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Tuesday  
May 18, 1993

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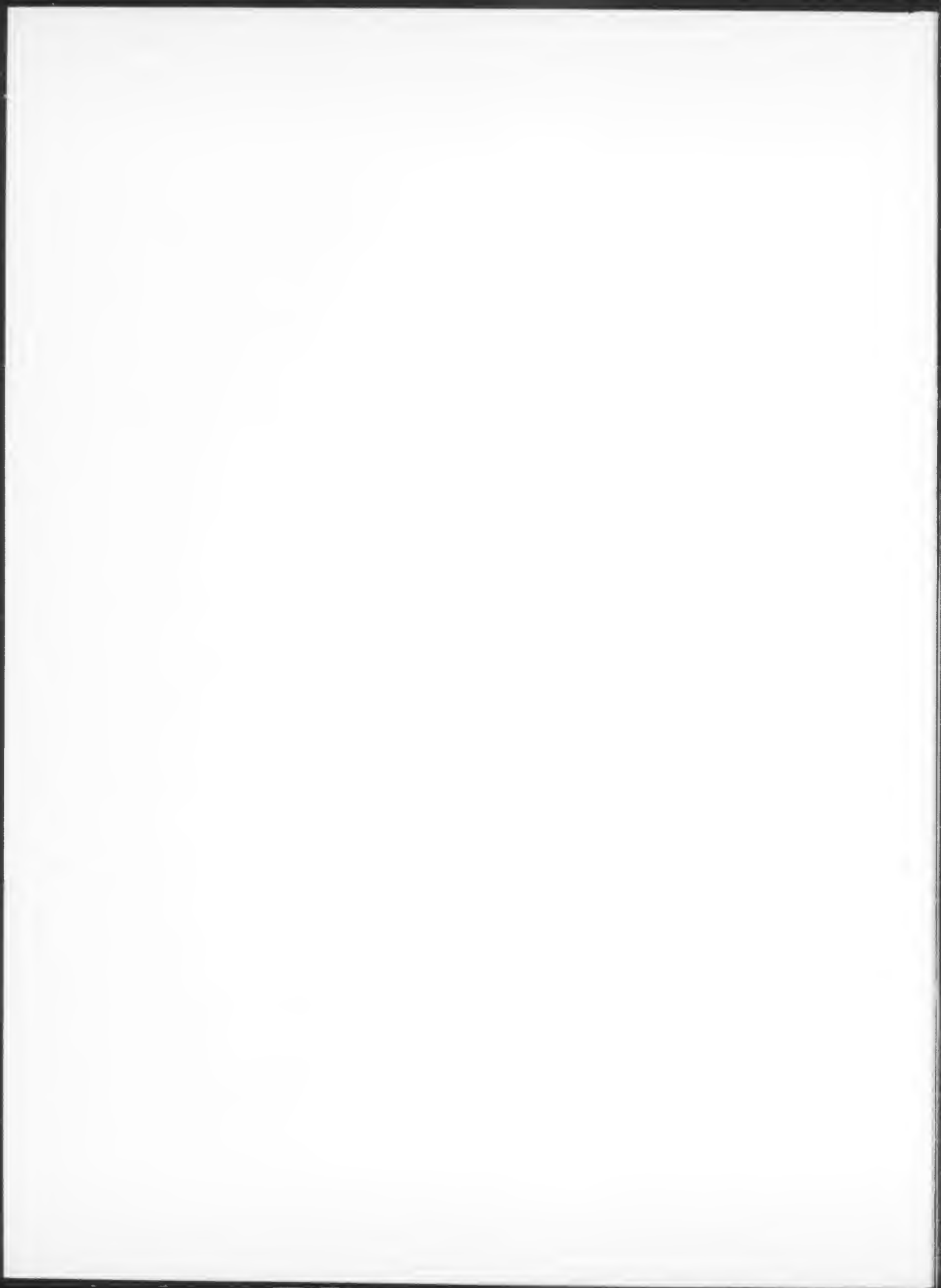
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Tuesday  
May 18, 1993

# Federal Register

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



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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

#### (TWO BRIEFINGS)

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

### PHILADELPHIA, PA

- WHEN:** May 25, at 1:00 pm
- WHERE:** William J. Green, Jr. Federal Building, Conference Room 6306-10, 600 Arch St. Philadelphia, PA
- RESERVATIONS:** Federal Information Center 1-800-347-1997



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Additional information, including a list of public  
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**Electronic Bulletin Board**

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

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Proclamation 6561 of May 14, 1993

The President

Small Business Week, 1993

By the President of the United States of America

**A Proclamation**

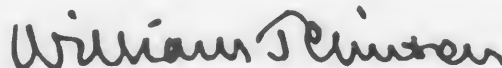
Over 200 years ago, the Constitutional Convention gave America the foundation of our great civil and human rights, as well as our commercial rights. By freeing commerce from the fetters of mercantilism, our Founding Fathers released the creativity and entrepreneurial spirit of the American people. Small merchants and businessmen provided the simple beginnings of what has become a vast and innovative economy. Since 1789, it has become abundantly clear that for our Nation to flourish, small businesses must continue to succeed and prosper.

Small businesses create two-thirds of all the new jobs in the United States, putting the American Dream within reach of hundreds of thousands of men and women of all backgrounds. Small businesses generate more than 57 percent of all sales and half of the domestic private sector output. Thousands of our Nation's most innovative companies and most nimble competitors come from the ranks of small businesses. And often, whole new industries are created when entrepreneurs found new companies to bring new products and services to market. The drive that is required to begin and run a small business illustrates the determination, hard work, and community involvement that are so essential to our free enterprise system.

We must recognize these contributions and help small business help the country, creating jobs and wealth. Those willing to take risks must be rewarded; government must implement sensible regulations and attack the enormous costs of health care that stifle the growth of so many American companies. America must continue to be a fertile land for industry.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of May 9 through May 15, 1993, as the 30th "Small Business Week," and I call on every American to join me in recognizing the importance and contributions of small businesses across the Nation.

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







# Rules and Regulations

Federal Register

Vol. 58, No. 94

Tuesday, May 18, 1993

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

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

## MERIT SYSTEMS PROTECTION BOARD

### 5 CFR Part 1201

#### Practices and Procedures

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule.

**SUMMARY:** The Merit Systems Protection Board is amending its rules of practices and procedures at 5 CFR part 1201 by revising appendix II to reflect: (1) The relocation of its Boston Regional Office; (2) the new facsimile number of its Seattle Regional Office; and (3) the current, correct postal zip codes for each of its regional offices. For ease of reference, the Board is republishing appendix II to part 1201 in its entirety.

**EFFECTIVE DATE:** May 18, 1993.

**FOR FURTHER INFORMATION CONTACT:** Duward Sumner, Public Affairs Officer, (202) 653-8892.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

Accordingly, the Board amends 5 CFR part 1201 as follows:

#### PART 1201—[AMENDED]

1. Authority for 5 CFR part 1201 continues to read:

**Authority:** 5 U.S.C. 1024 and 7701 unless otherwise noted.

2. Appendix II to part 1201 is revised to read:

#### Appendix II to Part 1021—Appropriate Regional Office for Filing Appeals

All submissions shall be addressed to the Regional Director, Merit Systems Protection Board, at the addresses listed below, according to geographic region of

the employing agency or as required by § 1201.4(d) of this part. Address of Appropriate Regional Office and Area Served:

1. Atlanta Regional Office, 401 W. Peachtree Street, NW., 10th floor, Atlanta, Georgia 30308, Facsimile No.: (404) 730-2767 (Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina).
2. Boston Regional Office, 99 Summer Street, suite 1810, Boston, Massachusetts 02110, Facsimile No.: (617) 424-5708 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont).
3. Chicago Regional Office, 230 South Dearborn Street, 31st floor, Chicago, Illinois 60604, Facsimile No.: (312) 886-4231 (Illinois (all locations north of Springfield), Indiana, Michigan, Minnesota, Ohio, and Wisconsin).
4. Dallas Regional Office, 1100 Commerce Street, room 6F20, Dallas, Texas 75242 Facsimile No.: (214) 767-0102 (Arkansas, Louisiana, Oklahoma, and Texas).
5. Denver Regional Office, 730 Simms Street, suite 301, P.O. Box 25025, Denver, Colorado 80225, Facsimile No.: (303) 231-5205 (Arizona, Colorado, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming).
6. New York Regional Office, 26 Federal Plaza, room 3137-A, New York, New York 10278, Facsimile No.: (212) 264-1417 (New York, Puerto Rico, Virgin Islands, and the following counties in New Jersey: Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, and Warren).
7. Philadelphia Regional Office, U.S. Customhouse, room 501, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106, Facsimile No.: (215) 597-3456 (Delaware, Pennsylvania, Virginia—except cities and counties served by Washington Regional Office, West Virginia, and the following counties in New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem).
8. St. Louis Regional Office, 911 Washington Avenue, room 410, St. Louis, Missouri 63101, Facsimile No.: (314) 425-4294 (Illinois (Springfield and all locations south), Iowa, Kentucky, Missouri, and Tennessee).
9. San Francisco Regional Office, 525 Market Street, room 2800, San

Francisco, California 94105, Facsimile No.: (415) 744-3194 (California).

10. Seattle Regional Office, 915 Second Avenue, suite 1840, Seattle, Washington 98174, Facsimile No.: (206) 220-7982 (Alaska, Hawaii, Idaho, Oregon, Washington, and Pacific overseas areas).
11. Washington Regional Office, 5203 Leesburg Pike, suite 1109, Falls Church, Virginia 22041, Facsimile No.: (703) 756-7112 (Washington, DC., Maryland, all overseas areas not otherwise covered, and the following cities and counties in Virginia: Alexandria, Falls Church, Arlington, Fairfax City, Fairfax County, Loudoun, and Prince William).

Dated: May 12, 1993.

Robert E. Taylor,  
Clerk of the Board.

[FR Doc. 93-11700 Filed 5-17-93; 8:45 am]

BILLING CODE 7400-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 92-NM-240-AD; Amendment 39-8577; AD 93-09-11]

#### Airworthiness Directives; Beech Model 400A Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Beech Model 400A airplanes, that requires a one-time inspection to verify that attachment clips have been installed on the support structure of the aft fuel filler tank, and installation of the clips, if necessary. This amendment is prompted by reports that certain of these airplanes have been delivered without the aft fuel filler tank attachment clips installed. The actions specified by this AD are intended to prevent reduced structural integrity of the aft fuel filler tank installation.

**DATES:** Effective June 17, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 17, 1993.

**ADDRESSES:** The service information referenced in this AD may be obtained from Beech Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. 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, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Beech Model 400A airplanes was published in the Federal Register on February 18, 1993 (58 FR 8916). That action proposed to require a one-time inspection to verify that attachment clips have been installed on the support structure of the aft fuel filler tank, and installation of the clips, 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 32 Model 400A airplanes of the affected design in the worldwide fleet. The FAA estimates that 21 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$16,170, or \$770 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various

levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

##### § 39.13 [Amended]

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

**93-09-11 Beech:** Amendment 39-8577. Docket 92-M-240-AD.

**Applicability:** Model 400A airplanes; serial numbers RK-2 through RK-33, inclusive; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the aft fuel filler tank installation, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, inspect the aft fuel filler tank installation to verify installation of attachment clips, part numbers 128-920021-61 and 128-920021-63, in accordance with Beechcraft Service Bulletin 2468, dated October 1992.

(1) If the attachment clips are installed, no further action is required by this AD.

(2) If no attachment clips are installed, prior to further flight, install the attachment clips in accordance with the service bulletin.

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

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

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

(d) The inspection and installation shall be done in accordance with Beechcraft Service Bulletin 2468, dated October 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 Beech Aircraft Company, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Transport Airplane Directorate 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 17, 1993.

Issued in Renton, Washington, on May 11 1993.

**David G. Hmiel,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 93-11746 Filed 5-17-93; 8:45 am] BULLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 92-NM-232-AD; Amendment 39-8579; AD 93-09-13]

#### Airworthiness Directives; de Havilland, Inc., Model DHC-8-100 and -300 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC-8-100 and -300 series airplanes, that requires removing all aluminum washers that are installed at the connection of the DC feeder cable to the bus bar, and replacing them with steel washers. This amendment is prompted by reports that the DC feeder cables are loosening and corroding at the point where they connect to the bus

bar. The actions specified by this AD are intended to prevent loss of conductivity, which could lead to overheat damage to wiring or connectors.

**DATES:** Effective June 17, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 17, 1993.

**ADDRESSES:** The service information referenced in this AD may be obtained from de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Peter Cuneo, Electrical Engineer, Systems and Equipment Branch, ANE-173, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791-6427; fax (516) 791-9024.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain de Havilland Model DHC-8-100 and -300 series airplanes was published in the Federal Register on January 22, 1993 (58 FR 5671). That action proposed to require removing all aluminum washers that are installed at the connection of the DC feeder cable to the bus bar, and replacing them with steel washers.

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

One commenter supports the rule as proposed.

One commenter notes that during its modification program, it found an error in Figure 3 of de Havilland Alert Service Bulletin S.B. A8-24-44, dated October 23, 1992: connector 2449-TB1 is misidentified as connector 2431-TB1. The commenter states that the connector identified in this service bulletin is associated with an auxiliary power unit generator, and is not installed on any of its airplanes. The commenter further notes that it has already accomplished the modification without any difficulty.

The FAA acknowledges the error in the manufacturer's service bulletin, but has determined that the error is not significant, and will not interfere with the successful completion of the required modification.

The same commenter requests that paragraph (a) of the proposal be revised to require modification of only the wiring terminals located in the cabin under the wings, instead of modification of all of the wiring terminals. The commenter states that these two wiring terminals are the only terminals that are susceptible to corrosion. The commenter further states that during modification of the terminals installed on its fleet, it noted that the other terminals had only minor defects, which would not affect system operation. The FAA does not concur with the commenter's request. The FAA has determined, based on field reports, that all six wiring terminals are susceptible to corrosion. In addition, the commenter has not provided data to indicate that there are design details or operational considerations that would prevent the development of corrosion in any of the other wiring terminals. The FAA has determined that all six wiring terminals need to be modified in order to ensure that the problems associated with corrosion are positively addressed.

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.

The FAA estimates that 108 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. Required parts will cost approximately \$285 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$60,480, or \$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 "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**93-09-13 De Havilland, Inc.: Amendment 39-8579. Docket 92-NM-232-AD.**

**Applicability:** Model DHC-8-100 and -300 series airplanes on which Modification 8/1970 has not been accomplished; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent loss of conductivity, which could lead to overheat damage to wiring or connectors, accomplish the following:

(a) Within 60 days after the effective date of this AD, replace aluminum washers installed at the bus bar connections with steel washers, in accordance with de Havilland Alert Service Bulletin S.B. A8-24-44, dated October 23, 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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to

operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The replacement shall be done in accordance with de Havilland Alert Service Bulletin S.B. A8-24-44, dated October 23, 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 de Havilland, Inc., Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 17, 1993.

Issued in Renton, Washington, on May 11, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 93-11745 Filed 5-17-93; 8:45 am]  
BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 92-NM-197-AD; Amendment 39-8578; AD 93-09-12]

#### Airworthiness Directives; Fokker Model F27 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 a one-time high frequency eddy current inspection to detect fatigue cracks on the main landing gear (MLG) upper members at the intersection of the side face and the cross bore; replacement of cracked upper members; rework of the upper members; and reporting findings of cracks that exceed certain limits. This amendment is prompted by a report of fatigue cracks found on two MLG assembly upper members at the intersection of the side face and the cross bore. The actions specified by this AD are intended to prevent failure of the MLG.

**DATES:** Effective June 17, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 17, 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 February 17, 1993 (58 FR 8721). That action proposed to require a one-time high frequency eddy current inspection to detect fatigue cracks on the main landing gear (MLG) upper members at the intersection of the side face and the cross bore; replacement of cracked upper members; rework of the upper members; and reporting findings of cracks that exceed certain limits.

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 25 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour 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 \$1,375, or \$55 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

implications to warrant the preparation of a Federalism Assessment.

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

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**93-09-12 Fokker:** Amendment 39-8578. Docket 92-NM-197-AD.

**Applicability:** Model F27 series airplanes; serial numbers 10102 through 10684, inclusive, 10686, 10687, and 10689 through 10692, inclusive; on which Dowty Rotol main undercarriage upper members, P/N 200463301, 200251300, 200251301, 200567300, or 200680300, are installed; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the main landing gear (MLG), accomplish the following:

(a) Within 9 months after the effective date of this AD, perform a high frequency eddy current inspection to detect cracks in the upper members of the MLG, in accordance with Fokker Service Bulletin F27/32-162, dated March 8, 1991. (1) If no crack is found, prior to further flight, mark the upper members in accordance with Fokker Service Bulletin F27/32-162, dated March 8, 1991.

(1) If no crack is found, prior to further flight, mark the upper members in accordance with Fokker Service Bulletin F27/32-162, dated March 8, 1991.



(2) If any crack is found, prior to further flight, replace the cracked upper member with one that has been inspected and has been found to be free of cracks, or with one that has been reworked, in accordance with the service bulletin.

(b) Within 12,000 landings since the last overhaul, or within 6 months after the effective date of this AD, whichever occurs later, rework upper members of the MLG that have not been reworked previously, in accordance with Fokker Service Bulletin F27/32-162, dated March 8, 1991.

(c) Within 10 days after accomplishing the inspection required by paragraph (a) of this AD, report the finding of any crack that exceeds 0.1 inch (2.54 mm) to Dowty Aerospace Customer Support Center, Service Manager, P.O. Box 49, Sterling, Virginia 20167; or fax (703) 430-4932. Reports must include the extent and location of cracks, the part number or issue number of the cracked upper member, the total number of landings on the cracked upper member, and the total number of landings since overhaul of the cracked upper member. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(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 inspection, marking, replacement, and rework procedures shall be done in accordance with Fokker Service Bulletin F27/32-162, dated March 8, 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 Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 17, 1993.

Issued in Renton, Washington, on May 11, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-11747 Filed 5-17-93; 8:45 am]

BILLING CODE 4810-13-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[T.D. 8470]

RIN 1545-AR21

#### Intercompany Transfer Pricing Regulations Under Section 482; Correction

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains corrections to the temporary regulations (T.D. 8470), which was published in the *Federal Register* on Thursday, January 21, 1993 (58 FR 5263). The temporary regulations relate to intercompany transfer pricing.

**EFFECTIVE DATE:** April 21, 1993.

**FOR FURTHER INFORMATION CONTACT:** Sim Seo of the Office of Associate Chief Counsel (International), (202) 622-3840 (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulation that is the subject of this correcting amendment relates to the Income Tax Regulations (26 CFR part 1) under section 482 of the Internal Revenue Code.

On Tuesday, April 6, 1993, a correction to T.D. 8470 was published in the *Federal Register* at 58 FR 17775. This correction notice added the text of § 1.482-7T to T.D. 8470. The text of § 1.482-7T, as published, inadvertently omitted language from these provisions. This document contains the language that was originally intended for publication.

##### Need for Correction

As published, the temporary regulation contains errors that may prove to be misleading and is in need of clarification.

##### List of Subjects in 26 CFR 1.446-1 Through 1.483-2T

Accounting, Income taxes, Reporting and recordkeeping requirements.

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1986

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

**Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 \* \* \*

**Par. 2.** Section 1.482-7T is revised to read as follows:

#### § 1.482-7T Cost sharing.

Where a member of a group of controlled entities acquires an interest in intangible property as a participating party in a bona fide cost sharing arrangement with respect to the development of such intangible property, the district director shall not make allocations with respect to such acquisition except as may be appropriate to reflect each participant's arm's length share of the costs and risks of developing the property. A bona fide cost sharing arrangement is an agreement, in writing, between two or more members of a group of controlled entities providing for the sharing of the costs and risks of developing intangible property in return for a specified interest in the intangible property that may be produced. In order for the arrangement to qualify as a bona fide arrangement, it must reflect an effort in good faith by the participating members to bear their respective shares of all the costs and risks of development on an arm's length basis. In order for the sharing of costs and risks to be considered on an arm's length basis, the terms and conditions must be comparable to those which would have been adopted by unrelated parties similarly situated had they entered into such an arrangement. If an oral cost sharing arrangement, entered into prior to April 16, 1968, and continued in effect after that date, is otherwise in compliance with the standards prescribed in this section, it shall constitute a bona fide cost sharing arrangement if it is reduced to writing prior to January 1, 1969.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 93-11644 Filed 5-17-93; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF TRANSPORTATION

## Federalism

## Coast Guard

## 33 CFR Part 100

[CGD7 93-32]

## Special Local Regulations: City of Georgetown, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** Special local regulations are being adopted for the Downtown Georgetown Revitalization Association's Harborwalk Boat Races. This event will be held from 1 p.m. EDT to 5 p.m. EDT on June 27, 1993, on the Sampit River at Georgetown, South Carolina. The regulations are needed to provide for the safety of life on navigable waters during the event.

**EFFECTIVE DATES:** These regulations become effective on June 27, 1993 from 1 p.m. EDT and terminate on June 27, 1993 at 5 p.m. EDT.

**FOR FURTHER INFORMATION CONTACT:** CDR A.A. Sarra, Coast Guard Group Charleston, at (803) 724-7619.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been impracticable. The updated information to hold the event was not received until March 22, 1993, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

## Drafting Information

The drafters of these regulations are LTJG J.M. Sicard, Assistant Operations Officer, Coast Guard Group Charleston, project officer, and LT J.M. Losego, project attorney, Seventh Coast Guard District Legal Office.

## Discussion of Regulations

The American Power Boat Race Association is sponsoring the Harborwalk Boat Races. Sixty (60) participants will be racing 14 to 20 foot outboard pleasure craft on a circular course on the Sampit River, Georgetown, South Carolina. The boats will be competing at high speeds, creating an extra hazard in the navigable waters. These regulations are required to provide for the safety of life on the navigable waters during the running of the Harborwalk Boat Races.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal consistent with Section 2.B.2.08 of Commandant Instruction M16475.1B, and this proposal has been determined to be categorically excluded. Specifically, the Coast Guard has consulted with South Carolina Wildlife and Marine Resources, the Army Corps of Engineers, and the National Marine Fisheries Service regarding the environmental impact of this event, and it was determined that the event does not jeopardize the continued existence of protected species.

## List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

## Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35-T0732 is added as follows:

**§ 100.35.T0732 City of Georgetown, South Carolina.**

a. *Regulated area:* A regulated area is established on that portion of the Sampit River at Georgetown, South Carolina bounded by one line running from 79 degrees, 15.79 minutes West, 33 degrees, 21.65 minutes North to 79 degrees, 16.92 minutes West, 33 degrees, 21.65 minutes North, and another line running from 79 degrees, 17.30 minutes West, 33 degrees, 22.04 minutes North to 79 degrees, 17.30 minutes West, 33 degrees, 21.95 minutes North.

(b) *Special local regulations:* Entry into the regulated area by other than event participants is prohibited. After termination of the Harbor Walk Boat Races on June 27, 1993, all vessels may resume normal operation.

(c) *Effective dates:* These regulations become effective on June 27, 1993 from 1 p.m. EDT and terminate on June 27, 1993 at 5 p.m. EDT.

Dated: May 3, 1993.

W.P. Leahy,

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

[FR Doc. 93-11739 Filed 5-17-93; 8:45 am]

BILLING CODE 4610-14-M

## 33 CFR Part 100

[CGD7 93-31]

## Special Local Regulations; City of Miami Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

**SUMMARY:** Special local regulations are being adopted for the Miami Offshore Grand Prix. This event will be held on May 22, 1993, from 11 a.m. EDT (Eastern Daylight Time) until 2 p.m. EDT. The regulations are needed to provide for the safety of life on navigable waters during the event. **EFFECTIVE DATE:** These regulations will become effective on May 22, 1993, at 11 a.m. EDT and terminate on May 22, 1993 at 3 p.m. EDT.

**FOR FURTHER INFORMATION CONTACT:** LTJG M.W. Rudningen, Coast Guard Group Miami, at (305) 535-4536.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been impracticable. The updated information to hold the event was not received until April 19, 1993, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

## Drafting Information

The drafters of this regulation are LT Jacqueline Losego, Project Attorney, Seventh Coast Guard District Legal Office, and LTJG Mark Rudningen, Project Officer, Coast Guard Group Miami.

## Discussion of Regulations

The Offshore Power Boat Racing Association is sponsoring a high speed power boat race with approximately seventy (70) race boats ranging in length from 20 feet to 50 feet. There will be approximately two hundred (200) spectator craft. The race will take place in the Atlantic Ocean just off Miami Beach. The race course is an elongated oval of 14.7 miles with four corner check points and will be (300) feet wide. The power boats will be competing at high speeds and at close range around

the prescribed course, creating an extra hazard in the navigable waters.

#### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal consistent with section 2.B.2.08 of Commandant Instruction M16475.1B, and this proposal has been determined to be categorically excluded. Specifically, the Coast Guard has consulted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding the environmental impact of this event, and it was determined that the event does not jeopardize the continued existence of protected species.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35-T0731 is added to read as follows:

#### § 100.35-T0731 City of Miami Beach, FL.

(a) **Regulated area:** A regulated area is established by a line that connects the following four points: 25°-52'-45" N, 80°-07'-15" W, at the northwest corner; 25°-52'-45" N, 80°-06'-35" W, at the northeast corner; 25°-46'-30" N, 80°-07'-85" W, at the southwest corner; and, 25°-46'-30" N, 80°-06'-90" W, at the southeast corner.

#### (b) Special local regulations:

(1) Entry into the regulated area is prohibited to nonparticipating vessels, unless authorized by the Patrol Commander. At the completion of the scheduled races and departure of participants from the regulated area, traffic may resume normal operations.

(2) A succession of not fewer than 5 short whistle or horn blasts from a patrol vessel will be the signal for any nonparticipating vessel to stop immediately. The display of an orange distress smoke signal from a patrol vessel will be the signal for any and all vessels to stop immediately.

(c) **Effective dates:** These regulations become effective on May 22, 1993, from 11 a.m. EDT, and terminate on May 22, 1993, at 3 p.m. EDT.

Dated: April 30, 1993.

W.P. Leahy,

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

[FR Doc. 93-11740 Filed 5-17-93; 8:45 am]

BILLING CODE 4810-14-M

#### 33 CFR Part 100

[CGD 09-93-05]

#### Special Local Regulations: Buick Watersports Weekend, Saginaw River, Bay City, MI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Special Local Regulations are being adopted for the Buick Watersports Weekend. This event will be held on the Saginaw River between the Liberty Bridge and the Veterans Memorial Bridge on July 23-25, 1993. The effect of these regulations will be to restrict general navigation in the Saginaw River between the Liberty Bridge and the Veterans Memorial Bridge. The Buick Watersports Weekend will include a closed course hydroplane race involving several inboard hydroplanes, various personal and ski-show watercraft, a professional water-ski team, ski jumping, Water Fountain systems, and tall ships which could pose hazards to navigation in the area. These regulations are needed to provide for the safety of life, limb and property on navigable waters during the event.

**EFFECTIVE DATE:** These regulations become effective from 6 a.m. until 6 p.m. (EDST) July 23, 1993, from 6 a.m. until 11 p.m. (EDST) July 24, 1993, and from 6 a.m. until 9 p.m. (EDST) on July 25, 1993.

**FOR FURTHER INFORMATION CONTACT:** William A. Thibodeau, Marine Science Technician Second Class, U.S. Coast Guard, Aids to Navigation & Waterways Management Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199-2060, (216) 522-3990.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received by the Commander, Ninth Coast Guard District, until March 31, 1993, and there was not

sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

#### Drafting Information

The drafters of this regulation are William A. Thibodeau, Marine Science Technician Second Class, U.S. Coast Guard, project officer, Aids to Navigation and Waterways Management Branch and M. Eric Reeves, Commander, U.S. Coast Guard, project attorney, Ninth Coast Guard District Legal Office.

#### Discussion of Regulations

The Buick Watersports Weekend will be held on the Saginaw River between the Liberty Bridge and the Veterans Memorial Bridge on July 23, 24 and 25, 1993. The Buick Watersports Weekend will include a closed course hydroplane race involving several inboard hydroplanes, various personal and ski-show watercraft, a professional water-ski team, ski jumping, Water Fountain systems, and tall ships which could pose hazards to navigation in the area. The effect of these regulations will be to restrict general navigation in the Saginaw River between the Liberty Bridge and the Veterans Memorial Bridge for the safety of spectators and participants. However, there will be two 15 minute breaks in the morning and two 15 minute breaks in the afternoon along with a 30 minute break at approximately 12:00 P.M. to allow vessel traffic to transit the area. Commercial vessel traffic shall have priority passage. These regulations are needed to provide for the safety of life, limb, and property on navigable waters during the event. Any vessel desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer in Charge, U.S. Coast Guard Station Saginaw River, MI).

These regulations are issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of Part 165.

#### Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that, under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B,

they are categorically excluded from further environmental documentation.

#### Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The impact of these regulations is expected to be minimal, and the Coast Guard therefore certifies that, if adopted, they will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

#### Collection of Information

These regulations will impose no collection information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### Temporary Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

#### PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended to add a temporary section 100.35—T0964 to read as follows:

#### § 100.35—T0964 Buick Watersports Weekend, Saginaw River, Bay City, MI

(a) *Regulated area:* That portion of the Saginaw River from the Liberty Bridge on the north to the Veterans Memorial Bridge on the south.

(b) *Special Local Regulations:* (1) The Coast Guard will be regulating all vessel navigation and anchorage in the regulated area. Except for vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area without the permission of the Patrol Commander.

(2) Any vessel, not authorized to participate in the event, desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Transiting vessels will be operated at bare steerageway, and will exercise a high degree of caution in the area.

(3) There will be two 15 minute breaks in the morning and two 15

minute breaks in the afternoon along with a 30 minute break at approximately 12 p.m. to allow vessel traffic to transit the area. Commercial vessel traffic shall have priority passage.

(c) *Patrol Commander.* (1) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Saginaw River, MI). The Patrol Commander may be contacted on channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander".

(2) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Any vessel so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(3) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(4) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(5) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life, limb and property.

(d) *Effective Date:* These regulations will become effective from 6 a.m. until 6 p.m. (EDST) on July 23, 1993, from 6 a.m. until 11 p.m. (EDST) on July 24, 1993, and from 6 a.m. until 9 p.m. (EDST) on July 25, 1993, unless otherwise terminated by the Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Saginaw River, MI).

Dated: April 23, 1993.

G.A. Penington,  
Rear Admiral, U.S. Coast Guard, Commander,  
Ninth Coast Guard District.

[FR Doc. 93-11737 Filed 5-17-93; 8:45 am]

BILLING CODE 4910-14-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[WV7-2-5709; A-1-FRL-4653-7]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; PM-10: Test Procedures for Regulation II (TP-2)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of West Virginia. This revision establishes and requires stack testing, calibration, and laboratory procedures acceptable for the determination of compliance with the emission standards set forth in West Virginia Regulation II. The revision is consistent with the other test procedures established under title 40, chapter I, part 60 of the Code of Federal Regulations (CFR). The intended effect of this action is to approve a SIP revision consisting of a test procedure rule adopted by the State of West Virginia. This action is being taken under section 110 of the Clean Air Act.

