Law 94–462, as amended, contains authority for these programs. (20 U.S.C. 965)

Deadline Date for the Transmittal of Applications

Applications must be mailed or hand-delivered by the deadline date:

Program	Deadline
GOS	January 21, 1994.
CP	October 1, 1993 and April 1, 1994.
PSP	March 18, 1994.
CAP	December 3, 1994.
MAP I	October 29, 1993 and April 29, 1994.
MAP II	January 28, 1994.
MAP III	February 25, 1994.
MLI	TBA.
TAG	TBA.

For GOS, CP, PSP, MLI and TAG. Applications that are sent by mail must be addressed to the Institute of Museum Services, 1100 Pennsylvania Avenue NW., room 609, Washington, DC 20506.

An applicant must be prepared to show one of the following as proof of timely mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other dated proof of mailing acceptable to the Director of IMS.

If any application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not date-canceled by the U.S. Postal Service.

Applications that are hand-delivered must be taken to the Institute of Museum Services, 1100 Pennsylvania Avenue NW., room 609, Washington, DC 20506. Hand-delivered applications will be accepted between 9 a.m. and 4:30 p.m. (Washington DC time) daily, except Saturdays, Sundays, and Federal holidays. An application that is hand-delivered will not be accepted after 4:30 p.m. on the deadline date.

For MAP I, MAP II, and MAP III Applicants must apply to IMS through the American Association of Museums (AAM). IMS supplies the AAM with application forms and instructions. These are forwarded by AAM to applicant museums. The Director of IMS approves applications meeting the MAP I, MAP II, and MAP III requirements on a first-come, first-served basis (i.e., in the order in which an application is received and has been determined to have met applicable requirements). Applications will be approved for awards, subject to the availability of funds. If a museum's MAP I, MAP II or MAP III application is received on or before the indicated dates, it will be processed together with other MAP I, MAP II, or MAP III applications received during that period. Applications received after the indicated dates will be processed during the subsequent MAP I, MAP II or MAP III periods. In no event will MAP applications received after April 29, 1994, MAP II applications received after January 28, 1994, or MAP III application received after February 25, 1994 be processed for Fiscal Year 1994 awards. Applicants should contact the American Association of Museums, 1225 Eye Street NW., Washington, DC 20005, for application packets.

For CAP Applicants must apply to IMS through the National Institute for Conservation (NIC). IMS supplies the NIC with application forms and instructions. These are forwarded by NIC to applicant museums. The Director of IMS approves applications meeting the CAP requirements on a first-come, first-served basis (i.e., in the order in which an application is received and has been determined to have met applicable requirements). Applications will be approved for awards, subject to the availability of funds. Applicants must be received by December 3, 1993. Applications for FY 1994 awards which cannot be funded will not be carried over to the next fiscal year. All unfunded applicants who wish to receive an award in the subsequent year, must reapply. Interested parties should contact the National Institute for Conservation, 3299 K Street, NW, Suite 403, Washington, DC 20007 for applications.

Program Information

GOS program regulations are contained in 45 CFR XI 1180.7 (1988) and related provisions.

CP program regulations are contained in 45 CFR 1180.20 (1988) and related provisions.

CAP and MAP program regulations are contained in 45 CFR 1180, subpart D (1988).

PSP program regulations are contained in 45 CFR 1180, subpart E (1988).

TAG program regulations are proposed in the **Federal Register** on September 17, 1993.

Further program information may be found in the Application forms and accompanying instructions in the Application. See paragraph on Application Forms.

Available Funds

As of publication time, funds for fiscal year 1994 have not been appropriated. Figures given in this section pertain to available funds for the 1993 fiscal year.

GOS For FY 1993, $22,103,000 was available for this program. The GOS program award is equal to 15% of the museum's operating budget to a maximum of $112,500 to be spent over a two year period. The grant amount is determined annually by the National Museum Services Board. A museum that receives an award in one fiscal year may not apply for the following year's competition. (See 45 CFR 1190.16(b)).

CP For FY 1993, $3,064,000 was available for this program. Normally, IMS makes matching conservation grants of no more than $25,000 in Federal funds. Unless otherwise provided by law, if the Director determines that exceptional circumstances warrant, the Director, with the advice of the Board, may award a Conservation Project Support grant which obligates in excess of $25,000 in Federal funds to a maximum of $75,000. The Director may make such a determination with respect to a category of Conservation grants by notice published in the **Federal Register**. IMS awards Conservation Project Support grants only on a matching bases. At least 50% of the costs of a project must be met with non-federal funds. (See 45 CFR 1180.20(f)).

CAP For FY 1993, $966,000 was available for this program.

MAP, MAP II, MAP III For FY 1993, $565,000 was available for this program.

PSP For FY 1923, $248,000 was available for this program. This program provides matching funds for cooperative agreements that generally do not exceed $50,000.

MLI For FY 1993, 248,000 was available for this program.

Funding Priorities for Conservation Project Support Program

The National Museum Services Board, by notice published in the **Federal**

Register, may establish funding priorities among the types of projects. IMS Conservation Project Support guidelines identify four broad categories of museum collections: Non-living; systematics/natural history collections; living collections/animals; and living collections/plants.

For each of the categories, with the exception of living collections/animals, the funding priority is a general conservation survey of collections and environmental conditions including development of institutional long-range conservation plans. For living collections/animals the funding priority is research for improved conservation techniques.

Application Forms

IMS mails application forms and program information in General Operating Support, Conservation Project Support, Museum Leadership Initiatives, Technical Assistance Grants and Professional Services Program application packets to museums and other institutions on its mailing list. Applicants may obtain application packets by writing or telephoning the Institute of Museum Services, 1100 Pennsylvania Avenue NW. room 609, Washington, DC 20506, (202) 606–8536. Deaf and hearing impaired individuals may call the TDD Line (202) 606–8636.

To receive an application for the Conservation Assessment Program contact the National Institute for Conservation, 3299 K Street, NW., suite 402, Washington, DC 20007 (202) 625–1495.

To receive an application for the Museum Assessment Programs contact the American Association of Museums, 1225 Eye Street NW., Washington, DC 20005 (202) 289–1818.

(Catalogue of Federal Domestic Assistance No. 45.301 Institute of Museum Services)

Dated: November 2, 1993.

Linda Bell,

Acting Director, Institute of Museum Services.

[FR Doc. 93–27778 Filed 11–10–93; 8:45 am]

BILLING CODE 7036–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences (BIO); Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Biological Sciences.

Date and Time:

December 1, 1993, 9:00 a.m.–5:00 p.m.
December 2, 1993, 9:00 a.m.–5:00 p.m.
December 3, 1993, 9:00 a.m.–1:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 540, Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. Mary E. Clutter, Assistant Director, Biological Sciences, room 506, National Science Foundation, 1800 G Street, NW., Wash., DC 20550. Tel No.: (202) 357–9854.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: The Advisory Committee for BIO provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: Science opportunities, assessment, and priority setting.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27805 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Electrical and Communications Systems.

Date and Time: December 13, 1993; 8:30 a.m. to 5 p.m.

Place: Room 680, 4201 Wilson Blvd, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: George Lea, Program Director, ECS, Room 675, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1339.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the regular proposals for the Computational Engineering Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under (5) U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27807 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Neuroscience (1158).

Date and Time: December 2 & 3, 1993; 9 a.m.–5 p.m.

Place: National Science Foundation, room 380, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Christopher Platt, Acting Program Director, Developmental Neuroscience, Division of Integrative Biology and Neuroscience, suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1423.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Developmental Neuroscience proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. #552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27806 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Undergraduate Education; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Division of Undergraduate Education.

Date and Time:

January 19, 1994; 7:30 p.m. to 9 p.m.
January 20, 1994; 8:30 a.m. to 5 p.m.
January 21, 1994; 8:30 a.m. to 5 p.m.
January 22, 1994; 8:30 a.m. to 5 p.m.
January 26, 1994; 7:30 a.m. to 9 p.m.
January 27, 1994; 8:30 a.m. to 5 p.m.
January 28, 1994; 8:30 a.m. to 5 p.m.
January 29, 1994; 8:30 a.m. to 5 p.m.

Place: Doubletree National Airport Hotel, 300 Army/Navy Drive, Arlington, VA 22202.

Type of Meeting: Closed.

Contact Persons: Dr. Duncan McBride, Section Head, Dr. Norman Fortenberry, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, telephone: (703) 306–1667.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Instrumentation and Laboratory Improvement/Leadership Improvement Panel Meeting.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-27831 Filed 11-10-93; 8:45 am]

BILLING CODE 7555-01-M

Membership of National Science Foundation's Senior Executive Service Performance Review Board

AGENCY: National Science Foundation.

ACTION: Announcement of Membership of the National Science Foundation's Senior Executive Service Performance Review Board.

SUMMARY: This announcement of the membership of the National Science Foundation's Senior Executive Service Performance Review Board is made in compliance with 5 U.S.C. 4314(c)(4).

ADDRESSES: Comments should be addressed to Director, Division of Human Resource Management, National Science Foundation, room 315, 4201 Wilson Boulevard, Arlington, VA 22230.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bransford at the above address or (703) 306-1184.

SUPPLEMENTARY INFORMATION: The membership of the National Science Foundation's Senior Executive Service Performance Review Board is as follows:

Frederick M. Bernthal, Deputy Director, Chairperson

Constance K. McLindon, Director, Office of Information Resource Management, Executive Secretary

Judith S. Sunley, Executive Officer, Directorate for Mathematical and Physical Sciences

Nathaniel G. Pitts, Director, Office of Science and Technology Infrastructure

Luther S. Williams, Assistant Director for Education and Human Resources

Joseph Bordogna, Assistant Director for Engineering

Dated: November 3, 1993.

John F. Wilkinson, Jr.,

Acting Director, Division of Human Resource Management.

[FR Doc. 93-27808 Filed 11-10-93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Biological Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Biological Sciences.

Date and time: December 13 & 14, 1993; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Scott W. Collins Program Director, Ecology Program, Division of Environmental Biology, rm. 635, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1479.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Conservation and Restoration Biology proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-27813 Filed 11-10-93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Cross Disciplinary Activities; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Cross-Disciplinary Activities.

Date and Time: December 9, 1993; 8:30 a.m. to 5 p.m.

Place: Hyatt Arlington at Key Bridge, 1325 Wilson Boulevard, Arlington, VA 22209.

Type of meeting: Closed.

Contact persons(s): Forbes Lewis, Program Director CISE/CDA, room 436, National Science Foundation, 1800 G Street NW., Washington, DC 20550. Telephone: (202) 357-7349.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate REU proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-27823 Filed 11-10-93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design & Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Design & Manufacturing System.

Date and time: December 9, 1993—8:30 a.m. to 5:30 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, rm 330, Arlington, VA 22230.

Type of meeting: Closed

Contact Person: Dr. F. Stan Settles, Program Director, Design & Integration Engineering, rm 550, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: (703) 306-1330.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Design & Intergration Engineering proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93-27825 Filed 11-10-93; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design & Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Design & Manufacturing Systems.

Date and time: December 7, 1993–8:30 a.m. to 5:30 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, rm 375–3, Arlington, VA 22230.

Type of meeting: Closed

Contact person: Dr. Cheena Srinivasan, Program Director, Manufacturing Machines & Equipment, Rm. 550, National Science Foundation 4201 Wilson Blvd., Arlington, VA 22230 Telephone: (703) 306–1330.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Manufacturing Machines & Equipment proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27826 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design & Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Design & Manufacturing Systems.

Date and time: December 9, 1993–8:30 a.m. to 5:30 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, rm 320, Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Dr. F. Hank Grant, Program Director, Operations Research & Production systems, rm 550, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230, Telephone: (703) 306–1330.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Operations Research & Production Systems proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27827 Filed 11–10–93; 8:45 am]

BILLING CODE 75555–01–M

Special Emphasis Panel in Design & Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Design & Manufacturing Systems.

Date and time: December 7, 1993–8:30 a.m. to 5:30 p.m.

Place: National Science Foundation, 4201 Wilson Blvd, rm 375–1, Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Dr. B. Kramer, Program Director, Materials Processing, Rm. 550, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: (703) 306–1330.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Materials Processing & Manufacturing proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. The matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27828 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences.

Date and time: December 3, 1993; 8 a.m.–5 p.m.

Place: Conference Room #3602, 4201 Wilson Blvd., Arlington, VA.

Type of meeting: Closed.

Contact person: Dr. Marvin E. Kauffman, Program Director, Education and Human Resources Program, Division of Earth Sciences, room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA, 22230. Telephone: (703) 306–1557.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate REU-Site Panel proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27809 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences.

Date and time: December 8th, 1993; 9 a.m. to 5 p.m.

Place: Room 310, NSF, 4201 Wilson Blvd., Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Richard West, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1579.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Shipboard Scientific Support Equipment proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such, as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–2780 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geoscience; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences.

Date and time: December 10th, 1993; 8:30 a.m. to 5 p.m.

Place: Lombard Hotel, 1015 Geary St., San Francisco, CA.

Type of meeting: Closed.

Contact person: Ms. Lisa Rom, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1578.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Shipboard Technical Support proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27822 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences.

Date and time: December 6–7, 1993; 8:30 a.m.–5 p.m.

Place: McClintock Rm. (#365), National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Dr. Linda Duguay, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9600.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Marine Biotechnology proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27824 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences.

Date and time: January 10, 1994; 8 a.m.—5 p.m.

Place: Conference Room # 310, 4201 Wilson Blvd., Arlington, VA.

Type of meeting: Closed.

Contact person: Dr. Marvin E. Kauffman, Program Director, Education and Human Resources Program, Division of Earth Sciences, room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1557.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Postdoctoral Panel proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27829 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neurosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L.92–463, as amended), the National Science Foundation (NSF) announces the following meeting.

Name: Advisory Panel for Neuroscience (1158).

Date and time: December 13 and 14, 1993, 9 a.m.–5 p.m.

Place: Room 320, 4201 Wilson Blvd., Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Dr. Felix Strumwasser, Program Director, Neuronal and Glial Mechanisms, Division of Integrative Biology and Neuroscience, room 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1424.

Purpose of meeting: To providing advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Neuronal and Glial Mechanisms proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27815 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name of meeting: Special Emphasis Panel in Polar Programs.