**EFFECTIVE DATE:** This action will become effective July 19, 1993 unless notice is received by June 18, 1993 that adverse or critical comments will be received. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and West Virginia Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia 25311.

**FOR FURTHER INFORMATION CONTACT:** David J. Campbell at (215) 597-9781.

**SUPPLEMENTARY INFORMATION:** On April 2, 1990, the State of West Virginia Department of Commerce, Labor and Environmental Resources submitted to EPA a revision to the West Virginia State Implementation Plan (SIP). The submittal consisted of two regulations.



The submittal contained a modified rule, West Virginia Air Pollution Control Commission (WVAPCC) Rule TP-2—"Compliance Test Procedures for Regulation II—To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers". The rule adopts by reference certain Reference Methods and other test methods set forth in 40 CFR part 60, Appendix A (as of July 1, 1988) and establishes other procedures as prescribed by the WVAPCC. These methods institute acceptable stack testing, calibration, and laboratory procedures including the identification of appropriate apparatus and instrumentation.

The State also submitted an amended WVAPCC Regulation 20—"Good Engineering Practice as Applies to Stack Heights" as a revision to its SIP. This regulation is being processed as a SIP revision under a separate rulemaking.

#### Summary of SIP Revision

On April 2, 1990, the State of West Virginia submitted a SIP revision consisting of a modified rule, WVAPCC Rule TP-2—"Compliance Test Procedures for Regulation II—To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers". The rule was adopted by the West Virginia Legislature on April 8, 1989 and became effective on July 14, 1989. This revision modifies the compliance test procedures for all sources in West Virginia subject to WVAPCC Regulation II. The purpose of the rule is to establish stack test procedures for the determination of compliance with the weight emission standards set forth in Regulation II.

#### EPA Evaluation

EPA has evaluated West Virginia's SIP revision request and concluded the following:

(1) The test procedure rule requirements will not adversely affect West Virginia's ability to enforce the current applicable emission limitations which adequately protect the National Ambient Air Quality Standards (NAAQS);

(2) The test procedure rule requirements are clearly enforceable; and

(3) The applicable requirements of 40 CFR part 51 have been met. A more detailed evaluation is provided in a Technical Support Document available upon request from the Regional EPA office listed in the ADDRESSES section of this notice.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial

amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on July 19, 1993.

**Final Action:** EPA is approving WVAPCC Rule TP-2—"Compliance Test Procedures for Regulation II—To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers", submitted by the State of West Virginia as a revision to the West Virginia SIP. EPA's review of West Virginia's test procedure rule indicates that it conforms to the requirements of 40 CFR parts 51 and 52.

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

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

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such

grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

This SIP revision establishing test procedures for Regulation II in West Virginia has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). EPA has submitted a request for a permanent waiver of OMB review of Table 2 and 3 SIP revisions. OMB has agreed to continue that temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 19, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

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

Dated: April 28, 1993.

**William M. Bulman,**  
Acting Regional Administrator, Region III.

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

#### PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

#### Subpart XX—West Virginia

2. Section 52.2520 is amended by adding paragraph (c)(29) to read as follows:

#### § 52.2520 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(29) Revisions to the State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) WVAPCC Rule TP-2—"Compliance Test Procedures for Regulation II—"To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers'" adopted by the State of West Virginia on April 8, 1989.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Labor, Commerce, and Environmental Resources on April 2, 1990.

[FR Doc. 93-11668 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[CA-22-2-5901; FRL-4656-1]

#### Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of final rule.

**SUMMARY:** The EPA gives notice that the direct final rule approving the California State Implementation Plan (SIP) revision for the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), submitted by the California Air Resources Board on January 28, 1992 is being withdrawn. The document approving the SIP revision was published on March 22, 1993 (58 FR 15282). This approval is being withdrawn because notice was received by EPA that a party wished to submit adverse or critical comments. EPA will propose approval of the SIP revision in a separate Federal Register document.

**EFFECTIVE DATE:** This action is effective on May 18, 1993.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1195 FAX: (415) 744-1076.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone,

Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Therefore, the amendment to 40 CFR part 52, adding a new § 52.220(c)(187)(i)(A)(2), which appeared at 58 FR 15282, March 22, 1993, and which was to become effective on May 21, 1993, is withdrawn.

Dated: May 7, 1993.

Harry Seraydarian,

Acting Regional Administrator.

[FR Doc. 93-11666 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 52

[MD12-1-5581; A-1-FRL-4653-8]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland (Revised Definition of "Control Officer")

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision revises the definition of "control officer." The intended effect of this action is to define the local environmental agencies which will be assisting the State in performing prescribed air pollution control activities. This action is being taken in accordance with section 110 of the Clean Air Act.

**EFFECTIVE DATE:** This action will become effective on July 19, 1993 unless notice is received on or before June 17, 1993 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

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

**SUPPLEMENTARY INFORMATION:** On June 14, 1989, the State of Maryland submitted a formal revision to its SIP. The SIP revision consists of a revised definition of "control officer" found in Code of Maryland Administrative Regulations (COMAR) 26.11.01.01E.

The revised definition was necessitated by a State government reorganization. The Maryland Air Management Administration (AMA) was relocated from the Department of Health and Mental Hygiene (DHMH) to the Maryland Department of the Environment (MDE). As part of this reorganization, environmental protection departments were created for each of Maryland's 23 counties, as well as Baltimore City.

#### Summary of SIP Revision

Revised COMAR 26.11.01.01E lists the officials of each county and Baltimore City who are designated control officers. The revised regulation removes mention of the phrase "deputy State Health officer of the Department" because the MDE, unlike DHMH, does not employ health officers. However, the MDE secretary may designate specific Department employees to be a control officer. In addition, the health officers of those county governments which maintain environmental protection activities in their health departments will become control officers. The governments of three counties (Baltimore, Montgomery, and Worcester) were reorganized to create environmental protection departments or offices. The principal officers of these departments/offices are designated as control officers. Last, the Commissioner of Health is designated as the control officer for the City of Baltimore. The powers of the control officers are enumerated throughout the regulations comprising COMAR 26.11.

Generally, these control officers assist Maryland in carrying out various inspecting, complaint investigating, surveillance monitoring, recordkeeping and reporting, and other enforcement programs. In addition, the Baltimore County and Montgomery County agencies assist the State AMA with certain permitting activities such as preliminary determinations.

The revised definition of "control officer" is purely administrative in nature and has no direct impacts on the attainment and maintenance of the NAAQS in Maryland. This revision also conforms to all applicable requirements of the Clean Air Act, as amended, and the requirements of 40 CFR part 51. The MDE remains the sole State agency

responsible for preparing, adopting and submitting official SIP revision requests to EPA.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on July 19, 1993.

**Final Action:** EPA is approving the revisions to COMAR 26.11.01.01E as a revision to the Maryland SIP.

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

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

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the revised definition of "control officer" as a revision to the Maryland SIP must be filed in the United States Court of Appeals for the appropriate circuit by July 19, 1993. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

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

Dated: April 28, 1993.  
 William M. Bulman,  
*Acting Regional Administrator, Region III.*  
 40 CFR part 52, chapter I, title 40 is amended as follows:

**PART 52—[AMENDED]**

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

**Authority:** 42 U.S.C. 7401-7671q.

**Subpart V—Maryland**

2. Section 52.1070 is amended by adding paragraph (c)(97) to read as follows:

**52.1070 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(97) Revisions to the State Implementation Plan submitted on June 14, 1989 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 14, 1989 from the Maryland Department of the Environment transmitting a revision to a Maryland State Implementation Plan.  
 (B) Revision to COMAR 26.11.01.01E (Definition of "Control Officer"), effective June 20, 1989.

(ii) Additional material.

(A) Remainder of the June 14, 1989 State submittal.

[FR Doc. 93-11667 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 90-162; FCC 93-179]

**Broadcast Services; Syndication and Financial Interest Rules**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, through this Second Report and Order, amends its financial interest and syndication rules. These amendments are made in accordance with a decision of the United States Court of Appeals for the Seventh Circuit in *Schurz Communications v. FCC*, 982 F.2d 1043 (7th Cir. 1991), and the overall record in this proceeding, to further promote diversity and competition in the broadcast television program production and syndication marketplace.

**EFFECTIVE DATE:** June 5, 1993, except for the amendments to § 73.661, which shall be effective upon approval by the Office of Management and Budget. The Commission will issue a public notice announcing the effective date of the § 73.661 amendments.

**FOR FURTHER INFORMATION CONTACT:** David E. Horowitz or Kathleen O'Brien Ham, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Second Report and Order in MM Docket No. 90-162, adopted April 1, 1993, and released May 7, 1993.

The complete text of this Second Report and Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's copy

contractor, International Transcription Service, Inc. (ITS), at (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### Synopsis of Second Report and Order

1. In this Second Report and Order (Second R&O), the Commission amends its financial interest and syndication ("finsyn") rules, following the decision of the United States Court of Appeals for the Seventh Circuit ("Court" or "Seventh Circuit") in *Schurz Communications v. FCC* (Schurz), 982 F.2d 1043 (7th Cir. 1992). That decision vacated our 1991 Report and Order (R&O) (See Report and Order in MM Docket No. 90-162, 6 FCC Rcd 3094, 56 FR 26242 (June 6, 1991)), as modified, Memorandum Opinion and Order (MO&O), 7 FCC Rcd 345 (1991), 56 FR 64207 (Dec. 9, 1991), relaxing and modifying these rules and returned the matter to us for further proceedings. Accordingly, we sought additional public comment on the issues cited in the Court's decision. After due deliberation and review of the record, the Court's opinion and ongoing changes in the broadcast television program production and syndication marketplace, we have decided to:

(a) Remove all restrictions on network acquisition of financial interests and syndication rights in network programming (except for certain reporting requirements).

(b) Eliminate the 40 percent cap on network in-house productions.

(c) Extend the prohibition on active network syndication to all domestic syndication, regardless of whether a network has produced the program in-house or acquired it from an outside producer.

(d) Eliminate affiliate favoritism restraints as a result of the complete ban on active domestic syndication.

(e) Retain the rule prohibiting warehousing.

(f) Retain the 1991 restrictions on first-run domestically syndicated programming. Thus, for the domestic market, networks are permitted to own financial interests and syndication rights in first-run syndicated programming produced solely in-house, subject to the ban on active domestic syndication, and networks continue to be prohibited from acquiring any interests in or right to syndicate other first-run syndicated productions in the United States.

(g) Continue to permit, without restriction, network purchase of foreign syndication rights in, including active syndication of, off-network programming distributed outside the United States and first-run programming

distributed solely outside the United States. Continue to permit network purchase of foreign syndication rights in, including active syndication of, first-run programming in foreign markets even if the program is also distributed domestically, so long as the network has produced the programming solely in-house.

(h) Continue to permit, without restriction, network ownership and syndication of all non-prime network programming and all non-entertainment network programming (whether prime time or not).

(i) Modify the reporting requirements to comport with the actions taken in this decision.

(j) Exempt emerging networks from all restrictions, except reporting requirements, which are required once an emerging network provides 16 hours of prime time programming per week to interconnected affiliates.

(k) Eliminate these remaining finsyn restrictions two years after the entry of an order by the U.S. District Court, Central District of California ("District Court"), granting the networks' motions to modify certain restrictions of the consent decrees that now limit their participation in the financial interest and syndication areas.<sup>1</sup> These consent decree restrictions essentially replicate the Commission's 1970 finsyn rules. The Commission shall launch a review of the market effect of the changes in the finsyn and consent decree restrictions by the Commission and the District Court eighteen months after the entry of such an order by the District Court. The burden of proof in this review will be placed on those who seek to retain any of the remaining finsyn restrictions. Six months after commencement of this review, proponents of any remaining finsyn restrictions must persuade the Commission that further retention is justified, or the remaining rules will automatically sunset.

2. We believe that the changes adopted in this Second R&O comport more accurately with the weight of the evidence presented in this proceeding, address the concerns cited by the Seventh Circuit in *Schurz*, and constitute the best approach for furthering our goals of diversity and competition.

3. The 1991 Rules. Specifically, the 1991 R&O: (1) Eliminated restrictions on network ownership and syndication of

all non-prime time network programming and all non-entertainment network programming (whether prime time or not); (2) allowed networks to retain financial interests and passive syndication rights in "in-house" productions aired on their own or another network, subject to certain procedural safeguards; (3) permitted networks to fill up to, but no more than, 40 percent of their prime time entertainment schedule with "in-house" productions; (4) allowed networks to acquire financial interests and passive domestic syndication rights in outside productions aired on a network, subject to a thirty-day, two-step negotiations separation safeguard; (5) allowed networks, without limitation, to acquire foreign syndication rights in any network program and to actively syndicate such programs in foreign markets; and (6) allowed limited network participation in first-run syndication. The Commission also adopted a new definition of "network" and imposed certain behavioral safeguards and reporting conditions.

4. On appeal, the Court vacated the 1991 R&O except insofar as that decision repealed the 1970 finsyn rules, but temporarily stayed its judgment to allow for further Commission action. In the Court's view, the R&O failed to explain adequately how the 1991 rules satisfied the Commission's goals of program source and outlet diversity. Moreover, while the Court did not rule out that the 1991 rules might be justified, the Court stated that the R&O did not adequately explain why we rejected certain network arguments raised during the course of the proceeding.

5. In response to the Court's remand, we adopted a Second Further Notice of Proposed Rulemaking, in which we sought comment on these issues. See Second Further Notice of Proposed Rulemaking in MM Docket No. 90-162, 8 FCC Rcd 223 (1992), 58 FR 4139 (Jan 13, 1993).

#### A. Network Acquisition of Back-End Rights

6. In this Second R&O, we have decided to remove all restrictions on network acquisition of financial interests and syndication rights in network prime time entertainment programming, except for certain reporting requirements set forth below. In addition, we have eliminated the 40 percent schedule cap on network in-house program productions, and have decided to prohibit networks from actively syndicating programming domestically. Accordingly, we will no longer impose any limit on the amount

<sup>1</sup> See *United States v. National Broadcasting Co.*, 449 F.Supp. 1127 (C.D. Calif. 1978), *aff'd*, 603 F.2d 227 (9th Cir. 1979) (table), *cert. denied*, 444 U.S. 991 (1979); *United States v. CBS, Inc.*, 45 FR 34464 (May 22, 1980); *United States v. American Broadcasting Companies*, 45 FR 58411 (Sept. 3, 1980).



of entertainment programming a network can produce for broadcast during prime time. These actions are precipitated by the *Schurz* Court's objections to the 1991 rules, ongoing marketplace changes since the 1991 rules, and the record evidence in this proceeding. We believe that these changes eliminate unnecessary regulatory complexity. We are convinced that the less complicated finsyn framework regime we are adopting today will foster an increase in diverse programming without creating undue risks.

7. In sum, by eliminating the finsyn restrictions on network acquisition of financial interests and syndication rights in network programming, we have heeded the *Schurz* Court's criticism of our attempt in 1991 to justify continued regulation in this area. We thus have confronted the arguments against such regulation that come from various sources that the Court said we could not ignore, including the Department of Justice, the Federal Trade Commission, and our own 1983 Tentative Decision. See Tentative Decision in MM Docket 82-345, 94 FCC 2d 1019 (1983), 48 FR 38020 (Aug. 22, 1983).

8. While we have determined that direct restraints on network purchase of back-end rights are unnecessary—based on our evaluation of the current market, as informed by the Court's objections to our earlier analysis—this determination has an inherently predictive element. We cannot know to a certainty how the networks will behave until they are free to act. Accordingly, we believe that it is crucial to monitor developments in the market closely, to ensure that our predictions about network behavior and the effects of that behavior are accurate. To this end, we are retaining reporting requirements, tailored to our action today, which require networks to maintain semi-annual reports at the Commission and in their owned and operated stations' public files, setting forth specific information regarding, *inter alia*, programs which the network has produced or aired or in which it holds financial interests or syndication rights.

#### B. Network Syndication of Off-Network Programming

9. Upon further analysis and review, we are amending our restrictions on network participation in the off-network program syndication market. The domestic restrictions adopted today, like the 1991 rules, will permit networks to acquire financial interests and passive syndication rights in all off-

network programming.<sup>2</sup> However, unlike the 1991 rules, we will not allow the networks to actively syndicate any off-network programming—including in-house productions. Thus, for both in-house and outside productions, networks must use an independent syndicator to distribute off-network programming in which they have acquired ownership interests. Also, in light of our decision to prohibit active syndication of prime time programming by networks, we have decided to eliminate the affiliate favoritism restriction. However, we will retain our anti-warehousing safeguard and certain reporting requirements. All remaining syndication requirements will expire according to the terms set forth below.

10. Limits On Active Domestic Syndication. Until the rules expire, a complete ban on networks acting as syndicators of all off-network programs in the domestic market is beneficial because it simplifies the rules (*i.e.*, there is no need for a 40 percent schedule cap or an administrative regime to police affiliate favoritism) while satisfying our goals of fostering diversity and competition. We also note that, although we are returning to a more restrictive version of our domestic off-network syndication rules, the networks in fact will be in the same situation under our 1993 rules that they have experienced since our 1991 rules were adopted. This is because the provisions in the consent decrees that mirror our 1970 rules have remained in effect, thus negating any practical consequences of our 1991 liberalization of the off-network syndication rule.

11. Today's revised approach is appropriate in light of our decision to substantially lift restrictions on network acquisition of programming ownership rights. Subject to appropriate modification in the consent decrees, networks may acquire ownership interests in all off-network programming and in first-run programming that they produce themselves. This new freedom will provide them with greater opportunities in the programming marketplace. We therefore want to move more cautiously in granting the networks companion program distribution rights to ensure that quality programming continues to flow to non-network broadcast outlets during this period in which we are removing the financial interest restraints and

<sup>2</sup> We will make no changes to our 1991 decision in the area of foreign syndication of off-network programming. Networks may continue to participate in this market without restriction (*i.e.*, they may acquire foreign syndication rights in and may actively syndicate off-network programming, regardless of the production arrangement).

preparing for a final review of the remaining restrictions.

12. Warehousing. We now turn to a discussion of warehousing.<sup>3</sup> Warehousing, in general, consists of the networks withholding programs from the syndication market. The prohibition on active syndication by a network guards against affiliate favoritism that would improperly deny independents' access to off-network programs. That prohibition would not, however, prevent a network from withholding a program from syndication if it decides not to release the program to the independent syndicator for syndication while the program is still in its network run. Independent stations are understandably concerned if their access to important programming is under the control of the networks, with whom they compete. Although the record evidence is mixed, we are not prepared at this time to risk the denial of independent stations' access to such programming until we have had the opportunity to review how the networks behave in response to their renewed freedom to acquire financial interests in programs. We thus will retain the anti-warehousing rule, subject to our review and sunset terms discussed below. We also will monitor network behavior in this regard through our reporting conditions. Accordingly, we will still require networks to release a program, for which it holds the syndication rights, into the syndication market four years after the program's network debut or within six months following the end of the network run, whichever is sooner.

13. Affiliate Favoritism. We also expressed concern in 1991 that the networks acting as off-network syndicators would have both the incentive and the ability to favor their affiliates in particular markets to gain not only an immediate revenue benefit, but also a long-term competitive edge in those markets. We have decided to repeal the express affiliate favoritism prohibitions in the 1991 rules. We find affiliate favoritism safeguards unnecessary in view of the fact we are keeping the networks completely out of active domestic syndication for the time being and plan to monitor their programming acquisition activities carefully during this period. We therefore find that layering this additional behavioral restraint on top of our structural safeguards against active off-network syndication is duplicative.

<sup>3</sup> We initially determined to eliminate the anti-warehousing rule. However, on May 6, 1993, we reconsidered this matter on our own motion and decided to retain the rule. See 47 CFR 1.108.

### C. Network Participation in the First-Run Programming Market

14. We are retaining the 1991 restrictions on network participation in the domestic first-run programming market. Thus, in the domestic market, networks may only acquire financial interests and syndication rights in programming that is solely produced in-house, and they may not actively syndicate any first-run programming domestically. For first-run programming distributed in foreign markets only, regardless of the production arrangement, networks are permitted to acquire financial interests and syndication rights and to actively syndicate such programming. Specifically, a network can hold financial interests or syndication rights in, or actively syndicate, a co- or outside production of a first-run program if the distribution of that program occurs solely in foreign markets. By the same token, since a network can hold financial interests and passive domestic syndication rights in first-run programs that it produces solely in-house, it can actively syndicate such a program in foreign markets even if the program is distributed domestically.

#### (1) Acquisition of Back-End Rights in First-Run Programming

15. In 1991, we found that we should provide the networks with some flexibility with respect to entry into the increasingly competitive first-run production market. Thus, for the domestic market, in the 1991 decision we permitted the networks to produce such programming solely in-house and retain the financial interest and syndication rights in their own programming. We retain that regulatory scheme here. We believe that approach is appropriate in light of the unique characteristics of and concern over the first-run market, coupled with the public interest benefits of proceeding cautiously during this time of transition to a non-finsyn regime.

16. In 1991, the Commission lifted restrictions on network acquisition of back-end rights in first-run programming that would be syndicated in foreign television markets. This decision reflected our desire to permit the networks to compete in the ever-increasing international market for television programming. We adhere to that rationale and so make no changes to our 1991 decision in this area.

#### (2) Participation in the Syndication of First-Run Programming

17. With respect to the domestic first-run programming market, we retain the

same regulatory scheme we adopted in 1991. At that time, the Commission found that it was appropriate to proceed with some caution in lifting restrictions on network participation in first-run syndication. In particular, based on the record, the Commission believed that a continued prohibition of active syndication of first-run programming was necessary because: (1) Local broadcast stations need an unimpeded supply of first-run programming to compete with network and off-network programming in various non-prime-time periods; (2) allowing the networks into first-run syndication could enable them to exploit their owned and operated stations and their web of affiliates serving the entire United States to handicap the launch of new first-run programs by independent syndicators, which would be detrimental to the maintenance of a diverse, competitive marketplace; (3) allowing the networks into first-run syndication could undermine the objectives of the prime time access rule; and (4) by virtue of the market structure, network involvement in first-run syndication could diminish the amount of independent first-run programming aired on local television stations. We continue to be concerned with these matters, although we are prepared to recognize that the need for restrictions could, if present trends continue, abate in the near future. Thus, at this time, even where network ownership or rights in first-run programming is permitted by the rule, the networks will not be allowed to actively syndicate such programming. We believe that requiring that an independent distributor syndicate this programming will provide a layer of protection against network interference with their affiliated stations; programming choices and allay any concerns of affiliate favoritism during the transition to a non-finsyn environment.

18. The 1991 rules lifted the restrictions on the networks' ability to syndicate first-run programming in foreign markets. This modification was intended to increase the competitiveness of the networks in the international marketplace and to provide them with additional relief they requested. The potential for anti-competitive behavior is not relevant to the case of programming syndicated overseas because the purchasers of first-run programming in those markets are neither stations owned by nor affiliated with the networks of their competitors. Thus, it does not appear reasonable to impose regulatory impediments on network participation in this additional

revenue source. However, first-run programs that are also syndicated in the United States implicate our concerns over network behavior in the domestic market, and we therefore apply our domestic restrictions in such cases.

#### D. The Definition of "Network"

19. For purposes of the finsyn rules (and the prime time access rule), our 1991 rules defined "television network" as an entity that provides more than 15 hours of prime time programming per week to affiliates reaching 75 percent of television households nationwide. 47 CFR 73.662(i) (1992). While we are not amending this definition, we are today adopting rules that exempt "emerging networks" from most of the finsyn requirements.<sup>4</sup> We will treat an entity as an "emerging network" if it does not qualify as a network under our § 73.662(i) definition (now redesignated as § 73.662(f)) as of the effective date of the rules, even if it subsequently meets this definition. Adoption of an "emerging network" exemption removes a significant impediment to the development of competition with the major networks, and will precipitate an increase in the amount of programming available to broadcast stations not affiliated with these major networks. Moreover, it preserves a degree of competitive equilibrium in the video marketplace as we move into a period of substantially relaxed rules and, once the network consent decrees are modified, make a transition to no finsyn restrictions. We stress, however, that the exemption is not total. We will require emerging networks to comply with the reporting requirements, once such a network provides 16 hours or more of prime time programming to interconnected affiliates.

#### E. Reporting Requirements

20. We are retaining a set of reporting requirements tailored to facilitate our review of the effects that our actions here will have on network behavior. Although based on the 1991 reporting rules, the following requirements reflect the changes we have adopted today:

(a) Networks must certify compliance with the Commission's remaining finsyn rules.

(b) A network must list all network prime time entertainment programs.

<sup>4</sup> We have previously stated that we would not revisit or revise the prime time access rule (PTAR) in this proceeding, and for this reason we decline to extend the "emerging network" exemption to the PTAR context. See Further Notice of Proposed Rule Making, 5 FCC Rcd 6483, 6489 (1990), 55 FR 47498 (Nov. 14, 1990). Thus, pursuant to § 73.662(i) of our rules (now redesignated as § 73.662(f)), PTAR will continue to apply to television networks once they pass the 15 hour network programming threshold.

whether aired on its own network or another network, and all first-run syndicated programs, in which it holds a financial interest or syndication right. To this end, the network should identify the name of the program, the type of program (i.e., network or first-run), the nature of the interest or right held in the program, the dates the program (if a network program) began and ended its network run, and the date the program (if a first-run syndicated program) first appeared in syndication. Where a network has acquired an interest or right in a program presented to the public before June 5, 1993 (the effective date of the main body of the rules adopted today), the network shall identify the party that initiated negotiations that led to network acquisition of such interest or right.

(c) For the programs described under (b), above, a network must also identify the independent syndicator holding the active syndication rights, the date on which the independent syndicator obtained such rights, and the network's owned and operated and affiliated stations that have obtained the program for exhibition from the independent syndicator.

(d) For any network that actively syndicates prime time entertainment programming or any first-run programs, the network must list the sales to broadcast stations of any such programming it actively syndicates.

21. As was the case with the 1991 rules, reports containing the required information must be placed in the network's owned and operated stations' public files before the first regular business day of September and March of each year. In addition, to facilitate the monitoring and review process described below, we have decided to require the networks to submit these reports to the Commission as well, under the same semi-annual deadlines that apply to placement of the reports in the public file. Networks will be expected to update any information in the reports on these semi-annual dates. Moreover, networks will continue to be required, upon Commission request, to make available for review program contracts relevant to these rules.

22. We conclude that these reporting requirements will help the Commission monitor the efficacy of the rule changes adopted herein and oversee the networks' conduct in the program acquisition and syndication markets. In this connection, the data collected pursuant to these requirements should prove useful in conducting the scheduled review of the new finsyn regime, described below.

#### F. Revised Review Period and Expiration of Residual Restrictions

23. Our decision today reflects our predictive judgment that phased removal of constraints on network participation in the purchase and distribution of programming is likely to best serve the public interest by generating more competition in the marketplace for television programming. At the same time, we are aware of the possible damage that an immediate elimination of all the rules might cause—including significant upheaval and disruption in the industry and potentially harmful competitive abuses not unlike those that led to the original imposition of the rules. Thus, we have identified and are removing the portion of the finsyn rules whose elimination appears least likely to cause such harm and most likely to create positive effects—i.e., the restraints on network acquisition of financial interests and passive syndication rights; and all restraints in connection with programs distributed in foreign markets. We intend to monitor network behavior carefully under this new regime and to test our predictive judgment. We are, however, somewhat less certain about removing constraints on active network syndication of off-network programs and on substantial network involvement in the first-run market. In these areas, there is a closer nexus to our traditional interest in diversity that could be adversely affected if our predictions prove inaccurate.

24. Accordingly, we have decided to retain these restrictions until two years after the district court in the consent decree litigation issues a decision modifying the relevant restrictions of the consent decrees. Eighteen months after a ruling on these consent decree restrictions, we will launch an inquiry to provide an opportunity for comment to those who believe that retention of restrictions is warranted. The burden of proof will be on these proponents of retention. Unless the Commission issues an order to the contrary, all finsyn restrictions will expire six months after the review is launched.

25. In sum, the timeline for review and expiration of the remaining restrictions is as follows:

(1) The Consent Decree Court enters an order modifying the relevant consent decrees' restrictions on financial interest and syndication activity.

(2) No later than eighteen months after the order is entered, the Commission initiates a final review of the remaining rules. The burden of proof in the review shall be on the proponents of retaining the restrictions.

(3) Two years after the order is entered (i.e., six months after the review begins), absent an affirmative Commission action to the contrary, the rules expire.

#### Procedural Matters, Effective Date and Ordering Clauses

26. except for the reporting requirements, the rules the Commission adopts today shall take effect on June 5, 1993, which is the day on which the 1991 rules expire by Court order. Although that period is less than 30 days from publication in the *Federal Register*, we find good cause to shorten the effectiveness period because (1) the new rules remove restrictions on the networks, and (2) this will ensure that no gap exists between the present rules and the new rules. The reporting requirements will take effect upon approval by the Office of Management and Budget.

27. Accordingly, it is ordered that pursuant to the authority contained in sections 4(i), 301, 303(b), (f), (g), (i), and (j), 307(d), 308(b), 309(a), 310, 312, 313, and 314 of the Communications Act of 1934, as amended, part 73 of the Commission's rules is amended.

28. It is further ordered that the amendments to 47 CFR part 73 adopted in this *Second Report and Order* will be effective on June 5, 1993, except for the amendments to § 73.661, which shall be effective upon approval by the Office of Management and Budget.

29. It is ordered that this proceeding is terminated.

30. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. § 100.605, the Commission's final analysis is as follows: Following a decision of the United States Court of Appeals for the Seventh Circuit in *Schurz Communications v. FCC*, 982 F.2d 1043 (7th Cir. 1991), the Commission amends its 1991 financial interest and syndication rules as specified in the *Second Report and Order*. These changes are made in accordance with the Court's remand, the record in this proceeding, and the ongoing changes in the video marketplace since 1991. There were no comments submitted in response to the Initial Regulatory Flexibility Analysis. The Commission has analyzed the Court's opinion, the comments submitted in response to the *Second Further Notice of Proposed Rulemaking*, and the overall record in this proceeding and has decided that amendment of its 1991 financial interest and syndication rules is warranted. The Commission considered retention of the existing rules, or some modification thereof, and has settled on the amended



regulations detailed in the Second Report and Order as constituting the best approach for furthering diversity and competition in the broadcast television program production and syndication marketplace.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Donna R. Searcy, Secretary.

Amendatory Text

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

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 154, 303

32. Section 73.659 is revised to read as follows:

§ 73.659 Television network financial interests and syndication rights in first-run programs.

No television network, other than an "emerging network" defined in § 73.662(g), may hold or acquire continuing financial interests or syndication rights in any first-run non-network program or series distributed in the United States unless the network has solely produced that program or series.

33. Section 73.660 is amended by removing paragraphs (a) and (b), redesignating paragraph (c) as paragraph (b), revising the introductory paragraph of redesignated paragraph (b), and adding new paragraph (a) to read as follows:

§ 73.660 Television network participation in program syndication.

(a) No television network, other than an "emerging network" as defined in § 73.622(g), may actively syndicate any prime time entertainment or first-run non-network program to television stations within the United States. Any programs for which a network holds syndication rights shall be syndicated domestically through an independent syndicator.

(b) Where a television network, other than an "emerging network" as defined in § 73.662(g), has syndication rights in prime time entertainment programming, such programming shall be made available for non-network broadcast exhibition within the United States no later than the earlier of:

\* \* \* \* \*

34. Section 73.661 is revised to read as follows:

§ 73.661 Network television program ownership and syndication reports.

(a) A television network shall maintain reports identifying all network prime time entertainment programs, whether aired on its own or another network, and all first-run non-network programs in which the network holds or acquires financial interests or syndication rights. The network shall identify the name of the program, the type of program (network or first-run), the nature of the interest or right held in the program, the dates the program (if a network program) began and ended its network run, and the date the program (if a first-run program) first appeared in syndication. Where a network has acquired an interest or right in a program presented to the public before June 5, 1993, the network shall identify the party that initiated negotiations that led to network acquisition of such interest or right. Any contract or agreement creating or conveying a financial interest or syndication right shall be made available to the Commission upon request.

(b) For any television network that activity syndicates any prime time entertainment program or any first-run non-network program, the network shall maintain reports that list the sales to broadcast stations of any such programming it actively syndicates. Any contract or agreement creating or conveying the right to engage activity in syndication sales shall be made available to the Commission upon request.

(c) For the programs described under paragraph (a) of this section, a television network shall maintain reports that identify the independent syndicator who holds the active syndication rights, the date on which the independent syndicator obtained such rights, and the network's owned and operated and affiliated stations that have obtained the program for exhibition from the independent syndicator. Any contract or agreement entered into between a network and an independent syndicator creating or conveying the right to engage in syndication shall be made available to the Commission upon request.

(d) Each television network shall certify in writing that it is in compliance with § 73.659 through 73.661.

(e) An "emerging network," as defined in § 73.662(g), is exempt from compliance with the requirements of paragraphs (a) through (d) of this section until it provides to interconnected affiliates, on a regular basis, 16 hours of prime time programming per week

(exclusive of live coverage of bona fide news events of national importance).

(f) The records maintained pursuant to paragraphs (a), (b), (c), and (d) of this section shall be filed with the Commission and placed in the public file of each station owned and operated by the network semi-annually before the first regular business day of September and March of each year. Such records shall be maintained in the public file until the remaining syndication rules expire.

35. Section 73.662 is amended by removing paragraphs (b), (c), (e), and (j), redesignating paragraphs (d), (f), (g), (h), and (i) as paragraphs (b) through (f), and adding new paragraph (g) to read as follows:

§ 73.662 Definitions for television network financial interest, syndication and prime time access rules.

\* \* \* \* \*

(g) An emerging network is an entity not meeting the definition of a "television network," as set forth in paragraph (f) of this section, on June 5, 1993, but which subsequently meets this definition.

36. Section 73.3526 is amended by revising paragraph (a)(11) as follows:

§ 73.3526 Local public inspection file of commercial stations.

(a) \* \* \* \*

(11) Every television broadcast station owned or controlled by a television network shall maintain the records required by § 73.661. These records shall be maintained in the file until the remaining syndication rules expire.

\* \* \* \* \*

[FR Doc. 93-11736 Filed 5-17-93; 8:45 am] BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1023 and 1162

[Ex Parte No. MC-100 (Sub-No. 6)]

Single State Insurance Registration

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising its regulations pertaining to registration by motor carriers with States. The Commission is acting pursuant to the requirements of the Intermodal Surface Transportation Efficiency Act of 1991. The new regulations replace a multi-State motor vehicle and operating authority registration system with a simplified, single-State insurance-based registration system.



**EFFECTIVE DATE:** May 18, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Richard B. Felder, (202) 927-5610

or

Kenneth H. Schwartz, (202) 927-5316  
[TDD for hearing impaired: (202) 927-5721].

**SUPPLEMENTARY INFORMATION:** Section 4005 of Title IV of ISTEA significantly amended 49 U.S.C. 11506—Registration of Motor Carriers by a State. The new law, at 49 U.S.C. 11506(c)(1), required the Commission to prescribe amendments to the regulations that governed the registration system under the old law. The new law required the Commission to replace a multi-State motor vehicle and operating authority registration system with a simplified, single-State, insurance-based registration system. The old regulations were codified at 49 CFR part 1023 and 49 CFR 1162.7 and 1162.8.

In a decision served May 8, 1992, and an Advanced Notice of Proposed Rulemaking (ANPR) published at 57 FR 20072 on May 11, 1992, the Commission requested public participation in the drafting of proposed rules. In a decision served January 22, 1993, and a Notice of Proposed Rulemaking published at 58 FR 5951-5954 on January 25, 1993, the Commission proposed revised regulations it had drafted in light of the public comment received in response to the ANPR and its interpretation of the new law, and it invited additional public comment. The Commission has received and considered comments from the insurance and trucking industries, State regulatory agencies, and other interested parties, and it now is adopting final regulations governing the new registration system. The regulations contain provisions concerning State eligibility to participate, carrier selection of a registration State, annual and supplemental registration requirements, issuance and maintenance of registration receipts, and accounting by registration States. They also prescribe application and registration receipt forms.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927-5721.)

**Environmental and Energy Considerations**

We conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

**Regulatory Flexibility Certification**

Pursuant to 5 U.S.C. 605(b), we ratify our previous conclusion that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose of our action is to reduce an economic burden. The economic impact on small entities, if any, will be to reduce administrative costs and is not likely to be significant within the meaning of the Regulatory Flexibility Act.

**List of Subjects**

**49 CFR Part 1023**

Insurance, Motor carriers, Surety bonds.

**49 CFR Part 1162**

Administrative practice and procedure, Maritime carriers, Motor carriers.

*Decided:* May 10, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden. Commissioner Phillips commented with a separate expression. Chairman McDonald dissented in part and commented in part with a separate expression. Vice Chairman Simmons dissented in part with a separate expression. Commissioner Philbin, joined by Commissioner Walden, dissented in part with a separate expression. Commissioner Walden dissented in part with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1023 and 1162 of the Code of Federal Regulations are amended as follows:

1. Part 1023 is revised to read as follows:

**PART 1023—STANDARDS FOR REGISTRATION WITH STATES**

Sec.

- 1023.1 Definitions.
- 1023.2 Participation by States.
- 1023.3 Selection of registration State.
- 1023.4 Requirements for registration.
- 1023.5 Registration receipts.
- 1023.6 Registration State accounting.
- 1023.7 Violations unlawful; criminal penalties and civil sanctions.

Appendix A to Part 1023—Uniform Application for Single State Registration

Authority: 49 U.S.C. 10321 and 11506; 5 U.S.C. 553.

**§ 1023.1 Definitions.**

(a) *The Commission.* The Interstate Commerce Commission.

(b) *Motor carrier and carrier.* A person authorized to engage in the transportation of passengers or property, as a common or contract carrier, in interstate or foreign commerce, under the provisions of 49 U.S.C. 10922, 10923, or 10928.

(c) *Motor vehicle.* A self-propelled or motor driven vehicle operated by a motor carrier in interstate or foreign commerce under authority issued by the Commission.

(d) *Principal place of business.* A single location that serves as a motor carrier's headquarters and where it maintains or can make available its operational records.

(e) *State.* A State of the United States or the District of Columbia.

**§ 1023.2 Participation by States.**

(a) A State is eligible to participate as a registration State and to receive fee revenue only if, as of January 1, 1991, it charged or collected a fee for a vehicle identification stamp or a number pursuant to the provisions of the predecessor to this part.

(b) An eligible State that intends either to commence or to cease participating in the registration program must publish notice of its intention by the 1st day of July of the year preceding the registration year in which it will commence or cease participating.

**§ 1023.3 Selection of registration State.**

(a) Each motor carrier required to register and pay filing fees must select a single participating State as its registration State. The carrier must select the State in which it maintains its principal place of business, if such State is a participating State. A carrier that maintains its principal place of business outside of a participating State must select the State in which it will operate the largest number of motor vehicles during the next registration year. In the event a carrier will operate the same largest number of vehicles in more than one State, it must select one of those States.

(b) A carrier may not change its registration State unless it changes its principal place of business or its registration State ceases participating in the program, in which case the carrier must select a registration State for the next registration year under the standards of paragraph (a) of this section.

(c) A carrier must give notice of its selection to the State commission of its selected registration State, and, the State commission of its prior registration

State, within 30 days after it has made its selection. If a carrier changes its principal place of business during the annual registration period specified in § 1023.4(b)(2), the carrier may continue to use its prior registration State, if any, for the next registration year.

(d) A carrier must give notice of its selection to its insurer or insurers as soon as practicable after it has made its selection.

#### § 1023.4 Requirements for registration.

(a) Except as provided in paragraph (c)(1) of this section with regard to a carrier operating under temporary authority, only a motor carrier holding a certificate or permit issued by the Commission under 49 U.S.C. 10922 or 10923 shall be required to register under these standards.

(b) A motor carrier operating in interstate or foreign commerce in one or more participating States under a certificate or permit issued by the Commission shall be required to register annually with a single registration State, and such registration shall be deemed to satisfy the registration requirements of all participating States.

(1) The registration year will be the calendar year.

(2) A carrier must file its annual registration application between the 1st day of August and the 30th day of November of the year preceding the registration year. A carrier that intends to commence operating during the current registration year may register at any time, but it must do so before it commences operating.

(3) The registration application must be in the form appended to this part and must contain the information and be accompanied by the fees specified in paragraph (c) of this section. There will be no prorating of fees to account for partial year operations.

(4) A carrier that has changed its registration State since its last filing must identify the registration State with which it previously filed.

(c) A motor carrier must file, or cause to be filed, the following with its registration State:

(1) Copies of its certificates and/or permits. A carrier must supplement its filing by submitting copies of any new operating authorities as they are issued. Once a carrier has submitted copies of its authorities, it may thereafter satisfy the filing requirement by certifying that the copies are on file. A carrier may, with the permission of its registration State, submit a summary of its operating authorities in lieu of copies. A carrier granted emergency temporary authority or temporary authority having a duration of 120 days or less is not

required to file evidence of such authority, but it must otherwise comply with the requirements of this section;

(2) A copy of its proof of public liability security submitted to and accepted by the Commission under 49 CFR part 1043 or a copy of an order of the Commission approving a public liability self-insurance application or other public liability security or agreement under the provisions of that part. A carrier must supplement its filings as necessary to ensure that current information is on file. Once a carrier has submitted, or caused to be submitted, a copy of its proof or order of the Commission, it may thereafter satisfy the filing requirement by certifying that it has done so and that its security, self-insurance, or agreement remains in effect;

(3) A copy of its designation of an agent or agents for service of process submitted to and accepted by the Commission under 49 CFR part 1044. A carrier must supplement its filings as necessary to ensure that current information is on file. Once a carrier has submitted a copy of its designation, it may thereafter satisfy the filing requirement by certifying that its designation is on file; and

(4) A fee for the filing of proof of insurance. In support of such fee, the carrier must submit the following information:

(i) The number of motor vehicles it intends to operate in each participating State during the next registration year;

(ii) The per vehicle fee each pertinent participating State charges, which fee must equal the fee, not to exceed \$10, that such State collected or charged as of November 15, 1991;

(iii) The total fee due each participating State; and

(iv) The total of all fees specified in paragraph (c)(4)(iii) of this section.

(d) Consistent with its obligations under paragraph (c)(2) of this section, a carrier must cause to be timely filed with its registration State copies of any notices of cancellation or of any replacement certificates of insurance, surety bonds, or other security filed with the Commission under 49 CFR part 1043.

(e) A carrier must make such supplemental filings at any time during the registration year as may be necessary to specify additional vehicles and/or States of operation and to pay additional fees.

(f) A motor carrier must submit to its insurer or insurers a copy of the supporting information, including any supplemental information, filed with its registration State under paragraphs (c)(4) and (e) of this section.

(g) The charging or collection of any fee that is not in accordance with the fee system established above is deemed a burden on interstate commerce. This includes fees for the registration or filing of evidence of insurance whether assessed directly upon the carrier or indirectly upon the insurance provider or other party who seeks reimbursement from the carrier.

(h) To the extent any State registration requirement imposes obligations in excess of those specified in this part, the requirement is an unreasonable burden on transportation within the Commission's jurisdiction under 49 U.S.C. 10521(a).

#### § 1023.5 Registration receipts.

(a) On compliance by a motor carrier with the annual or supplemental registration requirements of § 1023.4, the registration State must issue the carrier a receipt reflecting that the carrier has filed the required proof of insurance and paid fees in accordance with the requirements of that section.

(1) The receipt must contain only information identifying the carrier and specifying the States for which fees were paid. Supplemental receipts need contain only information relating to their underlying supplemental registrations.

(b) Receipts issued pursuant to a filing made during the annual registration period specified in § 1023.4(b)(2) must be issued within 30 days. All other receipts must be issued by the 30th day following the date of filing of a fully acceptable supplemental registration application. All receipts shall expire at midnight on the 31st day of December of the registration year for which they were issued.

(c) A carrier is permitted to operate its motor vehicles only in those participating States with respect to which it has paid appropriate fees.

(d) A motor carrier may make copies of receipts to the extent necessary to comply with the provisions of paragraph (e) of this section. However, it may not alter a receipt or a copy of a receipt.

(e) A motor carrier must maintain in each of its motor vehicles a copy(ies) of its receipt(s), indicating that it has filed the required proof of insurance and paid the required fees.

(f) The driver of a motor vehicle must present a copy(ies) of a receipt(s) for inspection by any authorized government personnel on reasonable demand.

(g) No registration State shall require decals, stamps, cab cards, or any other means of registering or identifying

specific vehicles operated by a motor carrier.

**§ 1023.6 Registration State accounting.**

(a) A participating State must, on or before the last day of each month, allocate and remit to each other participating State the appropriate portion of the fee revenue registrants submitted during the preceding month. Each remittance must be accompanied by a supporting statement identifying registrants and specifying the number of motor vehicles for which each registrant submitted fees. A participating State must submit a report of "no activity" to any other participating State for which it collected no fees during any month.

(b) A participating State must maintain records of fee revenue received from and remitted to each other participating State. Such records must specify the fees received from and remitted to each participating State with respect to each motor carrier registrant. A participating State must retain such records for a minimum of 3 years.

(c) A participating State must keep records pertaining to each of the motor carriers for which it acts as a registration State. The records must, at a minimum, include copies of annual and supplemental registration applications containing the information required by § 1023.4(c). A registration State must retain all such records for a minimum of 3 years.

**§ 1023.7 Violations unlawful; criminal penalties and civil sanctions.**

Any violation of the provisions of these standards is unlawful. Nothing in these standards shall be construed to prevent a State from imposing criminal penalties or civil sanctions upon any person or organization violating any provision of them.

**Appendix A to Part 1023—Uniform Application for Single State Registration for Motor Carriers Operating Under Authority Issued by the Interstate Commerce Commission**

Motor Carrier Identification Numbers:  
 ICC MC No.(s.) \_\_\_\_\_  
 US DOT No. \_\_\_\_\_  
 Applicant (Identical to name on ICC order):  
 Name: \_\_\_\_\_  
 D/B/A \_\_\_\_\_  
 Principal Place of Business Address:<sup>1</sup> \_\_\_\_\_

<sup>1</sup> A principal place of business is a single location that serves as a motor carrier's headquarters and

Street \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_  
 Zip \_\_\_\_\_

Mailing Address If Different From Business Address Above:  
 Street \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_  
 Zip \_\_\_\_\_

Type of Registration:  
 **New Carrier Registration**—The motor carrier has not previously registered.  
 **Annual Registration**—The motor carrier is renewing its annual registration.  
 **Supplemental Registration**—The motor carrier is adding additional vehicles or States of travel after its annual registration.  
 **New Registration State Selection**—The motor carrier has changed its principal place of business or its prior registration State has left the registration program. The prior registration State was \_\_\_\_\_  
 **Additional States not registered** in prior years. List \_\_\_\_\_

Type of Motor Carrier: (Check one)  
 Individual  Partnership  Corporation  
 If corporation, give State in which incorporated: \_\_\_\_\_  
 List names of partners or officers:  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

Type of ICC Registered Authority:  
 Permanent Certificate or Permit   
 Temporary Authority (TA)   
 Emergency Temporary Authority (ETA)   
 ICC Certificate(s) or Permit(s):  
 ICC Authority Order(s) attached for initial registration.  
 ICC Authority Order(s) attached for additional grants received.  
 No change from prior year registration.  
**Proof of Public Liability Security:**  
 The applicant is filing, or causing to be filed, a copy of its proof of public liability security submitted to and accepted by the ICC under 49 CFR part 1043.  
 The applicant has filed, or caused to be filed, a copy of its proof of public liability security submitted to and accepted by the ICC under 49 CFR part 1043, and the security remains in effect

where it maintains or can make available its operational records.

**ICC Approved Self-Insurance or Other Securities:**

- ICC Insurance order attached for new carrier registration. (Check one when completing for annual registration.)
- The ICC Order approving the self-insurance plan or other security is still in full force and effect, and the carrier is in full compliance with all conditions imposed by the ICC Order.
- The motor carrier is no longer approved under a self-insurance plan or other security, and the motor carrier will file, or cause to be filed, a copy of proof of public liability security with this application in the registration State.

**Hazardous Materials: (Check one)**  
 The applicant will not haul hazardous materials in any quantity.  
 The applicant will haul hazardous materials that require the following limits in accordance with Title 49 CFR 1043.2:  
 (Check one)  
 Public Liability and Property Damage Insurance of \$1 million.  
 Public Liability and Property Damage Insurance of \$5 million.

**Process Agents:**  
 ICC Form No. BOC-3 or blanket designation attached for new registration.  
 ICC Form No. BOC-3 or blanket designation attached reflecting changes of designation of process agents.  
 No change from prior year registration.

**Certification:**  
 I, the undersigned, under penalty for false statement, certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the applicant. (Penalty provisions subject to the laws of the registration State.)  
 Name (Printed) \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Title \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Date \_\_\_\_\_

**PART 1162—TEMPORARY AUTHORITY (TA) AND EMERGENCY TEMPORARY AUTHORITY (ETA) PROCEDURES UNDER 49 U.S.C. 10928**

2. The authority citation for Part 1162 continues to read as follows:  
**Authority:** 49 U.S.C. 10321; 10928; 5 U.S.C. 559.

**§§ 1162.7 and 1162.8 [Removed]**

3. Sections 1162.7 and 1162.8 are removed.

# Proposed Rules

Federal Register

Vol. 58, No. 94

Tuesday, May 18, 1993

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 93-NM-24-AD]

#### Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped With General Electric CF6-45/50 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive inspections to detect cracking of the number 1 strut idler pulley support bracket assembly, inspections of all associated fasteners for tightness, and replacement of the bracket assembly. This action would add a requirement to perform repetitive visual inspections of the strut web to detect cracking in the area of the pulley bracket, and repair of the strut web, if necessary. This proposal is prompted by a determination that installation of the pulley bracket without proper shimming may result in strut web cracks in the area of the pulley bracket. The actions specified by the proposed AD are intended to prevent loss of engine thrust control.

**DATES:** Comments must be received by July 12, 1993.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-24-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

Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** G. Michael Collins, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2689; fax (206) 227-1181.

#### 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-24-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-24-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

On July 10, 1992, the FAA issued AD 92-16-09, Amendment 39-8318 (57 FR 38251, August 24, 1992), applicable to certain Boeing Model 747 series airplanes equipped with General Electric CF6-45/50 series engines. That AD requires repetitive inspections to detect cracking of the number 1 strut idler pulley support bracket assembly; inspections of all associated fasteners for tightness, and tightening of any loose fasteners found; and replacement of the bracket assembly. That action was prompted by recent reports of fatigue cracks found in the thrust control cable idler pulley support bracket on the number 1 strut. The requirements of that AD are intended to prevent loss of engine thrust control.

Since the issuance of that AD, the manufacturer has advised that installation of the thrust control idler pulley bracket in accordance with the instructions contained in Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, or Revision 1, dated May 28, 1992 (both of which are referenced in AD 92-16-09), may result in strut web cracks in the area of the pulley bracket due to improper shimming of the pulley bracket. This condition, if not corrected, could contribute to failure of the support brackets, which could result in loss of engine thrust control.

Based on this information, Boeing has issued, and the FAA has reviewed and approved, Boeing Alert Service Bulletin 747-76A2083, Revision 2, dated February 25, 1993. Revision 2 to the service bulletin describes procedures, and specifies a compliance schedule, for conducting repetitive visual inspections of the strut web to detect cracking in the area of the pulley brackets. These inspections are to be accomplished if a new bracket assembly had been installed previously in accordance with Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, or Revision 1, dated May 28, 1992. Revision 2 also describes procedures for replacing the number 1 strut idler pulley support bracket assembly and includes instructions for proper shimming of the pulley bracket assembly. Installation of the new bracket assembly in accordance with Revision 2 would eliminate the need for the repetitive inspections.



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 supersede AD 92-16-09 to add a requirement to perform repetitive visual inspections of the strut web to detect cracking in the area of the pulley bracket, and repair of the strut web, if necessary. These actions would be required for those airplanes on which a new pulley bracket assembly has been installed in accordance with Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, or Revision 1, dated May 28, 1992. This proposed AD would continue repetitive inspections to detect cracking of the number 1 strut idler pulley support bracket assembly; inspections of all associated fasteners for tightness, and tightening of any loose fasteners found; and replacement of the bracket assembly. These actions would be required for those airplanes on which a new pulley bracket assembly has not been installed. Replacement of the pulley bracket assembly, and inspection and repair of the strut web would be required in accordance with Revision 2 to the service bulletin described previously. Repair of the pulley bracket assembly would be required to be accomplished in accordance with Revision 1 to the service bulletin described previously. Inspection of the pulley bracket assembly would be required in accordance with either the original version, Revision 1, or Revision 2 to the service bulletin described previously.

There are approximately 140 Boeing Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 4 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 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 \$737 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$5,588, or \$1,397 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

federalism implications to warrant the preparation of a Federalism Assessment.

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8318 (57 FR 38251, August 24, 1992), and by adding a new airworthiness directive (AD), to read as follows:

**Boeing:** Docket 93-NM-24-AD. Supersedes AD 92-16-09, Amendment 39-8318.

**Applicability:** Model 747 series airplanes; line positions 202 through 886, inclusive; equipped with General Electric CF6-45/50 series engines; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent the loss of engine thrust control, accomplish the following:

(a) For those airplanes on which the new bracket assembly has not previously been installed in accordance with Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, or Revision 1, dated May 28, 1992, accomplish the following:

(1) Prior to or upon the accumulation of 9,000 total flight hours on the airplane, or within 600 flight hours after September 28, 1992 (the effective date of AD 92-16-09, Amendment 39-8318), whichever occurs later, perform a visual inspection of the number 1 strut idler pulley support bracket assembly to detect cracks; and inspect all

associated fasteners for proper tightness; in accordance with Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, Revision 1, dated May 28, 1992, or Revision 2, dated February 25, 1993.

(i) If no cracks are found in the bracket assembly, return the airplane to service and repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 600 flight hours.

(ii) If only one crack is found in the bracket assembly and its length is two inches or less, prior to further flight, accomplish the procedures specified in either paragraph (a)(1)(ii)(A) or (a)(1)(ii)(B) of this AD:

(A) Accomplish the interim repair described in Paragraph E. of the Accomplishment Instructions of Boeing Alert Service Bulletin 747-76A2083, Revision 1, dated May 28, 1992. Thereafter, repeat the inspections described in paragraph (a) of this AD at intervals not to exceed 100 flight hours. Within 750 flight hours after installation of the interim repair, replace the bracket assembly in accordance with Boeing Alert Service Bulletin 747-76A2083, Revision 2, dated February 25, 1993. Replacement of the bracket assembly constitutes terminating action for the repetitive inspections required by this paragraph.

(B) Replace the bracket assembly in accordance with Boeing Alert Service Bulletin 747-76A2083, Revision 2, dated February 25, 1993.

(iii) If cracks are found in the bracket assembly, or if only one crack is found and its length exceeds two inches, prior to further flight, replace the bracket assembly in accordance with Boeing Alert Service Bulletin 747-76A2083, Revision 2, dated February 25, 1993.

(iv) If any fasteners are found to be loose, prior to further flight, tighten those fasteners to within specified torque limits, in accordance with Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, Revision 1, dated May 28, 1992, or Revision 2, dated February 25, 1993.

(2) Except as provided by paragraph (a)(1)(ii)(A) of this AD, within 12 months after the effective date of this AD, replace the bracket assembly, in accordance with Boeing Alert Service Bulletin 747-76A2083, Revision 2, dated February 25, 1993. Replacement of the bracket assembly constitutes terminating action for the inspection requirements of this AD.

(b) For those airplanes on which the new bracket assembly has previously been installed in accordance with Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, or Revision 1, dated May 28, 1992, accomplish the following:

(1) Within 30 days after the effective date of this AD, conduct a visual inspection of the strut web to detect cracking in the area of the pulley bracket, in accordance with Boeing Alert Service Bulletin 747-76A2083, Revision 2, dated February 25, 1993. Conduct repetitive visual inspections in accordance with either paragraph (b)(1)(i), (b)(1)(ii), or (b)(1)(iii), as applicable.

(i) If the bracket assembly has been installed within the last 90 days prior to the effective date of this AD, repeat the visual

inspection at the times specified in paragraphs (b)(1)(i)(A), (b)(1)(i)(B), and (b)(1)(i)(C).

(A) Within 90 days after accomplishing the initial visual inspection required by paragraph (b) of this AD;

(B) Within 180 days after accomplishing the initial visual inspection required by paragraph (b) of this AD; and

(C) Within 360 days after accomplishing the initial visual inspection required by paragraph (b) of this AD.

(ii) If the bracket assembly has been installed within the last 91 through 180 days prior to the effective date of this AD, repeat the visual inspection at the times specified in paragraphs (b)(1)(ii)(A) and (b)(1)(ii)(B).

(A) Within 90 days after accomplishing the initial visual inspection required by paragraph (b) of this AD; and

(B) Within 270 days after accomplishing the initial visual inspection required by paragraph (b) of this AD.

(iii) If the bracket assembly has been installed within the last 181 through 360 days prior to the effective date of this AD, repeat the visual inspection within 180 days after accomplishing the initial visual inspection.

(2) If no cracks are detected within 360 days after accomplishing the initial visual inspection required by paragraph (b)(1) of this AD, no further action is required.

(3) If any crack is detected during any of the visual inspections required by paragraph (b) of this AD, prior to further flight, stop drill the crack and install a doubler over the affected area, in accordance with the Boeing 747 Structural Repair Manual, section 51-40-02.

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

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

Issued in Renton, Washington, on May 12, 1993.

David G. Hmiel,  
Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.  
[FR Doc. 93-11684 Filed 5-17-93; 8:45 am]  
BILLING CODE 4010-13-P

#### 14 CFR Part 39

[Docket No. 93-NM-35-AD]

#### Airworthiness Directives; Airbus Industrie Model A320 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 Airbus Industrie Model A320 series airplanes. This proposal would require modification of the web installation between frames 1 and 2. This proposal is prompted by a report that damage was found on the web and fitting on frame 2 during inspection of fatigue test airplanes. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the fuselage.

**DATES:** Comments must be received by July 12, 1993.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-35-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:** Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2140; 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-35-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-35-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 certain Airbus Industrie Model A320 series airplanes. The DGAC advises that damage was found on the web and fitting on the left and right-hand sides of frame 2 during inspection of fatigue test airplanes after 36,226 simulated landings (on an airplane on which Modification No. 20675/P01031 had not been accomplished) and after 60,000 simulated landings (on an airplane on which Modification No. 20675/P01031 had been accomplished, but on which Modification No. 20951/P01337 had not been accomplished). Fatigue damage in this area, if not detected and corrected, could result in reduced structural integrity of the fuselage.

Airbus Industrie has issued Service Bulletin No. A320-53-1002, Revision 1, dated November 30, 1992, that describes procedures for modification of the web installation between frames 1 and 2. This modification involves adding a splice (Modification No. 20951/P01337) on certain airplanes. In addition to adding the splice, a thicker fitting (Modification No. 20675/P01031) would be installed on certain airplanes. Modification of the web installation would improve the fatigue resistance of the webs and fittings at frame 2. The

DGAC classified this service bulletin as mandatory and issued Airworthiness Directive 92-203-032(B), dated September 30, 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 Section 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 modification of the web installation between frames 1 and 2. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Currently, no airplanes of U.S. registry would be affected by this proposed AD. However, should one of the affected airplanes be imported and placed on the U.S. register, it would take approximately 67 work hours per airplane to accomplish the proposed actions, and the average labor rate is \$55 per work hour. Required parts would cost approximately \$2,431 per airplane. Based on these figures, the total cost impact is estimated to be \$6,116 per airplane.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation

prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Airbus Industrie:** Docket 93-NM-35-AD.

**Applicability:** Model A320 series airplanes; manufacturer's serial number (MSN) 005 through 012, inclusive, and MSN's 013 through 024, inclusive; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

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

(a) Modify the web installation between frames 1 and 2 in accordance with Airbus Industrie Service Bulletin No. A320-53-1002, Revision 1, dated November 30, 1992, at the applicable time specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes having MSN's 005 through 012, inclusive: Within 12,000 landings after the effective date of this AD.

(2) For airplanes having MSN's 013 through 024, inclusive: Within 15,000 landings after the effective date of this AD.

(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.

Issued in Renton, Washington, on May 12, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-11682 Filed 5-17-93; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 93-NM-13-AD]

#### Airworthiness Directives; Aerospatiale Model ATR42-200 and -300 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR-42 series airplanes, that currently requires repetitive inspections to detect corrosion and/or fatigue cracking of the main landing gear (MLG) side brace lower arms, and replacement of discrepant parts. That AD was prompted by a report of a failure of a MLG side brace lower arm. This action would limit the applicability of the rule; would require the use of an improved repetitive inspection procedure; and would require replacing both MLG side brace lower arms as terminating action for the repetitive inspections. The actions specified by the proposed AD are intended to prevent inadvertent retraction of the MLG.

**DATES:** Comments must be received by July 12, 1993.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-13-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 Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**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:

##### 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-13-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-13-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

On March 15, 1991, the FAA issued AD 91-08-10, Amendment 39-6953 (56 FR 14462, April 10, 1991), applicable to all Aerospatiale Model ATR-42 series airplanes, to require repetitive ultrasonic inspections to detect corrosion and/or fatigue cracking of the main landing gear (MLG) side brace lower arms, and replacement of discrepant parts. That action was prompted by a report of a failure of a MLG side brace lower arm, due to fatigue damage that initiated from corrosion in the ball bearing housing. The requirements of that AD are intended to prevent inadvertent retraction of the MLG.

Since issuance of that AD, Aerospatiale has issued Service Bulletin

ATR42-32-0036, Revision 3, dated December 12, 1991, that describes improved procedures for repetitive ultrasonic inspections to detect fatigue-damaged parts of both MLG side brace lower arms, and replacement of discrepant parts. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified this service bulletin as mandatory and issued French Airworthiness Directive 91-033-038(B)R2, dated November 13, 1991, in order to assure the continued airworthiness of these airplanes in France.