Date and time: December 16–17, 1993; 8:30 a.m. to 5 p.m.

Place: 7th Floor Conference Room, 4201, Wilson Blvd., Arlington, VA 22230.

Type of meeting: Closed.

Contact person: Dr. Julie Palais, Program Manager for Polar Glaciology, OPP, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Telephone: (202) 357–7894 until November 11, 1993.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Polar Glaciology and Arctic System Science/GISP2 proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27814 Filed 11–10–93 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Social, Behavioral and Economic Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and time: November 29, 1993; 9 a.m.—5 p.m.; November 30, 1993; 9 a.m.—3 p.m.

Place: National Science Foundation, suite 340, 4201 Wilson Blvd., Arlington, VA 22230.

Type of meeting: Open.

Contact person: John E. Jankowski, Jr., Division of Science Resources Studies, suite 965, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1777.

Minutes: May be obtained from the contact person listed above.

Purpose of meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to SBE programs and activities.

Agenda: Discussions on issues, opportunities and future directions for the SBE Directorate; discussion of SBE Directorate budget situation as well as other items. Special focus on planning for the Director's International Division and the Division of Science Resources Studies.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27810 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Undergraduate Education; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Undergraduate Education.

Date and time: December 2, 1993; 8:30 a.m. to 5 p.m.; December 3, 1993; 8:30 a.m. to 5 p.m.

Place: Holiday Inn Arlington at Ballston, 4610 North Fairfax Drive, Arlington, VA 22203.

Type of meeting: Closed.

Contact person: Dr. Elizabeth Teles, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1667.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Advanced Technological Education Program.

Reason for closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27811 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Undergraduate Education; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Undergraduate Education.

Date and time: December 2, 1993; 7:30 p.m. to 9 p.m.; December 3, 1993; 8 a.m. to 5 p.m.; December 4, 1993; 8 a.m. to 5 p.m.

Place: Pullman Highland Hotel, 1914 Connecticut Avenue NW., Washington, DC 20009–5719.

Type of meeting: Closed.

Contact person: Dr. James Lightbourne, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1666.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Curriculum Development in Mathematics: Calculus and the Bridge to Calculus Program.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 8, 1993.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 93–27812 Filed 11–10–93; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–424 and 50–425]

Georgia Power Company, et al., Vogtle Electric Generating Plant, Units 1 and 2; Notice of Withdrawal of Application for Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Georgia Power Company, et al. (the licensee) to withdraw both its May 13, 1991, and its September 14, 1992, applications for proposed amendments to Facility Operating License Nos. NPF–68 and NPF–81 for the Vogtle Electric Generating Plant, Units 1 and 2, located in Burke County, Georgia.

The May 13, 1991, proposal would have changed Technical Specification (TS) 3/4.5.3.2, revising the operability requirements for the safety injection pumps in Modes 4, 5, and 6 with the reactor vessel head on. The September 14, 1992, proposal would have changed TS 4.6.1.6.1, revising the surveillance requirements for the containment tendon sheathing filler grease.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments for the May 13, 1991, application, published in the Federal Register on August 7, 1991 (56 FR 37583). The Commission has not issued a Notice of Consideration of Issuance of Amendments for the September 14, 1992, application. However, by letter dated October 25, 1993, the licensee withdrew both of the proposed changes.

For further details with respect to this action, see the application for amendments dated May 13, 1991, and the application for amendments dated September 14, 1992, and the licensee's letter dated October 25, 1993, which withdrew the applications for license amendments. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830

Dated at Rockville, Maryland, this 3rd day of November 1993.

For the Nuclear Regulatory Commission.

C.E. Carpenter, Jr.,

Acting Project Manager, Project Directorate II–3, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–27818 Filed 11–10–93; 8:45 am]

BILLING CODE 7590–01–M

Northeast Nuclear Energy Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

[Docket No. 50–423]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–49, issued to Northeast Nuclear Energy Company (NNECO/the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 3, located in New London County, Connecticut.

The proposed amendment would increase the required supplementary leak collection and release system (SLCRS) drawdown time from 60 seconds to 120 seconds and increase the required vacuum to 0.4 inches, based on compensating reductions in containment leak rate.

Because the present Technical Specifications are impractical for plant

operation, the Technical Specifications must be changed before plant operation resumes. The plant is presently shutdown for an extended maintenance and refueling outage and resumption of operations is expected in early November. In order to process the proposed license amendment without unduly impacting scheduled resumption of operation exigent approval is required. The licensee has stated that the exigent situation could not have been avoided because of a recently-revealed lack of understanding of the SLCRS characteristics.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (SHC), which is presented below:

The proposed changes do not involve an SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The ability of the SLCRS and ABFS [auxiliary building filtration system] to meet the proposed Technical Specification to draw a negative pressure of 0.4 inches water gauge in the auxiliary building at the 24'–6" elevation within 120 seconds after a start signal (this time includes the diesel generator start and load time of approximately 10 seconds) is established through the evaluation of modification-related operating time changes and the use of prior test data. The test results confirmed that the SLCRS/ABFS will achieve drawdown to a negative pressure of 0.4 inches water gauge as measured at the 24'–6" elevation in the auxiliary building within 120 seconds following an accident signal. NNECO is confident that the pertinent set of tests comprising the integrated test program are all-encompassing and that the system, when subjected to a comprehensive test series, has responded appropriately. This was a probing test series which established a detailed understanding of how the combined systems operate and respond to any credible accident scenario.

These tests show that the SLCRS and ABFS equipment are capable of developing a negative pressure in excess of 0.4 inches water gauge within the auxiliary building at the 24'–6" elevation. There is reasonable assurance that this can be accomplished within 120 seconds (this time includes the diesel generator start and load times). Furthermore, testing recently completed following implementation of previously identified modifications validated the system's ability to perform its intended function in the requisite time frame.

Extension of the time allowed to achieve drawdown of secondary containment from 60 seconds to 120 seconds (these times include the diesel generator start and load time of approximately 10 seconds) will have a negligible impact on heating and cooling. Plant experience has shown that heatup and cooldown of thick-walled concrete structures, such as the Millstone Unit No. 3 auxiliary building, is a relatively slow process. Also, natural convection within the auxiliary building tends to stabilize temperatures. Following an accident signal, ventilation equipment is restarted promptly. Therefore, heatup or cooldown, during short periods while ventilation fans and/or heaters are inactive, is insignificant and can be neglected.

The proposed change to decrease the containment integrated leakage rate at the design basis pressure from 0.65 wt.%/day to 0.3 wt.%/day has been evaluated to determine the impact of the proposed lower leakage criteria on the Millstone Unit No. 3 containment test program. It was determined that the leakage results from the type "A," "B," "C" tests for the current refueling outage provide assurance of containment integrity even under the proposed leakage criteria. Also, the results of the bypass leakage are within the proposed limit. The proposed upper bound for the overall integrated leakage of 0.30 wt.%/day is more restrictive than the current upper bound of 0.65 wt.%/day.

NNECO has determined that the overall effect of increasing the time to draw a negative pressure of 0.4 inches water gauge as measured at the 24'6" elevation of the auxiliary building from 60 seconds to 120 seconds and reducing the containment integrated leakage rates at the design basis pressure of 0.65 wt.%/day to 0.30 wt.%/day was to reduce the calculated doses. Previously, the EAB [exclusion area boundary] thyroid and whole body doses as documented in the Millstone Unit No. 3 FSAR [Final Safety Analysis Report] were calculated to be 150 rem and 19.5 rem, respectively, while the previously docketed LPZ [low population zone] doses to the thyroid and whole body were calculated to be 3.16 rem and 3.5 rem, respectively. Utilizing the proposed revisions and the revised application of containment recirculation spray DF [decontamination factor], the EAB thyroid and whole body doses were calculated to be 141 rem and 9.4 rem, respectively, and the LPZ thyroid and whole body doses were calculated to be 29.8 rem and 1.7 rem, respectively. It was also concluded that the totalcuries of each iodine and noble gas isotope is less over each time period for this analysis than for the current analysis of record. This indicates that the control room and technical support center doses will be lower.

The proposed change to delineate the equipment required to comprise an operable SLCRS in the LCO [limiting condition for operation] for Technical Specification 3.6.6.1 would impose an additional restriction on the operation of Millstone Unit No. 3.

The proposed change to delineate the equipment necessary to comprise an operable ABFS in the LCO for Technical Specification 3.7.9, and the proposed change to require compliance with the action statements of Technical Specification 3.6.6.1 when an ABFS is declared inoperable in the action statements for Technical Specification 3.7.9, will impose additional restrictions on the operation of Millstone Unit No. 3. The proposed revision to Bases Section 3/4.7.9 will ensure that the basis and the LCO for Technical Specification 3.7.9, are consistent with each other.

The proposal to replace the phrase "a halogenated hydrocarbon refrigerant" denoted in Technical Specification Surveillances 4.6.6.1.f, 4.7.7.g. and 4.7.9.f with the phrase "an acceptable" will not change any of the acceptance criteria for the charcoal filter leak rate test. The changes are being proposed to permit Millstone Unit No. 3 to cope with the future ban of certain halogenated hydrocarbons. Because the changes will not impact the assumed efficiency of the charcoal filters, the calculated dose consequences of any postulated accident will not be affected.

The proposal to rename definition section 1.12 as "SECONDARY CONTAINMENT BOUNDARY," and the resultant changes to Technical Specifications 3.6.1.2.c, 3.6.6.2, 3.6.6.3, and 4.6.6.3, Table 3.6–1, and Bases Section 3/4.6.6.2, and 3/4.6.6.3 are editorial in nature. They do not have any safety impact. At this time removal of the SLCRS operability requirement from definition 1.12 will be denied, and will be reviewed in a future licensing action.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not compromise the ability of the SLCRS and ABFS to mitigate the consequences of an accident. A FEMA [failure modes and effects analysis/analyses] confirmed that the design changes implemented do not introduce any new single failure vulnerabilities. The proposes changes do not introduce any new or unique operational modes or accident precursors. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

NNECO has determined that the overall effect of increasing the time to draw a negative pressure of 0.4 inches water gauge as measured at the 24'–6" elevation of the auxiliary building from 60 seconds to 120 seconds and reducing the containment integrated leakage rates at the design basis

pressure of 0.65 wt.%/day to 0.3 wt.%/day was to reduce the calculated doses. Previously the EAB thyroid and whole body doses were calculated to be 150 rem and 19.5 rem, respectively, while the previously docketed LPZ doses to the thyroid and whole body were calculated to be 31.6 rem and 3.5 rem, respectively. Utilizing the proposed revisions and the revised application of containment recirculation spray DF, the EAB thyroid and whole body doses were calculated to be 141 rem and 9.4 rem, respectively. The LPZ thyroid and whole body doses were calculated to be 29.8 rem and 1.7 rem, respectively. Therefore, the proposed changes do not involve a significant reduction in a margin of safety. On the contrary, the proposed changes would slightly increase the margin of safety as gauged by the reduction in the calculated EAB and LPZ thyroid and whole body doses and the reduction of the total curies of each iodine and noble gas isotope for the subject time frames. Further, there is no other parameter affected by this proposed amendment for which it can be concluded that the proposed changes result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this notice, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written coments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 13, 1993, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic License Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intents to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final termination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz, Director, Project Directorate I–4: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103–3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 4, 1993, as supplemented November 4, 1993, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 5th day of November 1993.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Senior Project Manager, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93–27834 Filed 11–10–93; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Gross Earnings Report.

(2) *Form(s) submitted:* BA–11.

(3) *OMB Number:* 3220–0132.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* Monthly, Quarterly, Annually.

(7) *Respondents:* Businesses or other for-profit.

(8) *Estimated annual number of respondents:* 471.

(9) *Total annual responses:* 482.

(10) *Average time per response:* .684647 hours.

(11) *Total annual reporting hours:* 330.

(12) *Collection description:* Section 7(c)(2) of the RR Act requires a financial interchange between the OASDHI trust funds and the railroad retirement account. The collection obtains gross earnings of railway employees on a 1% basis. The information will be used for determining the amount which would place the OASDHI trust funds in the position they would have been if railroad service had been covered by the Social Security and FIC Acts.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 93–27773 Filed 11–10–93; 8:45 am]

BILLING CODE 7905–01–M

RESOLUTION TRUST CORPORATION

Coastal Barrier Improvement Act; Property Availability; Wyemoor/Harbor Point, Wicomico County, MD, Buckeystown/Dudrow, Frederick County, MD

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the properties known as Wyemoor/Harbor Point, located in Wicomico County, and Buckeystown/Dudrow, located in Frederick County, Maryland, are affected by Section 10 of the Coastal Barrier Improvement Act of 1990 as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the properties may be mailed or faxed to the RTC until February 10, 1994.

ADDRESSES: Copies of detailed descriptions of the properties, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Daniel H. Hummer, Resolution Trust Corporation, Atlanta Field Office, 245 Peachtree Center Avenue NE., Suite 1100, Atlanta, GA 30303, (404) 230–6594; Fax (404) 225–5092.

SUPPLEMENTARY INFORMATION: The Wyemoor/Harbor Point property is located off Pemberton Road in the southeast quadrant of Salisbury, Maryland. The property fronts the Wicomico River, contains an undeveloped floodplain, wetlands, and is adjacent to Pemberton Historical Park which is managed by the County of Wicomico. The Wyemoor/Harbor Point property consists of approximately 140 acres of undeveloped land and primarily unfinished residential lots. The property is within the Chesapeake Bay Critical Area and nesting habitat for the federally-listed endangered bald eagle is also adjacent to the site.

The Buckeystown/Dudrow property is located on Buckeystown Pike in Frederick, Maryland, within an ox bow of the Monocacy River. The property contains an undeveloped floodplain, wetlands, and is adjacent to lands managed by the National Park Service. The Buckeystown/Dudrow property

consists of approximately 180 acres of undeveloped land with habitat for several endemic species of wildlife. The properties are covered properties within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Written notice of serious interest in the purchase or other transfer of property must be received on or before February 10, 1994 by the Resolution Trust Corporation at the appropriate address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest must be submitted in the following form.

Notice of Serious Interest

Re: [insert name of property] **Federal Register** Publication Date: November 12, 1993.