Also since issuance of that AD, Aerospatiale has issued Service Bulletin ATR42-32-0040, dated February 24, 1992, that describes procedures for accomplishment of Modification 3226, which entails replacement of the MLG side brace assembly. This modification would add chrome plating onto previously unprotected parts, preventing the development of corrosion. The DGAC has not classified this service bulletin as mandatory.

Incorporation of these procedures for improved repetitive ultrasonic inspections and replacement of the MLG side brace assembly would prevent inadvertent retraction of the MLG.

This airplane model is manufactured in France 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 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 supersede AD 91-08-10 to continue to require repetitive ultrasonic inspections to detect fatigue-damaged parts of the main landing gear (MLG) side brace lower arms, and replacement of discrepant parts. Additionally, the proposed AD would require use of an improved repetitive inspection procedure, and the eventual replacement of both MLG side brace lower arms (installation of Modification 3226). When accomplished, the replacement would terminate the need for the repetitive ultrasonic inspections.

The actions would be required to be accomplished in accordance with the service bulletins described previously.

Additionally, the proposed AD would limit the applicability of the rule to exclude those airplanes on which Modification 3226 has been accomplished previously. The manufacturer has installed Modification 3226 on airplanes having serial numbers 293 and subsequent prior to delivery. Airplanes so modified are not subject to the unsafe condition addressed by this proposed AD.

The FAA estimates that 100 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$16,500, or \$165 per airplane.

The FAA has been advised that 25 U.S.-registered airplanes have been modified previously in accordance with the requirements of this AD. Therefore, the future economic cost impact of this rule on U.S. operators is now only \$12,375.

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

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

##### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.



**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39-6953 (56 FR 14462, April 10, 1991) and by adding a new airworthiness directive (AD), to read as follows:

**Aerospatiale:** Docket 93-NM-13-AD.

Supersedes AD 91-08-10, Amendment 39-6953.

**Applicability:** Aerospatiale Model ATR42-200 and -300 series airplanes on which Modification 3226 (as described in Aerospatiale Service Bulletin ATR42-32-0040, dated February 24, 1992) has not been accomplished; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

**Note:** Paragraphs (a), (a)(1), and (a)(2) of this AD restate the initial and repetitive inspection requirements of AD 91-08-10, paragraphs A., A.1., and A.2. As allowed by the phrase, "unless accomplished previously," if the initial and repetitive inspections required by AD 91-08-10 have been accomplished previously, paragraphs (a), (a)(1), and (a)(2) of this AD do not require that those inspections be repeated.

To prevent inadvertent retraction of the MLG, accomplish the following:

(a) Perform an ultrasonic inspection of the MLG side brace lower arm in accordance with Aerospatiale Service Bulletin ATR42-32-0036, Revision 1, dated February 15, 1991, and Messier-Bugatti Service Bulletin 631-32-070, Revision 1, dated February 12, 1991, at the thresholds given in paragraphs (a)(1) and (a)(2) of this AD. Repeat the ultrasonic inspections thereafter at intervals not to exceed 1,000 landings until the inspection required by paragraph (b) of this AD is accomplished.

(1) For airplanes that have accumulated 6,000 or more total landings on either the left or right main landing gear (MLG) side brace lower arms as of May 6, 1991 (the effective date of AD 91-08-10, Amendment 39-6953): Perform the initial inspection prior to the accumulation of 8,000 total landings on either the left or right MLG side brace lower arms, or within 14 days after May 6, 1991 (the effective date of AD 91-08-10, Amendment 39-6953), whichever occurs later.

(2) For airplanes that have accumulated less than 6,000 total landings on either the left or right MLG side brace lower arms as of

May 6, 1991 (the effective date of AD 91-08-10, Amendment 39-6953): Perform the initial inspection prior to the accumulation of 6,000 total landings on either the left or right MLG side brace lower arms, or within 90 days after May 6, 1991 (the effective date of AD 91-08-10, Amendment 39-6953), whichever occurs later.

(b) For those airplanes that previously have accomplished the ultrasonic inspections in accordance with paragraph (a) of this AD: Within 1,000 landings after the last inspection required by paragraph (a) of this AD, or within 90 days after the effective date of this AD, whichever occurs later, perform the ultrasonic inspection procedure in accordance with Aerospatiale Service Bulletin ATR42-32-0036, Revision 3, dated December 12, 1991. Repeat this inspection thereafter at intervals not to exceed 1,000 landings. Accomplishment of the requirements of this paragraph constitutes terminating action for the repetitive ultrasonic inspections in accordance with Revision 1 of that service bulletin required by paragraph (a) of this AD.

(c) For those airplanes that have not previously accomplished the ultrasonic inspections in accordance with paragraph (a) of this AD: Prior to the accumulation of 6,000 total landings on either the left or right MLG side brace lower arms, or within 90 days after the effective date of this AD, whichever occurs later, perform an ultrasonic inspection of the MLG side brace lower arm in accordance with Aerospatiale Service Bulletin ATR42-32-0036, Revision 3, dated December 12, 1991. Repeat this inspection thereafter at intervals not to exceed 1,000 landings.

(d) If any ultrasonic inspection result exceeds the acceptance criteria specified in Aerospatiale Service Bulletin ATR42-32-0036, Revision 1, dated February 15, 1991, or Revision 3, dated December 12, 1991, prior to further flight, replace the discrepant MLG side brace lower arm with a new or serviceable part, in accordance with either service bulletin. Following replacement of discrepant parts, continue to repeat the ultrasonic inspection procedure in accordance with Aerospatiale Service Bulletin ATR42-32-0036, Revision 3, dated December 12, 1991, at intervals not to exceed 1,000 landings.

(e) Prior to the accumulation of 15,000 total landings, or within 12 months after the effective date of this AD, whichever occurs later, install Modification 3226, in accordance with Aerospatiale Service Bulletin ATR42-32-0040, dated February 24, 1992. Installation of Modification 3226 constitutes terminating action for the repetitive ultrasonic inspections of the MLG side brace lower arm required by this AD.

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

**Note:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

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

Issued in Renton, Washington, on May 12, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-11683 Filed 5-17-93; 8:45 am]

BILLING CODE 4810-13-P

**14 CFR Part 71**

[Airspace Docket No. 92-AGL-10]

**Proposed Alteration of VOR Federal Airway V-413**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would modify Federal Airway V-413 by extending the airway from the Ironwood, MI, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to the Eau Claire, WI, VORTAC. This action would expedite the flow of air traffic and reduce the controller's workload.

**DATES:** Comments must be received on or before July 6, 1993.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AGL-500, Docket No. 92-AGL-10, Federal Aviation Administration, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 92-AGL-10." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rule Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify V-413 by extending the airway from the Ironwood, MI, VORTAC to the Eau Claire, WI, VORTAC. This action would reduce the controller's workload, and would expedite the flow of air

traffic. Domestic VOR Federal Airways are published in section 71.123 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The airway listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Domestic VOR Federal airways, Incorporation by reference.

**The Proposed Amendment**

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

**PART 71—[AMENDED]**

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7A, Compilation or Regulations, dated November 2, 1992, and effective November 27, 1992, is amended as follows:

**Section 71.123 Domestic VOR Federal Airways**

\* \* \* \* \*

**V-413 [Revised]**

From Ironwood, MI; Eau Claire, WI; INT Eau Claire 269° and Gopher, MN, 109° radials; Gopher, INT Gopher 321° and Brainerd, MN, 174° radials; Brainerd.

\* \* \* \* \*

Issued in Washington, DC, on May 10, 1993.

**Willis C. Nelson,**

*Acting Manager, Airspace-Rules and Aeronautical Information Division.*

[FR Doc. 93-11717 Filed 5-17-93; 8:45 am]

**BILLING CODE 4010-13-M**

**Coast Guard****33 CFR Part 165**

[CGD1 93-001]

**Safety Zone; Boston Inner Harbor, Boston, MA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent safety zone around the USS CASSIN YOUNG (DD-793), with the size of the zone varying appropriate to prevailing conditions. This zone is needed to safeguard CASSIN YOUNG as an historic national maritime attraction and to protect other vessels and persons from the risk of collision, damage or personal injury due to the limited maneuverability of the CASSIN YOUNG while under tow. Implementation of this safety zone will enhance safe navigation in Boston Harbor by defining permanent operational parameters for public viewing of USS CASSIN YOUNG (DD-793) when it is underway.

**DATES:** Comments must be received on or before July 2, 1993.

**ADDRESSES:** Comments may be mailed to the Commanding Officer, USCG Marine Safety Office, 455 Commercial Street, Boston, MA 02109-1045, or may be delivered to room 234 at the above address between 7:30 a.m. and 4 p.m. Monday through Friday, except federal holidays. The telephone number is (617) 223-3000. The Marine Safety Office Boston maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 234, Marine Safety Office Boston.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Chris Oelschlegel, USCG Marine Safety Office Boston, at (617) 223-3000.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD1 93-001) and the specific section

of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a self-addressed postcard or envelope. The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Office Boston at the address under ADDRESSES. If it is determined that the opportunity for oral presentation will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

#### Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Chris Oelschlegel, project officer for the Captain of the Port of Boston, and Lieutenant Commander Jeffrey Stieb, project attorney, First Coast Guard District Legal Office.

#### Background and Purpose

The USS CASSIN YOUNG (DD-793), a 376 foot World War II Fletcher Class destroyer operated by the National Park Service in Boston, had a distinguished combat career in the Pacific during World War II and also participated in the Korean Conflict. CASSIN YOUNG now serves as a permanent national memorial to destroyermen and the ships they served on. To protect the vessel, the Captain of the Port (COTP) Boston has routinely established a temporary moving safety zone around CASSIN YOUNG whenever it is underway in Boston Harbor.

CASSIN YOUNG's Columbus Day Turnaround Cruise is an annual event in Boston Harbor. Typically, at 10 a.m. on the Columbus Day weekend, CASSIN YOUNG departs berth at Pier 1, Charlestown Navy Yard, with veterans and visitors on board. The CASSIN YOUNG, sometimes joined by other parade vessels is towed outbound by two tug boats through Boston Inner Harbor to the vicinity of Buoys 2 and 4 off Castle Island. At that point CASSIN YOUNG and any accompanying parade vessels turn and proceed inbound. Experience has demonstrated that this annual event attracts numerous spectator vessels and may create significant congestion in Boston Harbor. The limited maneuverability of CASSIN YOUNG and other participating vessels while underway for this event poses a hazard for spectator vessels in the area, precipitating the need for a safety zone.

A moving safety zone around the USS CASSIN YOUNG (DD-793), and any other associated parade vessels, during the event minimizes the chances of collision with other vessels by eliminating crossing or overtaking situations and helps to provide sufficient maneuvering room for participating vessels. It also minimizes disruption to other vessel traffic, as operators can schedule vessel movements before or after CASSIN YOUNG's transit.

In addition to this annual event CASSIN YOUNG occasionally gets underway in Boston Harbor for other special events. Like CASSIN YOUNG's Columbus Day Turnaround Cruise, these events are well published and attract many spectator vessels, creating the similar need for a safety zone. Accordingly, the COTP Boston proposes to establish a permanent moving safety zone for one hundred yards in all directions around the USS CASSIN YOUNG (DD-793) and around each accompanying parade vessel whenever such vessels are underway together in Boston Harbor.

Scheduled movements of the USS CASSIN YOUNG (DD-793) and the names and berthing locations of accompanying parade vessels will be published in the Local Notice to Mariners and in a Safety Marine Information Broadcast. During scheduled events, other marine traffic may not enter the moving safety zone without authorization from the COTP Boston.

#### Regulatory Evaluation

This proposal is not major under Executive Order 12291 on Federal Regulations and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary. Costs to the shipping industry from these regulations, if any, will be minor and have no significant adverse financial effect on vessel operators as the events will normally be of less than three hours duration. Deep draft vessel traffic, fishing vessels, and tour boats may experience slight delays in departures or arrivals during the transit, however, mariners can time their movements just ahead or just after USS CASSIN YOUNG (DD-793) has completed its transit. The practice of establishing a safety zone to protect CASSIN YOUNG and accompanying parade vessels underway in Boston Harbor has been in effect for many years.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since this action will cause only slight, intermittent delays in transits by deep draft vessel traffic, fishing vessels, and tour boats, no significant adverse economic impact should result from this proposed rulemaking. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

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

#### Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this proposal and concluded under section 2.B.2.C of Commandant Instruction M16475.1B, this rulemaking is categorically excluded from further environmental documentation. In fact, implementation of this rulemaking should help to preserve a national historic landmark and protect the environment by reducing the risk of collision or other marine accidents. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

#### List of Subjects in 33 CFR Part 165

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

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

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

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. A new § 165.112 is added to read as follows:

**§ 165.112 Safety zone: USS CASSIN YOUNG, Boston, Massachusetts.**

(a) *Location.* The following area is a safety zone: Around the USS CASSIN YOUNG (DD-793) and any accompanying parade vessels when CASSIN YOUNG is underway. The zone extends 100 yards in all directions in the waters around the CASSIN YOUNG and accompanying parade vessels whenever the USS CASSIN YOUNG is underway in Boston Harbor from the time the CASSIN YOUNG departs its berth until it is safely moored.

(b) *Regulations.* The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

Dated: May 5, 1993.

G.W. Abrams,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 93-11738 Filed 5-17-93; 8:45 am]

BILLING CODE 4010-14-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA-22-2-5891; FRL-4656-6]

**Approval And Promulgation of Implementation Plans: California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPR).

**SUMMARY:** EPA is proposing to approve a revision to the California State Implementation Plan (SIP) adopted by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) on September 19, 1991. The California Air Resources Board (CARB) submitted this revision to EPA on January 28, 1992. The revision concerns SJVUAPCD Rule 460.2, Motor Vehicles and Mobile Equipment Refinishing. This rule controls organic compounds from non-assembly line motor vehicle and mobile equipment refinishing operations. The intended effect of this proposed rule is

to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended (CAA or the Act). EPA has evaluated this rule and is proposing to approve it under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the Clean Air Act, as amended in 1990. On March 22, 1993, EPA published a direct-final rulemaking notice in the Federal Register approving SJVUAPCD Rule 460.2, and one comment was received. In that notice EPA announced that if notice was received within 30 days of the publication for approval, that adverse or critical comments would be submitted, EPA would withdraw the notice before the effective date (May 21, 1993) of the rule and that another notice would be published announcing a proposal of approval with a 30-day comment period. EPA is now proposing approval of SJVUAPCD's Rule 460.2, Motor Vehicles and Mobile Equipment Refinishing. EPA is also publishing a withdrawal of the March 22, 1993 notice of direct-final approval in a separate rulemaking document published elsewhere in this issue of the Federal Register.

**DATES:** Comments must be received on or before June 17, 1993.

**ADDRESSEES:** Comments may be mailed to: Esther Hill, Rulemaking Section I (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

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

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

San Joaquin Valley Unified Air Pollution Control District, 1745 West Shaw, Suite 104, Fresno, CA 93711.

**FOR FURTHER INFORMATION CONTACT:**

Christine Vineyard, Rulemaking Section II (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1195, FAX: (415) 744-1076.

**SUPPLEMENTARY INFORMATION:****Background**

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the

following eight air pollution control districts (APCDs): Fresno County APCD, Kern County,<sup>1</sup> Kings County APCD, Madera County APCD, Merced County APCD, San Joaquin County APCD, Stanislaus County APCD, and Tulare County APCD. 43 FR 8964, 40 CFR 81.305. Because Fresno, San Joaquin, and Stanislaus counties were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172 (a)(2), and EPA approved, an extension of the attainment date to December 31, 1987.<sup>2</sup> On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

On March 20, 1991, the SJVUAPCD was formed. The SJVUAPCD has authority over the San Joaquin Valley Air Basin which includes all of the above eight counties except for the Southeast Desert Air Basin portion of Kern County. Thus, Kern County Air Pollution Control District (KCAPCD) still exists, but only has authority over the Southeast Desert Air Basin portion of Kern County.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amended guidance.<sup>3</sup> EPA's SIP-Call used that

<sup>1</sup> At that time, Kern County included portions of two air basins: the San Joaquin Valley Air Basin and the Southeast Desert Air Basin. The San Joaquin Valley Air Basin portion of Kern County was designated as nonattainment, and the Southeast unclassified. See 40 CFR 81.305 (1991).

<sup>2</sup> This extension was not requested for Kern, Kings, Madera, Merced, and Tulare Counties. The attainment date for these Counties remained December 31, 1982.

<sup>3</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT. 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register



guidance to indicate the necessary corrections for specific nonattainment areas. APCDs found in the San Joaquin Valley Air Basin (now collectively known as the SJVUAPCD) were subject to the RACT fix-up requirement and the May 15, 1991 deadline.<sup>4</sup>

The State of California submitted many revised RACT rules for incorporation into its SIP on May 30, 1991, including the rule being acted on in this notice. This notice addresses EPA's proposed action for SJVUAPCD Rule 460.2, Motor Vehicles and Mobile Equipment Refinishing. This submitted rule was found to be complete on April 3, 1992 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V<sup>5</sup> and is being proposed for approval into the SIP.

Rule 460.2 controls VOC emissions from non-assembly line motor vehicle and mobile equipment refinishing operations. VOCs contribute to the production of ground level ozone and smog. This rule was adopted as part of each district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for this rule.

#### EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 3. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control

Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). For some source categories, such as mobile vehicles and mobile equipment refinishing, EPA did not publish a CTG. In such cases, the District will make a determination of what controls are required to satisfy the RACT requirement, by reviewing the operations of facilities with the affected source category. In that review, the technological and economic feasibility of the proposed controls were considered. Additionally, for both CTG and non-CTG rules, the District may rely on EPA policy documents, such as the Blue Book, to ensure that the adopted VOC rules are fully enforceable and strengthen or maintain the SIP.

SJVUAPCD's Rule 460.2, Mobile Vehicles and Mobile Equipment Refinishing, includes the following significant changes from the current SIP rule:

- Addition of a capture efficiency test method.
- Addition of a utility body coating operations requirement to provide standards for operations that coat less than 20 utility bodies per day.
- Revisions to the compliance section for sources installed or constructed on or after April 11, 1991.

A few minor revisions were also made and are described in the technical support document.

EPA has evaluated the submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, SJVUAPCD's Rule 460.2, Motor Vehicles and Mobile Equipment Refinishing, is being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

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

#### Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 et. seq., EPA must prepare a regulatory flexibility analysis

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

SIP approvals under sections 110 and part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410 (a) (2).

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

#### List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401-7671q.

Dated: May 7, 1993.

Harry Seraydarian,

Acting Regional Administrator.

[FR Doc. 93-11670 Filed 5-17-93; 8:45am]

BILLING CODE 6560-50-P

Notice" (Blue Book) (notice of availability was published in the *Federal Register* on May 25, 1988); and the existing control technique guidelines (CTGs).

<sup>4</sup>The San Joaquin Valley Air Basin was redesignated nonattainment and classified as serious by operation of law pursuant to sections 107(d) and 181(a) on November 15, 1990. See 56 FR 56694 (November 8, 1991).

<sup>5</sup>EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).



**40 CFR Part 80****[AMS-FRL-4656-8]****Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline and Conventional Gasoline****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of extension of comment period and public workshop.

**SUMMARY:** EPA is extending the comment period for certain issues in the reformulated gasoline rulemaking. This extension applies to comments on the complex model itself, and those issues directly affected by any revisions in the complex model. This notice also announces the time and place for a public workshop related to EPA's development of the complex emissions model for reformulated gasoline.

**DATES:** The comment period for the reformulated gasoline rulemaking will be extended through July 2, 1993 or thirty days after submission by EPA of complex model workshop materials to EPA Air Docket A-92-12, whichever is later. In its submission, EPA will identify those workshop materials that meet this criteria and hence activate the thirty day comment period. EPA will also publish a subsequent **Federal Register** notice identifying the date the comment period will close. This extension applies to comments on the complex model, and those issues directly affected by any changes in the complex model.

The public workshop will be held on Wednesday, June 2, 1993. It will start at 10 a.m. and will continue until 4:00 p.m.

**ADDRESSES:** Interested parties may submit written comments which are specific to the complex model and those proposed provisions it impacts (in duplicate if possible) to Public Docket No. A-92-12, at: Air Docket Section (LE-131), U.S. Environmental Protection Agency, Attention: Docket No. A-92-12, First Floor, Waterside Mall, rm. M-1500, 401 M Street, S.W., Washington, DC 20460.

The public workshop will be held at the Ramada Inn near the Detroit Metropolitan Airport. The address of the hotel is 8270 Wickham Road, Romulus, Michigan and the telephone number is (313) 729-6300.

Materials related to this workshop and the reformulated gasoline complex model rulemaking, including documents distributed at earlier workshops, have been placed in Dockets A-91-02 and A-92-12 by EPA. These dockets are located at the address for

submitting comments and may be inspected between 8:30 a.m. and noon and between 1:30 p.m. and 3:30 p.m., Monday through Friday. EPA may charge a reasonable fee for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Ms. Joann Jackson Stephens, Regulation Development and Support Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone: (313) 668-4276.

**SUPPLEMENTARY INFORMATION:****Background**

Section 211(k) of the Clean Air Act, as amended, authorizes EPA to promulgate regulations establishing the requirements for a reformulated gasoline program. This program would improve air quality by reducing motor vehicle emissions of toxic and tropospheric ozone-forming compounds. To date EPA has published four separate notices proposing various requirements for reformulated gasoline. See 56 FR 31176 (July 9, 1991); 57 FR 13416 (April 16, 1992); 58 FR 11722 (February 26, 1993); and 58 FR 17175 (April 1, 1993).

On April 16, 1992 EPA proposed requirements for certifying reformulated gasoline during the first years of the RFG program (see 57 FR 13416). These requirements for compliance with the required toxics and VOC reduction are called the "simple model". In addition, EPA recently published a Notice of Proposed Rulemaking (58 FR 11722) on February 26, 1993 containing an emissions model for use in certifying reformulated gasoline in the subsequent years of the RFG program, as well as revisions to the earlier proposal. The emissions model first proposed in February 1993 is called the "complex model".

The Agency has received extensive feedback, comment, and criticism on the proposed complex model. Both in the February 1993 proposal and at the April 14-15, 1993 public hearing on reformulated gasoline held in Sterling, Virginia, the Agency described its intent to continue revising the complex model. At the public hearing, EPA also announced that it would conduct a subsequent workshop to discuss the methodology used to develop the model and present proposed revisions.

This notice announces the schedule for holding the complex model workshop discussed at the public hearing. EPA has sponsored a series of complex model workshops during the past year. The insight provided by workshop participants has assisted the Agency in developing the proposed

complex model. This sixth workshop will continue that process and contribute to the promulgation of a final rule establishing a complex emission model for the reformulated gasoline program.

All workshops in the series have been open to the public. The dates and locations of the previous workshops are listed below:

- Wednesday, January 22, 1992 and Thursday, January 23, 1992 in Ann Arbor, Michigan
- Tuesday, February 18, 1992 in Ann Arbor, Michigan
- Tuesday, April 28, 1992 in Ann Arbor, Michigan
- Tuesday, August 25, 1992 in Romulus, Michigan
- Thursday, September 10, 1992 in Romulus, Michigan

The purpose of these earlier workshops and supplementary information regarding the workshops can be found in 57 FR 2068 (January 17, 1992), 57 FR 5409 (February 14, 1992), 57 FR 10323 (March 25, 1992), 57 FR 37744 (August 20, 1992) and 57 FR 38651 (August 26, 1992) as well as in the Dockets noted above.

**Public Workshop**

The June workshop is the sixth in this series of public workshops. At the workshop, the Agency will present for public review and comment one or more complex models which have recently been developed for consideration for the final rule. In addition, EPA will present for discussion the analysis methodology used in developing these models. One to two weeks prior to the workshop, EPA will place a version of the complex model under consideration entitled "CM-4A.WK3" on the OAQPS TTN network in the CAAA directory. Copies may also be obtained from Marie Tolonen at (313) 668-4295, provided that she is supplied with 3 1/2 inch IBM formatted diskettes by the requestor.

Other presentations regarding complex model exhaust and non-exhaust emission models, analysis methodology, and proposed next steps are encouraged. Those interested in making such presentations should notify Mike Sklar at (313) 741-7817 of such intent at least five days before the workshop. Interested speakers should also provide an estimate of the time required for the presentation of the testimony and any need for audio/visual equipment. Questions will be taken after each presentation.

**Public Comment Period**

EPA invites comments on all matters related to the complex model raised at the workshop, and has therefore

extended the public comment period for the reformulated gasoline rulemaking through July 2, 1993 or such other date as described above in the **DATES** section. Whenever applicable, full supporting data and detailed analysis should also be submitted to allow EPA to make maximum use of the comments. All comments should be directed to the EPA Air Docket No. A92-12 (see **ADDRESSES**). This extension applies only to comments on the complex model, and those issues directly affected by changes in the complex model. The comment period for all other issues ended May 15, 1993, thirty days after the public hearing held on April 14-15, 1993.

Any proprietary information submitted for the Agency's consideration should be marked to distinguish it from other submittals and clearly labelled "Confidential Business Information." Proprietary information should be sent directly to the contact person listed above, and not to the

public docket, to ensure that it is not inadvertently placed in the docket. Information thus labelled and directed shall be covered by a claim of confidentiality and will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR Part 2. If no claim of confidentiality accompanies a submission when it is received by EPA, it may be made available to the public without further notice to the submitter.

#### **Public Participation**

EPA strongly encourages full public participation in the development and assessment of information that will be used in developing a complex model. This workshop will help EPA determine the best methods in developing the complex model, and EPA welcomes public input regarding the complex model and the methods most appropriate for use in developing this model.

EPA suggests that enough copies of the material for presentation be brought to the workshop for distribution to the audience. EPA anticipates attendance of 70 to 100 people. In addition, it will be helpful for EPA to receive an advance copy of any material for presentation before the scheduled workshop date so as to allow EPA staff to give such material full consideration.

Mr. Richard Rykowski, Chief for the Fuel Studies and Standards Branch in the Regulation and Support Division of EPA's Office of Mobile Sources will chair the workshop. The workshop will be conducted informally, and technical rules of evidence will not apply.

Dated: May 13, 1993.

**Richard D. Wilson,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 93-11876 Filed 5-17-93; 8:45 am]

**BILLING CODE 6560-60-P**

# Notices

Federal Register

Vol. 58, No. 94

Tuesday, May 18, 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

### Animal and Plant Health Inspection Service

[Docket No. 93-055-1]

#### Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits To Field Test Genetically Engineered Organisms

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that 26 environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of these genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its

findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

**ADDRESSES:** Copies of the environmental assessments and findings of no significant impact are available for public inspection 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 those documents are encouraged to call ahead on (202) 690-2817 to facilitate entry into the reading room.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, BBEP, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessments and findings of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit numbers listed below when ordering documents.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a

limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing each permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits to allow the field testing of the following genetically engineered organisms:

Permit No.	Permittee	Date Issued	Organisms	Field test location
92-330-01 .....	Pioneer HI-Bred International, Incorporated.	04-13-93	Corn plants genetically engineered to express resistance to European corn borer and other insect pests of corn.	Hawaii, Iowa.
93-014-01 .....	Ciba-Gelgy Corporation.	04-13-93	Corn plants genetically engineered to express a delta-endotoxin from <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> for resistance to European corn borer.	Florida, Hawaii, Illinois, Iowa, Nebraska, North Carolina.
93-033-01 .....	PetoSeed Research Center.	04-13-93	Tomato plants genetically engineered to express the enzyme invertase for increased soluble solids.	California.
93-034-01 .....	Calgene, Incorporated	04-13-93	Cotton plants genetically engineered to express a nitrilase enzyme for tolerance to the herbicide bromoxynil.	Alabama, Arizona, Arkansas, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas.

Permit No.	Permittee	Date Issued	Organisms	Field test location
93-047-02, renewal of permit 91-051-03, issued on 05-30-91.	Upjohn Company .....	04-13-93	Soybean plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Arkansas, Illinois, Maryland.
92-325-01, renewal of permit 90-345-02, issued on 05-02-91.	Washington State University.	04-14-93	Potato plants genetically engineered to express disease resistance response genes from the pea.	Washington.
93-019-01, renewal of permit 92-002-05, issued on 05-05-92.	Pioneer Hi-Bred International, Incorporated.	04-14-93	Corn plants genetically engineered to express a resistance to maize dwarf mosaic virus.	Iowa.
93-026-03, renewal of permit 90-135-01, issued on 09-04-90.	University of Wisconsin-Madison.	04-14-93	<i>Pseudomonas syringae</i> genetically engineered to be avirulent through the use of Tn5.	Wisconsin.
93-021-10, renewal of permit 92-017-04, issued on 05-15-92.	Hoechst Roussel Agr-Vet Company.	04-15-93	Corn plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Illinois, Indiana, Iowa, Nebraska.
93-067-02, renewal of permit 90-360-01, issued on 04-21-92.	U.S. Department of Agriculture, Agricultural Research Service, Albany, California.	04-15-93	Potato plants genetically engineered to express tolerance to the herbicide bromoxynil.	Idaho.
92-363-05 .....	Monsanto Agricultural Company.	04-16-93	Potato plants genetically engineered to express a delta-endotoxin from <i>Bacillus thuringiensis</i> subsp. <i>tenebrionis</i> , resistance to potato leaf roll virus and potato virus Y, and a gene to increase the solid matter.	Colorado, Idaho, Maine, Maryland, Michigan, Montana, New York, North Dakota, Ohio, Oregon, Pennsylvania, Washington.
92-244-01, renewal of permit 91-346-01, issued on 04-16-92.	Calgene, Incorporated	04-19-93	Rapeseed plants genetically engineered to express sense or anti-sense desaturase genes, a thioesterase gene, and a reductase gene, for oil modification.	Michigan.
92-363-06 .....	Dekalb Plant Genetics	04-19-93	Corn plants genetically engineered to express methionine-rich storage protein genes.	Hawaii.
92-363-01, renewal of permit 91-346-01, issued on 04-16-92.	Calgene, Incorporated	04-20-93	Rapeseed plants genetically engineered to express sense or anti-sense desaturase genes, a thioesterase gene, and a reductase gene, for oil modification.	Michigan.
93-011-04, renewal of permit 92-073-03, issued on 05-15-92.	Monsanto Agricultural Company.	04-20-93	Soybean plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Minnesota.
93-026-08, renewal of permit 92-002-04, issued on 04-30-92.	Pioneer Hi-Bred International, Incorporated.	04-20-93	Corn plants genetically engineered to express resistance to maize chlorotic mottle virus.	Nebraska.
92-335-01, renewal of permit 92-037-05, issued on 05-01-92.	Monsanto Agricultural Company.	04-22-93	Soybean plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Ohio, South Carolina, Tennessee, Texas.
93-021-11, renewal of permit 92-043-01, issued on 06-05-92.	Hoechst Roussel Agr-Vet Company.	04-22-93	Corn plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Minnesota.
93-026-01, renewal of permit 92-015-01, issued on 05-11-92.	Monsanto Agricultural Company.	04-22-93	Soybean plants genetically engineered to express tolerance to the phosphinothricin class of herbicides.	Arkansas.
93-067-01, renewal of permit 92-034-03, issued on 05-14-92.	Heinz U.S.A. ....	04-22-93	Tomato plants genetically engineered to express a pectin methylsterase antisense gene to increase the soluble solid content.	California.
93-077-02, renewal of permit 91-353-02, issued on 03-06-92.	University of California, Davis.	04-22-93	Tomato plants genetically engineered to express maize transposable elements <i>Activator</i> and <i>Dissociation</i> .	California.
93-022-02, renewal of permit 92-022-03, issued on 05-04-92.	Pioneer Hi-Bred International, Incorporated.	04-22-93	Corn plants genetically engineered to express wheat germ agglutinin for resistance to European corn borer.	Iowa.
93-085-01, renewal of permit 91-078-01, issued on 06-05-91.	DNA Plant Technology Corporation.	04-22-93	Tomato plants genetically engineered to express the chitinase gene for resistance to fungal plant pathogens.	California.
92-351-01 .....	Frito-Lay, Incorporated.	04-26-93	Potato plants genetically engineered to express metabolic enzymes in order to increase levels of dry matter in potato tubers.	Wisconsin.

Permit No.	Permittee	Date issued	Organisms	Field test location
92-365-07 .....	Cornell University .....	04-26-93	Apple rootstock genetically engineered to express resistance to fire blight disease.	New York.
93-014-03 .....	Northrup King Company.	04-26-93	Corn plants genetically engineered to express a delta-endotoxin from <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> strain HD-1 for resistance to European corn borer or to express resistance to maize dwarf mosaic virus strain B.	Illinois, Iowa, Kentucky, Minnesota, Nebraska, Ohio, Pennsylvania, Wisconsin.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 12th day of May 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-11757 Filed 5-17-93; 8:45 am]

BILLING CODE 3410-34-P

[Docket No. 93-054-1]

#### Receipt of Permit Applications for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

**SUMMARY:** We are advising the public that eight applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

**ADDRESSES:** Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect an application are encouraged to call ahead on (202) 690-2817 to facilitate entry into the reading room. You may obtain copies of the documents by writing to the person listed under "FOR FURTHER INFORMATION CONTACT."

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, BBEP, APHIS,

USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organisms	Field test location
93-105-01	Michigan State University ...	04-15-93	Melon plants genetically engineered to express resistance to zucchini yellow mosaic virus.	Michigan.
93-105-02	University of Florida .....	04-15-93	Peanut plants genetically engineered to express resistance to tomato spotted wilt virus and a marker gene for tolerance to the phosphinothricin class of herbicides.	Florida.
93-105-04	Michigan State University ...	04-15-93	Melon plants genetically engineered to express resistance to zucchini yellow mosaic virus and a marker gene for tolerance to the phosphinothricin class of herbicides.	Michigan.
93-105-05	Michigan State University ...	04-15-93	Cucumber plants genetically engineered to express resistance to zucchini yellow mosaic virus and a marker gene for tolerance to the phosphinothricin class of herbicides.	Michigan.
93-105-06	New York State Agricultural Experiment Station .....	04-15-93	Squash plants genetically engineered to express resistance to cucumber mosaic virus.	New York.
93-105-07	New York State Agricultural Experiment Station .....	04-15-93	Melon plants genetically engineered to express resistance to cucumber mosaic virus.	New York.
93-105-08	New York State Agricultural Experiment Station .....	04-15-93	Tomato plants genetically engineered to express resistance to cucumber mosaic virus.	New York.
93-106-01	University of Kentucky .....	04-16-93	Tobacco plants genetically engineered to express resistance to tobacco etch virus.	Kentucky.



Done in Washington, DC, this 12th day of May 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-11756 Filed 5-17-93; 8:45 am]

BILLING CODE 3410-34-P

## Forest Service

### Environmental Impact Statement for Oil and Gas Leasing on Lands Administered by the Dixie National Forest, Iron, Garfield, Kane, Plute, Washington, and Wayne Counties, UT

**AGENCY:** USDA, Forest Service is the lead agency. USDI, Bureau of Land Management is a cooperating agency.  
**ACTION:** Notice of extension of scoping/comment period.

**SUMMARY:** This notice extends the comment period concerning the scope of the analysis from June 1, 1993 to June 21, 1993.

The Notice of Intent, published in the Federal Register on April 23, 1993, page 21702, is hereby amended.

**DATES:** Comments concerning the scope of the analysis should be received in writing by June 21, 1993.

**ADDRESSES:** Send written comments to Hugh C. Thompson, Forest Supervisor, Dixie National Forest, P.O. Box 580, 82 North 100 East, Cedar City, UT 84721-0580.

**FOR FURTHER INFORMATION CONTACT:** John Shochat, Dixie National Forest, 82 North 100 East, P.O. Box 580, Cedar City, UT 84721-0580, telephone number (801) 865-3700.

**SUPPLEMENTARY INFORMATION:** On April 23, 1993, a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published in the Federal Register (Vol. 58, No. 77, 21702). This EIS will determine which lands are administratively available for leasing and the leasing decision for specific lands. The Forest Plan will also be amended to incorporate the availability decision once it is made.

Dated: May 12, 1993.

Karyl S. Georgio,

Acting Forest Supervisor, Dixie National Forest.

[FR Doc. 93-11701 Filed 5-17-93; 8:45 am]

BILLING CODE 3410-11-M

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the Indiana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and

regulations of the U.S. Commission of Civil Rights, that a planning meeting of the Indiana Advisory Committee to the Commission will be held from 9 a.m. until 5 p.m. on Friday, June 11, 1993, at The Inn of Saint Mary's, 53993 U.S. 31/33 North, South Bend, Indiana. The purpose of this meeting is to discuss current issues, orient members, and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Hollis E. Hughes at 219-233-9305 or Constance M. Davis, Director of the Midwestern Regional Office, 312-353-8311 (TDD 312-353-8326). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, May 11, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93-11780 Filed 5-17-93; 8:45 am]

BILLING CODE 6335-01-P

## DEPARTMENT OF COMMERCE

### Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** Bureau of Export Administration (BXA).

**Title:** Statement by Foreign Importer of Aircraft or Vessel Repair Parts.

**Agency Form Number:** BXA-686P.

**OMB Approval Number:** 0694-0022.

**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 19 reporting/recordkeeping hours.

**Number of Respondents:** 40.

**Avg Hours Per Response:** 15 minutes for reporting requirements/2 minutes for recordkeeping.

**Needs and Uses:** Foreign importers may submit Form BXA-686P for approval to operate under the Aircraft and Vessel Repair Station procedure. If approved, the foreign importer will not be required to send the usual documents to the U.S. exporter (such as import certificates, consignee/purchaser

statement, etc.) each time a license application is submitted.

**Affected Public:** Businesses or other for-profit institutions; small businesses or organizations.

**Frequency:** On occasion; quarterly; recordkeeping.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Gary Waxman, (202) 395-7340, Room 3208, New Executive Office Building, Washington, D.C. 20503.

**Agency:** Patent and Trademark Office (PTO).

**Title:** Initial Patent Application.

**Agency Form Numbers:** PTO/SB/01 - PTO/SB/07.

**OMB Approval Number:** None (forms formerly cleared under control number 0651-0011).

**Type of Request:** New collection — (new OMB clearance number being requested).

**Burden:** 2,162,200 hours.

**Number of Respondents:** Varies per form but there are approximately 200,000 patent applications per year.

**Avg Hours Per Response:** Varies.

**Needs and Uses:** This is a first step in acquiring a patent and consists of an Application Transmittal letter and other documents, as necessary, depending upon the type of invention such as drawings/specifications, declarations, plant patent oath and patent application fee determination, etc. The information collection is necessary to conduct a thorough examination of patent applications.

**Affected Public:** Individuals; state or local governments; farms; businesses or other for-profit institutions; federal agencies or employees; non-profit institutions; and small businesses or organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Maya A. Bernstein, (202)395-3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

**Agency:** Patent and Trademark Office (PTO).

**Title:** Patent Processing (Updating).

**Agency Form Numbers:** PTO/SB/08 - PTO/SB/12; PTO/SB/21 - 26; PTO/SB/31 - 32; PTO/SB/42 - 43; PTO/SB/61 and 61/PCT; PTO/SB/62 - 63; PTO/SB/64 and 64/PCT; PTO/SB/67 - 68; PTO/SB/91.

**OMB Approval Number:** None (form formerly cleared under Control Number 0651-0011).

**Type of Request:** New collection — (new OMB control number being requested).

**Burden:** 415,804.

**Number of Respondents:** Varies depending on form.

**Avg Hours Per Response:** Varies.

**Needs and Uses:** During the process of examining a patent, additional information may be required in order to determine if a patent should be granted. Also included under this collection are various actions that can occur during the life of a patent, such as submitting updating information, abandonment or petitions to revive a patent. This information is necessary to administer the patent laws.

**Affected Public:** Individuals; state or local governments; farms; businesses or other for-profit institutions; federal agencies or employees; non-profit institutions; and small businesses or organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Maya A. Bernstein, (202) 395-3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

**Agency:** Patent and Trademark Office (PTO).

**Title:** Post-Allowance Refiling.

**Agency Form Numbers:** PTO/SB/13-14; PTO/SB/44; PTO/SB51-57; PTOL-85b.

**OMB Approval Number:** None (form formerly cleared under control number 0651-0011).

**Type of Request:** New collection — (new OMB control number being requested).

**Burden:** 49,100 hours.

**Number of Respondents:** Varies depending on form.

**Avg Hours Per Response:** Varies.

**Needs and Uses:** After a patent is allowed, but before it is issued, there are certain actions that may occur, or in all instances must take place, such as the payment of an Issue Fee. Other actions that may occur are corrections to originally submitted documents. This clearance also contains actions relating to requests for reexamination and reissues. The collection of this information is required to administer the patent laws.

**Affected Public:** Individuals; state or local governments; farms; businesses or other for-profit institutions; federal agencies or employees; non-profit institutions; and small businesses or organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Maya A. Bernstein, (202) 395-3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

**Agency:** Patent and Trademark Office (PTO).

**Title:** Secrecy/License to Export.

**Agency Form Number:** None.

**OMB Approval Number:** None (requirements formerly cleared under 0651-0011).

**Type of Request:** New Collection — (new OMB control number being requested).

**Burden:** 711.

**Number of Respondents:** Varies depending on requirement.

**Avg Hours Per Response:** Varies.

**Needs and Uses:** In order to apply for a patent in a foreign country for a U.S. patented invention that affects our national interest, approval from appropriate U.S. officials must be obtained. Various means may be used to obtain this approval, such as a rescission of a secrecy order or a modification thereto. This collection also contains information relating to petitions to obtain a license to export such inventions.

**Affected Public:** Individuals; state or local governments; farms; businesses or other for-profit institutions; federal agencies or employees; non-profit institutions; and small businesses or organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Maya A. Bernstein, (202) 395-3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

**Agency:** Patent and Trademark Office (PTO).

**Title:** Admittance to Practice Before the Patent and Trademark Office.

**Agency Form Number:** PTO-158.

**OMB Approval Number:** 0651-0012.

**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 990 hours.

**Number of Respondents:** 3,000.

**Avg Hours Per Response:** .33 hours.

**Needs and Uses:** The purpose of the application is to assure that those individuals who will represent those applying for patents are qualified to do so.

**Affected Public:** Individuals.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Maya A. Bernstein, (202) 395-3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Copies of the above information collection proposals 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, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer listed above.

Dated: May 11, 1993

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93-11777 Filed 5-17-93; 8:45 am]

BILLING CODE 3510-CW-F

## Foreign-Trade Zones Board

[Docket 17-93]

### Foreign-Trade Zone 84—Houston, TX; Application for Subzone, Drill-Quip, Inc., Oil Field Equipment Manufacturing Facilities, Houston, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Houston Authority, grantee of FTZ 84, requesting special-purpose subzone status for export activity at the oil field equipment manufacturing facilities of Drill-Quip, Inc. (DQI), located in Houston, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 10, 1993.

The DQI facilities consist of two sites in Houston (Harris County), Texas, approximately 12 miles northwest of downtown Houston. Site 1: (13.5 acres)—13550 Hempstead Highway, Houston, Texas 77040; and, Site 2: (193 acres)—6300 Eldridge Parkway North (north of 13300 W. Little York), Houston, Texas. The facilities produce offshore and surface oil drilling and well completion equipment for export and the domestic market. Foreign-origin materials used in the manufacturing process include: Iron, steel, or non-alloy casings; drill pipe of iron, non-alloy, or alloy; tubes of iron, non-alloy or alloy; and, alloy tube/pipe fittings. (Foreign materials would be admitted under privileged foreign status (19 CFR 146.41)).

Zone procedures would exempt DQI from Customs duty payments on the foreign materials used in export production (70% of output). On domestic sales, the company would be able to defer Customs duties until finished products are shipped from the plant. Foreign materials and finished products held for export would be eligible for an exemption from certain

state and local ad valorem taxes. The application indicates that the savings from zone procedures would help improve DQI's international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), a member of the FTZ Staff has been appointed examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 19, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 2, 1993).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office,  
#1 Allen Center, 500 Dallas, Suite 1160,  
Houston, TX 77002.

Office of the Executive Secretary, Foreign-  
Trade Zones Board, U.S. Department of  
Commerce, room 3716, 14th Street &  
Constitution Avenue, NW., Washington,  
DC 20230.

Dated: May 10, 1993.

John J. Da Ponte, Jr.,  
Executive Secretary.

[FR Doc. 93-11771 Filed 5-17-93; 8:45 am]  
BILLING CODE: 3510-08-P

#### International Trade Administration

##### Purdue University et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 A.M. and 5 P.M. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

**Comments:** None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

**Docket Number:** 92-181. **Applicant:** Purdue University, West Lafayette, IN 47907. **Instrument:** Electron Paramagnetic Resonance Spectrometer

System, Model ESP 300 E-10/7.

**Manufacturer:** Bruker Instruments, Germany. **Intended Use:** See notice at 58 FR 7546, February 8, 1993. **Reasons:** The foreign instrument provides: (1) Sensitivity to 330/1 (signal to noise ratio) for weak pitch samples, (2) magnetic field stability to 0.5 ppm and (3) sample temperature control from 4 to 300° Kelvin  $\pm 0.1^\circ$ . **Advice Received From:** National Institutes of Health, September 11, 1992.

**Docket Number:** 92-097R. **Applicant:** Massachusetts Institute of Technology, Cambridge, MA 02139. **Instrument:** Stopped Flow Spectrofluorimeter, Model DX.17MV. **Manufacturer:** Applied Photophysics, United Kingdom. **Intended Use:** See notice at 57 FR 40436, September 3, 1992. **Reasons:** The foreign instrument provides sub-millisecond deadtime and guaranteed exclusion of oxygen. **Advice Received From:** National Institutes of Health, January 13, 1993.

**Docket Number:** 92-125. **Applicant:** Lamont-Doherty Geological Observatory of Columbia University, Palisades, NY 10964. **Instrument:** ICP Mass Spectrometer, Model PQ2. **Manufacturer:** Vacuum General, United Kingdom. **Intended Use:** See notice at 57 FR 44362, September 25, 1992. **Reasons:** The foreign instrument provides: (1) Sensitivity of  $1.0 \times 10^{-6}$  (low mass) and  $5.0 \times 10^{-7}$  (high mass) and (2) air-cooled radio frequency electronics for optimum stability and precision. **Advice Received From:** National Institutes of Health, June 2, 1992 (comparable case).

**Docket Number:** 92-188. **Applicant:** University of California, Santa Barbara, Santa Barbara, CA 93106-9630. **Instrument:** Electron Microprobe, Model SX-50. **Manufacturer:** Cameca Instruments, Inc., France. **Intended Use:** See notice at 58 FR 7547, February 8, 1993. **Reasons:** The foreign instrument provides an intense electron beam to excite characteristic x-rays of a sample phase down to 1.0  $\mu\text{m}$  area. **Advice Received From:** National Institute of Standards and Technology, October 8, 21992 (comparable case).

**Docket Number:** 92-083R. **Applicant:** Washington University, St. Louis, MO 63130. **Instrument:** Two Micromanipulators, Models WR-89-R and MM-113-R. **Manufacturer:** Narishige Scientific Instruments, Japan. **Intended Use:** See notice at 57 FR 30471, July 9, 1992. **Reasons:** The foreign instrument provides a fine adjustment range to 10.0 mm. **Advice Received From:** National Institutes of Health, March 4, 1993.

**Docket Number:** 92-165. **Applicant:** University of Pennsylvania, Philadelphia, PA 19104. **Instrument:** Electron Paramagnetic Resonance

Spectrometer, Model ESP 300 E.

**Manufacturer:** Bruker Instruments, Germany. **Intended Use:** See notice at 58 FR 4978, January 19, 1993. **Reasons:** The foreign instrument provides sample observation down to 5°K, dynamic lock field control and superior sensitivity. **Advice Received From:** National Institutes of Health, March 4, 1993.

The National Institutes of Health and National Institute of Standards and Technology advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff  
[FR Doc. 93-11772 Filed 5-17-93; 8:45 am]

BILLING CODE 3510-08-F

#### National Oceanic and Atmospheric Administration

##### Marine Mammals; Permits

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

**ACTION:** Issuance of Modification No. 3 to Permit No. 603 (P20H).

Pursuant to the provisions of § 216.33(d) and (3) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Scientific Research Permit No. 603 issued to Dr. Kenneth S. Norris, Dr. Randall S. Wells, Mr. Jan S. Ostman, Dr. William T. Doyle, and Ms. Ania Driscoll, University of California, Institute of Marine Sciences, Long Marine Laboratory, 100 Shaffer Road, Santa Cruz, CA 95060, on August 17, 1987 (52 FR 31799) and modified on June 13, 1990 (55 FR 25152) and October 22, 1990 (55 FR 43396) is further modified to extend the expiration of the Permit from date of issuance through July 31, 1993.

Dated: May 11, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. 93-11688 Filed 5-17-93; 8:45 am]

BILLING CODE 3510-22-M

**DEPARTMENT OF DEFENSE****Department of the Army****Corps of Engineers****Passaic River Flood Protection Project; New Jersey**

May 12, 1993.

AGENCY: Corps of Engineers, Army, DoD, New York District.

**ACTION:** Notice of intent to prepare Draft Supplement #1 to an Environmental Impact Statement (DSEIS).

**SUMMARY:** This is a Notice of Intent brought by the New York District of the U.S. Army Corps of Engineers, which plans to begin preparation of Draft Supplement #1 to the Final Environmental Impact Statement (DSEIS) for the proposed Flood Protection Plan for the Mainstem Passaic River which lies in parts of Bergen, Essex, Hudson, Morris and Passaic Counties, New Jersey, dated 17 January 1989.

A supplement to the Final Environmental Impact Statement (FEIS) is being prepared in response to a Congressional mandate to realign the southern portion of the tunnel element of the authorized flood control project. This realigned tunnel presents impacts similar to those addressed in the previous FEIS. The DSEIS will focus on the southern 6.5 mile long extension of the tunnel and the impacts related to its new outlet location and structure.

**FOR FURTHER INFORMATION CONTACT:** Direct questions about the proposed action, or comments regarding significant issues that should be considered in the DSEIS, to ATTN: John S. Wright, Chief, Planning and Public Impacts Branch at (201) 656-4749 or ATTN: M. Lou Benard, EIS Coordinator, (201) 656-4749, New York District, 80 River Street, Hoboken, New Jersey 07030.

**SUPPLEMENTARY INFORMATION:****1. Location and Description of Proposed Action:**

The Passaic River Basin lies in parts of Bergen, Essex, Hudson, Morris and Passaic Counties, New Jersey. The Passaic River Flood Protection Project considered in the FEIS of January 17, 1989 has changed. The Water Resources Development Act of 1990, title 1, section 101(a)(18) authorized a project described in the FEIS. However, the authorization requires the southern portion of the tunnel to be extended an additional 6.5 miles to Newark Bay, thereby eliminating the Third River outlet and nine levee systems in the

tidal Passaic River. These changes require a supplement to the previous FEIS.

**2. Proposed Alternatives**

The tunnel outlet has yet to be designed and the issue of leaving water in the tunnel between floods or emptying it must also be determined. The scoping for Supplement #1 will not revisit issues already addressed in the 1987 FEIS unless new information should require additional studies.

**3. Scoping Process****A. Public Involvement**

A public involvement program for this project is ongoing. A separate scoping correspondence detailing the proposed plan will be distributed by direct mailings to Federal and State agencies, county and municipal authorities and the general public with the intent of receiving opinions from all interested parties. Additions to this mailing list can be made by notifying the project's EIS coordinator.

**B. Significant Issues Requiring In-Depth Analysis**

The principal emphasis of the DSEIS will be to address the impacts of construction and operation of the new, southern portion of the tunnel and its outlet structure on:

- (1) Groundwater quality and groundwater regimes in the realigned portion of the tunnel;
- (2) Changed floodwater timing and velocities on sediments, benthic invertebrates and finfish in the Newark Bay estuary;
- (3) The impacts of residual water in the tunnel and whether it should be emptied between flood events;
- (4) Pre-historic and historic archaeological and cultural resources; and
- (5) Hazardous, toxic and radioactive wastes and related Comprehensive Environmental Resource Compensation and Liability (CERCLA) requirements.

The results of mathematical and physical models concerning impacts on Newark Bay's water levels, sediment transport, chemistry and biota will be presented.

**Mitigation Plans:** Site specific mitigation plans will be presented for all project-affected wetlands aquatic habitats, and recreational facilities. Measures to avoid or minimize potential or expected impacts will be included.

**C. Assignments**

Cooperating agencies and their arenas of expertise include:

- (a) The U.S. Environmental Protection Agency, which will assist in developing

the project's final wetlands mitigation plan, and provide reviews of preliminary drafts and technical documents for issues related to ground water quality, surface water quality, and hazardous, toxic and radioactive wastes;

(b) The U.S. Fish and Wildlife Service, which will assist in assessing the project's impacts on fish and wildlife habitats and in developing mitigation for unavoidable adverse impacts (Consistent with its mitigation policy [Federal Register, Vol. 46, No. 15, Jan. 23, 1981]); and

(c) The National Marine Fisheries Service (NMFS), which will assist in defining the project's impacts on marine biological resources and developing their mitigation.

The State of New Jersey's Department of Environmental Protection and Energy will participate as a full partner.

**D. Environmental Review and Consultation**

Review will be conducted as outlined in the Council on Environmental Quality regulations dated November 29, 1983 (40 CFR parts 1500-1508) and U.S. Army Corps of Engineers regulation ER 200-2-2 dated March 4, 1988.

**4. Scoping Meetings**

Scoping meetings will be held as follows:

- a. Wednesday, June 9, 1993 at 7:30 p.m., Passaic Valley High School, 170 East Main Street, Little Falls, New Jersey.
- b. Wednesday, 16 June 1993 at 7:30 p.m., Hackensack Meadowlands Development Commission, Environment Center Auditorium, Two DeKorte Park Plaza, Lyndhurst, New Jersey.
- c. Tuesday, June 22, 1993 at 10 a.m., Health & Agriculture Building, John Fitch Plaza, South Warren & Market Streets, Auditorium—Room 106, Trenton, New Jersey.

They will also be announced through advertisements in the local press and by mail to the media and other interested parties.

**5. Estimated Date of Availability**

1995.

S.J. Bucolo,

Chief, Passaic River Division.

[FR Doc. 93-11685 Filed 5-17-93; 8:45 am]

BILLING CODE 3710-06-M

**DEPARTMENT OF EDUCATION****Proposed Information Collection Request**

AGENCY: Department of Education.



**ACTION:** Notice of proposed information collection request.

**SUMMARY:** The Director, Information Resources Management Service, invites comments on the proposed information collection request as required by the Paperwork Reduction Act of 1980.

**DATES:** An emergency review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 21, 1993.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer: Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Cary Green, Department of Education, 7th & D Streets, SW., room 4682, Regional Office Building 3, Washington, DC 20202-4651.

**FOR FURTHER INFORMATION CONTACT:** Cary Green, (202) 401-3200.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice with attached proposed information collection requests prior to submission to OMB. For each proposed information collection request, grouped by office, this notice contains the following information: (1) Type of review requested, e.g., new, revision, extension, existing, or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting and/or Recordkeeping burden; and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on "Additional Information" in this notice.

Dated: May 12, 1993.

**Cary Green,**  
Director, Information Resources Management Service.

#### Office of Postsecondary Education

*Type of Review:* Emergency.

*Title:* Notice of Funding Formula and Allowable Activities for Fiscal Year 1993; and Application Procedures for Fiscal Year 1993.

*Abstract:* This collection of information is necessary to initiate a program that will provide State oversight of institutions participating in Title IV, HEA programs. The Secretary needs this information to authorize individual State participation.

*Additional Information:* The U.S. Department of Education has requested an emergency review and approval from the Office of Management and Budget. The Department's requested approval date is May 21, 1993. This date is requested so that each State may have a reasonable amount of time to submit a plan to the Secretary of their proposed activities and budget for FY 93 funds before the August 15, 1993 deadline.

*Frequency:* One time.

*Affected Public:* State or local governments; federal agencies or employees.

#### Reporting Burden

Responses: 57, Burden Hours: 1,710.

#### Recordkeeping Burden

Recordkeepers: 0, Burden Hours: 0.

[FR Doc. 93-11693 Filed 5-17-93; 8:45 am]

BILLING CODE 4000-01-M

#### Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Information Resources Management Service, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 19, 1993.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive

Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Cary Green, Department of Education, 7th & D Streets, SW., room 4682, Regional Office Building 3, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Cary Green, (202) 401-3200.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Management Service, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: May 12, 1993

**Cary Green,**  
Director, Information Resources Management Service.

#### Office of Postsecondary Education

*Type of Review:* Emergency.

*Title:* Notice of Deadline Date for Participation and Updating of Selection Criteria for the Institutional Quality Assurance Program.

*Abstract:* This collection of information is needed to provide the Secretary with a mechanism for getting qualified applicants to participate in the Institutional Quality Assurance Program. The Secretary needs this information for program management.

*Additional Information:* The U.S. Department of Education has requested an emergency review and approval from the Office of Management and Budget. The Department's requested approval date is May 17, 1993. This date is requested because the Institutional Quality Assurance (IQA) Program year begins in August. Institutions must be screened, notified of acceptance, and



provided training on the IQA Program methodology and requirements.

*Frequency:* Annually.

*Affected Public:* Businesses or other for-profit; non-profit institutions.

**Reporting Burden**

Responses: 120, Burden Hours: 120.

**Recordkeeping Burden**

Recordkeepers: 0, Burden Hours: 0.

[FR Doc. 93-11694 Filed 5-17-93; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No.: 84.251]

**Foreign Periodicals Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993**

*Purpose of Program:* The Foreign Periodicals Program provides grants to eligible institutions to acquire and provide access to certain types of periodicals and other research materials published outside the United States.

*Eligible Applicants:* An institution of higher education, a public or nonprofit private library institution, or consortium of these institutions, that meets the requirements in 34 CFR 671.2(a)-(b) is eligible to receive a grant.

*Deadline for Transmittal of Applications:* July 30, 1993.

*Applications Available:* May 28, 1993.

*Available Funds:* \$600,000.

*Estimated Range of Awards:* \$50,000-75,000.

*Estimated Average Size of Awards:* \$60,000.

*Estimated Number of Awards:* 10.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 24 months.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 82, 85, and 86, and (b) The regulations for this program in 34 CFR part 671, as amended by the Higher Education Amendments of 1992.

*Note:* With respect to the Foreign Periodicals Program, section 607 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1992, changes the eligibility requirements; increases the scope of authorized activities; sets programmatic preferences and funding limitations; and requires grant recipients to file a formal written agreement with the Secretary.

**For Applications or Information**

Contact: John Paul, U.S. Department of Education, 400 Maryland Avenue, SW., room 3052, ROB-3, Washington, DC: 20202-5331. Telephone (202) 708-7283. Deaf and hearing impaired individuals

may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

*Program Authority:* 20 U.S.C. 1125a.

Dated: May 12, 1993.

**Maureen A. McLaughlin,**

*Acting Assistant Secretary for Postsecondary Education.*

[FR Doc. 93-11695 Filed 5-17-93; 8:45 am]

BILLING CODE 4000-01-M

**DEPARTMENT OF ENERGY**

**Office of Fossil Energy**

[FE Docket No. 93-47-NG]

**BridgeGas U.S.A. Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting BridgeGas U.S.A. Inc. authorization to import from Canada, at any point on the international border, up to 20 Bcf of natural gas from February 1, 1992, until January 31, 1994.

This order is available for inspection and copying in the Office of Fuels Programs docket room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 12, 1993.

**Clifford P. Tomaszewski,**

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 93-11765 Filed 5-17-93; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 93-40-NG]

**El Paso Gas Marketing Co.; Order Granting Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting El Paso Gas Marketing Company blanket authorization to import up to 75 Bcf of natural gas from Canada over a two-year term beginning on the date of the first import.

A copy of this order is available for inspection and copying in the Office of

Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 11, 1993.

**Clifford P. Tomaszewski,**

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 93-11767 Filed 5-17-93; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 93-29-NG]

**Mexus Trading Co.; Order Granting Authorization To Export Natural Gas to Mexico**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Mexus Trading Company blanket authorization to export up to 72 Bcf of natural gas from the United States to Mexico over a two-year period beginning on the date of first delivery.

The order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 10, 1993.

**Clifford P. Tomaszewski,**

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 93-11766 Filed 5-17-93; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 87-11-NG]

**Washington Energy Exploration, Inc.; Washington Energy Marketing, Inc.; Order Granting Transfer of Blanket Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order transferring to Washington Energy Marketing, Inc. the natural gas import authorization granted to Washington Energy Exploration, Inc. in DOE/ERA Opinion and Order No. 168, as amended.

A copy of this order is available for inspection and copying in the Office of

Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 10, 1993.  
**Clifford P. Tomaszewski,**  
*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*  
 [FR Doc. 93-11768 Filed 5-17-93; 8:45 am]  
 BILLING CODE 9450-01-M

### Federal Energy Regulatory Commission

[Project No. 2440-002 Wisconsin]

#### Northern States Power Co. Wisconsin; Availability of Environmental Assessment

May 12, 1993.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a major new license for the existing capacity at the Chippewa Falls Project located on the Chippewa River in Chippewa County, Wisconsin, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the project and has concluded that approval of the project, with appropriate enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

**Lois D. Cashell,**  
*Secretary.*  
 [FR Doc. 93-11660 Filed 5-17-93; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. JD93-08327T Oklahoma-36]

#### Oklahoma; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

May 12, 1993.

Take notice that on May 11, 1993, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's

regulations, that the Red Oak Common Source, underlying a portion of LeFlore County, Oklahoma, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The recommended area is described as Sections 1-30 of Township 7 North, Range 24 East; Sections 26-29, and 31-35 of Township 8 North, Range 24 East; Sections 1, 2, 11-14 and 23-26 of Township 7 North, Range 23 East and Sections 35-36 of Township 8 North, Range 23 East, LeFlore County, Oklahoma.

The notice of determination also contains Oklahoma's findings that the referenced formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**  
*Secretary.*  
 [FR Doc. 93-11657 Filed 5-17-93; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. JD93-08249T Texas-138]

#### Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

May 12, 1993.