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)), including, for qualified organizations, a determination letter from the Internal Revenue Service regarding the organization's status under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 170(h)(3)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration of entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

List of Subjects

Environmental protection.

Dated: November 8, 1993.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 93–27878 Filed 11–10–93; 8:45 am]

BILLING CODE 6714–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–33156; File No. SR–MCC–93–06]

Self-Regulatory Organizations; Midwest Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Waive Certain Fees

November 4, 1993.

Pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act"),[1] notice is hereby given that on October 12, 1993, the Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–MCC–93–06) as described in Items I, II, and III below, which Items have been prepared primarily by MCC. 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 purpose of the proposed rule change is to waive through December 31, 1993, (1) trade recording fees for trades in the Chicago Stock Exchange's ("CHX") Chicago Basket ("CXM") product[2] and (2) secondary account maintenance fees for market-maker accounts opened for trading in the CXM.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MCC 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. MCC 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

MCC proposes to amend a portion of its Services and Schedule of Charges by waiving certain fees associated with trades in the CXM through December 31, 1993. The text of the proposed rule change is italicized:

ACCOUNT MAINTENANCE

	Charge/month
Participant account maintenance fee:	
(Local and Out of Town Accounts)	$170
(Specialist, Trading and Market Maker Accounts)	160
Secondary account (specialist, trading and market maker accounts)	125
MCC only settlement fee	200

Secondary Account Maintenance Fees for market maker accounts opened for trading in the Chicago Basket ("CXM") shall be waived through December 31, 1993.

Trade Recording

In addition, a discount of $0.15 per trade side recorded will be applied to the trade recording fees for trades of 1,000 shares and larger when a participant exceeds 10,000 recorded trade sides each month (excluding inbound RIO trades).

All trade recording fees shall be waived for trades in the Chicago Basket ("CXM") through December 31, 1993.

The proposed rule change is consistent with section 17A of the Act[3] in that it provides for the equitable allocation of a reasonable fee among MCC's clearing members as required by section 17A(b)(3)(D) of the Act.[4]

(B) Self-Regulatory Organization's Statement on Burden on Competition

MCC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule has become effective on filing pursuant to section 19(b)(3)(A)(ii)[5] of the Act and pursuant to Rule 19b–4(e)(2)[6] promulgated

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 33053 (October 15, 1993), 58 FR 4610 [File No. SR–CHX–93–18] (order approving proposed rule change) and 33054 (October 15, 1993), 58 FR 54620 [File No. SR–MCC–93–03] (order approving proposed rule change).

[3] 15 U.S.C. 78q–1 (1988).

[4] 15 U.S.C. 78q–1(b)(3)(D) (1988).

[5] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[6] 17 CFR 240.19b–4(e)(2) (1992).

thereunder because the proposed rule change establishes or changes a due, fee, or other charge imposed by MCC. At any time within sixty days of the filing of this 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 submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to 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 filings will also be available for inspection and copying at the principal offices of MCC. All submissions should refer to File No. SR-MCC-93-06 and should be submitted by December 3, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. 93-27849 Filed 11-10-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33157; File No. SR-NSCC-93-11]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to Capital and Clearing Fund Requirements for Users of Mutual Fund Services

November 4, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on August 20, 1993, the National Securities Clearing Corporation ("NSCC") 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 primarily by NSCC. On August 23, 1993, NSCC filed an amendment to the proposed rule change.[2] 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 primary purpose of the proposed rule change is to permit NSCC to revise its membership capital standards and its clearing fund requirements for broker-dealers, banks, and other entities that will use only NSCC's mutual fund services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC 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

NSCC is revising its capital standards for broker-dealers and banks that desire to join NSCC to use only NSCC's mutual fund services[3] and for entities that desire to join NSCC to become Fund Members.[4] NSCC also is revising its clearing fund requirements for mutual fund services only users. The revisions are to better reflect the risks and nature of NSCC's mutual fund services, which are not guaranteed by NSCC.

Broker-dealer applicants for NSCC membership that wish to restrict their NSCC activities to the mutual fund services will be required to have $25,000 in excess net capital over the minimum requirement imposed by the Commission or their designated examining authority, whichever is greater. Bank or trust company applicants will be required to have $100,000 in excess capital over the requirement imposed by their state or federal regulatory authority.[5] Members who are accepted under these proposed alternative standards will be required, depending on their level of settlement debits with NSCC, to make deposits to the clearing fund for their mutual fund services activities of $10,000, $20,000 or $40,000 instead of the current $5,000, $10,000, or $20,000, respectively.[6]

Broker-dealer applicants for Fund Member status who distribute shares for an investment company with assets under management of $500,000 or more will be required, among other things, to have $25,000 in excess net capital over the requirement imposed by the Commission or their designated examining authority, whichever is greater. Applicants that distribute shares for an investment company with assets under management of less than $500,000 will be required to have $50,000 in excess net capital. Investment company applicants will be permitted to become Fund Members provided that they have a minimum of $100,000 in assets under management.

NSCC believes that the proposed rule change is consistent with the requirements of section 17A of the Act and the rules and regulations thereunder. The proposed rule change will promote the efficient clearance and settlement of mutual fund transactions by expanding the number of members eligible to clear and settle their mutual fund transactions through NSCC.

B. Self-Regulatory Organization's Statement on the Burden on Competition

NSCC does not believe that the proposed rule change will impose any burden on competition.

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[7] 17 CFR 200.30-3(a)(12) (1992).

[1] 15 U.S.C. 78s (1988).

[2] The amendment corrected typographical errors in the original filing.

[3] NSCC's mutual fund services are set forth in NSCC Rule 52, "Mutual Fund Service."

[4] Entities qualifying as Fund Members are governed primarily by NSCC Rule 51, "Fund Member," and Addendum I, "Standards of Financial Responsibility and Operational Capacity for Fund Members" of NSCC Rules and Procedures.

[5] The proposed rule change also will change the definition of the term "Mutual Fund Services Broker-Dealer" to "Mutual Fund Services Member" in order to include broker-dealers, banks, trust companies, and other entities as members whose activities are limited to the mutual fund services at NSCC.

[6] NSCC's clearing fund formula is set forth in Part XV of NSCC's Procedures. Pursuant to proposed Section A.I. (b)(ii) of Part XV, a member accepted for membership under the proposed mutual fund services only standards will have a clearing fund requirement of $10,000 if its daily settlement debits are no more than $100,000, $20,000 if its daily settlement debits are no more than $500,000, and $40,000 if its daily settlement debits are more than $500,000.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has met with the Investment Company Institute ("ICI") regarding the proposed membership changes. NSCC has been advised that the ICI is supportive of this endeavor. NSCC has received no written comment on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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 above-referenced self-regulatory organization.

All submissions should refer to File No. SR-NSCC-93-11 and should be submitted by December 3, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-27850 Filed 11-10-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33161; File No. SR-NYSE-93-35]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Additions to the "List of Exchange Rule Violations and Fines Applicable Thereto Pursuant to Rule 476A"

November 5, 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 October 7, 1993, the New York Stock Exchange, Inc. ("NYSE or "Exchange") filed with the securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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 Rule 476A Violations List for imposition of fines for minor violations of rules and/or policies by adding to the list Exchange procedures with respect to entry and cancellation of market-at-the-close ("MOC") orders on expiration days (*i.e.*, expiration Fridays or the day on which Quarterly Index options expire).[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 476A[2] 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 organization for a minor violation of certain specified Exchange rules.

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. 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 SR-NYSE-84-27, 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

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[1] The NYSE also has requested approval, under Rule 19d-1(c)(2), to amend its Rule 19d-1 Minor Rule Violation Enforcement and Reporting Plan to include the MOC policy. 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 October 5, 1993.

[2] 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 21008 (May 21, 1985); Securities Exchange Act Release No. 22415 (September 17, 1985, 50 FR 38600 (September 23, 1985); Securities Exchange Act Release No. 22490 (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 5, 1987), 52 FR 41643 (October 29, 1987); Securities Exchange Act Release No. 25763 (May 27, 1988), 53 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 8, 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 21, 1991), 56 FR 12967 (March 28, 1991); Securities Exchange Act Release No. 30280 (January 22, 1992), 57 FR 3452 (January 29, 1992); Securities Exchange Act Release No. 30536 (March 31, 1992), 57 FR 12357 (April 9, 1992); Securities Exchange Act Release No. 32421 (June 7, 1993), 58 FR 32973 (June 14, 1993).

Rule 476A as experience with it was gained.

The Exchange is presently seeking approval to add to the List of Rules subject to possible imposition of fines under Rule 476A procedures failure by members or member organizations to adhere to the procedures for entry and cancellation of MOC orders on expiration days. These procedures, which have been filed with and approved by the Commission,[3] require that MOC orders must be entered pursuant to certain time frames and only under certain conditions. For example, MOC orders must be entered on the Exchange by 3:40 p.m. on expiration days if they are related to a strategy including any stock index future, stock index option or option on stock index future in expiring contracts. Under the procedures MOC orders in so-called pilot stocks (the 50 most highly capitalized S&P 500 stocks and any component stocks of the Major Market Index that are not included in this group of 50) may only be entered after 3:40 p.m. if they offset a previously published MOC order imbalance of 50,000 shares or more. Similarly, expiration day procedures require that no MOC orders in any stocks may be cancelled after 3:40 p.m. Violations of these policies could include late entry of MOC orders, entry of MOC orders which do not offset a published imbalance of 50,000 shares or more in a pilot stock or an improper cancellation of a MOC order

The MOC order entry and cancellation procedures are announced to members and member organizations through an Information Memo issued approximately one week before such expiration day.

The purpose for the proposed change to Rule 476A is to facilitate the Exchange's ability to induce compliance with all aspects of the above-cited procedures.

The Exchange believes failure to comply with the requirements of these procedures should be addressed with an appropriate sanction and 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 sections 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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, 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-93-35 and should be submitted by December 3, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-27851 Filed 11-10-93; 8:45 am]

BILLING CODE 8010-01-M

[3] See, for example, Securities Exchange Act Release No. 32868 (September 10, 1993), 58 FR 48687 (September 17, 1993).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2690]

California; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on October 28, 1993 and an amendment thereto on the same date, I find that the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California constitute a disaster area as a result of damages caused by wildland fires beginning on October 26, 1993 and continuing. Applications for loans for physical damage may be filed until the close of business on December 27, 1993, and for loans for economic injury until the close of business on July 28, 1994, at the address listed below: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853-4795, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Imperial, Inyo, Kern, and Santa Barbara Counties in California; La Paz and Mohave Counties in Arizona; and Clark County in Nevada.

The interest rates are:

	Percent
For physical damage:	
Homeowners with credit available elsewhere	7.250
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	8.00
Businesses and non-profit organizations without credit available elsewhere	4.00
Others (including Non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 269005. For economic injury the numbers are 809600 for California; 809700 for Arizona; and 809800 for Nevada.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 3, 1993.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 93-27794 Filed 11-10-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 93-057]

Amendment of Oil Discharge Criteria to Annex I of the Protocol of 1978 Relating to the International Convention for the Pollution of Prevention From Ships, 1973 (MARPOL 73/78)

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: On March 6, 1992, the 32nd session of the International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC 32) adopted a resolution which established more stringent criteria for controlling the discharge of oil or oil-water from a ship's machinery bilges or discharge of an oily residue from a ship's cargo tanks. The resolution was accepted by IMO and became effective on July 6, 1993. However, IMO has recognized that some existing vessels will not be able to achieve compliance by that time. This notice provides information on the amended requirements and the enforcement policies to be applied to vessels making good faith efforts to have the necessary equipment installed.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Gauvin, Project Manager, Merchant Vessel Inspection and Documentation Division (G-MVI-2), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone (202) 267-1181.

SUPPLEMENTARY INFORMATION: More stringent oil discharge criteria for ship's oil discharge monitors and oily-water separating systems were adopted by IMO in March 1992. The revised amendments of Annex I to the International Convention for the Prevention of Pollution from Ships (MARPOL 76/78), were published as Resolution MEPC.51(32) (hereafter referred to as "the resolution") and became effective July 6, 1993. The resolution, as adopted at MEPC 32, appears as an appendix to this notice for the convenience of the reader.

For the purpose of these amendments, an "existing ship" is one delivered before July 6, 1993. Ships delivered after July 6, 1993, are required to meet all of the resolution's upgraded discharge criteria immediately upon delivery. Existing ships are not required to meet the upgraded discharge criteria until July 6, 1998, with exception of the instantaneous discharge rates for tankers. Under the resolution, existing oil tankers must upgrade the equipment that controls their instantaneous discharge rate of oil residue or oily-water to achieve a discharge rate not exceeding 30 liters per nautical mile, by July 6, 1993.

The deadline for existing tankers to meet the upgraded criteria for the rate of discharge has been one of major concern for most tanker owners and operators. Even though the owners and operators of existing tankers have attempted to meet the new standards, the equipment manufacturers and servicing representatives have not been able to keep up with the demand to upgrade systems or service them by the IMO deadline.

This concern was expressed at IMO during the MEPC's 34th session, July 5-9, 1993. While many countries supported accepting a one to three year period of grace for installing equipment needed to meet the 30 liters per mile discharge, others noted that a period of grace provision was rejected by MEPC at the time of adoption of the resolution and that the amendments had been promulgated in their national regulations without allowing an exemption. MEPC 34 concluded, after discussions, that no grace period could be granted unless such period of grace was provided for in an amendment to MARPOL 73/78 with entry into force before July 6, 1993. The final report stated: "Recalling its earlier actions taken on ships which are not fitted with the oil discharge monitoring and control equipment complying with regulation 15 because of the non-availability of such equipment on the market, MEPC 34 agreed on the following understanding:

1. No relaxation of the discharge standards should be allowed because of non-fitting of the required equipment;

2. The Administration should urge shipowners to fit the required equipment as soon as possible but not later than:

2.1 6 July 1994 for oil discharge monitoring and control systems for 30 liters per mile discharge;

2.2 6 July 1998 for 15 parts per million (ppm) oil filtering equipment to be fitted on ships which have been hereto been exempted under old regulation 16(3)(a); provided that it is satisfied that such equipment or component is not readily available and the shipowner has taken steps to the installation of the necessary equipment, e.g. by the presentation of the purchase order;

3. Where appropriate and so approved by the Administration, the ship's Record of Equipment should indicate that the Administration has accepted non-fitting of the equipment which may be accepted for the purpose of the port State control; and

4. When undertaking proceedings against the illegal discharges under article 4, States may take account of the fact that the discharge in excess of the Convention requirements may have resulted from the absence of the required equipment."

The U.S. implements Annex I of MARPOL 73/78 by regulations published in title 33, Code of Federal Regulations (CFR), parts 151, 155, 157, and 158. These regulations were not amended while awaiting IMO's action concerning possible delayed implementation of the changes made by the resolution. A regulatory project to conform these regulations to the existing provisions of Annex I is underway. Until these regulations are promulgated, the Coast Guard has instructed its field offices to give effect to the understanding reached by MEPC at its July 1993 meeting. Owners and operators of existing U.S. flag tankers that are unable to fully comply with the 30 liter per mile discharge rate should contact the Coast Guard Officer-In-Charge, Marine Inspection, who issued the vessel's International Oil Pollution Prevention (IOPP) Certification, to establish the status of the vessel under this understanding.

Appendix—Amendments to the Discharge Criteria of Annex I of MARPOL 73/78

Resolution MEPC.51(32) was adopted by IMO Marine Environment Protection Committee on March 6, 1992.

The regulations of annex I are amended as follows:

1. Regulation 9

1 The existing text of paragraph (1)(a)(iv) is replaced by the following:

(iv) The instantaneous rate of discharge of oil content does not exceed 30 liters per nautical mile;.

.2 The existing text of paragraph (1)(b) is replaced by the following:

(b) From a ship of 400 tons gross tonnage and above other than an oil tanker and from machinery space bilges excluding cargo pump-room bilges of an oil tanker unless mixed with oil cargo residue:

(i) The ship is not within a special area;

(ii) The ship is proceeding en route;

(iii) The oil content of the effluent without dilution does not exceed 15 parts per million; and

(iv) The ship has in operation equipment as required by resolution 16 of this annex.

.3 Paragraph (4) is amended by deleting the entire second sentence, including subitems (a)—(d).

.4 A new paragraph (7) is added as follows:

(7) In the case of a ship, referred to in regulation 16(6) of this annex, not fitted with equipment as required by regulation 16(1) or 16(2) of this annex, the provisions of paragraph 1(b) of this regulation will not apply until 6 July 1998 or the date on which the ship is fitted with such equipment, whichever is the earlier. Until this date any discharge from machinery space bilges into the sea of oil or oily mixtures from such a ship shall be prohibited except when all the following conditions are satisfied:

(a) The oily mixture does not originate from the cargo pump-room bilges;

(b) The oily mixture is not mixed with oil cargo residues;

(c) The ship is not within a special area;

(d) The ship is more than 12 nautical miles from the nearest land;

(e) The ship is proceeding en route;

(f) The oil content of the effluent is less than 100 parts per million; and

(g) The ship has in operation oily-water separating equipment of a design approved by the Administration, taking into account the specification recommended by the Organization.*

A footnote should be added to paragraph (7)(g) as follows:

* Refer to the Recommendation on International Performance and Test Specifications for Oily Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.393(X).

2. Regulation 10

.1 Paragraph (2)(b) is amended to read:

(b) Any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in a special area, except when the oil content of the effluent without dilution does not exceed 15 parts per million.

.2 Paragraph (3)(b)(v) is amended by changing the cross-reference therein from 16(7) to 16(5).

3. Regulation 16

The existing text of this regulation is replaced by the following:

Regulation 16

Oil discharge monitoring and control system and oil filtering equipment

(1) Any ship of 400 tons gross tonnage and above but less than 10,000 tons gross tonnage shall be fitted with oil filtering equipment complying with paragraph (4) of this regulation. Any such ship which carries large quantities of oil fuel shall comply with paragraph (2) of this regulation or paragraph (1) of regulation 14.

(2) Any ship of 10,000 tons gross tonnage and above shall be provided with oil filtering equipment, and with arrangements for an alarm and for automatically stopping any discharge of oily mixture when the oil content in the effluent exceeds 15 parts per million.

(3) (a) The Administration may waive the requirements of paragraphs (1) and (2) of this regulation for any ship engaged exclusively on voyages within special areas provided that all of the following conditions are complied with:

(i) The ship is fitted with a holding tank having a volume adequate, to the satisfaction of the Administration, for the total retention on board of the oily bilge water;

(ii) All oily bilge water is retained on board for subsequent discharge to reception facilities;

(iii) The Administration has determined that adequate reception facilities are available to receive such oily bilge water in a sufficient number of ports or terminals the ship calls at;

(iv) The International Oil Pollution Prevention Certificate, when required, is endorsed to the effect that the ship is exclusively engaged on the voyages within special areas; and

(v) The quantity, time, and port of the discharge are recorded in the Oil Record Book.

(b) The Administration shall ensure that ships of less than 400 tons gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements of regulation 9(1)(b) of this annex.

(4) Oil filtering equipment referred to in paragraph (1) of this regulation shall be of a design approval by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing through the system has an oil content not exceeding 15 parts per million. In considering the design of such equipment, the Administration shall have regard to the specification recommended by the Organization.*

(5) Oil filtering equipment referred to in paragraph (2) of this regulation shall be of a design approved by the Administration and shall be such as will ensure that any oily mixture discharged into the sea after passing though the system or systems has an oil content not exceeding 15 parts per million. It shall be provided with alarm arrangements to indicate when this level cannot be maintained. The system shall also be provided with arrangements such as will ensure that any discharge of oily mixtures is automatically stopped when the oil content of the effluent exceeds 15 parts per million. In considering the design of such equipment and arrangements, the Administration shall have regard to the specification recommended by the Organization.*

(6) For ships delivered before 6 July 1993 the requirements of this regulation shall apply by 6 July 1998, provided that these ships can operate with oily-water separating equipment (100 ppm equipment).

A footnote should be added to paragraphs (4) and (5) as follows:

* Refer to the Recommendation on International Performance and Test Specifications for Oily-Water Separating Equipment and Oil Content Meters adopted by the Organization by resolution A.393(X).

4. Regulation 21

.1 Subparagraph (c) is amended by deleting the first five words, i.e. "in any special area and".

.2 Subparagraph (d) is deleted.

Dated: November 4, 1993.

R.C. North,

Captain, U.S. Coast Guard Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93-27846 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on General Aviation and Business Airplane Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration's Aviation Rulemaking Advisory Committee to discuss general aviation and business airplane issues.

DATES: The meeting will be held on November 30, 1993, at 9 a.m. Arrange for oral presentations by November 19, 1993.

ADDRESSES: The meeting will be held at the Regional Airline Association (RAA), 1101 Connecticut Avenue, NW., third floor conference room, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Nininger, Small Airplane Directorate (ACE-112), 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on November 30, 1993, at the Regional Airline Association (RAA), 1101 Connecticut Avenue, NW., Washington, DC 20036. The agenda for the meeting will include:

- Opening Remarks.
- Status Reports From The Accelerated Stalls, Fuel Indicators, and FAR/JAR Harmonization Working Groups.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by November 19, 1993, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Assistant Executive Director or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading "FOR FURTHER INFORMATION CONTACT."

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

Issued in Washington, DC, on October 28, 1993.

Michael K. Dahl,

Acting Assistant Executive Director for General Aviation and Business Airplane Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 93-27800 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-M

Proposed Modification of the Dallas-Fort Worth, TX, Class B Airspace Area; Public Meetings

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meetings; correction.

SUMMARY: This document corrects the time of two informal airspace meetings in Mesquite, TX, and North Richland Hills, TX, published in the **Federal Register** on October 20, 1993, (58 FR 54073).

FOR FURTHER INFORMATION CONTACT: Alvin DeVane, Southwest Regional Office, ASW-530, telephone: (817) 624-5535.

SUPPLEMENTARY INFORMATION: In **Federal Register** Document 93-25717 published on October 20, 1993, (58 FR 54073), the time previously published for the meetings to be held on Wednesday, December 8, 1993, in mesquite, TX, and Monday, December 13, 1993, in North Richland Hills, TX, was "9:00 p.m." this should be changed to "7:30 p.m."

Issued in Washington, DC, on November 3, 1993.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 93-27797 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Townships of Manns Harbor and Manteo, Dare County, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project within the townships of Manns Harbor and Manteo and a new crossing of Croatan Sound, Dare County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Roy C. Shelton, Operations Engineer, Federal Highway Administration, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601, Telephone 919/856-4350.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperative with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on proposed improvements to US 64-264. The proposed action will be the improvement of US 64-264 from the intersection of US 64 and US 264 west of Manns Harbor to the intersection of US 64-264 and NC 345 south of Manteo. This facility is a part of the planned improvements to US 64 from the piedmont to the coast to ease traffic congestion during peak tourist season.

Alternatives under consideration include: (1) The "no-build"; (2) improving existing US 64-264 through Manns Harbor and Manteo, (3) improvements of existing US 64-264 through Manns Harbor with a partial bypass of Manteo on Roanoke Island, and (4) improvements of existing US 64-264 through Manns Harbor with a new crossing of the Croatan Sound south of the existing crossing.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. Citizens Informational Workshops and meetings with local officials and neighborhood groups will be held in the study area. Public hearings will also be held. Information on the time and place of the public hearings will be provided in the local news media. The draft EIS will be available for public and agency review and comments at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: November 2, 1993.

Roy C. Shelton,

Operations Engineer, Raleigh, North Carolina.

[FR Doc. 93-27774 Filed 11-10-93; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

November 5, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Financial Management Service

OMB Number: 1510-0013
Form Number: TFS 2208
Type of Review: Extension
Title: States Where Licensed for Surety
Description: Information is collected to report, in Treasury Circular 570, Surety Licenses of Treasury Certified companies.
Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Number of Respondents: 300
Estimated Burden Hours Per Response: 1 hour
Frequency of Response: Annually
Estimated Total Reporting Burden: 300 hours
Clearance Officer: Jacqueline R. Perry (301) 344-8577, Financial Management Service, 3361-L 75th Avenue, Landover, MD 20785.
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. 93-27856 Filed 11-10-93; 8:45 am]

BILLING CODE 4810-05-P

Public Information Collection Requirements Submitted to OMB for Review

November 5, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1146

Regulation ID Number: PS-54-89 Final

Type of Review: Extension

Title: Applicable Conventions Under the Accelerated Cost Recovery System

Description: The regulations describe the time and manner of making the notation required to be made on Form 4562 under certain circumstances when the taxpayer transfers property in certain non-recognition transactions. The information is necessary to monitor compliance with the section 168 rules.

Respondents: Farms, Businesses or other for-profit, Small businesses or organizations

Estimated Number of Respondents: 700

Estimated Burden Hours Per Respondent: 6 minutes

Frequency of Response: Annually

Estimated Total Reporting Burden: 70 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. 93-27857 Filed 11-10-93; 8:45 am]

BILLING CODE 4830-01-P

Customs Service

[T.D. 93-91]

Revocation of Customs Broker License

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Notice is hereby given that on September 30, 1993, the Secretary of the Treasury, pursuant to section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and § 111.45(a) of the Customs Regulations, as amended (19 CFR 111.45(a)), ordered the revocation of the license (No. 3203) issued to Richard Hanebrink in the St. Louis Customs District to conduct Customs business.

Dated: November 8, 1993.

Jerry Laderberg,

Director, Office of Trade Operations.

[FR Doc. 93-27884 Filed 11-10-93; 8:45 am]

BILLING CODE 4820-02-M

Federal Law Enforcement Training Center

Rechartering of the Advisory Committee to the National Center for State and Local Law Enforcement Training

AGENCY: Federal Law Enforcement Training Center, Department of the Treasury.

ACTION: Notice of determination of necessity for renewal of the advisory Committee to the National Center for State and Local Law Enforcement Training.

SUMMARY: It is in the public interest to continue the existence of the Advisory Committee to the National Center for State and Local Law Enforcement Training.

The Federal Law Enforcement Training Center (FLETC), Department of the Treasury, pursuant to the Federal Advisory Committee Act of October 6, 1972, Public Law 92-463, as amended, and with the approval of the Secretary of the Treasury, announces the renewal of the charter of the Advisory Committee to the National Center for State and Local Law Enforcement Training. This determination follows consultation with the Committee Management Secretary, General Services Administration.

PURPOSE: The primary purpose of the committee is to provide to a forum for discussion and interchange between a broad cross-section of representatives for the law enforcement community and related training institutions on training issues and needs. Considering that there are over 40,000 individual police departments throughout the country, the advice emanating from this exchange is very important to the Director of the Federal Law Enforcement Training Center and the Director of the National Center for State and Local Law Enforcement Training (National Center). The Committee's advice is critical to ensuring that programs developed and offered by the National Center are meeting the unique and specialized needs of the State and local law enforcement community and enhancing the networking between Federal, State and local agencies. This networking is essential to an efficient and effective overall system.

Although FLETC representatives participate in the training committee activities of the major police membership associations, no forum exists which provides the broad representation required to meet the needs of the National Center. The uniqueness of the program requires an appropriately selected and specifically dedicated group.

The committee advises the Director of FLETC and the Director of the National Center for State and Local Law Enforcement Training on policy formulation, training needs, curriculum and course content, student admission and evaluation. There is no question that the committee's input has been very instrumental in the successes enjoyed to this point. Resources have been committed only to those programs which meet unique needs of the State and local law enforcement community. All programs are well attended, and critiques and evaluations are quite positive. In addition, State and local agencies have actively participated in the development and delivery of the programs by providing personnel as subject matter experts, course developers and instructors. The programs offered have been developed only after a thorough screening process to ensure that the limited resources available are being committed most productively.

TERMINATION DATE: The services of the committee are expected to be needed for an indefinite period of time. No termination date has been established which is less than two years from the date the charter is filed.

Accordingly, I hereby determine, pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended, that continuation of the Advisory Committee to the National Center for Local Law Enforcement Training for a two-year period, is in the public interest.

Dated: November 4, 1993.

George Muñoz,

Assistant Secretary (Management).