Take notice that on May 10, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Vicksburg Formation, (KK and 15,300 Sands, Monte Christo Field), underlying Hidalgo County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 4 and consists of 2,240 acres in the W.T. Bomar Survey, Abstract A-624, Section 210 and the San Salvador del Tule Juan Jose Balli Survey, Abstract 290, Jackson's Subdivisions 161, 179-182, 199-202, 219-222, 239-242, and 259-262, Hidalgo County, Texas.

The notice of determination also contains Texas' findings that the referenced portion of the Vicksburg Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.  
**Lois D. Cashell,**  
*Secretary.*  
 [FR Doc. 93-11658 Filed 5-17-93; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. JD93-08248T Texas-137]

#### Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

May 12, 1993.

Take notice that on May 10, 1993, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Wolfcamp Formation, underlying Terrell County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is in Railroad Commission District No. 7C and consists of all of Sections 7, 8, 11 and 31 of Block 1, CCSD & RGNG RR Co. Survey.

The notice of determination also contains Texas' findings that the referenced portion of the Wolfcamp Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**  
*Secretary.*  
 [FR Doc. 93-11659 Filed 5-17-93; 8:45 am]  
 BILLING CODE 6717-01-M

[Project No. 11152-002 New York]

#### Clinton Pumped Storage Corp.; Surrender of Preliminary Permit

May 12, 1993.

Take notice that the Clinton Pumped Storage Corporation, permittee for the

Reed Hill Project No. 11152 located on the Schoharie Creek, in Schoharie County, New York, has requested that its preliminary permit be terminated. The preliminary permit was issued on December 13, 1991, and would have expired on November 30, 1994. The permittee states that analysis of the Reed Hill Project did not indicate feasibility for development.

The permittee filed the request on March 19, 1993, and the preliminary permit for Project No. 11152 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,  
Secretary.

[FR Doc. 93-11655 Filed 5-17-93; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TM93-16-20-000]

**Algonquin Gas Transmission Co.;  
Proposed Changes in FERC Gas Tariff**

May 12, 1993.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on May 7, 1993, filed proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the revised tariff sheet, to be effective June 7, 1993:

**Seventh Revised Sheet No. 92**

In the event that Algonquin's proposed Compliance Filing in Docket No. RS92-28-000 is approved prior to June 7, 1993, Algonquin is submitting in the alternative the proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, as set forth in the revised tariff sheet, to be effective June 7, 1993:

**First Revised Sheet No. 92**

Algonquin states that the purpose of this filing is to update the amount of take-or-pay surcharges billed to Algonquin by CNG Transmission Corporation ("CNGT"). On January 29, 1993, CNGT filed to recover additional take-or-pay surcharges from Tennessee Gas Pipeline Company in Docket No. TM93-3-22-000. By order issued on February 25, 1993, the Commission approved CNGT's tariff sheet, subject to refund and conditions, effective January 1, 1993.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 19, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-11652 Filed 5-17-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER93-406-000]

**Entergy Power, Inc.; Filing**

May 12, 1993.

Take notice that Entergy Power, Inc. (Entergy Power), on April 27, 1993, tendered for filing a third amendment to an energy sale agreement between Entergy Power and Oglethorpe Power Corporation previously filed with the Commission in Docket No. ER92-518-000. Entergy Power requests an effective date of March 1, 1993 and therefore seeks waiver of the Commission's notice requirements.

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 May 21, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-11656 Filed 5-17-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP93-4-006]

**Mississippi River Transmission Corp.;  
Compliance Filing**

May 12, 1993.

Take notice that on May 10, 1993, Mississippi River Transmission Corporation ("MRT") tendered for filing the revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 1-A of its FERC Gas Tariff as set forth on Appendix A attached to the filing.

MRT states that the tariff sheets reflected on Appendix A are being filed under protest in compliance with the Commission's April 29, 1993 "Order on Rate Impact Study" in the above-referenced docket. MRT states that a copy of its filing has been served on all jurisdictional customers, interested state commissions, and all persons on the Commission's official service list in Docket No. RP93-4-000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 19, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-11651 Filed 5-17-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP93-4-000]

**Mississippi River Transmission Corp.;  
Informal Settlement Conference**

May 12, 1993.

Take notice that an informal settlement conference will be convened in this proceeding on May 19, 1993, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Warren C. Wood at (202) 208-2091 or John J. Keating at (202) 208-0762.  
**Lois D. Cashell,**  
*Secretary.*  
 [FR Doc. 93-11653 Filed 5-17-93; 8:45 am]  
 BILLING CODE 6717-01-M

Commission and are available for public inspection.  
**Lois D. Cashell,**  
*Secretary.*  
 [FR Doc. 93-11654 Filed 5-17-93; 8:45 am]  
 BILLING CODE 6717-01-M

public inspection in the Public Reference Room.  
**Lois D. Cashell,**  
*Secretary.*  
 [FR Doc. 93-11661 Filed 5-17-93; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. RP93-5-012]

**Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff**

May 12, 1993.

Take notice that on May 10, 1993, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

*Second Revised Volume No. 1*

Fifth Substitute Twenty-First Revised Sheet No. 10

Fourth Substitute Twentieth Revised Sheet No. 11

Fifth Substitute Fifteenth Revised Sheet No. 13

*First Revised Volume No. 1-A*

Fifth Substitute Sixteenth Revised Sheet No. 201

Fourth Substitute Fifth Revised Sheet No. 602

Substitute Original Sheet No. 603

*Original Volume No. 2*

Third Substitute Sixteenth Revised Sheet No. 2

Third Substitute Eighth Revised Sheet No. 2.1

Third Substitute Fourteenth Revised Sheet No. 2-A

Third Substitute Eighth Revised Sheet No. 2-A.1

Northwest states that the purpose of this filing is to refile the *pro forma* tariff sheets associated with cost mitigation study No. 3 as contained in Northwest's April 8, 1993 filing in Docket No. RP93-5-008.

Northwest requests an effective date of April 1, 1993 for the above listed tariff sheets. Northwest has served a copy of this filing upon all parties of record in Docket No. RP93-5.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before May 19, 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

[Docket No. CP77-321-005]

**Southern Natural Gas Co.; Proposed Changes to FERC Gas Tariff**

May 12, 1993.

Take notice that on February 8, 1993, Southern Natural Gas Company (Southern) tendered for filing First Revised Sheet No. 393 to its FERC Gas Tariff, Original Volume No. 2, which cancels Rate Schedule X-43. Southern states that Rate Schedule X-43 contains an interruptible transportation agreement between Southern and Transcontinental Gas Pipe Line Corporation (Transco) dated January 25, 1977, for the transportation of gas for Transco from Loisel Field, Iberia, Parish, Louisiana to Southern's interconnect with Transco near Jonesboro, Georgia.

Southern received certificate authorization in docket No. CP77-321 (19 FERC ¶ 61,184 (1982)) to transport gas for Transco under Rate Schedule X-43 for a ten-year term ending August 23, 1987. Southern states that Transco did not request transportation service after expiration of Southern's certificate authorization.

Southern requests that the Commission grant any waivers necessary to make this sheet effective January 24, 1993, six months after Transco notified Southern in a July 23, 1992, letter that it wanted to terminate Rate Schedule X-43.

Southern states copies of the filing have been served on Transco and are available for review in Southern's Birmingham, Alabama office.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 20, 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

**ENVIRONMENTAL PROTECTION AGENCY**

[OPPTS-00136; FRL-4589-1]

**Forum on State and Tribal Toxics Action (FOSTTA); Coordinating Committee and Projects; Open Meetings**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Coordinating Committee and the four Projects of the Forum on State and Tribal Toxics Action (FOSTTA) will hold meetings at the times and place listed below in this notice. The meetings are open to the public.

**DATES:** The meetings are scheduled as follows:

1. The Coordinating Committee and all the Projects will hold a meeting June 21 and 22. The Coordinating Committee will meet on June 22 from noon to 3 p.m.

2. The Projects will meet June 21 from 8 a.m. to 5 p.m. and June 22 from 8 a.m. to noon. On June 21 there will be a plenary session on biotechnology.

**ADDRESSES:** The meetings scheduled will be held at: The Holiday Inn, 480 King St., Alexandria VA.

**FOR FURTHER INFORMATION CONTACT:** By mail: Shirley Pate, Office of Compliance Monitoring (EN-342), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, or Sarah Hammond, Office of Pollution Prevention and Toxics (TS-799), at the same address. By telephone: Shirley Pate can be reached at (202) 260-8318 and Sarah Hammond at (202) 260-7258.

**SUPPLEMENTARY INFORMATION:** FOSTTA, a group of State toxics environmental managers, is intended to foster the exchange of toxics-related program and enforcement information among the States and between the States and U.S. EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS). FOSTTA currently consists of the Coordinating Committee and four issue-specific Projects. The Projects are: (1) the Chemical Information Management Project; (2) the State and Tribal Enhancement Project; (3) the Chemical Management Project; and (4) the Lead (Pb) Project.



Dated: May 12, 1993.

Michael M. Stahl,

Director, Office of Compliance Monitoring

[FR Doc. 93-11758 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4556-4]

**Toxics Data Reporting Subcommittee of the National Advisory Council for Environmental Policy and Technology; Public Meeting**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

**SUMMARY:** Under Public Law 92-563 (the Federal Advisory Committee Act), EPA gives notice of a two-day meeting of the Toxics Data Reporting subcommittee, a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT). This will be the second meeting of the Toxics Data Reporting (TDR) subcommittee, whose mission is to provide advice to EPA regarding the Agency's Toxics Release Inventory (TRI) program.

At its first meeting, the TDR subcommittee began discussing definition issues associated with elements added to the Form R (the form used to report information to EPA as required under section 313 of the Emergency Planning and Community Right to Know Act) as a result of the Pollution Prevention Act of 1990. These definition issues will be the main topic of discussion at the second meeting of the TDR subcommittee. EPA does not expect the subcommittee to come to closure on these definitions at the June 8-9 meeting; two or more additional meetings may be necessary before the subcommittee is ready to make recommendations on this matter. TRI data management issues may also be discussed during the June 8-9 meeting.

**DATES:** The public meeting will take place on June 8, 1993 from 9 a.m. to 5 p.m., and on June 9, 1993 from 8:30 a.m. to 3 p.m.

**ADDRESSES:** The public meeting will be held at the Hall of the States, 444 North Capitol Street, Washington, DC 20001. Members of the public wishing to make comments at this meeting should send a written outline of their comments to EPA at the address below in advance of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Sam Sasnett, Environmental Assistance Division, USEPA, Mail Stop TS-799, 401 M Street, SW., Washington, DC 20460.

Dated: May 12, 1993.

Abby Pirnie,

Director, Office of Cooperative Environmental Management.

[FR Doc. 93-11673 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4656-2]

**Ozone Transport Commission; Meeting**

The Ozone Transport Commission will hold its Annual Meeting at The Breakers, 1507 Ocean Avenue, Spring Lake, New Jersey 07762 (phone: 908-440-7700 and fax: 908-449-0161) on Tuesday, May 18, 1993. Anticipated agenda items include the election of a new Vice Chair, establishing common elements of State offset programs, implementation of enhanced I/M programs, recent ozone modeling, and other subjects. It is anticipated that the meeting will start at 9 a.m. and adjourn at 4 p.m. A copy of the final agenda for the meeting will be available from Stephanie Cooper of the OTC office, (202) 508-3840, on Tuesday, May 11, 1993.

Patricia L. Meaney,

Acting Regional Administrator, EPA, Region 1.

[FR Doc. 93-11674 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4656-3]

**Science Advisory Board**

**Clean Air Act Compliance Analysis Council; Open Meeting**

Under Public Law 92-463, notice is hereby given that the Clean Air Act Compliance Analysis Council (CAACAC) of the Science Advisory Board will meet on June 8, 1993 at the Embassy Suites Hotel, 1900 Diagonal Road, Alexandria VA 22314. The hotel telephone number is (703) 684-5900.

The meeting, which is open to the public, will start at 9 a.m., and adjourn no later than 5:30 p.m. Its main purpose is to continue the discussion and review of issues related to the prospective study of the impacts of the Clean Air Act (and its subsequent amendments) in progress by the Environmental Protection Agency.

Requests for copies of the documents to be reviewed by the Council and questions concerning their content should be addressed to Ms. Anne Grambsch, Office of Policy, Planning, and Evaluation (PM223X), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460. Ms. Grambsch may be called at 202-

260-2782; these documents are not available from the Science Advisory Board. An agenda for the meeting is available from the Science Advisory Board (A101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460 (202-260-6552). Members of the public desiring additional information about the conduct of the meeting should contact Mr. Samuel Rondberg, Designated Federal Official, Clean Air Act Compliance Analysis Council, by telephone at the number noted above or by mail to the address noted above. Anyone wishing to make a presentation at the meeting should forward a written statement (35 copies) to Mr. Rondberg by June 1, 1993. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes.

Dated: May 7, 1993.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 93-11671 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-P

[FRL-4656-5]

**Oregon: Partial Program Adequacy Determination of Oregon Municipal Solid Waste Permit Program**

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on partial program application of Oregon for partial program adequacy determination, public hearing and public comment period.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR Part 258). RCRA Section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR) that



will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in State/Tribes with approved permit programs can use the site-specific flexibility provided by Part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

Oregon applied for a partial determination of adequacy under section 4005 of RCRA. EPA reviewed Oregon's application and made a tentative determination of adequacy for those portions of Oregon's MSWLF permit program that are adequate to assure compliance with the revised MSWLF Criteria. These portions are described later in this notice. Oregon plans to revise the remainder of its permit program to assure complete compliance with the revised MSWLF Criteria and gain full program approval. Oregon's application for partial program adequacy determination is available for public review and comment.

Although RCRA does not require EPA to hold a public hearing on a determination to approve any State/Tribe's MSWLF program, the Region has tentatively scheduled a public hearing on this determination. If a sufficient number of people express interest in participating in a hearing by writing the Region or calling the contact given below within 30 days of the date of publication of this notice, the Region will hold a hearing on the date given below in the DATES section. The Region will notify all persons who submit comments on this notice if it decides to hold the hearing. In addition, anyone who wishes to learn whether the hearing will be held may call the person listed in the CONTACTS section below.

**DATES:** All comments on Oregon's application for a partial determination of adequacy must be received by the close of business on July 20, 1993. If a public hearing is held, it will be scheduled for July 20, 1993. Oregon will participate in the public hearing held by EPA on this subject.

**ADDRESSES:** Copies of Oregon's application for partial adequacy determination are available 8:30 a.m. to 4:30 p.m. during normal working days at the following addresses for inspection and copying: Oregon Department of Environmental Quality, 811 S.W. 6th Avenue, Portland, OR 97204, Attn: Ms. Jan Whitworth, (503) 229-6434; U.S. EPA Region 10 Library, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-1289. Written comments should be sent to Ms. Paula vanHaagen, U.S. EPA, M/S HW-107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-1847.

**FOR FURTHER INFORMATION CONTACT:** Ms. Paula vanHaagen, U.S. EPA, M/S HW-107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-1847.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR Part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under Part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in STIR to allow partial approvals if: (1) the Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with Part 258; (2) changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and, (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of Part 258. These requirements if promulgated, will address the potential problems posed by the dual State/Tribal and Federal programs that will come into effect in

October 1993 in those States/Tribes that only have partial approvals of their MSWLF programs. On that date, Federal rules covering any portion of a State/Tribe's program that has not received EPA approval will become enforceable. Owners and operators of MSWLFs subject to such dual programs must be able to understand which requirements apply and comply with them. In addition, the pieces of the Federal program that are in effect must mesh well enough with the approved portions of the State/Tribal program to leave no significant gaps in regulatory control of MSWLF's. Partial approval would allow the Agency to approve those provisions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the Criteria's flexibility for those portions of the program which have been approved.

As provided in the October 9, 1991 municipal landfill rule, EPA's national Subtitle D standards will take effect in October 1993 in any State/Tribe that lacks an approved program.

Consequently, any remaining portions of the Federal Criteria which are not included in an approved State/Tribal program by October 1993 would apply directly to the owner/operator.

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "Adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the

State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submission of a schedule mandatory in STIR.

#### B. Oregon

On April 19, 1993, Oregon submitted an application for partial program adequacy determination. EPA reviewed Oregon's application and tentatively determined that the following portions of the State/Tribe's Subtitle D program will ensure compliance with the Federal revised Criteria.

1. Location Restrictions for airport safety, floodplains, wetlands, fault areas, seismic impact zones, unstable areas, and closure of existing MSWLF units (40 CFR 258.10, 258.11, 258.13, 258.14, 258.15, and 258.16);

2. Operating criteria for excluding hazardous waste, cover material, disease vector control, explosive gas control, air criteria, access, run-on/run-off control, surface water, liquids restrictions, and recordkeeping (40 CFR 258.20, 258.21, 258.22, 258.23, 258.24, 258.25, 258.26, 258.27, and 258.29);

3. Design criteria (40 CFR 258.40);

4. Groundwater monitoring and corrective action applicability, groundwater monitoring systems, groundwater sampling and analysis, detection monitoring, assessment monitoring, assessment of corrective measures, selection of remedy, and implementation of the corrective action program (40 CFR 258.50, 258.51, 258.52, 258.53, 258.54, 258.55 and 258.58);

5. Closure criteria (40 CFR 258.60);

6. Financial assurance criteria for applicability and effective date, for closure, for post-closure care, and for allowable mechanisms (40 CFR 258.70, 258.71, 258.72, and 258.74).

Oregon's program is not enforceable on Indian lands.

Not all States/Tribes will have existing permit programs through which they can ensure compliance with all provisions of the revised Federal Criteria. Were EPA to restrict a State/Tribe from submitting its application until it could ensure compliance with the entirety of 40 CFR Part 258, many States/Tribes would need to postpone obtaining approval of their permit programs for a significant amount of time. This delay in determining the adequacy of the State/Tribal permit program while the State/Tribe revises its

statutes or regulations could impose a substantial burden on owners and operators of landfills because the State/Tribe would be unable to exercise the flexibility available to States/Tribes with permit programs which have been approved as adequate.

To ensure compliance with all of the revised Federal Criteria, Oregon needs to revise the following particular aspects of its permit program:

1. Oregon will revise its statute to meet the post-closure care requirement in 40 CFR 258.61.

2. Oregon will revise its statute to meet the financial assurance for corrective action requirement in 40 CFR 258.73.

Oregon submitted a schedule indicating that it will be able to complete these revisions by July 30, 1993. To allow Oregon to begin exercising some of the flexibility allowed in States/Tribes with adequate permit programs, EPA is proposing to approve those portions of Oregon's program that are ready for action today.

EPA reviewed Oregon's schedule and believes it is reasonable because the bill containing the necessary amendments, S.B. 1012, is proceeding through the legislature and appears likely to be enacted this session.

The public may submit written comments on EPA's tentative determination until July 20, 1993. Copies of Oregon's application are available for inspection and copying at the location indicated in the "ADDRESSES" section of this notice. If there is sufficient public interest, the EPA will hold a public hearing on its tentative decision on July 20, 1993, from 10 a.m. to 12:00 a.m. at the Oregon Department of Environmental Quality in Portland, Oregon.

EPA will consider all public comments on its tentative determination received during the public comment period and during any public hearing held. Issues raised by those comments may be the basis for a determination of inadequacy for Oregon's program. EPA will make a final decision on whether or not to approve Oregon's program by September 7, 1993, and will give notice of it in the *Federal Register*. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR Part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with

provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

**COMPLIANCE WITH EXECUTIVE ORDER 12201:** The Office of Management and Budget has exempted this notice from the requirements of Section 3 of Executive Order 12291.

**CERTIFICATION UNDER THE REGULATORY FLEXIBILITY ACT:** Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

**Authority:** This notice is issued under the authority of Section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dana A. Rasmussen,

Regional Administrator.

[FR Doc. 93-11672 Filed 5-17-93; 8:45 am]

BILLING CODE 6560-50-P

#### FARM CREDIT ADMINISTRATION

**Order Appointing Receiver of the Federal Land Bank of Jackson, Mississippi and Federal Land Bank Association of Jackson, MS**

**AGENCY:** Farm Credit Administration.

**ACTION:** Notice.

On May 4, 1993, the Chairman of the Farm Credit Administration Board executed an Order appointing receiver of the Federal land bank of Jackson, Mississippi and Federal land bank association of Jackson, Mississippi. The text of the Order is set forth below:

Farm Credit Administration, McLean, Virginia, Order Appointing Receiver of the Federal Land Bank of Jackson, Mississippi and Federal Land Bank Association of Jackson, Mississippi.

Pursuant to the provisions of section 4.12(b) of the Farm Credit Act of 1971 (1971 Act), 12 U.S.C. 2183(b), and 12 CFR 611.1156, the Farm Credit Administration (FCA) Board, having determined that one or more of the conditions described therein exist, hereby appoints William E. Harvey & Associates, Inc. (WEHA), 2615 E. 15th Street, Tulsa, Oklahoma 74104, Receiver of the Federal Land Bank of Jackson and the Federal Land Bank Association of Jackson, Mississippi, address as above (together, Liquidating Institutions). The Receiver shall take possession of all assets of the Liquidating Institutions, wind up their business operations,

liquidate their property and assets, pay their creditors, and distribute the remaining proceeds, in accordance with the 1971 Act, FCA Regulations, the FCA Receivership Manual, and the Farm Credit System Agreement reached for the sale of assets of the Liquidating Institutions (Global Agreement), and this Order and any amendment thereto.

William E. Harvey, as President and CEO of WEHA, is authorized to sign any and all documents on behalf of the Receiver and may delegate his signatory authority, with appropriate administrative controls, to any employee of the Liquidating Institutions as he deems appropriate.

*In Witness Whereof*, the Chairman of the FCA Board has executed this Order and caused the seal of the FCA to be affixed hereto this 4th day of May, 1993.

Signed: May 4, 1993.

Harold B. Steele,

Chairman, Farm Credit Administration Board.

Dated: May 12, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93-11640 Filed 5-17-93; 8:45 am]

BILLING CODE 6705-01-P

#### Order Discharging and Releasing Receiver of the Federal Land Bank of Jackson, Mississippi and Federal Land Bank Association of Jackson, MS

AGENCY: Farm Credit Administration.

ACTION: Notice.

On May 4, 1993, the Chairman of the Farm Credit Administration Board executed an Order discharging and releasing receiver of the Federal land bank of Jackson, Mississippi and Federal land bank association of Jackson, Mississippi. The text of the Order is set forth below:

Farm Credit Administration, McLean, Virginia, Order Discharging and Releasing Receiver of the Federal Land Bank of Jackson, Mississippi and Federal Land Bank Association of Jackson, Mississippi.

Whereas, the Farm Credit Administration (FCA) Board appointed REW Enterprises, Inc. (REW), Receiver for the Federal Land Bank of Jackson, Mississippi and the Federal Land Bank Association of Jackson, Mississippi (together, Liquidating Institutions) on May 20, 1988;

Whereas, the Agreement between REW and the FCA, dated April 16, 1988, and modified thereafter terminates on May 19, 1993;

Now, therefore, it is hereby ordered that:

1. The accounts of the Liquidating Institutions for the period May 20, 1988

through the date of this Order are hereby approved.

2. REW is hereby discharged and released from all responsibility or liability to the Farm Credit Administration arising out of, related to, or in any manner connected with the administration and liquidation of the Liquidating Institutions during the period May 20, 1988 through the date of the Order.

*In Witness Whereof*, the Chairman of the FCA Board has executed this Order and caused the seal of the FCA to be affixed hereto this 4th day of May, 1993.

Signed: May 4, 1993.

By Harold B. Steele,

Chairman, Farm Credit Administration Board.

Dated: May 12, 1993.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 93-11639 Filed 5-17-93; 8:45 am]

BILLING CODE 6705-01-P

#### FEDERAL MARITIME COMMISSION

##### Agreement(s) Filed; VSA/Italia Space Charter and Sailing

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 232-011358-001.

Title: VSA/Italia Space Charter and Sailing Agreement.

Parties:

Italia di Navigazione S.p.A.,  
Nedlloyd Lijnen B.V.,  
P.O. Containers Limited—VSA,  
Sea-Land Service, Inc.

Synopsis: The proposed amendment deletes references to the space chartering Agreement between VSA and Compania Trasatlantica Espanola, S.A. ("CTE") (Agreement No. 232-011217) since CTE has withdrawn its service in the United States trades. In lieu thereof, it refers to space chartering arrangement

between VSA and Maersk under the Western Mediterranean VSA/Maersk Space Charter Agreement (Agreement No. 203-011402). The amendment also deletes Article 5.10(b) requiring preference cargo reserved for Spanish flag vessels to move under CTE bills of lading.

Dated: May 12, 1993.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93-11669 Filed 5-17-93; 8:45 am]

BILLING CODE 6730-01-M

#### FEDERAL RESERVE SYSTEM

[Docket No. 7100-0248]

##### Bank Holding Company Reporting Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final approval of proposed changes to the bank holding company report FR Y-20, Financial Statements for a Bank Holding Company Subsidiary Engaged in Ineligible Securities Underwriting and Dealing.

SUMMARY: Notice is hereby given of final approval by the Board of Governors of the Federal Reserve System (the Board) under delegated authority from the Office of Management and Budget (OMB), as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public), of changes in the reporting requirements of the Financial Statements for a Bank Holding Company Subsidiary Engaged in Ineligible Securities Underwriting and Dealing (FR Y-20; OMB No. 7100-0248) to be implemented beginning with the March 31, 1993 reporting date. The FR Y-20 revisions are needed to implement an indexed revenue test, an alternative method of computing the Board's 10 percent revenue limitation on the bank-ineligible securities underwriting and dealing activities of section 20 subsidiaries of bank holding companies, as approved by Board order on January 26, 1993.

The proposed alternative method of complying with the 10 percent revenue test was issued for public comment in the Federal Register (57 FR 33597 and 57 FR 33961). Comment letters were received on the July 1992 request for comment. A review and summary of the comments is discussed in the January 26, 1993, Board order (79 Federal Reserve Bulletin 226 (1993)) that contains the Board's adoption of the alternative indexed revenue test for



determining compliance with the revenue limitation that applies to Section 20 subsidiaries. In addition, the Board issued a supplement that modified slightly the January 26, 1993, order (refer to footnote 1), published in a press release dated February 23, 1993. The changes resulting from the adoption of the alternative revenue test have now been incorporated into the Board's FR Y-20 report.

**FOR FURTHER INFORMATION CONTACT:**

Thomas M. Corsi, Senior Attorney (202/452-3275), Legal Division; Michael J. Schoenfeld, Senior Securities Regulation Analyst (202/452-2781), and Harry E. Moore, Supervisory Financial Analyst (202/452-3493), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System. The following individuals may be contacted with respect to issues related to the Paperwork Reduction Act of 1980: Stephen L. Siciliano, Special Assistant to the General Counsel for Administrative Law, Legal Division (202/452-3920); Mary M. McLaughlin, Chief, Financial Reports Section, Division of Research and Statistics (202/452-3829); and Gary Waxman, Office of Information and Regulatory Affairs (202/395-7340), Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

**DISCUSSION:** Under the Bank Holding Company Act of 1956 (BHC Act), as amended, the Board is responsible for the supervision and regulation of all bank holding companies. Beginning in 1987, the Board, by order, approved applications, under section 4(c)(8) of the BHC Act (12 U.S.C. 1843(c)(8)) for a number of bank holding companies to establish separate nonbanking subsidiaries ("Section 20 subsidiaries") to engage, to a limited extent, in underwriting and dealing in securities of a type which a bank may not underwrite or deal in directly. In order to ensure compliance with section 20 of the Glass-Steagall Act, which prohibits a member bank from being affiliated with a company that is "engaged principally" in underwriting and dealing in securities, the Board determined that a Section 20 subsidiary's underwriting and dealing in bank-ineligible securities may not be a substantial activity if bank-ineligible revenue for the most recent calendar quarter, when added to its total bank-

ineligible revenue for the previous seven quarters, does not exceed 10 percent of its total bank-eligible and bank-ineligible revenue for that quarter and the previous seven quarters.

On July 23, 1992, and in a supplement on July 31, 1992, the Board requested public comment on two alternative methods for complying with the ten percent revenue limitation (an indexed revenue test or an asset-based test). The Board took this action in response to historically unusual changes in the level and structure of interest rates, which distorted the revenue test as a measure of relative importance of bank-ineligible securities underwriting and dealing activities in a manner that was not anticipated when the Board established the 10 percent revenue limit in September 1989. The Board was of the opinion that the changes in the level and structure of interest rates, since the revenue test was last considered in September 1989, could alter the measure of whether a Section 20 subsidiary is "engaged principally" in bank-ineligible securities in ways that were not foreseen.

After a review of the comments, the Board decided on January 26, 1993, to modify its section 20 orders to allow Section 20 subsidiaries the option of measuring compliance with the "engaged principally" test in section 20 of the Glass-Steagall Act on the basis of an indexed revenue test.<sup>1</sup> Section 20 subsidiaries may choose to continue to apply the original method, that is not indexed to measure compliance with the "engaged principally" test. Bank holding companies electing to use the indexed revenue test as an alternative to the current revenue test, for their Section 20 subsidiary, must notify the Federal Reserve of the election within 30 days prior to the calendar quarter in which it is to be applied. Following the election, the election may not be altered for two years. Either test compares bank-ineligible revenue to the cumulative sum of bank eligible and bank-ineligible revenue, with the numerator and denominator of the ratio covering eight calendar quarters.

In its July 29, 1992, notice requesting public comment and its January 26, 1993, order, the Board identified the applicable procedures for determining

<sup>1</sup> Based on the Board's January 26, 1993, Board order, the indexed-revenue test was to be applied prospectively (from the first quarter forward, after the 30-day required notification). On February 23, 1993, the Board issued a supplement to the January 26, 1993, order. The supplement indicated that if a Section 20 subsidiary had the duration data available to begin measuring compliance with the test on an eight-quarter rolling average basis immediately, it could do so after notifying the relevant Federal Reserve Bank.

compliance with the alternative revenue test, including the information needed by respondents to ensure compliance with the test. The changes to the FR Y-20 report announced today merely require respondents to report such information to the Board so that it can monitor respondents' compliance.

**SUPPLEMENTARY INFORMATION:**

**Description of Affected Reports**

1. *Report Title:* Financial Statements for a Bank Holding Company Subsidiary Engaged in Ineligible Securities Underwriting and Dealing  
This report is filed by all bank holding companies that have received Federal Reserve Board approval to conduct underwriting and dealing nonbanking activities in accordance with the statutory limitations of section 20 of the Glass-Steagall Act.

*Agency Form Number:* FR Y-20

*OMB Docket Number:* 7100-0248

*Frequency:* Quarterly

*Reporters:* Bank Holding Companies

*Annual Reporting Hours:* 1,440

*Estimated Average Hours per Response:* Range from 3 to 40 hours and an average of 12 hours per response.

*Number of Respondents:* 30

No significant effect on small business is expected

These information collections are mandatory (12 U.S.C. 1844) and the information is given confidential treatment.