[FR Doc. 93–27858 Filed 11–10–93; 8:45 am]

BILLING CODE 4810-37-M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 217
Friday, November 12, 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 ELECTION COMMISSION

DATE AND TIME: Tuesday, November 16, 1993 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, November 18, 1993 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth floor.)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Future Meetings.
Implementing Directives for the Interim Ex Parte Communications Regulations.
FY 1994 Management Plan (continued from meeting of November 4, 1993).
Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Delores Hardy,
Administrative Assistant.

[FR Doc. 93–28026 Filed 11–9–93; 3:12 pm]

BILLING CODE 6715–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., Thursday, November 18, 1993.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Mullins & Sons Coal Co., Inc.*, Docket No. KENT 92–669. (Issues include whether the judge erred in finding that Mullins' violations of safety standards at 30 CFR 75.400 and 75.402 were not the result of its unwarrantable failure to comply with the standards.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2796.160(e).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Dated: November 8, 1993.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 93–28012 Filed 11–9–93; 2:22 pm]

BILLING CODE 6735–01–M

COMMITTEE ON EMPLOYEE BENEFITS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 3:00 p.m., Tuesday, November 16, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of the 1994 budget for the Office of Employee Benefits.
2. Changes to the discount rate for Financial Accounting Standards No. 87 (Retirement Plan) and No. 106 (Post Retirement Welfare Benefits).
3. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 9, 1993.

William W. Wiles,
Secretary of the Board.

[FR Doc. 93–27978 Filed 11–9–93; 12:21 pm]

BILLING CODE 6210–01–P

COMMITTEE ON EMPLOYEE BENEFITS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 3:30 p.m., Tuesday, November 16, 1993, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) The general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; and (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal, actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans. Specific items include: (A) A proposed strategic benefits plan for 1994–1995; (B) 1994 Federal Reserve Bank early retirement proposals; (C) Technical and administrative changes to the System Thrift Plan; and (D) Staff appointment in the Office of Employee Benefits.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 9, 1993.

William W. Wiles,
Secretary of the Board.

[FR Doc. 93–27979 Filed 00–00–93; 12:21 pm]

BILLING CODE 6210–01–P

NATIONAL SCIENCE FOUNDATION

National Science Board

DATE AND TIME:

November 19, 1993, 9:30 a.m., Closed Session
November 19, 1993, 10:15 a.m., Open Session

PLACE: National Science Foundation, 1800 G Street, NW., Room 540, Washington DC 20550.

STATUS:

Part of this meeting will be open to the public
Part of this meeting will be closed to the public

MATTERS TO BE CONSIDERED:

Friday, November 19, 1993

Closed Session (9:30 a.m.–10:15 a.m.)

—Minutes from October Meeting
—Grants and Contracts

Open Session (10:15 a.m.–11:45 a.m.)

—Minutes from October Meeting
—Chairman's Report
—Director's Report
—Program Approval
—Reports from Committees
—Science & Engineering Indicators Report
—Briefing on S&T in Southeast Asia
—Other Business/Adjourn

Marta Cehelsky,

Executive Officer.

[FR Doc. 93–27945 Filed 11–9–93; 9:30 am]

BILLING CODE 7555–01–M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of November 8, 1993.

Closed meetings will be held on Tuesday, November 9, 1993, at 2:30 p.m. and on Wednesday, November 10, 1993, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 9, 1993, at 2:30 p.m., will be:

Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Opinion.
Regulatory matter regarding financial institution.

The subject matter of the closed meeting scheduled for Wednesday, November 10, 1993, at 2:30 p.m., will be:

Opinions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Karrie McMillian at (202) 272–2400.

Dated: November 9, 1993.

Jonathan G. Katz,

Secretary.

[FR Doc. 93–27967 Filed 11–9–93; 12:20 pm]

BILLING CODE 8010–01–M

federal register

Friday
November 12, 1993

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

Community Development Block Grant Sanctions; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-93-1668; FR-3298-P-01]

RIN 2506-AB43

Community Development Block Grant (CDBG) Sanctions

AGENCY: Office of Assistant Secretary for Community Planning and Development, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule proposes to revise existing regulations governing the imposition of administrative sanctions in the Community Development Block Grant (CDBG) program for entitlement grantees. Its purpose is to establish clear standards for determining what constitutes substantial noncompliance entitling grantees to a hearing before an Administrative Law Judge, and to provide grantees with an informal due process hearing procedure for all other noncompliance cases. In addition, this proposed rule would clarify certain existing regulatory provisions on CDBG performance standards and the Department's review procedures.

DATES: Comment due date: January 11, 1994.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Comments should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: James R. Broughman, Director, Entitlement Communities Division, room 7282, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-8000, telephone, (202) 708-1577. The TDD number is (202) 708-2565; (These are not toll-free telephone numbers).

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this proposed rule have been approved by the Office of Management and Budget (OMB), under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520), and assigned OMB control number 2506-0077.

Background

Title I of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 *et. seq.*) ("the Act") provides two authorities for addressing performance deficiencies found by HUD under the CDBG program. Section 104(e)(42 U.S.C. 5304(e)) provides that HUD may adjust the amount of annual grants by an appropriate amount based on its determinations concerning a grantee's performance under the program. Under this authority, the HUD regulations now in effect authorize grant conditions based on the grantee taking corrective or remedial actions satisfactory to HUD in cases where it found non-compliance with requirements of the program. Pursuant to 24 CFR 570.910(b)(8), where the grantee did not satisfy the terms of the condition, the Department reserved the right to reduce the grant by an appropriate amount. While section 104(e) of the Act does not provide grantees with a process to contest a grant adjustment, 24 CFR 570.911(a) of the regulations provides that the grantee be given an opportunity for an informal consultation prior to HUD making a grant reduction.

Section 111 of the Act (42 U.S.C. 5311) provides that when the Secretary finds that a grantee has failed substantially to comply with applicable requirements the Secretary shall take one of the following actions until satisfied that there is no longer any such failure to comply:

(1) Terminate payments to the grantee;

(2) Reduce payments to the grantee by an amount equal to the amount that was not expended in accordance with applicable requirements; or

(3) Limit the availability of payments to activities not affected by the failure to comply.

The section further provides that HUD may refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted. Unlike section 104(e), section 111 specifically provides that a grantee must be given opportunity for hearing and establishes the right for a petition for review of the Secretary's action before the United States Court of Appeals. Section 111 of the Act is implemented at 24 CFR 570.913 of the program regulations. The regulation sets forth full formal hearing procedures before an Administrative Law Judge.

In *Kansas City* v. *HUD*, 861 F.2d 739 (D.C. Cir. 1988), 669 F.Supp. 525 (D.D.C. 1982), the City challenged HUD's authority to condition its CDBG grant to redress an alleged violation of a regulatory provision precluding the imposition of special assessments to recover capital costs of a public improvement provided by CDBG funds. The court held that HUD could not condition or reduce the grant in that case without offering a hearing under the provisions of section 111 of the Act. In discussing the decision, the court cited as a consideration that it was clear that the City was no longer imposing such assessments and that the section 104 grant adjustment authority did not extend to the recovery of misspent grant funds for past violations since that was one of the remedies expressly noted under section 111. The Court also noted that the distinction between "substantial" and lesser noncompliance, while not a factor in its decision, could be of significance. HUD has subsequently limited its use of grant conditions to protecting future expenditures against the continuation of detected non-compliance.

In order to make a clear and objective distinction between cases where noncompliance is deemed "substantial," the proposed rule establishes a monetary threshold based on the amount of CDBG dollars involved. The Department considered distinctions based on other factors, such as the magnitude (non-monetary) of the effect on a grantee's program, the intent of the provision violated, the intent of the grantee, or the extent to which intended beneficiaries are affected. It was clearly evident that a monetary threshold provided the only objective measure of substantiality. The proposed rule also establishes the specific procedures HUD will use for the conduct of informal due process hearings where the noncompliance is not substantial and thus not subject to the formal hearing procedure under section 111.

Defining Substantial Noncompliance

Where noncompliance exists, the definition of what is substantial noncompliance can be determinative as to whether section 104(e) (nonsubstantial) or section 111 (substantial non-compliance) will apply. HUD has decided that the factor that should be considered in defining substantial is the dollar amount or percentage of the grantee's annual grant involved. That is, the greater the impact on the grantee's program, the higher the level of protection that should be accorded the grantee. HUD has therefore, defined "substantial" on the basis of the amount of CDBG funds that are or may be affected by the

noncompliance (and thus the amount of CDBG funds that could be lost to the grantee through the imposition of a monetary sanction under the regulations).

For purposes of determining the type of hearing to offer, HUD has therefore decided to equate substantial with a substantial amount of CDBG funds affected by the noncompliance. The Department proposes to establish the lesser of $300,000 or one-fourth of the recipient's grant amount as the threshold for determining whether the noncompliance involves a substantial amount of CDBG funds. HUD reasons that whenever the amount of funds that a grantee may lose through a funding sanction would constitute at least one-fourth of its CDBG grant, it would have an impact on the grantee's CDBG program of a substantial nature. It is also clear that the amount of fund loss can be substantial independent of the proportion of the total grant amount. Accordingly, the Department has established the level of $300,000 as the point at which, regardless of the relationship of the amount of funds at stake to the total grant amount, a loss of funds would have a substantial impact on the grantee's program. Based on HUD's analysis, $300,000 represents slightly more than one-fourth of the median grant under the entitlement CDBG program. This proposed rule incorporates these threshold levels in a revised § 570.913(a) that defines what will constitute substantial noncompliance for purposes of determining which of the hearing procedures outlined elsewhere in the proposed rule will apply in a particular case.

The Department also recognizes that special consideration needs to be given to how such a threshold would be applied for grantees in the entitlement program. Entitlement grantees receive funds each year and have considerable flexibility and discretion as to how they use the funds. There is no front end review by HUD, and grantees are not required to keep records of expenditures by the source year of funds spent. Moreover, with entitlement grantees often carrying out several activities in any given year, there can be more than one type of activity where HUD finds an element of noncompliance. Also, since HUD's authority extends to limiting the availability of funds, there can be cases where the entitlement funds that may be affected by a proposed HUD action will include unexpended funds from one or more grants. Because of these factors, HUD's identification of disallowed costs for entitlement grants will not attempt to associate those costs with a particular year's grant. The proposed rule provides that in applying the threshold for an entitlement grantee, HUD will aggregate the disallowed expenditures from all identified instances of noncompliance occurring within a single program year plus, where applicable, HUD's best estimate of the amount of funds that would be affected for the succeeding year.

An example may help to illustrate how this would work. Consider a case where HUD finds that a grantee's subrecipients have expended a total of $100,000 within a single program year that did not comply with eligibility requirements. Upon review, HUD concludes that the deficiency has resulted because of a failure of the grantee to manage subrecipients in compliance with the regulations. In such a situation, HUD might decide to pursue recovery of the $100,000 in disallowed cost through a grant reduction and issue a notice limiting the availability of future funds so that they may be expended only for activities not involving subrecipients until HUD is satisfied that the grantee will manage subrecipients in compliance with the rules. In determining the hearing process to which such a grantee would be entitled with respect to HUD's proposed action, under the proposed rule the Department would need to identify the estimated amount of funds that may be affected within the next year and add them to the amount of costs disallowed in order to determine whether the aggregate amount meets the threshold for constituting a "substantial amount" of the grantee's funds that would be affected. If the grantee's final statement for the coming year indicates that it plans to provide another $225,000 to subrecipients, HUD would add that amount to the $100,000 for threshold determination purposes. Under the terms of the proposed rule, the resultant $325,000 would be deemed to constitute a substantial amount of funds, entitling the grantee to a hearing before an administrative law judge. (If the aggregate amount had been less than $300,000, it would have been necessary to compare the amount with the grantee's average entitlement grant amount over the past three years in order to determine if the 25 percent threshold were met.)

It should be noted that, under the proposed formulation, any action by HUD that would hold up the award of the grant, such as HUD's decision to challenge a certification that is a prerequisite to receiving a CDBG grant, would automatically be considered to affect a substantial amount of funds. Similarly, in a case where a grantee has failed to submit one or more performance reports as required under the regulations, and as a consequence HUD decides not to award a grant until the grantee resolves the deficiency, the amount of funds affected would be considered to be substantial.

Procedures for Hearings

The Department has made several changes to the rules governing the hearings provided under section 111, particularly in relation to the scope and methods of discovery. The changes are intended to reflect the Department's objective to expedite the hearing process conducted under Section 111 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et. seq*). These changes reflect the Department's commitment to reach prompt and mutual resolutions of CDBG issues by focusing the section 111 hearings on relevant and contested matters. This narrowing of issues is intended to conserve resources for both the Department and CDBG grantees while providing a full and fair opportunity to resolve disputes. Consistent with these objectives is the Department's goal of ensuring that these changes will provide improved program operation and ensure that the administration of the CDBG program reflects the national priorities and objectives as provided by Congress that are set forth in the Act.

The procedures for a hearing before an Administrative Law Judge in the case where HUD determines that there has been substantial noncompliance have been well established in the regulations since the early years of the program. However, the program regulations have not specified procedures for a hearing for HUD actions involving lesser offenses. The proposed rule identifies the nature of, and procedures for, such a hearing at § 570.913(d). The proposed rule also permits a grantee that is entitled to a formal hearing to select an informal due process hearing at its option. HUD has provided for this option because it believes there may be instances where the nature of the issue or the amount of funds at stake is such that the grantee would be reluctant to expend the amount of time, money and effort that would be required to defend itself through the formal hearing process. The proposed rule would provide that a grantee electing an informal due process hearing would have to voluntarily give up its right to a formal hearing on the same issue(s). It should be noted that the agency's decision rendered under the informal hearing procedure is final and non-reviewable.

In addition, to further promote efficiency and economy in the hearing process, the rule provides that the Secretary may require that a section 104(e) informal due process hearing precede a section 111 hearing.

Other Related Changes

In adopting the approach outlined in this rule, the Department also intends to discontinue its use of grant conditions unless these are required by statute. Since HUD would not be able to reduce a grant without offering an opportunity for a hearing, the purpose of a grant condition will now be achieved by a letter advising the grantee of HUD's intention to reduce the grant in the event the grantee fails to correct a deficiency noted in the letter. The use of such a letter in lieu of a grant condition has the advantage that it may be issued at any time, not just at the beginning of the next grant year. Accordingly, this proposed rule would delete § 570.304(d).

The proposed rule would also make other changes to clarify how HUD will consider and carry out its review responsibilities. Amendments for these purposes would thus be made at § 570.900(b)(3), (5), and (6); and § 570.902 (a). A new § 570.907 would be added describing the statutory authorities for enforcing compliance. Section 570.910 would be extensively revised to more clearly identify the corrective and remedial actions HUD may take to settle issues of noncompliance on a voluntary basis, and to more clearly indicate HUD's objectives in selecting particular courses of action under that provision. Section 570.911 would be revised by deleting the authority to reduce an entitlement grant that had been conditioned and by providing more specificity concerning the informal hearing process referenced in that section.

Finally, § 570.913 would be amended in several parts to include details concerning the informal hearing process and to describe the basis upon which HUD would determine which type of hearing a grantee would be entitled to receive. The description of the informal hearing may be found at paragraph § 570.913(d) of the proposed rule.

Other Matters

Executive Order 12866

This proposed rule does not constitute a "significant regulatory action" as that term is defined in section 3(f) of Executive Order 12866, issued by the President on October 4, 1993. Analysis of the proposed rule indicates that it does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations or recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the undersigned hereby certifies that this proposed rule does not have a significant economic impact on a substantial number of small entities. The economic impact of this proposed rule should be minimal, and would affect small and large entities equally.

HUD's Semiannual Agenda

This proposed rule was listed as item 1576 in the Department's Semiannual Agenda of Regulations published on October 25, 1993 (58 FR 56402, 56436), under Executive Order 12866 and the Regulatory Flexibility Act, and was requested by and submitted to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives under section 7(o) of the Department of Housing and Urban Development Act.

Environment

Under HUD regulations (24 CFR 50.20(k)) this proposed rule is exempt from the requirements of the National Environmental Policy Act as set forth in 24 CFR part 50. The proposed rule relates to internal administrative procedures whose content does not involve development decisions nor effect the physical condition of project areas or building sites but only relates to the performance of accounting, auditing and fiscal functions.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this proposed rule do not have federalism-related implications and for that reason the proposed rule is not subject to review under the Order. No programmatic or policy changes will result from this document's promulgation which would affect existing relationship between the federal government and state and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this proposed rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs, as those policies relate to family concerns, will result from promulgation of this proposed rule.

List of Subjects in 24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs—education, Grant programs—housing and community development, Guam, Indians, Lead poisoning, Loan programs—housing and community development, Low and moderate income housing, New communities, Northern Mariana Islands, Pacific Islands Trust Territory, Pockets of poverty, Puerto Rico, Reporting and recordkeeping requirements, Small cities, Student aid, Virgin Islands.

Accordingly, the Department proposes to amend 24 CFR part 570 to read as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

1. The authority citation for 24 CFR part 570 would continue to read as follows:

Authority: 42 U.S.C. 3535(d) and 5300–5320.

§ 570.304 [Amended]

2. Section 570.304 would be amended by removing paragraph (d).

3. Paragraphs (b)(3), (b)(5) and (b)(6) of § 570.900 would be revised to read as follows:

§ 570.900 General.

* * * * *

(b) *Performance review procedures.*

* * * * *

(3) In conducting performance reviews, HUD will primarily rely on information obtained from the recipient's performance report, records maintained, findings from on-site monitoring, grantee and subgrantee audits, audits and surveys conducted by the HUD Inspector General and the amount of funds remaining in the line

of credit. HUD may also consider relevant information pertaining to a recipient's performance gained from other sources, including litigation, citizen comments and other information provided by or concerning the recipient. A recipient's failure to maintain records in the prescribed manner may result in a finding that the recipient has failed to meet the applicable requirement to which the record pertains.

* * * * *

(5) If HUD finds that a recipient has failed to comply with a program requirement or has failed to meet a performance criterion in § 570.902 or § 570.903, the recipient will be given an opportunity to provide additional information concerning the finding.

(6) If, after considering any additional information submitted by a recipient, HUD determines to uphold the finding, HUD may advise the recipient to undertake appropriate corrective or remedial actions as specified in § 570.910. HUD will consider the recipient's capacity as described in § 570.905 prior to selecting the corrective or remedial actions.

* * * * *

4. In § 570.902, introductory text would be revised and paragraph (a) would be revised to read as follows:

§ 570.902 Review to determine if CDBG funded activities are being carried out in a timely manner.

HUD will review the performance of each entitlement and HUD-administered small cities recipient to determine whether each recipient is carrying out its CDBG assisted activities in a timely manner.

(a) *Entitlement recipients.* (1) Before the funding of the next annual grant and absent contrary evidence satisfactory to HUD, the Department will consider an entitlement recipient to be failing to carry out its CDBG activities in a timely manner if, 60 days prior to the end of its current program year, the amount of entitlement grant funds available to the recipient under grant agreements but undisbursed by the U.S. Treasury is more than 1.5 times the entitlement grant amount for its current program year, and the grantee fails to demonstrate to HUD's satisfaction that the lack of timeliness has resulted from factors beyond the grantee's reasonable control.

(2) Notwithstanding that the amount of funds in the line of credit indicates that the recipient is carrying out its activities in a timely manner pursuant to paragraph (a)(1) of this section, the Department may determine that the recipient is not carrying out its activities in a timely manner if the amount of CDBG program income the recipient has on hand 60 days prior to the end of its current program year, together with the amount of funds in its CDBG line of credit, exceeds 1.5 times the entitlement grant amount for its current program year.

(3) In determining the appropriate corrective action to take with respect to a Departmental determination that a recipient is not carrying out its activities in a timely manner pursuant to paragraphs (a)(1) or (2) of this section, the Department will consider the likelihood that the recipient will expend a sufficient amount of funds over the next program year to reduce the amount of unexpended funds to a level that will fall within the standard described in paragraph (a)(1) of this section when HUD next measures the grantee's timeliness performance. For these purposes, HUD will take into account the extent to which funds on hand have been obligated by the recipient and its subrecipients for specific activities at the time the finding is made.

* * * * *

5. A new § 570.907 would be added to read as follows:

§ 570.907 Authorities for enforcing compliance.

Section 104(e) of the Act authorizes the Secretary to make appropriate adjustments in the amount of annual grants in accordance with findings made in the course of reviewing the grantee's performance. Section 111 of the Act authorizes the Secretary, whenever he finds that a grantee has failed to comply substantially with any applicable provisions of the program, to take the following actions until he is satisfied that there is no longer any such failure to comply: Terminate payments to the recipient under the program; reduce payments to the recipient by an amount equal to the amount of such payments which were not expended in accordance with the requirements; or, limit the availability of payments under the program to activities not affected by such failure to comply.

6. Section 570.910 would be revised to read as follows:

§ 570.910 Corrective and remedial actions.

(a) *General.* If HUD finds that a recipient has failed to comply with the program requirements or failed to meet performance criteria under § 570.902 or § 570.903, the Secretary will take one or more of the actions described in paragraph (b) of this section.

(b) *Actions authorized.* If HUD finds a deficiency in a recipient's performance, it may take one or more of the following actions in addition to actions authorized by §§ 570.911, 570.912, and 570.913.

(1) Where HUD determines in its sole discretion that the deficiency was beyond the reasonable control of the recipient, no corrective action need be taken;

(2) Issue a letter advising the recipient of HUD's finding of the deficiency, advising the recipient to notify HUD whether there are any ongoing or planned activities that are or will be affected by the deficiency, and putting the recipient on notice that additional action may be taken if the deficiency is not corrected in the time frame specified by HUD or is repeated. Where HUD has determined the deficiency is affecting one or more ongoing activities, it may advise the recipient to suspend disbursement of funds for the affected activities until corrective actions have been taken.

(3) Where HUD has determined the deficiency is likely to affect future activities, advise the recipient to take corrective action prior to undertaking any activities that would be so affected in order to prevent a recurrence of the deficiency. HUD may specify the corrective action or offer the recipient the opportunity to identify actions it believes will correct the deficiency. HUD may also advise the recipient that the deficiency calls into question a certification necessary to receive future funds, in which case HUD will identify any specific additional assurances it determines to be necessary to make the certification satisfactory;

(4) Where HUD has determined that the recipient is not taking appropriate action to suspend disbursements or prevent the deficiency from affecting ongoing or future performance, change the method of payment to the recipient for some or all of the activities from a line of credit basis to a reimbursement basis;

(5) Where HUD has determined it is appropriate to mitigate adverse effects or consequences, advise the recipient to reimburse its line of credit for any portion of the amounts improperly expended and reprogram the use of the funds in accordance with applicable requirements. HUD in its sole discretion may advise that some or all of the reimbursed funds be reprogrammed to be used to redress adverse effects.

(6) Where HUD has determined that the recipient has failed to carry out its activities in a timely manner, advise the recipient to review its planned and ongoing activities together with its administrative and management systems within 30 days or such time limit specified by HUD in order to identify the causes for delays, to change the

systems and activities as necessary to bring its expenditures into compliance, and to develop a detailed schedule with interim milestones for use in tracking the recipient's management of its expenditures; and

(7) In the case of claims payable to HUD or the U.S. Treasury, institute collection procedures pursuant to subpart B of 24 CFR part 17.

8. Paragraphs (a) and (c) of § 570.913 would be revised and a new paragraph (d) added to read as follows:

§ 570.913 Other remedies for noncompliance.

(a)(1) Whenever the Secretary finds, after reasonable notice and opportunity for hearing, that a recipient has failed to comply with the requirements of this part or applicable laws, or that the recipient has failed to comply with its certifications, the Secretary, until he/she is satisfied that there is no longer such failure to comply, shall:

(i) Limit the availability of funds to the recipient under the CDBG program to programs, projects or activities not affected by such failure to comply. Provided, however, that the Secretary may on due notice suspend payments at any time after the issuance of a notice of opportunity for hearing pursuant to paragraph (c) of this section, pending such hearing and a final decision, to the extent the Secretary determines such action necessary to preclude the further expenditure of funds for activities affected by such failure to comply;

(ii) Reduce payments to the recipient under the CDBG program by the amount of funds that were not expended in accordance with the requirements of the regulations or applicable laws; or,

(iii) Terminate the recipient's CDBG grant. Provided, however, for HUD Administered Small Cities Grants, funds already expended on eligible approved activities shall not be recaptured or deducted from future grants made to the recipient.

(2) The grantee will be entitled to a hearing under either paragraph (c)(3) of this section or paragraph (d) of this section, dependent upon whether the noncompliance involves a failure by the grantee to comply substantially with the requirements of the Act and these regulations. For these purposes, a grantee's non-compliance shall be considered to be substantial when it involves an amount that equals or exceeds either of the following: $300,000; or one-fourth of the recipient's most recent three year average annual entitlement grant. In determining whether the amount constitutes a substantial amount of funds for a community receiving funds on an annual basis under the authority of section 106(b) of the Act, the Department shall consider the total amount of funds expended on activities for which any noncompliance has been identified over a period of not less than an entire program year (as the term program year is used at § 570.302(b)(2), together with the Department's best estimate of the amount of CDBG funds the availability of which is likely to be limited during the period one year following the date of HUD's notice to the grantee under paragraph (c)(1) of this section or paragraph (d)(1) of this section. In determining whether the amount constitutes one-fourth of the grant for a community receiving funds under section 106(b), the Department shall use the average grant amount received by the grantee over the most recent three year period. A determination by HUD that a certification submitted by a community entitled to receive funds under section 106(b) is not satisfactory shall be considered substantial non-compliance by HUD and the grant for the current year shall be withheld pending receipt of additional assurances from the recipient.

(3) Nothing herein shall preclude the Secretary from requiring that a section 104(e) informal due process hearing precede a section 111 hearing.

* * * * *

(c) *Proceedings under section 111 of the Act.* When the Secretary proposes to take action based on substantial noncompliance pursuant to paragraph (a) of this section, the following procedures are to be followed:

(1) *Notice of opportunity for hearing.* The Secretary shall notify the unit of general local government receiving assistance under this part (the respondent) in writing of the proposed action and of the opportunity for a hearing. The notice shall:

(i) Specify, in a manner which is adequate to allow the respondent to prepare its response, allegations with respect to a failure to comply with a provision of this part;

(ii) State that the hearing procedures are governed by § 570.913(c)(3) unless the respondent waives such procedures by electing in writing to proceed instead by informal due process hearing pursuant to § 570.913(d);

(iii) State that the respondent may submit a request for a hearing, in writing, which must be received by HUD within 10 days from the recipient's receipt of the notice;

(iv) Provide the name, address and telephone number of the person to whom any request for hearing is to be addressed;

(v) Specify the action which the Secretary proposes to take and that the authority for this action is section 111 of the Act;

(vi) State that if the respondent fails to request a hearing within the time specified, HUD may take the proposed action specified in the notice; and

(vii) Be sent to the respondent by certified mail, return receipt requested.

(2) *Initiation of hearing.* The respondent shall be allowed at least 10 days from receipt of the notice within which to notify HUD of its request for a hearing. If no request is received within the time specified, the Secretary may proceed to make a finding on the issue of compliance with this part and to take the proposed action.

(3) *Hearings*—(i) *Administrative Law Judge.* Proceedings conducted under this subparagraph shall be presided over by an Administrative Law Judge (ALJ), appointed as provided by section 11 of the Administrative Procedures Act (5 U.S.C. 3105). The case shall be referred to the ALJ by the Secretary at the time a hearing is requested. The ALJ shall promptly notify the parties of the time and place at which the hearing will be held. The ALJ shall conduct a fair and impartial hearing and take all action necessary to avoid delay in the disposition of proceedings and to maintain order. The ALJ shall have all powers necessary to those ends, including but not limited to the power to:

(A) Administer oaths and affirmations;

(B) Issue subpoenas as authorized by law;

(C) Rule upon offers of proof and receive relevant evidence;

(D) Rule upon discovery requests; establish discovery schedules; and, whenever the ends of justice would be served, rule upon depositions or interrogatories to be taken, and issue protective orders where appropriate. In addition, the Judge may limit the scope, subject matter, method, time, or place of discovery.

(E) Regulate the course of the hearing and the conduct of the parties and their counsel;

(F) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(G) Consider and rule upon all procedural and other motions appropriate in adjudicate proceedings; and

(H) Make and file initial determinations.