Report items, that are needed to monitor the application of the alternative indexed revenue test, have been added to the memoranda section of the FR Y-20's Schedule SUD-I—Statement of Income. These include:

(1) Questions as to which revenue test is being applied by the Section 20 subsidiary and for the indexed revenue test, the calendar quarter-end date when the test was first applied and the method of application; and

(2) Other items that are used in applying the indexed revenue test. To compute the indexed revenue ratio, a Section 20 subsidiary must provide data on interest and dividend revenue and other revenue allocated as either bank-eligible or bank-ineligible revenue. The current calendar quarter's bank-eligible and bank-ineligible interest and dividend revenue is multiplied by a Board published adjustment factor that corresponds to the Section 20 subsidiary's weighted average duration of assets (computed at least weekly, averaged over the reported calendar quarter) to arrive at adjusted revenues. These adjusted dividend and interest revenues are added to all other unadjusted revenue for the quarter. The



current quarter's results are then added to those of the previous seven calendar quarters. The indexed-revenue ratio is computed by dividing the eight calendar quarters' total *bank-ineligible* adjusted interest and dividend and other *bank-ineligible* unadjusted revenue by the total of all bank-eligible and bank-ineligible revenue for the same period.

Board of Governors of the Federal Reserve System, May 12, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93-11722 Filed 5-17-93; 8:45 am]

BILLING CODE 6210-01-F

### Consumer Advisory Council; Notice of Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Thursday, June 17. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The meeting is expected to begin at 9 a.m. and to continue until 5 p.m., with a lunch break from 1 until 2 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, DC.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

**Community Development Banks.** Discussion led by the Community Affairs and Housing Committee on community development banks, with a focus on ideas and alternatives for complementing existing sources of development funding.

**Electronic Benefit Transfer Programs.** Discussion led by the Depository and Delivery Systems Committee on a Board proposal that applies Regulation E (Electronic Fund Transfers) to electronic benefit transfer programs for recipients of government benefits.

**Secured Credit Cards.** Discussion led by the Consumer Credit Committee on the merits of secured credit cards (cards that have credit lines fully backed by consumer's funds held on deposits).

**Mandatory Arbitration Clauses.** Briefing by two Council members on creditors' use of arbitration clauses in consumer contracts that require consumers, in the event of a dispute with the creditor, to abide by the decision of an arbiter.

**Members Forum.** Presentation of individual Council members' views on whether there are visible signs of an economic upturn present within their

industries or local economies and whether it is getting easier to obtain a loan.

**Council Member Perspectives.** Remarks by Council members identifying special areas of importance and concern to their organizations in the provision of financial services to consumers and communities.

**Governor's Report.** Report by Federal Reserve Board Member Lawrence B. Lindsey on economic conditions, recent Board initiatives, and issues of concern, with an opportunity for questions from Council members.

**Committee Reports.** Reports from Council committees on their work and plans for 1993.

Other matters previously considered by the Council or initiated by Council members may also be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ann Marie Bray, Secretary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Comments must be received no later than close of business Friday, June 11, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Bedella Calhoun, Staff Specialist (202/452-2412), Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Dorothea Thompson, (202) 452-3544.

Board of Governors of the Federal Reserve System, May 12, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93-11723 Filed 5-17-93; 8:45 am]

BILLING CODE 6210-01-F

### Verle Burgason and Jo Ann Burgason, 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 June 7, 1993.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Verle Burgason and Jo Ann Burgason*, Ames, Iowa; to acquire an additional 7.08 percent, totalling 30.89 percent, of the voting shares of Elcho Bancorporation, Inc., Venice, Florida, and thereby indirectly acquire State Bank of Elcho, Elcho, Wisconsin.

2. *Delilah Shaw*, Fountain Hill, Arizona, and Cascade Bancorporation, Inc. Voting Trust, Charles Ryan, Trustee; to acquire an additional 16.21 percent, totalling 40.81 percent, of the voting shares of Cascade Bancorporation, Inc., Venice, Florida, and thereby indirectly acquire State Bank of Cascade, Cascade, Wisconsin, and State Bank of Wabeno, Wabeno, Wisconsin.

3. *Delilah Shaw IRA and the Elcho Bancorporation, Inc. Voting Trust, Charles Ryan, Trustee*; to acquire an additional 7.08 percent, totalling 30.89 percent, of the voting shares of Elcho Bancorporation, Inc., Venice, Florida, and thereby indirectly acquire State Bank of Elcho, Elcho, Wisconsin.

4. *Marquerite Svede and the estate of Richard Svede*, Ames, Iowa; to acquire an additional 7.08 percent, totalling 30.89 percent, of the voting shares of Elcho Bancorporation, Inc., Venice, Florida, and thereby indirectly acquire State Bank of Elcho, Elcho, Wisconsin.

Board of Governors of the Federal Reserve System, May 12, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-11735 Filed 5-17-93; 8:45 am]

BILLING CODE 6210-01-F

### Firstar Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal

Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 11, 1993.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Firstar Corporation*, and its wholly owned subsidiary *F.W.S.F. Corporation*, both located in Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of *Athens Bancorp, Inc.*, Athens, Wisconsin, and thereby indirectly acquire Bank of Athens, Wausau, Wisconsin.

2. *Montgomery Bancshares, Inc.*, Montgomery, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Montgomery, Montgomery, Illinois.

**B. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Carbon County Holding Company*, Englewood, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of *Rawlins Bancorporation, Inc.*, Denver, Colorado, and thereby indirectly acquire The *Rawlins National Bank*, Rawlins, Wyoming.

Board of Governors of the Federal Reserve System, May 12, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93-11734 Filed 5-17-93; 8:45 am]

BILLING CODE 6210-01-F

#### **Riverside Banking Company; Notice of Application to Engage de novo in Permissible Nonbanking Activities**

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to

engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 7, 1993.

**A. Federal Reserve Bank of Atlanta** (Zane R. Kelley, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Riverside Banking Company*, Fort Pierce, Florida; to engage *de novo* through its subsidiary, *Riverside Leasing Company*, Fort Pierce, Florida, in leasing personal or real property or acting as agent, broker, or advisor in leasing such property, pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 12, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93-11733 Filed 5-17-93; 8:45 am]

BILLING CODE 6210-01-F

#### **FEDERAL TRADE COMMISSION**

[File No. 902 3163]

#### **Ion Systems, Inc.; Proposed Consent Agreement With Analysis to Aid Public Comment**

AGENCY: Federal Trade Commission.

#### **ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a California corporation from misrepresenting the contents, validity, results, conclusions or interpretations of any test or study with respect to the NO-RAD System or any other radon-remediation device, or from knowingly selling components of the system to others who make unsubstantiated performance claims about them. The consent agreement would require the respondent to have competent and reliable scientific evidence to substantiate representations it makes about any performance characteristics of any radon-remediation device.

**DATES:** Comments must be received on or before July 19, 1993.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Phoebe Morse, Boston Regional Office, Federal Trade Commission, 10 Causeway St., room 1184, Boston, MA. 02222-1073. (617) 565-7240.

**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)).

The Federal Trade Commission having initiated an investigation of certain acts and practices of *Ion Systems, Inc.*, a corporation, hereinafter referred to as proposed respondent, and it now appears that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of certain acts and practices being investigated,

*It is hereby agreed by and between Ion Systems, Inc. by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:*

1. *Ion Systems, Inc.* is a corporation organized, existing, and doing business

under and by virtue of the law of the State of California. Respondent's office and principal place of business is located at 2546 Tenth Street, Berkeley, California 94710.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent waives:

- a. Any further procedural steps;
- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;
- c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and
- d. All claims under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft complaint, or that the facts alleged in the draft complaint, other than 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 the proposed respondent, (a) 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 (b) 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 complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, provided, however, that no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

#### Order

##### I

*It is ordered*, That respondent Ion Systems, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labelling, packaging, offering for sale, sale or distribution of the NO-RAD Radon Removal System ("NO-RAD System") in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, that:

A. Tests prove that the NO-RAD System removes 90% or up to 90% of the radon decay products in the home.

B. Tests prove that the NO-RAD System reduces the user's risk of developing radon-related lung cancer by up to 90%.

C. The NO-RAD System has been tested and proven effective by the Harvard University School of Public Health.

##### II

*It is further ordered*, That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary or division or other device, in connection with the advertising, labelling, packaging, offering for sale, sale or distribution of the NO-RAD System or any other radon or radon progeny remediation device in

or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the contents, validity, results, conclusions, or interpretations of any test or study.

##### III

*It is further ordered*, That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labelling, packaging, offering for sale, sale or distribution of the NO-RAD System or any other radon or radon progeny remediation device in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or by implication, any performance characteristic(s) of any such product unless at the time of making such representation respondent possesses and relies upon competent and reliable scientific evidence which substantiates the representation. For purposes of this order, "competent and reliable scientific evidence" shall mean tests, experiments, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, 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.

##### IV

*It is further ordered*, That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labelling, packaging, offering for sale, sale or distribution of the NO-RAD System or any other radon or radon progeny remediation device in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that said product can or will remove or reduce radon decay products in the area in which it is operating by any quantitative amount, unless respondent discloses, in close proximity to such representations, the following statement:

"IMPORTANT NOTICE: When you reduce (radon decay products) by any given amount, the reduction in risk of contracting radon-related lung cancer will always be less. The amount of risk reduction will vary."

For purposes of this Order, "quantitative amount" shall include any specific numerical amount or range and shall include any language containing descriptions of quantitative amounts or ranges, including but not limited to such terms as "all," "most," "majority," "much of," and "many."

For purposes of this Order, "radon decay products" shall include any descriptive term for the harmful byproducts of radon gas, including but not limited to such terms as "radon progeny," "radon daughters," and "potential alpha energy concentrations." The same descriptive term(s) for such byproducts that is used in the representation shall be used in the required disclosure, with the appropriate term(s) substituted for the bracketed section of the above disclosure.

In any print advertisement or promotional material, the above disclosure shall be printed in a typeface and color that are clear and prominent, and, in multipage documents, shall appear on the cover or first page.

In any advertisement disseminated on television broadcast, cablecast, home video or theatrical release, the above disclosure shall be displayed as a legible superscript with a simultaneous voice-over recitation of the disclosure in a manner designed to ensure clarity and prominence.

In any radio advertisement, the above disclosure shall be spoken in a manner designed to ensure clarity and prominence.

On the package label, the above disclosure shall be printed in a typeface and color that are clear and prominent and shall appear on the front panel of the package.

Nothing contrary to, inconsistent with, or in mitigation of the above disclosure shall be used in any advertisement in any medium or on the package label.

#### V

*It is further ordered*, That respondent, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from offering for sale, selling or distributing any components of the NO-RAD System or any other radon or radon progeny remediation device in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, to any corporation, licensee, distributor, or other entity that respondent knows or has reason to know represents, directly or by implication, any performance

characteristic(s) of any radon or radon progeny remediation device manufactured from those component(s), unless at the time of the making of such representation such other entity possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

*It is further ordered*, That for three (3) years after the date of the last dissemination of the representation to which they pertain, respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials relied upon to substantiate any representation covered by this order; and

B. All test reports, studies, surveys, demonstrations or other materials in its possession or control that contradict, qualify, or call into question the representation or the basis upon which respondent relied for such representation, including complaints from consumers.

#### VII

*It is further ordered*, That respondent shall forthwith distribute a copy of this order to all operating divisions, subsidiaries, franchisees, officers, managerial employees, and all of its employees, agents, licensees and distributors, engaged in the preparation and placement of advertisements or promotional materials covered by this order and shall obtain from each such employee, agent, licensee and distributor a signed statement acknowledging receipt of the order.

#### VIII

*It is further ordered*, That for five (5) years after service upon it of this order, respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation that may affect compliance obligations under this order.

#### IX

*It is further ordered*, That respondent shall, within sixty (60) days after service upon it of this order and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

#### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Ion Systems, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns advertising and promotional claims made for Ion Systems, Inc.'s NO-RAD Radon Removal System ("NO-RAD System"). According to the Commission's complaint, Ion Systems' advertising and promotional materials falsely represented that: tests prove that the NO-RAD System removes 90% or up to 90% of the radon decay products in the home; tests prove that the NO-RAD System reduces the user's risk of developing radon-related lung cancer by up to 90%; and the NO-RAD System has been tested and proven effective by the Harvard University School of Public Health. The complaint also alleges that Ion Systems did not possess a reasonable basis for its representations that, in an appreciable number of cases under circumstances normally and expectably encountered by consumers, the NO-RAD System reduces radon decay products in the home by 90% or close to 90% and reduces the user's risk of developing radon-related lung cancer by 90% or close to 90%.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future.

Part I of the proposed order requires Ion Systems to cease misrepresenting: (1) That tests prove that the NO-RAD System removes 90% or up to 90% of the radon decay products in the home; (2) that tests prove that the NO-RAD System reduces the user's risk of developing radon-related lung cancer by up to 90%; and (3) that the NO-RAD System has been tested and proven effective by the Harvard University School of Public Health.

Part II of the order requires Ion Systems to cease misrepresenting the contents, validity, results, conclusions or interpretations of any test or study with respect to the NO-RAD System or any similar device.



Part III of the order requires Ion Systems to cease representing any performance characteristics of the NO-RAD System or any similar device unless at the time of making such representation it possesses and relies upon competent and reliable scientific evidence to substantiate the representation.

Part IV of the order provides that, whenever Ion Systems represents that the NO-RAD System or any other radon or radon progeny remediation device reduces radon decay products by any quantitative amount, the company must affirmatively disclose in the advertising, labelling, packaging, offering for sale, sale or distribution of such device that, when radon decay products are reduced by any given amount, the reduction in risk of contracting radon-related lung cancer will always be less and that the amount of risk reduction will vary.

Part V provides that Ion Systems may not offer for sale, sell, or distribute any components of the NO-RAD System or any similar device to any entity that Ion Systems knows or has reason to know represents any performance characteristic of these devices unless such entity possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

Parts VI-IX of the order are standard provisions requiring Ion Systems to maintain records, distribute copies of the order to company personnel and others, notify the Commission of changes in corporate structure, and file reports setting forth its compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 93-11743 Filed 5-17-93; 8:45 am]  
BILLING CODE 6750-01-M

## GENERAL SERVICES ADMINISTRATION

### Intent To Prepare an Environmental Impact Statement for a Proposed Federal Building in San Francisco, CA

The General Services Administration (GSA) hereby gives notice that it intends to prepare an Environmental Impact Statement (EIS) in cooperation with the City of San Francisco (City) to disclose the environmental effects of constructing a proposed federal building in San Francisco, California. The

proposed building would provide up to 475,000 occupiable square feet of general office space and located on a site to be donated by the City at Tenth and Market Streets. The EIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

GSA invites interested individuals, organizations, and federal, state and local agencies to participate in defining the reasonable alternatives to be evaluated in the EIS and in identifying any significant social, economic, or environmental issues related to the alternatives. Scoping will be accomplished by correspondence and through a public meeting. The meeting is scheduled for May 27, 1993, from 4 p.m. to 7 p.m., at the City of San Francisco Redevelopment Agency, 770 Golden Gate Avenue, San Francisco, California. Comments received during the meeting will be made a part of the administrative record for the EIS and will be evaluated as part of the scoping process.

Written comments on the scope of alternatives and potential impacts may be addressed to Mr. Paul Coviello, GSA Planning Staff (9PL), Public Buildings Service, 525 Market Street, San Francisco, California 94105, telephone number (415) 744-5252. Comments should be sent to GSA by May 28, 1993.

A Draft EIS will be prepared based upon the scoping efforts. After its publication, the Draft EIS will be available for public and agency review and comment. A Final EIS will be prepared that addresses the comments on the Draft EIS.

Dated: May 6, 1993.

Aki K. Nakao,

Deputy Regional Administrator (9AD).

[FR Doc. 93-11675 Filed 5-17-93; 8:45 am]

BILLING CODE 6820-23-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Agency Information Collection Under OMB Review; Office of Family Assistance

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for the reinstatement of an information collection for the

Administration for Children and Families. This information collection titled: "Quarterly Report of JOBS IV-F, Expenditures Uniform Reporting Requirements—ACF 332" was previously approved under OMB control number 0970-0116.

ADDRESSES: Copies of the Information Collection request may be obtained from Steve Smith, Office of Information Systems Management, ACF, by calling (202) 401-9235.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Kristina Emanuels, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395-7316.

#### Information on Document

Title: Quarterly Report of JOBS IV-F Expenditures Uniform Reporting Requirements—ACF-332.

OMB No.: 0970-0116.

Description: This collection of information is authorized by section 403 of the Social Security Act, as amended by section 201(c) of Public Law 100-485 (the Family Support Act of 1988). This provision of the Act authorizes funding for States to implement the Job Opportunities and Basic Skills Training Program (JOBS). Section 403 of the Act also requires Federal reimbursement to States in support of activities authorized by the Family Support Act.

The information submitted on form ACF 332 will be used by the States to provide specific expenditure data in four major categories of Title IV-F costs. These cost categories include:

- (1) Expenditures for JOBS program assignments (Job program components and job entry),
- (2) Expenditures for supportive services,
- (3) Other non-component program expenditures,
- (4) Total JOBS IV-F expenditure.

For each of the four categories, expenditures must be recorded for the following:

- (a) IV-F expenditures (State and Federal) for the current quarter, and
- (b) Cumulative fiscal year IV-F expenditures (State and Federal).

The report also provides aggregated expenditure information that when used with unaggregated information collection reported on OMB approved form, ACF 108, Jobs Program Participant Data Collection Form ACF-108, (OMB No. 0970-0112) will enable the States and the Office of Family Assistance to respond to the uniform data collection requirements of the JOBS program

requesting average total JOBS cost per participant per month of participation.  
*Annual Number of Respondents:* 54  
*Annual Frequency:* 4  
*Average Burden Hours Per Response:* 210  
*Total Burden Hours:* 2,592

Dated: January 25, 1993.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 93-11712 Filed 5-17-93; 8:45 am]

BILLING CODE 4184-01-M

#### Agency Information Collection Under OMB Review

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for approval of a new information collection for the Office of Community Services (OCS) of the Administration for Children and Families (ACF). This information collection is titled: "Community Services Block Grant Annual Report".

ADDRESSES: Copies of the Information Collection request may be obtained from Steve Smith of the Office of Information Systems Management, ACF, by calling (202) 401-6964.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Kristina Emanuels, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503. (202) 395-7316.

#### Information on Document

Title: Community Services Block Grant Annual Report.

OMB No.: 0970—New Request.

Description: This information collection is authorized by Section 682, "Annual Report," of the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101-501). This reauthorization amends the Community Services Block Grant Act (CSBG) (Subtitle VI, Pub. L. 97-35, Omnibus Budget Reconciliation Act of 1981). Under the CSBG Act, eight categorical grant programs were consolidated into a block grant and responsibility for program administration and oversight was delegated from the Federal Government to the States. CSBG's stated purpose is

to ameliorate the causes of poverty through the support of such services as employment, education, housing emergency assistance, nutrition and through the encouragement and coordination of other resources in the community.

Section 682 of the CSBG Act requires that certain data be collected by the Secretary. These data are:

(a) The identity of each eligible entity, agency, organization, and person that receives, directly or indirectly, funds to carry out this subtitle;

(b) With respect to each particular purpose or activity referred to in section 675(c)(1):

(i) The aggregate amount of such funds expended in such Fiscal Year to achieve such purpose or carry out such activity; and

(ii) The amount of individuals who directly benefitted from the amount expended.

The data collection instrument is based on the reporting mandates in section 682 of the CSBG Act, as amended.

*Annual Number of Respondents:* 262  
*Annual Frequency:* 1  
*Average Burden Hours Per Response:* 8  
*Total Burden Hours:* 2,096

Dated: April 29, 1993.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 93-11713 Filed 5-17-93; 8:45 am]

BILLING CODE 4184-01-M

#### Agency for Toxic Substances and Disease Registry

#### Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following committee meeting.

Name: Board of Scientific Counselors, ATSDR.

Times and Dates: 8:30 a.m.—5:30 p.m., June 3, 1993. 8:30 a.m.—3:45 p.m., June 4, 1993.

Place: The Westin Peachtree Plaza Hotel, Spanish Room/Six Flags Suite, Peachtree at International Boulevard, NE., Atlanta, Georgia 30343.

Status: The entire meeting will be open to the public.

Purpose: The Board of Scientific Counselors, ATSDR, advises the Administrator, ATSDR, on ATSDR programs to ensure scientific quality, timeliness, utility, and dissemination of

results. Specifically, the Board advises on the adequacy of the science in ATSDR-supported research, emerging problems that require scientific investigation, accuracy and currency of the science in ATSDR reports, and program areas to emphasize and/or to de-emphasize.

Agenda: The agenda will focus on critical elements in the health provisions of the Comprehensive Environmental Response, Compensation, and Liability Act. Specific topics will include:

- Public Health Assessments.
- Health Studies.
- Databases (Toxicological Profiles, HazDat).
- Applied Research.
- Health Education.
- Surveillance/Registries.
- Infrastructure.

Written comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

Contact Person for More Information: Charles Xintaras, Sc.D., Executive Secretary, Board of Scientific Counselors, ATSDR, Mailstop E-28, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/639-0708.

Dated: May 12, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 93-11679 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-70-M

#### Centers for Disease Control and Prevention

[CDC-334]

#### Announcement of Cooperative Agreement to the Michigan Department of Public Health

#### Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of funds in fiscal year (FY) 1993 to continue a cooperative agreement with the Michigan Department of Public Health to study the human health consequences of exposure to poly-brominated biphenyls (PBB) on farms in Michigan, with particular emphasis on cancer incidence.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a

copy of Healthy People 2000, see the Section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

#### Authority

This program is authorized under section 301(a) of the Public Health Service Act [42 U.S.C. 241(a)], as amended.

#### Eligible Applicant

Assistance will be provided only to the Michigan Department of Public Health (MDPH) for this project. No other applications will be solicited. The program announcement and application kit have been sent to the Michigan Department of Public Health.

The MDPH is the most appropriate and qualified agency to provide the services specified under this cooperative agreement because:

1. The MDPH has provided technical and management oversight and has collected data for the study of the PBB exposed cohort (4000 participants) in Michigan since 1976.

2. Funds available for this fiscal year are to be used to conduct an annual update of the same cohort continuously studied for the past 15 years and to develop improved data retrieval procedures for the database. The MDPH is in a unique position to continue the collection of this information given the well established infrastructure already in place from this project.

3. The Michigan PBB project is currently moving from primarily field collection of data to scientific analysis and study of the collected data. To facilitate and effect the best transition, the MDPH is the only source which is able to meet the objectives of this long-term project in the desired time-frame.

#### Availability of Funds

Approximately \$100,000 will be available in FY 1993 to support this project. It is expected the award will begin on July 1, 1993, and will be made for a 12-month budget period with a project period of up to 5 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

#### Purpose

The purpose of this award is to provide funds to conduct annual updates of the PBB data collection necessary to maintain the cohort data base for scientific study. Research topics currently being studied or proposed for study include:

1. Examination of the cause-specific mortality of the Michigan PBB cohort.

2. Examination of the site-specific cancer incidence of the PBB cohort.

3. Identification of risk factors for site-specific cancer outcomes among the PBB cohort.

4. Examination of agricultural chemical exposures and exposures unique to the Michigan PBB population.

5. Comparison of total birth defects to national rates.

6. Comparison of reproductive outcomes of the PBB cohort to a control population.

7. Continuation of updating and maintenance of the PBB registry at a decreased level, but sufficient to allow research questions to be addressed using the database.

#### Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A., below and CDC shall be responsible for conducting activities under B., below:

##### A. Recipient Activities

1. Maintain and update the registry of 4000 participants using proven means to prevent losses to the cohort and identify and account for such losses if they occur.

2. Identify and medically confirm reported deaths and cancers as well as hospitalizations, surgeries, and diagnoses concerning benign and malignant tumors.

3. Continue to identify pregnancies and enroll newborns into the cohort.

4. Continue computer entry of collected field and laboratory data and assembly of working files for longitudinal characterization.

5. Encourage and participate in the development of research proposals utilizing the PBB cohort and its data base.

*Optional activities which will be considered for Federal support during this project period are:*

- a. Conversion of the Michigan PPB data base to a user-friendly file for use by the co-sponsoring Federal agencies and other researchers.

- b. Laboratory analysis of serum specimens collected during the recharacterization and stored frozen at MDPH.

- c. Completion of recruitment of PCB silo farm cohort and recharacterization of those previously enrolled as well as laboratory analysis of serum specimens.

- d. Computer matching of participants missing to follow up by linkage to Michigan vital records death files.

- e. Evaluation and confirmation of breast cancer incidence in halogenated biphenyl exposed cohort women.

##### B. CDC Activities

1. Provide technical and scientific consultation and assistance for the developmental and implementation aspects of the PBB cohort research projects and improvement of the data retrieval and analysis procedures.

2. Provide epidemiology and surveillance training/education consultation and on-site assistance on data collection, computer entry, and analysis objectives and procedures.

3. Provide guidance on program management and administrative matters related to the conduct of scientific aspects of the cooperative agreement.

4. Collaborate in the definition and preparation of reports that will result from the cooperative agreement supported activities.

##### Executive Order 12372 Review

The application is not subject to review under E.O. 12372.

##### Public Health System Reporting Requirement

This program is not subject to the Public Health System Reporting Requirements.

##### Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.283.

##### Other Requirements

###### Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR part 46) regarding the protection of human subjects. Assurance must be provided that demonstrates that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing such assurance in accordance with appropriate guidelines and form provided in the application kit.

##### Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this program, please refer to Announcement Number 334 and contact Lisa Tamaroff, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, N.E., MS-E13, Atlanta, Georgia, 30305, (404) 842-6796, for business management technical

information. Programmatic technical information may be obtained from Lawrence E. Posey, Health Studies Branch, Division of Environmental Health, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, MS-F46, Atlanta, Georgia 30341-3724, (404) 488-7350.

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 Introduction may be obtained through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9325, (telephone: 202-783-3238).

Dated: May 11, 1993.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-11690 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-10-P

[CDC-323]

## Announcement of Cooperative Agreement to the National Academy of Sciences/National Research Council

### Introduction

The Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), announces the availability of fiscal year (FY) 1993 funds for a continuing cooperative agreement with the National Academy of Sciences/National Research Council (NAS/NRC) to provide a Postdoctoral Research Associateship Program.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering Healthy People 2000 see the section where to obtain additional information.)

### Authority

This program is authorized under section 21(a) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 670(a)]. Program regulations applicable to this cooperative agreement are set forth in title 42, part 87, of the U.S. Code of Federal Regulations entitled "National Institute for Occupational Safety and Health, Research and Demonstration Grants."

### Eligible Applicant

Assistance will be provided only to the National Academy of Sciences, National Research Council (NAS/NRC). No other applications will be solicited. The program announcement and application kit have been sent to the NAS/NRC. The NAS/NRC is a unique institution because of its ability to assemble the best scientific talent in the country and to apply study procedures that ensure objectivity and maximal credibility. Created by a Congressional charter in 1863, the National Academy of Sciences is a private honorary society dedicated to the furtherance of science and the use of science for the general welfare. The Academy established the National Research Council in 1916 as a means for securing the active participation of specialists from universities, industry, and the government in the Academy's work.

Because of the unique abilities of NAS/NRC as a non-biased source of technical and scientific expertise in the fields of occupational health sciences, public health sciences, and public health, it is the only organization capable of carrying out the activities contemplated under this cooperative agreement.

### Availability of Funds

Between \$200,000 and \$300,000 will be available in FY 1993 to fund this award. It is expected that this award will begin on or about July 1, 1993, and depending upon the availability of funds, will be funded for a 12-month budget period within a project period of up to five years. Continuation awards will be made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. The funding estimate outlined above may vary and is subject to change.

### Purpose

The purpose of this cooperative agreement is to continue the operation of an established Postdoctoral Research Associateship Program in the areas of occupational safety and health research such as bioengineering, biological monitoring, cell physiology and biochemistry, epidemiology, immunology, microbiology and mutagenesis, noise, pathology, pharmacology, physiology and biophysics, radio-frequency radiation, stress and human factors, toxicology and vibration. Support will continue to be provided to postdoctoral scientists and engineers of unusual ability and promise or proven achievement. They will be given an opportunity to conduct research on problems of their personal

choice which are compatible with the research interests of NIOSH. These interests include occupational lung disease (including lung cancer), musculoskeletal injuries, occupational cancer, traumatic injuries, cardiovascular disease, reproductive problems, neurologic illness, noise-induced hearing loss, dermatologic problems, and psychological disorders.

### Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A. below, and CDC/NIOSH will be responsible for conducting activities under B. below.

#### A. Recipient Activities (NRC):

1. Conduct Resident Research Associateship programs. The recipient is responsible for approving new programs, new scientific advisors and new major areas of investigation not previously approved, and for the periodic review of existing programs. Accordingly, the recipient requests data from NIOSH pertinent to general investigative areas included in the programs. These data will be used by recipient's site visitors to NIOSH facilities to assure that intellectually stimulating postdoctoral experiences are available and that the operation of the NIOSH Research Associateship Program conforms to the recipient's guidelines.

2. Meet with NIOSH representatives a minimum of once each year to discuss NIOSH needs and priorities. (A list of priorities will be furnished by NIOSH to the NRC in rank order.)

3. Review the qualifications of NIOSH research advisors before they are appointed so that the objectives of the program(s) will be met.

4. Prepare, print and distribute announcements, in consultation with NIOSH, identifying the Opportunities for Research and Postdoctoral and Senior Research Awards available within the NIOSH Resident Research Associateship program. Such announcements shall be printed as descriptive booklets and shall be approved by both parties before release.

5. Actively recruit Research Associates who are U.S. citizens and are highly qualified scientists in the disciplines specified by NIOSH. NRC will submit the name of a noncitizen only by prior agreement with NIOSH. NRC will recruit through advertisements placed in appropriate scientific journals and provide NIOSH with facilities and materials for collaborative recruitment efforts at national scientific meetings.

6. Distribute announcements to appropriate sectors of the technical and scientific research community.



7. Distribute application materials to potential applicants with complete instructions for submitting applications.

8. Consult with all participating research organizations on the closing date for receipt of completed applications. The date will be set by mutual agreement between the Recipient and sponsors of the several Associateship programs, including NIOSH.

9. Submit research proposals of applicants to NIOSH for assessment.

10. Submit approved applications for evaluation by special panels of scientists and engineers appointed by the Recipient.

11. Recommend candidates for appointment who are deemed by the panels as qualified for the Resident Research Associateship Program (with the most qualified candidate ranked first, etc.).

12. Inform successful applicants of their appointments as Resident Research Associates and obtain commitments from candidates for this program.

13. Provide administrative support to the Associates during tenure. This support includes the payment of a stipend, reimbursement of relocation costs and reimbursement of expenses for professional travel up to an allowed amount in accordance with Recipient Policy in effect on the date of this agreement.

14. Conduct site visits for the periodic review of existing programs.

#### B. CDC/NIOSH Activities:

1. As a participating Institution in the Resident Research Associateship program NIOSH shall, in accordance with the terms of this Agreement, propose and/or provide to the NRC and to the Associateship Program, NIOSH facilities, scientific advisors, relevant areas for research investigations, equipment, and supplies. These activities shall be coordinated through the office of the Assistant Director for Science, NIOSH, or his/her designated representatives.