(4) *Ex parte communications.* An ex parte communication is any communication with an ALJ, direct or indirect, oral or written, concerning the

merits or procedures of any pending proceeding which is made by a party in the absence of any other party. Ex parte communications are prohibited except where the purpose and content of the communication have been disclosed in advance or simultaneously to all parties, or the communication is a request for information concerning the status of the case. Any ALJ who receives an ex parte communication which the ALJ knows or has reason to believe is unauthorized shall promptly place the communication, or its substance, in all files and shall furnish copies to all parties. Unauthorized ex parte communications shall not be taken into consideration in deciding any matter in issue.

(5) *Prehearing Conferences.* (i) Prior to any hearing, the Judge may, upon his or her own initiative, or upon the application of any party, arrange a telephone conference and, where appropriate, record such telephone conference, or direct the parties to appear for a conference to consider:

(A) Simplification or clarification of the issues or settlement of the case by consent;

(B) The possibility of obtaining stipulations, admissions, agreements, and rulings on admissibility of documents, understandings on matters already of record, or similar agreements that will avoid unnecessary proof;

(C) Agreements and rulings to facilitate the discovery process;

(D) Limitation of the number of expert witnesses or other avoidance of cumulative evidence;

(E) The procedure, course, and conduct of the hearing;

(F) The distribution to the parties and the Judge prior to the hearing of written testimony and exhibits in order to expedite the hearing;

(G) Such other matters as may aid in the disposition of the proceeding.

(ii) The Judge in his or her discretion may issue an order showing the matters disposed of in such conference.

(6) *The hearing.* All parties shall have the right to be represented at the hearing by counsel. The ALJ shall conduct the proceedings in an expeditious manner while allowing the parties to present all oral and written evidence which tends to support their respective positions, but the ALJ shall exclude irrelevant, immaterial or unduly repetitious evidence. The Department has the burden of proof in showing by a preponderance of the evidence that the respondent failed to comply substantially with a provision of this part. In cases where HUD has requested that the respondent produce relevant evidence within its control and the respondent fails to produce such evidence, an inference arises that the evidence is unfavorable to the respondent. Each party shall be allowed to cross-examine adverse witnesses and to rebut and comment upon evidence presented by the other party. Hearings shall be open to the public. So far as the orderly conduct of the hearing permits, interested persons other than the parties may appear and participate in the hearing.

(7) *Discovery generally*—(i) *Preliminary position on issues and procedures.* Within a reasonable time after the complaint is filed, the Judge will ordinarily require from the parties a written submission stating their preliminary positions on legal and factual issues and procedures, listing potential witnesses and summarizing their testimony, and listing exhibits. This document, which must be served on all other parties, will normally obviate the need for further discovery. Failure to provide the requested information may result in the exclusion of witnesses and/or exhibits at the hearing. A party has the affirmative obligation to supplement the submission as new information becomes known to the party.

(ii) *Additional discovery.* Upon written motion by a party, the Judge may allow additional discovery only upon a showing of relevance, need, and reasonable scope of the evidence. The Judge may allow additional discovery by one or more of the following methods: Deposition upon oral examination or written questions, written interrogatories, production of documents or things for inspection and other purposes, and requests for admissions.

(iii) *Scope of additional discovery.* As allowed under paragraph (b) of this section, parties may obtain discovery of any matter, not privileged, that is relevant to the allegations of the complaint, to the proposed relief, or to the defenses of any respondent. The information sought need not be admissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of inadmissible evidence.

(iv) *Discovery of Agency officials.* Agency officials shall not be subject to discovery unless the respondent upon written motion can show that:

(A) The official has personal knowledge of matters relevant to the case;

(B) The official's testimony is likely to lead to the discovery of admissible evidence or is pertinent to material issues in the case; and

(C) Such evidence is not available through some other less burdensome or obtrusive sources.

(v) *Time limits.* Motions for depositions, interrogatories, admissions, or production of documents or other items may not be filed within 20 days of hearing except on order of the Judge for good cause shown. Opposition to a discovery motion must be filed within 10 days of service unless otherwise provided in these rules or by the Judge.

(vi) *Opposition.* Opposition to any discovery motion or portion thereof must state with particularity the grounds relied upon. Failure to object in a timely fashion constitutes waiver of the objection.

(8) *Transcripts.* The hearing shall be recorded and transcribed only by a reporter under the supervision of the ALJ. The original transcript shall be a part of the record and shall constitute the sole official transcript. Respondents and the public, at their own expense, may obtain copies of the transcript.

(9) *The ALJ's decision.* At the conclusion of the hearing, the ALJ shall give the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor. Within 25 days after the conclusion of the hearing, the ALJ shall prepare a written decision which includes a statement of findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law or discretion presented on the record and the appropriate sanction or denial thereof. The decision shall be based on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence. A copy of the decision shall be furnished to the parties immediately by certified mail, return receipt requested, and shall include a notice that any requests for review by the Secretary must be made in writing to the Secretary within 30 days of the receipt of the decision.

(10) *The record.* The transcript of testimony and exhibits, together with the decision of the ALJ and all papers and requests filed in the proceeding, constitutes the exclusive record for decision and, on payment of its reasonable cost, shall be made available to the parties. After reaching his/her initial decision, the ALJ shall certify to the complete record and forward the record to the Secretary.

(11) *Review by the Secretary.* The decision by the ALJ shall constitute the final decision of the Secretary unless, within 30 days after the receipt of the decision, either the respondent or the Assistant Secretary for Community

Planning and Development files an exception and request for review by the Secretary. The excepting party must transmit simultaneously to the Secretary and the other party the request for review and the basis of the party's exceptions to the findings of the ALJ. The other party shall be allowed 30 days from receipt of the exception to provide the Secretary and the excepting party with a written reply. The Secretary shall then review the record of the case, including the exceptions and the reply. On the basis of such review, the Secretary shall issue a written determination, including a statement of the reasons or basis therefor, affirming, modifying or revoking the decision of the ALJ. The Secretary's decision shall be made and transmitted to the parties within 80 days after the decision of the ALJ was furnished to the parties.

(12) *Judicial review.* The respondent may seek judicial review of the Secretary's decision pursuant to section 111(c) of the Act.

(d) *Informal due process hearings pursuant to section 104(e) of the Act*—(1) *Informal due process hearing.* In cases where the Secretary proposes to take action based upon noncompliance which is not substantial, or where the recipient or the Secretary elects to have a hearing under these provisions, proceedings for an informal due process hearing shall be conducted as described in this paragraph (d) and shall be presided over by a Hearing Officer selected by the Secretary.

(2) *Notice of opportunity for hearing.* The Secretary shall notify the unit of general local government receiving assistance under this part (the respondent) in writing of the opportunity for an informal due process hearing. The notice shall:

(i) Specify, in a manner which is adequate to allow the respondent to prepare its response, allegations with respect to a failure to comply with a provision of this part;

(ii) State that the hearing procedures are governed by § 570.913(d);

(iii) State that respondent may request in writing a hearing and/or state its intent to submit additional information, which written response must be received by HUD within 10 days from the respondent's receipt of the notice.

(iv) Provide the name, address, and telephone number of the person to whom any request for a hearing is to be addressed.

(v) State that any submissions of additional information which demonstrates why HUD should not take the proposed action must be sent to the above address, in duplicate, within 21 days of the date of receipt of the notice and, where necessary, be supported with sworn affidavits from appropriate parties.

(vi) Specify the action which the Secretary proposes to take and that the authority for this action is section 104(e) of the Act;

(vii) State, when appropriate, that the Secretary has determined that a section 104(e) informal due process hearing will precede a section 111 hearing.

(viii) State that if the respondent fails to request a hearing or make a written submission to HUD within the time specified, HUD may take the proposed action specified in the notice;

(ix) Be sent to the respondent by certified mail, return receipt requested.

(3) *Purpose and Procedures.* (i) The Office of General Counsel shall promptly notify the parties of the time and place at which the informal due process hearing will be held.

(ii) The purpose of the hearing will be to provide the respondent an opportunity to demonstrate why HUD should not take the proposed action.

(iii) Although the meeting will be informal and no official transcript will be made, the respondent may bring an attorney and other persons who have knowledge of the facts to the hearing. This procedure will not be subject to discovery and there will be no opportunity for examination of HUD officials.

(iv) The administrative record shall be limited to the activity or activities or deficiencies at issue.

(v) After a review of the evidence submitted by the recipient for and during the hearing and the record, the Hearing Officer within a reasonable period of time will provide the respondent with a written decision and the rationale for determination stating the reasons for his/her determination. The decision will be a non-reviewable, final agency decision.

(Approved by the Office of Management and Budget under control number 2506–0077)

Dated: October 4, 1993.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 93–27656 Filed 11–10–93; 8:45 am]

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federal register

Friday
November 12, 1993

Part III

Department of Education

Office of Special Education and Rehabilitative Services

National Institute on Disability and Rehabilitation Research; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Department of Education.

ACTION: Notice of a final funding priority for fiscal years 1994–1995 for a Rehabilitation Engineering Research Center for Accessibility and Universal Design in Housing.

SUMMARY: The Secretary announces a final funding priority for a new Rehabilitation Engineering Research Center (RERC) under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 1994–1995. The Secretary takes this action to focus research attention on areas of national need consistent with NIDRR's long-range planning process. This priority is intended to improve rehabilitation services and independent living outcomes for individuals with disabilities.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: David Esquith, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3424, Washington, DC 20202–2601. Telephone: (202) 205–8801. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–5516.

SUPPLEMENTARY INFORMATION: This notice contains a final priority under the RERC program for research on accessibility and universal design in housing for individuals with disabilities.

Authority for the RERC program of NIDRR is contained in section 204(b)(3) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 760–762). Under this program the Secretary makes awards to public and private organizations, including institutions of higher education, Indian tribes, and tribal organizations, to conduct research, demonstration, and training activities regarding rehabilitation technology in order to enhance opportunities for meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives. RERCs must be operated by or in collaboration with an institution of higher education or a nonprofit organization.

This final priority supports the National Education Goals. National Education Goal 5 calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Under the regulations for this program (see 34 CFR 351.32) the Secretary may establish research priorities by reserving funds to support particular research activities.

NIDRR is in the process of developing a revised long-range plan. The priority proposed in this notice is consistent with the long-range planning process.

On July 30, 1993, the Secretary published a notice of proposed priorities in the **Federal Register** (58 FR 41010). The Department of Education received 19 letters commenting on the proposed priority. A number of modifications were made to the priority as a result of those comments. The comments, and the Secretary's responses to them, are discussed in an appendix to this notice.

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Description of the Rehabilitation Engineering Research Center Program

RERCs develop and disseminate innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and remove environmental barriers; study new or emerging technologies, products, or environments; demonstrate and disseminate innovative models for the delivery of cost-effective rehabilitation technology services; and conduct other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities. RERCs facilitate service delivery systems change through the development of consumer-responsive models for the delivery of rehabilitation technology services.

The statute requires that each applicant for a grant, including an RERC, demonstrate how its proposed activities address the needs of individuals from minority backgrounds who have disabilities. NIDRR encourages the RERC to involve individuals with disabilities and minorities as recipients in research training, as well as in clinical training.

Each RERC provides training in the applications of new technology to service providers and to individuals with disabilities and their families.

Any Center funded under this priority must coordinate activities and share information with other NIDRR-funded Centers and will be required to work closely with the RERC on Technology Evaluation and Transfer that was established by NIDRR at the State University of New York at Buffalo in fiscal year 1993 in response to a priority announced in the **Federal Register** on December 4, 1992 (57 FR 57482).

General

The following requirements apply to the RERC pursuant to this absolute priority:

The RERC must have the capability to design and test prototype devices and assist in the transfer of successful solutions to the marketplace. The RERC must evaluate the efficacy and safety of its new products, instrumentation, or assistive devices.

The RERC must conduct coordinated programs of research and development that will contribute to the desired outcomes specified in the priority. Applicants have considerable latitude in proposing specific research approaches. However, the selection criteria in the regulations (34 CFR 353.31) require applicants to justify their choice of projects in terms of relevance to the priority and to the needs of individuals with disabilities. The regulations also require applicants to present a scientific methodology that includes reasonable hypotheses, methods of data collection and analysis, and a plan to evaluate the extent to which project objectives have been achieved.

The RERC must provide graduate-level research training to build capacity for engineering research in the rehabilitation field and to provide training in the applications of new technology to service providers and to individuals with disabilities and their families.

The RERC must develop all training materials in formats that will be accessible to individuals with various types of disabilities and communication modes, and widely disseminate findings and products to individuals with disabilities and their families and representatives, service providers, manufacturers and distributors, and other appropriate target populations.

The RERC must involve individuals with disabilities and, if appropriate, their family members in planning and implementing the research, development, and training programs, in interpreting and disseminating the research findings, and in evaluating the Center.

Priority

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary will fund under this competition only applications that meet this absolute priority:

Priority—Accessibility and Universal Design in Housing

Background

Approximately 9.5 million persons experience difficulty in performing basic life activities such as walking, self-care (including feeding, bathing, dressing, and toileting), and community and home management activities, due to physical or mental health problems (LaPlante, "National Medical Expenditure Survey," National Center for Health Statistics, 1987). In 1990, more than 13.1 million Americans, or about 5.3 percent of the population, used assistive technology devices to accommodate physical impairments. In 1990, 7.1 million persons, or nearly 3 percent of all Americans, lived in homes that were specially adapted to accommodate impairments (Adams and Benson, "National Health Interview Survey," National Center for Health Statistics, 1991). Maintaining an appropriate home environment for the lifetime of a person with disabilities is, in many cases, a major undertaking, involving accommodating to various combinations of physical, sensory, and mental impairments.

There have been several efforts to develop accessible housing models. For example, a Universal Home Series was developed as a joint venture between Excel Homes, Inc. and the Center for Accessible Housing at North Carolina State University, a Rehabilitation Research and Training Center (RRTC) supported by NIDRR. These homes incorporate Universal Design principles, resulting in a living space that can be readily adapted for long-term comfort, safety, and ease of use (Mace, "Quarterly Report," Center for Accessible Housing, North Carolina State University, Raleigh, NC, October, 1992). The Electronics Industry Association has established a home automation standard known as the Consumer Electronic Bus Standard (CEBus) that addresses communication between persons with disabilities and their home environments.

Contemporary technology is already making it possible for persons to communicate interactively with information sources, business establishments and work centers, learning environments, health support centers, security services, and entertainment centers from their own homes. Other forms of technology are making the activities of daily living, including personal care, food preparation, and waste disposal, more and more accessible to persons with disabilities, while improvements in security systems, furniture, plumbing and electrical fixtures, and home hardware design are also increasing accessibility. Much of this new technology is designed for the general population, with ancillary benefits accruing to persons with disabilities, while other applications, designed to improve accessibility to persons with disabilities, are found useful by all people. The application of new technology in these ways and for these purposes may be termed "universal design" because it enhances the lives of all people and can be used both by individuals with disabilities and the able-bodied persons with whom they may share a home.

An RERC on accessible and universal design in housing will have two purposes. Its primary purpose will be to develop a variety of affordable housing options and innovative approaches to designing, financing, and managing models of adaptive housing. The second purpose of the Center will be to investigate applications of universal design in the home environment. Both of these purposes will require a convergence of knowledge from the fields of architecture, engineering (including cost engineering), construction, computer sciences, gerontology, rehabilitation, independent living, ecology, telecommunications, and energy conservation in order to develop appropriate home environments in which persons with disabilities can live independently or with families and other household members.

A Center to be funded in response to this priority is expected to maintain liaison with the Architectural and Transportation Barriers Compliance Board, the Department of Housing and Urban Development, and NIDRR-supported research projects and Centers in such areas as technology transfer, independent living, aging, families and community integration. The Center is expected to address the needs of all persons with disabilities, including elderly persons.

Priority

An RERC on accessibility and universal design in housing shall—

- Evaluate the adequacy of existing universal design for persons with disabilities for affordable home management appliances and systems, such as those for food preparation, laundry, home maintenance, waste disposal, cleaning, communications, entertainment, security, and information, and, based on that evaluation, identify needs for modifications and additional designs;
- Develop and disseminate information about validated, low-cost universal designs for persons with disabilities for home environments, including the home management appliances and systems to be used in those environments;
- Evaluate the potential for advances in computer, communications, integrated electronics, and other automation technologies to address issues of safety, security, and personal independence for persons with disabilities in their own homes;
- Identify or develop and evaluate low-cost, access-oriented designs that are likely to increase the capacity of parents with disabilities to provide home-based child care;
- Analyze the effects of relevant laws and business and financial policies and practices on the development of suitable living environments for individuals with disabilities and develop strategies to address problems in these areas;
- Develop, acquire, maintain, and disseminate both graphic and text databases on standards, design criteria, plans, building products, costs, funding sources, and performance evaluations of accessible housing, and serve as a national information resource;
- Design training materials to increase awareness of the housing needs of persons with disabilities, concepts of accessibility and universal design, and techniques to increase the availability of accessible housing and related technology advances;
- Conduct training for a range of involved populations, including persons with disabilities and their families, architects, builders, engineers, industrial designers, service providers, educators, designers, manufacturers, housing managers, city planners, and other appropriate audiences; and
- Disseminate research results, and, if appropriate, be prepared to disseminate technical documentation and user instructions to manufacturers, providers, distributors, information centers and to the persons with disabilities and their families for whom the devices and systems are intended, ensuring that materials are provided in a variety of accessible formats and media.

Applicable Program Regulations: 34 CFR parts 350 and 353.

Program Authority: 29 U.S.C. 760–762.

(Catalog of Federal Domestic Assistance Number 84.133E, Rehabilitation Engineering Research Centers)

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

Appendix—Analysis of Comments and Changes

By the deadline date, the Department received 19 comments in response to the proposed priority. Three additional comments were received after the deadline date and were not considered in this response. Most of the commenters were generally supportive of the proposed priority, but many made suggestions for modifications. This Appendix contains an analysis of the comments and the changes in the priority since the publication of the notice of proposed priority. Technical and other minor changes—and suggestions the Secretary is not legally authorized to make under applicable statutory authority—are not addressed.

Comment: One commenter recommended that the RERC operate within a regional structure in order to address the unique needs of different regions of the country.

Discussion: The Secretary does not believe it appropriate to specify the operational structure of the RERC. Applicants may organize the RERC regionally but are not required to do so.

Changes: None.

Comment: Several commenters recommended reducing the emphasis on home automation technology in the priority. These commenters stated that home automation technology can be very expensive and that any contribution that the RERC could make in this area would be insignificant compared to the research and development that is being undertaken in the private sector. These commenters stated that more persons with disabilities would benefit if the RERC focused to a greater extent on developing low-cost, universally designed housing features and strategies to increase the accessibility of current and future housing stock. These commenters stated that one of the primary housing needs of persons with disabilities is the need to upgrade existing housing so that it is accessible, because few persons with disabilities can afford to purchase new housing. One of these commenters suggested consolidating the second, fourth, fifth, and sixth activities of the priority into one activity in order to reduce the emphasis on home automation technology.

Discussion: The Secretary agrees that the emphasis on home automation and high technology should be reduced in the priority. The Secretary also agrees that the issue of improving accessibility among existing housing and investigating low-cost universal designs for the home environment are of paramount importance to persons with disabilities and their families.

Changes: The emphasis on home automation in the proposed priority has been reduced in the background statement as well as in the list of activities. The second activity of the proposed priority regarding the development of integrated architectural and electronic designs has been eliminated and the fifth activity of the proposed priority has been revised to include integrated electronics. The fourth and fifth activities of the proposed priority have been revised and combined, and the reference to "robotics technologies" in the fifth activity has been eliminated.

Comment: One commenter suggested that the name of the RERC should be "Center for Universal Design in Housing" or "Center for Accessible Housing."

Discussion: The Secretary believes that the name of the RERC should reflect the final priority's increased emphasis on accessible housing and universal design.

Changes: The name of the RERC has been changed to the "Center for Accessibility and Universal Design in Housing."

Comment: One commenter suggested placing greater emphasis "on developing strategies to address problems with relevant laws and policies" rather than analyzing the "effects of relevant laws and business and financial policies and practices on the development of suitable living environments * * *." as required by the proposed priority.

Discussion: Because of recent developments in the field of disability policy, such as those resulting from the enactment of the Americans with Disabilities Act, the Secretary believes that there is still substantial work to be done in analyzing the effects of relevant laws and business and financial policies and practices. Applicants may choose to emphasize one issue over another in an RERC activity, but the Secretary declines to do so.

Changes: None.

Comment: A number of commenters suggested that the priority be revised to clarify that the RERC should address the needs of persons with disabilities who are elderly as well as persons with developmental disabilities.

Discussion: The Secretary agrees that the needs of persons with disabilities who are elderly as well as those with developmental disabilities should be addressed by the RERC. Unless otherwise specified, all RERCs are expected to address the needs of all persons with disabilities. The Secretary agrees that clarification should be provided in the priority to ensure that the RERC addresses problems of persons with disabilities who are elderly as well as persons with developmental disabilities.

Changes: A statement has been added to the background statement which clarifies that the RERC is expected to address the needs of all persons with disabilities, including elderly persons with disabilities. In addition, "gerontologists" have been added to that section of the background statement that addresses the convergence of knowledge that will be required in order for the RERC to operate successfully.

Comment: One commenter indicated that the priority placed too much emphasis on home-based work and home learning. The commenter indicated that home-based work and home learning were inconsistent with the "mainstreaming goals" of the Office of Special Education and Rehabilitative Services as well as the Americans with Disabilities Act.

Discussion: The Secretary believes that the references to home-based work and home learning which appeared in the "Background" to the priority are no longer needed as a result of the reduced emphasis on home automation (see above).

Changes: The references to home-based work and home learning have been eliminated.

Comment: One commenter suggested that the required activities of the priority be rank ordered.

Discussion: All activities must be adequately addressed by a successful applicant. It is up to the applicant to propose the allocation of time and resources to each activity, and these factors are evaluated according to the evaluation criteria for the RERC program.

Changes: None.

Comment: One commenter suggested that the RERC develop a taxonomy and definitions to support a language of universal design. This commenter also suggested that the RERC document the feasibility and impact of universal design.

Discussion: The Secretary believes that developing a taxonomy and definitions to support a language of universal design, and documenting the feasibility and impact of universal design are considerable undertakings that are beyond the scope of the

resources that will be made available to this RERC.

Changes: None.

Comment: One commenter suggested that the priority be revised to specifically mention fixed elements of the home such as plumbing fixtures, windows, and doors.

Discussion: The Secretary believes that the selection of elements of the home environment should be left to the discretion of the applicant.

Changes: None.

Comment: One commenter suggested that the RERC investigate the interfaces between highly specialized assistive technology and general consumer systems so that people with the most serious disabilities will not be cut off from access to the new technologies.

Discussion: In light of the reduced emphasis in the priority on home automation, the Secretary believes that investigating the interfaces between highly specialized assistive technology and general consumer systems is a considerable undertaking that is beyond the scope of the resources that will be made available to this RERC.

Changes: None.

Comment: One commenter suggested that the RERC investigate strategies for improving accessibility, safety, and security for persons with disabilities through home modification services.

Discussion: The issues of accessibility, safety, and security were addressed in the proposed priority and have been retained in the final priority. The Secretary does not believe that further requirements are necessary.

Changes: None.

Comment: One commenter suggested that the priority emphasize the development of mechanisms to deliver information to the hands of people at the community level at a low cost with a high degree of accessibility.

Discussion: RERCs have broad dissemination requirements. The final priority of the RERC addresses the dissemination of research results and requires the RERC to "disseminate research results * * * to the persons with disabilities and their families for whom the devices and systems are intended, ensuring that materials are provided in a variety of accessible formats and media." The Secretary does not believe that any further requirements are necessary.

Changes: None.

Comment: One commenter suggested that the RERC investigate the effectiveness of existing design standards such as the Fair Housing Accessibility Guidelines issued by the Department of Housing and Urban Development.

Discussion: The Secretary agrees that research on existing design standards is important. The Secretary believes, however, that this research will be undertaken by the RERC in response to the requirement to "Analyze the effects of relevant laws and business and financial policies and practices on the development of suitable living environments for individuals with disabilities * * * ." The Secretary does not believe that any further requirements are necessary.

Changes: None.

Comment: One commenter suggested that the RERC undertake cost analyses of accessible housing features and universal housing designs.

Discussion: The Secretary believes that all research on accessible housing and universal design must take into account affordability and emphasize low-cost design. References to low-cost solutions and affordability appear throughout the priority. The Secretary does not believe that any further requirements are necessary.

Changes: None.

Comment: One commenter suggested that the priority be revised to specifically mention "industrial designers" among the list of populations receiving training from the RERC.

Discussion: The Secretary agrees that industrial designers are an appropriate training audience for the RERC.

Changes: The priority has been changed to include industrial designers as one of the training target audiences.

Comment: One commenter suggested that the priority be revised to emphasize the integration of expertise across disciplines.

Discussion: The Secretary agrees that the RERC will have to draw from various disciplines in order to successfully undertake its research and training activities. The Secretary does not believe that any further requirements are necessary in order to ensure that this integration of expertise occurs within the RERC.

Changes: None.

Comment: One commenter suggested that the priority be revised to require the RERC to provide training on the Americans with Disabilities Act Accessibility Guidelines (ADAAG) to persons who serve as advisors to public accommodations.

Discussion: The Secretary agrees that this training is needed. However, the Secretary does not believe that this training is within the scope of the RERC.

Changes: None.

[FR Doc. 93-27738 Filed 11-10-93; 8:45 am]

BILLING CODE 4000-01-P.

DEPARTMENT OF EDUCATION

[CFDA No.: 84.133E]

Office of Special Education and Rehabilitative Services

National Institute on Disability and Rehabilitation Research Notice Inviting Applications for a New Award Under the Rehabilitation Engineering Research Centers (RERC) for Fiscal Year (FY) 1994

Purpose of Program: Rehabilitation Engineering Research Centers develop and disseminate innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and remove environmental barriers; study new or emerging technologies, products, or environments; demonstrate and disseminate innovative models for the delivery of cost-effective rehabilitation technology services; and conduct other scientific research to assist in meeting the employment and independent living needs of individuals with severe disabilities. RERCs facilitate service delivery system changes through the development of consumer-responsive models for the delivery of rehabilitation technology services. The final priority for this award is published in this issue of the **Federal Register**. Potential applicants should consult the statement of the final priority published in this issue to ascertain the substantive requirements for their applications.

This notice supports the National Education Goals. National Education Goal 5 calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: Public or private entities, including Indian tribes and tribal organizations, are eligible to receive awards under this program provided they ensure that the Center is operated in collaboration with an institution of higher education or a nonprofit organization.

Deadline for Transmittal of Applications: March 4, 1994.

Applications Available: November 19, 1993.

Available Funds: $500,000.

Estimated Number of Awards: 1.

Note: The estimates of funding levels and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants, unless the amount is otherwise specified by statute or regulation.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, 80, 81, 82, 85, 86; (b) the regulations for this program in 34 CFR Parts 350 and 353; and (c) the notice of final priority published elsewhere in this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dianne Villines, U.S. Department of Education, room 3417 Switzer Building, 400 Maryland Avenue, SW., Washington, DC 20202–2704. Telephone: (202) 205–9141. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8887.

Program Authority: 29 U.S.C. 760–762.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 93–27739 Filed 11–10–93; 8:45 am]

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H.R. 927/P.L. 103-134

To designate the Pittsburgh Aviary in Pittsburgh, Pennsylvania as the National Aviary in Pittsburgh. (Nov. 8, 1993; 107 Stat. 1374; 1 page)

H.R. 2824/P.L. 103-135

To modify the project for flood control, James River Basin, Richmond, Virginia. (Nov. 8, 1993; 107 Stat. 1375; 1 page)

H.J. Res. 205/P.L. 103-136

Designating the week beginning October 31, 1993, as "National Health Information Management Week". (Nov. 8, 1993; 107 Stat. 1376; 1 page)

S.J. Res. 115/P.L. 103-137

Designating November 22, 1993, as "National Military Families Recognition Day". (Nov. 8, 1993; 107 Stat. 1377; 2 pages)

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