#### 2. Specific NIOSH activities:

a. Review and approve all announcements of the program before release.

b. Provide the necessary facilities, equipment, and support services for the approved research investigations of the Associates.

c. Recommend scientific advisors for approval by the Recipient (NRC).

d. Ensure that the appropriate NIOSH clearance/review procedures are provided for publications and presentations resulting from the Associateship program research investigations.

e. Establish and maintain on a divisional basis the program activities outlined below. All activities will have appropriate documentation for the transfer of information between NIOSH and NRC.

(1) Review proposed new areas of investigations and proposed new scientific advisors. The areas should be such as to provide scope for independent investigation. Each description will outline an area of general interest to NIOSH and should indicate the facilities available for investigation in that area. The areas should be ones in which the proposed scientific advisor is competent.

(2) Submit the curriculum vitae and list of scientific publications of newly proposed scientific advisor(s) to the Recipient for review and approval.

(3) Review applicant proposals and provide comments and/or suggested changes in the scope or method of the research. This review will assess whether the proposals possess intrinsic scientific merit of the highest quality, whether the research plan is compatible with the ongoing research programs of the laboratories and whether space and facilities are (or can be made) available to support the proposal.

(4) Revise annually the descriptions of current research in the laboratory.

(5) Review the termination reports written by each Associate and the independent brief report of his/her work written by his/her scientific advisor. The committee should add such comments as deemed appropriate before forwarding copies of both reports.

(6) Inform the Recipient of acceptance or declination of appointments, renewals, and terminations of Research Associates.

#### Executive Order 12372 Review

The application is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

#### Public Health System Reporting Requirement

This program is not subject to the Public Health System Reporting Requirements.

#### Catalog of Federal Domestic Assistance Number (CFDA)

The Catalog of Federal Domestic Assistance Number for this program is 93.262.

#### Where to Obtain Additional Information

If you are interested in obtaining additional information regarding this program, please refer to Announcement

Number 323 and contact Georgia Jang, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Rd., NE., Mailstop E-13, Atlanta, Georgia 30305, telephone (404) 842-6814, for business management technical information. Programmatic technical information is available from David D. Bayse, Ph.D., Associateship Programs Coordinator, National Institute for Occupational Safety and Health, 1600 Clifton Rd., Mailstop D-40, Atlanta, Georgia 30333, telephone (404) 639-3525.

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 INTRODUCTION may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: May 11, 1993.

**Roy M. Fleming,**

*Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 93-11681 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-10-P

#### [Announcement Number 401]

#### Fiscal Year 1994 Preventive Health Services; Sexually Transmitted Diseases Accelerated Prevention Campaigns Project Grants

#### Introduction

The Centers for Disease Control and Prevention (CDC) invites project grant applications to establish sexually transmitted disease accelerated prevention campaigns (STD APCs). Because of the high rates of STDs in adolescents and young adults, their severe consequences for women and infants (especially ethnic and racial minority populations), and their facilitation of human immunodeficiency virus (HIV) transmission, STDs are one of the most critical public health challenges facing the United States today. In establishing STD APCs, CDC recognizes and plans to meet this public health challenge. The STD APCs, which will involve both private and public sectors, will seek community involvement to accomplish national program goals by implementing the following strategies:

- Strengthen the quality and increase the recognition of the need for STD services.
- Improve systems to assess the magnitude of the STD problem, monitor

STD trends, and evaluate program impact.

- Provide leadership and expand access to STD services through linkages with other health program providers.

- Implement and evaluate strategies to prevent or reduce sexual and health-related behavior that places persons at risk of acquiring or transmitting STDs.

- Collaborate with health departments and universities in identifying program-relevant research needs.

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 to improve the quality of life. This program focuses on the priority areas of STD, HIV infection, and maternal and infant health. (For ordering a copy of Healthy People 2000, see the section Where To Obtain Additional Information.)

#### Authority

This program is authorized under sections 318 (b) and (c) of the Public Health Service Act [42 U.S.C. 247c (b) and (c)], as amended. Regulations governing the implementation of this legislation are covered under 42 CFR Part 51b, subparts A and D.

#### Eligibility

Eligible applicants for this program are the official public health agencies who are current recipients of project grants for Preventive Health Services Sexually Transmitted Diseases Prevention.

The process of improving quality of and access to STD services; providing leadership and linkages; strengthening assessment, planning, and evaluation systems; implementing and evaluating behavioral interventions; and expediting program-relevant research should include other public or private providers, university-based colleagues, and community-based organizations (CBOs) in planning and developing applications and implementing program activities. Consortium agreements and subcontracts may formalize these collaborations.

#### Availability of Funds

Based on the President's budget request, approximately \$70,000,000 is expected to be available in fiscal year (FY) 1994, of which \$65,000,000 is to award 65 new competitive project grants for required STD APC activities. The average award is expected to be \$1,000,000, ranging from \$19,000 to \$6,500,000. Approximately \$5,000,000 may be available to support enhanced

STD APC activities for up to 22 of the 65 project grants funded. The initial budget period will be January 1, 1994, through December 31, 1994. The project period will be up to 5 years. The funding estimates outlined may differ and are subject to change.

#### Use of Grant Funds

Project grant funds may be used for costs associated with organizing and conducting STD APC activities described in the Program Requirements and Funding Priorities sections of this announcement. Requests will be considered for direct assistance (i.e., in lieu of cash) for personnel and for other forms of direct assistance.

Federal funds are intended to supplement current state and local resources and must be used to assist state and local areas to conduct high-priority activities in targeted areas and populations. Although matching funds are not a condition for receiving Federal funds for required STD APC activities (but are for enhanced activities), applicants must document the human and fiscal resources expended by the grantee. Federal funds cannot be used to replace existing state and local support.

Funds to support the performance of routine diagnostic tests, the maintenance of STD central registries, the provision of diagnostic and treatment facilities and services, the purchase of automated data processing equipment, or other expenses normally supported by the grantee must be specifically approved for that purpose.

To the extent that funds are available, requests to renovate clinical facilities will be considered on an individual basis. Applicants may request as much as \$75,000 in Federal funds, but these funds must be matched by state or local funds on a one-for-one basis (\$1 Federal, \$1 state/local).

Integrating HIV prevention activities and STD prevention services is necessary and cost effective for reducing the transmission of all STDs, including HIV infection. Such integration is strongly encouraged. However, currently, funds for HIV counseling, testing, referral, partner notification (CTRPN), and related educational activities are available through the HIV prevention cooperative agreement and will not be supported with STD project grant funds. Recipients must document the source of funds for HIV prevention activities and services provided in STD clinics.

#### Purpose

The purpose of this program is to stimulate high-quality, interdisciplinary, collaborative STD

prevention efforts. This will be accomplished by developing, both within and beyond traditional STD clinics, innovative approaches that link programmatic, clinical, laboratory, epidemiologic, and behavioral activities in order to prevent transmission of STDs and their sequelae. Populations that are disproportionately affected, such as women, infants, and adolescents, will be emphasized. Because the current diagnostic and therapeutic technologies for viral STDs are limited, priority STD APC activities will focus on bacterial STDs: syphilis, congenital syphilis, chlamydia and gonococcal infections, and related sequelae (PID, infertility, and ectopic pregnancy). Within project areas, APC activities will be concentrated in geographic areas (e.g., zip codes, census tracts) where incidence rates of priority STDs are high. Activities that address these STDs will also complement HIV prevention efforts.

#### National Prevention Strategies and Objectives

##### Services

- Improve the scope and quality of services to STD clients, especially for persons in geographic areas or in populations most affected by STDs.

- Expand access to STD services to better meet the needs of the populations at risk—especially ethnic and racial minorities and adolescents—by offering STD services through primary care and other health care providers.

- Enhance the awareness of current STD services and awareness of service gaps in communities of greatest need.

##### Assessment, Planning, and Evaluation

- Develop a planning and evaluation process to determine overall program effectiveness and assess the strengths and weaknesses of specific strategies used to prevent STDs, including HIV infection.

- Strengthen current systems or develop new systems to accurately monitor STD trends to direct STD prevention activities.

##### Leadership/Linkages

- Where services such as family planning, prenatal care, drug treatment, and HIV management are not available within STD clinics, improve referral systems to ensure the appropriate constellation of services.

- Increase public understanding of, involvement in, and support for STD prevention through community partnerships.

### Behavior Change

- Design and evaluate strategies to prevent or reduce behaviors and practices that place persons at risk of acquiring or transmitting STDs. Such strategies should be developed in partnership with HIV prevention or other public health programs and initiatives, and should include representatives of those areas or populations most affected.
- Develop and evaluate interventions to persuade people who are at the greatest risk for acquiring STDs, including HIV infection, to seek health care early. Also develop and evaluate interventions to improve provider effectiveness.
- In coordination with HIV prevention programs and school health programs, comprehensive health education programs aimed at school-aged youth that emphasize sexual and health-related behaviors that reduce STDs and related health problems.

### Health Department and University Collaborations for Program Relevant Research

- Collaborate with health departments and universities to identify program-relevant operations research opportunities. When appropriate, identify additional funding to implement these research activities.

### Program Requirements

CDC recognizes that state and local health departments have different priorities for STD and HIV prevention activities because of differing considerations, such as local levels of STD and HIV morbidity, competing health priorities, resources, and a range of sociocultural factors. Program requirements for STD APCs are, therefore, considered in two categories: required STD APC activities and enhanced STD APC activities which, in brief, differ in the following respects:

**Required STD APC Activities:** Required STD APC activities assume applicants will continue to direct resources that primarily result in reducing STD morbidity and mortality. These activities focus primarily on improving the quality of clinic-based STD services in the local medical community, improving systems to monitor STDs and evaluate program influence, and implementing and evaluating STD clinic-based interventions (including disease intervention and partner notification activities) that reduce sexual and health-related behaviors that place people at risk for STDs and their complications. These activities require well-trained and

well-supported program staff. Approximately \$65,000,000 will be available for these required STD APC activities.

**Enhanced STD APC Activities:** While the required recipient activities focus primarily upon basic or infrastructure issues, programs may wish to develop expanded or innovative approaches to operational issues. For example, enhanced STD APC activities are intended to stimulate the development of innovative approaches to expand access to STD services beyond traditional STD clinics and related program activities, to encourage implementation and evaluation of interventions to change sexual and health-related behaviors at the community level, to foster development of new methods to assess and evaluate prevention, and to collaborate with health departments and universities in program-relevant operations research activities. In light of limited resources, these projects should be concentrated in specific counties or local health departments rather than at statewide levels. The applicant must work with local health jurisdictions that serve populations most affected by STDs in developing plans that will enhance or expand STD APC activities. Funding will be based on the quality and degree of innovation of each application and the specific needs of individual project areas.

#### A. Recipient Required STD APC Activities

Grantees will be responsible, with state and local resources supplemented with Federal assistance, for *all eight* of the following required program support and service delivery STD APC activities. In the application due July 1, 1993, the applicant will provide a detailed budget period plan (12-month) and a project period plan (5-year).

#### Program Support Activities

1. **Leadership in Planning and Developing the STD APC:** Develop budget period and a project period STD APC plan based upon descriptions of disease trends, populations at risk, and the results of a program needs assessment that identifies components or functions in need of improvement. The STD APC must define goals and objectives and the methods and activities proposed to attain them. (*Leadership*)

2. **STD Assessment Systems:** Federal funds may be used to supplement, not supplant, recipient resources to improve, maintain, and evaluate comprehensive, timely, and active information systems for monitoring STD

incidence and prevalence, especially in high-risk geographic areas. These systems should be able to (a) promptly detect the changing patterns of syphilis in adults and infants, gonorrhoea, and chlamydia infections and their complications; (b) identify populations at increased risk for infection; and (c) help with operational decisions on where to focus screening and follow-up activities to maximize local and national use of STD prevention resources. (*Assessment/Planning*)

3. **Evaluation:** Project staff must develop and implement an evaluation plan for all program activities and services that describes the effect of STD APC activities on (a) populations with high prevalence of STD or high-risk behavior and (b) the progress toward meeting objectives of the current budget period and the project period. An evaluation plan *must* be part of the application. Evaluation activities, focused on processes, must:

- summarize
  - each program support and service delivery activity and
  - progress toward achieving each stated objective
- provide detailed information on
  - the specific service or intervention that was provided with project grant funds
  - the description and the number of persons who received the service, (e.g., demographics such as age, race and ethnicity, gender, and (if available) sexual orientation)
  - when and how often the service or intervention was provided
  - where the service was provided
  - patient satisfaction
- Evaluation activities, focused on impact must
  - summarize STD morbidity trends, indicators of program performance, and STD cases and complications prevented and
  - analyze and explain the above information in terms of program impact.

Applicants should seek guidance, assistance, and collaboration on designing and implementing evaluation techniques from within their agency, from CDC, or from other institutions such as universities or schools of public health. (*Evaluation*)

4. **Staff Career Development:** Expand personnel career systems and policies, classroom training, and opportunities for skill development to maintain a skilled, stable, sensitive, responsive, and productive work force. Recipients will routinely assess the performance and training needs of *all* state or local staff who provide client services. Comprehensive quality assurance procedures and standards for

performance will be developed for reviews of client medical records. Supervisory staff must routinely monitor, through direct observation, the performance of staff and provide them feedback so they may improve their skills and the quality of their services. (Services)

5. Professional Education Activities: Educational strategies should be developed and implemented to increase the knowledge and improve the performance of persons or groups who contribute significantly to the STD prevention process within the STD clinic. For example, strategies should be developed and implemented to ensure the following:

a. Laboratory test results are reported in a timely and accurate fashion.  
b. Phlebotomy is performed according to OSHA standards.  
c. Clinic personnel maintain professional behavior that will positively affect the clients' attitudes about clinic services.

d. Physicians accurately diagnose and treat patients. Additionally, providers such as laboratories and targeted private physicians, medical groups, and hospitals must be routinely assessed for compliance with reporting requirements, recommended treatment, or other issues important to STD prevention. The providers who have not complied or who need information will be followed up to improve relationships and to ensure the most effective prevention efforts possible. (Services)

6. Laboratory Support for Active Case Detection and Diagnosis: Federal funds may be available to supplement, not supplant, grantees' resources to enable them to implement, improve, and evaluate public health laboratory support services to ensure that they are readily available and accurate and that they provide timely results to support STD prevention efforts. The state or local public health laboratory must be involved in developing the proposal. Evidence of this collaboration such as memoranda of understanding or other evidence must be included within the application. (Leadership/Services/Linkages)

#### Service Delivery Activities

1. Detection, Treatment, Counseling and Partner Notification Services for STDs as Well as Referral for Related Services: Federal funds may be used to supplement, not supplant, grantees' resources to enable them to improve and evaluate STD clinical services, private provider services and referrals, and provider linkages. On the basis of analyses of local disease incidence and resources described in the application,

applicants should offer confidential testing, treatment, counseling, partner notification services, and partner treatment to (a) interrupt and prevent further transmission of priority STDs, (b) provide risk reduction messages to prevent complications, and (c) prevent HIV transmission. Recipients are encouraged to give priority to providing services through sites (such as primary care providers) that serve residents who live in areas of high STD morbidity and through sites where STD infection rates are high. Recipients will provide voluntary partner notification services that include patient referral and provider referral. Project management will routinely assess the quality performance of staff and systems to optimize performance. (Clinical and Outreach Services/Linkages)

2. Active Case Detection through Screening and Follow-up of Positive/Reactive Tests: Federal funds may be available to supplement the expansion or improvement of the following services: Screening

(1) Establish screening (criteria determined by epidemiologic analysis and program resources) by non-STD clinic providers who serve patients who are at high risk for STDs.

(2) Targeted screening for priority STDs in street or community settings (e.g., bars, crack houses) based on data from the STD surveillance system and information gained from the disease intervention process.

(3) Ensure that persons whose test results indicate probable infection receive rapid medical attention and are offered other STD or HIV prevention services. (Services/Evaluation)

Note: STD School Education: Although collaboration is not a required activity, and resources and sensitivities may constrain activities, applicants are strongly encouraged to collaborate with others to improve STD education in the schools. Such opportunities have been created in each state or local education agency (SEA/LEA) that receives CDC cooperative agreements for "State and Local Comprehensive School Health Programs to Prevent Important Health Problems and Improve Educational Outcomes." Beginning in FY 1994, if resources are available, this program will award up to \$1.4 million to the nation's SEA/LEAs to help advance STD education. Personnel, planning, and resource collaboration with SEA/LEAs by health department STD prevention programs may multiply the potential influence of these small grants. The initial production of plans for implementing or expanding STD education should be followed with action plans and steps to integrate STD

education with instruction about sexual behaviors that result in HIV infection and unintended pregnancy. This should occur within a program of comprehensive school health education, which is consistent with the objectives of the CDC cooperative agreements with the SEA/LEAs. (Behavior/Linkages)

#### B. Recipient Enhanced STD APC Activities

Although all applicants are eligible to compete for funding of these activities, it is anticipated that only the state and local health departments for which STDs (including HIV infection) are a high priority will choose to do so. Approximately \$5,000,000 will be available for as many as 22 awards. Awards for these optional activities will be made on a competitive basis for as much as \$200,000 per year in 2:1 matching funds (i.e., \$2 awarded for each \$1 of new<sup>1</sup> public or private resources). Therefore, as much as \$300,000 in combined Federal (\$200,000), state or local (\$100,000) funding will be available annually for enhanced STD APC activities for each project area. Interested applicants are expected to provide the proposal for enhanced STD APC activities (including proposed sources for matching funds) in the application to be submitted on or before July 1, 1993. Applicants may submit more than one proposal for enhanced activities, but the maximum amount of Federal funds available for each project area will be \$200,000. For those proposals that have been approved, but documentation of matching funds has not been provided or is not yet available, funds will be awarded but restricted until documentation is received.

Funds for enhanced activities will not be part of the funding base in future grant cycles. Enhanced STD APC activities may be funded for up to the remainder of the project period, depending upon the availability of funds and the documented progress made during the preceding year. Enhanced STD APC activities will be considered separately during application review. In comparison to the required activities, greater emphasis will be placed on innovation, the quality of the evaluation component, and the ability to disseminate information to other programs as criteria for funding the enhanced STD APC activities. (See the Evaluation Criteria Section.)

<sup>1</sup>New resources may include newly identified funds or other resources, or redirected or in-kind resources not currently funded by the STD program.



Enhanced STD APC activities are intended to provide support for expanding project area and community linkages and conducting multidisciplinary research to develop a multidimensional STD prevention program that goes beyond the traditional STD clinic model. These STD APC activities should be driven by local opportunities. They may include one or more of the activities below.

1. Expanded Access to STD Clinical Services—Maximize collaborative activities involving delivery of STD services in other clinical or institutional settings (e.g., family planning, antenatal, or women's health clinics; migrant, community, or rural health centers; private providers; substance abuse programs; correctional systems) that target the same populations may greatly expand access. Memoranda of agreement that set out the exact nature of the collaboration must be submitted as part of the application. (*Clinical Services/Linkages*)

2. Community-based Approaches to STD Prevention—Collaborate with CBOs, schools, local religious groups, local media, and other organizations or individuals who may influence community norms to complement clinic-based STD prevention activities. Additional information may be found in the section entitled Required Activities and Services, in Announcement 300 (HIV Prevention) available from the Grants Management contact listed in the section Where to Obtain Additional Information. (*Behavior/Linkages*)

3. Impact Evaluation of STD Prevention Effectiveness—Establish and implement evaluation methods that go beyond process indicators to address changes in behavior or which influence reported morbidity of priority STD. (*Evaluation Research*)

4. Partnerships to Facilitate Program Relevant Operational Research—Establish formal or informal links with universities and health departments to facilitate clinical, epidemiologic, behavioral, and operational research directed at answering programmatic questions. Memoranda of agreement that specify the collaboration and funding and resource considerations must be submitted as part of the application. (*Research/Linkages*)

5. Health Education and Risk Reduction (HE/RR)—Use HE/RR programs and services to reach persons at increased risk of becoming infected with an STD or HIV, or if already infected, of transmitting the infection to others. HE/RR programs and services should be culturally sensitive, developmentally appropriate, sensitive to issues of sexual identity, and

linguistically specific. HE/RR activities can be undertaken directly by health departments or be contracted to other governmental or nongovernmental organizations that have access to and credibility with persons at risk. Grantees are strongly encouraged to develop messages about STDs and HIV. Additional information about specific types of HIV HE/RR programs is available in Announcement 300 (HIV Prevention). (*Behavior/Linkages*)

#### Confidentiality

In accordance with section 318(d)(5) of the Public Health Service Act [42 U.S.C. 247c(d)(5)], all information obtained in connection with the examination, care, or services provided to any person in any program that is being carried out with an award made under this announcement shall not be disclosed, without the person's consent, except as may be necessary to provide services to them or as may be required by a law of a state or a political subdivision of a state. Information derived from any such program may be disclosed in summary, statistical, or other form, or for clinical or research purposes, but only if the identity of the persons receiving care or diagnosis is not disclosed and cannot be traced.

#### Funding Priorities

Funding will be based on the quality and degree of innovation of each application and the specific needs of individual project areas. Project areas with high incidence of syphilis and congenital syphilis should make the prevention of these infections their highest priority while maintaining or further reducing current levels of gonorrhea and chlamydia. Project areas with a low incidence of syphilis, congenital syphilis, and gonorrhea should give priority to chlamydia while maintaining or further reducing the current levels of syphilis and gonorrhea.

#### Evaluation Criteria

STD APC applications will be evaluated by CDC-appointed Objective Review Committees whose members have expertise in STD prevention and service delivery. These reviewers will be persons representing national, regional, or community-based organizations, universities, state and local health departments, and various Federal agencies. Applicants, therefore, should consider the clarity of presentation and the use of terms that are widely understood or clearly defined. *The overall quality of the program described in the STD APC application as determined by the Objective Review Committee, not the*

*level of support in past years, will determine the level of Federal support in FY 1994.* Moreover, the level of the Federal funding during the project period will be based on documented progress toward achieving the objectives of the project period plan. Funding beyond the first budget period up to a 5-year project period will be contingent upon satisfactory progress toward meeting the objectives of the established plan.

To the extent that funds are available in year 01, funding for Required Activities will be based on 100% of the initial award of January 1, 1993. Funding will be based on the quality of the application. Only information included in the application will be considered. Applications rated at or above the 80th percentile by the Objective Review Panel will receive up to 110% of the base budget initially approved January 1, 1993. In addition, funding for Enhanced Activities will be awarded as described in the Recipient Enhanced STD APC activities. However, the level of the Federal funding during the project period will be based on annual progress in reaching milestones of the 5-year comprehensive plan, in delivering program performance, and in achieving prevention results. In subsequent years, continuation applications will be judged on (A) evidence of local commitment to the STD APC, (B) evidence of sound, broad-based working relationships, (C) the trend in indicators of productive program performance, (D) projections of STD cases and complications prevented, and (E) trends of STD morbidity and case rates. To maintain this award, the recipient must show satisfactory progress in these areas and toward meeting other objectives of the plan.

Applications for required STD APC activities will be evaluated separately from applications for enhanced STD APC activities. Each application will be reviewed and evaluated according to the following criteria.

A. The burden of STD morbidity, including the extent to which the STD problem is assessed, and the relationship between local and national STD priorities and the choice of local priorities based on the assessment (required: 20 points; enhanced: 5 points).

B. The extent to which the needs of women, adolescents, infants, and racial and ethnic minority populations are addressed (required: 15 points; enhanced: 10 points).

C. The extent to which the objectives for STD prevention are specific, time-phased, and measurable for the budget period (12 months) and for the project

period (5 years) and the extent that the budget period plan supports the success of the project plan (required: 15 points; enhanced: 20 points).

D. The quality of the plan; the extent to which the plan meets local needs; the extent to which it describes innovative yet attainable prevention activities to attain the APC goals; the appropriateness of process objectives; and the extent program outcomes will be documented. Innovative activities should focus on developing interdisciplinary partnerships with CBOs (required: 20 points; enhanced: 15 points).

E. The quality of the plan for evaluation and monitoring quality assurance; the extent to which it will monitor progress and address the problems in achieving objectives. In addition, the extent to which the plan for evaluation clarifies how various activities will contribute toward the number of STD cases and complications prevented under the short-term objectives (required: 20 points; enhanced: 25 points).

F. The extent to which the plan for STD prevention moves beyond the traditional STD program model and involves participation of primary care clinics, HIV prevention programs, CBOs, community partnerships, intergovernmental or other organizations (required: 10 points; enhanced: 25 points).

In addition, consideration will be given to the extent to which the budget request is realistic, clear, and consistent with national goals. In making funding decisions, consideration will also be given to the extent to which the project area contributes its own resources (e.g., financial, personnel, and other) to STD prevention. Higher commitments will be viewed more favorably.

#### **E.O. 12372 Review**

STD APC applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. E.O. 12372 sets up a system for state and local government review of proposed Federal assistance applications. Applicants should contact their state Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process. A current list of SPOCs is included in the application kit. If SPOCs have any state process recommendations on applications submitted to Centers for Disease Control and Prevention (CDC), they should forward them no later than 60 days from the due date of the application to Elizabeth Taylor, Grants Management

Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305. CDC does not guarantee to accommodate or explain state process recommendations received after September 1, 1993.

#### **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 Domestic Assistance Number is 93.977, Preventive Health Services—Sexually Transmitted Disease Control.

#### **Application Submission and Deadline**

The original and two copies of the application (Form PHS 5161-1) must be submitted to Elizabeth Taylor, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305, on or before July 1, 1993.

1. **Deadline:** Applications will meet the application deadline if they are either:
  - A. Received on or before the deadline date, or
  - B. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable proof of timely mailing.)

2. **Late Applications:** Applications that do not meet the criteria in 1.A. or 1.B. above are considered late applications. Late applications will not be considered in the current funding cycle and will be returned to the applicant.

#### **Where to Obtain Additional Information**

Information on application procedures, copies of application forms, and other material may be obtained from Linda Long, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305, telephone (404) 842-6511.

Announcement 401, "Project Grants for Preventive Health Services—

Sexually Transmitted Diseases Accelerated Prevention Campaigns," must be referenced in all requests for information on these projects.

Programmatic technical assistance in the preparation of applications may be obtained from Jack Kirby, Division of STD/HIV Prevention, National Center for Prevention Services, Centers for Disease Control and Prevention (CDC), Atlanta, GA 30333, telephone (404) 639-0500.

Potential applicants may obtain 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) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, telephone (202) 783-3238.

Dated: May 11, 1993.

**Robert L. Foster,**

*Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 93-11691 Filed 5-17-93; 8:45 am]  
BILLING CODE 4160-18-P

#### **[Announcement Number 308]**

#### **Grants for Radiation Studies and Research; Availability of Funds for Fiscal Year 1993**

##### **Introduction**

The Centers for Disease Control and Prevention (CDC), announces that applications are being accepted for grants for radiation studies and research. The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. The efforts funded by these grants will result in models and procedures that will improve systems to track environmental exposures and diseases. For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.

##### **Authority**

This program is authorized under Section 301(a) of the Public Health Service Act, as amended (42 U.S.C. section 241(a)) and under Section 20(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. section 669(a)).

##### **Eligible Applicants**

Eligible applicants include all non-profit and for-profit organizations. Thus

state and local health departments and other state and local governmental agencies, universities, colleges, research institutions, laboratories, and other public and private organizations, including small, minority and/or woman-owned businesses are eligible for these research grants.

#### Availability of Funds

Approximately \$1.0 million is expected to be available in FY 1993 to fund approximately 3 to 5 awards. It is expected that the average award will be \$150,000-\$200,000, the range being \$60,000 to \$200,000 (including both direct and indirect costs). It is expected that the awards will begin on or about September 30, 1993, and are usually made for a 12-month budget period within a project period of up to three years. Grant funds may not be used to support direct care services. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

#### Purpose

The purposes of this program are:

A. To support radiation research on priority issues in the following categories:

1. Review of Uncertainty Analysis for Environmental Transport and Dosimetry Models;
2. Methodologies for Comprehensive Exposure and Health Outcome Determination; and
3. Development of Geographic Information Systems (GIS)

B. To encourage professionals from a wide spectrum of disciplines such as engineering, medicine, health care, public health, physical sciences, and others, to undertake radiation research programs.

C. To evaluate current and new scientific methodologies and strategies in the areas of radiation research.

#### Program Requirements

The following are applicant requirements:

A. A director who has specific authority and responsibility to carry out the project.

B. Demonstrated experience in successfully conducting, evaluating, and publishing radiation, epidemiology, and/or dose assessment research.

C. Effective and well-defined working relationships within the performing organization and with outside entities which will ensure implementation of the proposed activities.

D. An explanation of how research findings might be disseminated and

implemented through organizations (such as public health agencies) or systems, both public and private.

E. An overall match between the applicant's proposed theme and research objectives, and the program priorities as described in the PURPOSE, A. Radiation research.

Grant funds will not be made available to support the provision of direct care services. The following studies may be supported:

A. Studies evaluating methods of conducting objective reviews of uncertainty analysis procedures for use with mathematical models of environmental transport and dosimetry.

B. Studies evaluating the approach to joint dose reconstruction and epidemiologic study protocol development for initiation of site-specific studies that combine dose reconstruction, exposure assessment, and epidemiologic assessment.

C. Studies evaluating how geographical analysis can be incorporated into developing protocols for joint dose reconstruction/epidemiological study design.

Eligible applicants may enter into contracts, including consortia agreements (as set forth in the PHS Grants Policy Statement) as necessary to meet the requirements of the program and strengthen the overall application.

#### Programmatic Interest

The focus of grants should reflect (1) the broad-based need for an objective review of Uncertainty Analysis for Environmental Transport Models; (2) methodologies for comprehensive exposure and health outcome determination; and (3) development of Geographic Information Systems (GIS). Special consideration may be given to applicants requesting funding for research projects of one to two year's duration.

#### Uncertainty Analysis

All environmental dose reconstructions require the extensive use of mathematical models of environmental transport and dosimetry. The results of these models will always be inherently uncertain. Quantification of this uncertainty is an integral part of the modeling process for dose reconstruction. Without such an uncertainty analysis, it is impossible to use the dose calculational results in a scientifically-defensible manner.

A number of methods are available for analyzing data and performing model uncertainty analyses. The method of choice for a given uncertainty analysis depends on the model being used, the data available for the model, and the

question the model is being asked to answer. Many of these methods are so data- and computer-intensive that they may be impractical for some mathematical modeling currently envisioned for dose reconstruction purposes. Failure to adequately consider uncertainty analysis in the initial design of the dose models can lead to a number of problems, including totally erroneous results. The purpose of this intended grant is to provide insight to CDC staff in selecting uncertainty analysis techniques appropriate for dose reconstruction purposes. This effort will provide insight as to the need for additional research in this area as well. While quantitative uncertainty statements are always desired when discussing modeling results, this project will also examine non-quantitative measures of uncertainty.

#### Methodologies for Comprehensive Exposure and Health Outcome Determination

Current approaches to the study of radiation-related health effects in communities near nuclear facilities are to:

- Reconstruct radiation doses and then assess if an analytic epidemiology study is warranted and feasible;
- Use available health outcome data sources to determine if there are any unusual temporal or geographic patterns in disease rates in the community surrounding a facility.

Community residents frequently ask for analytic epidemiologic studies to be initiated quickly in their communities. Many radiation scientists, however, prefer that a comprehensive dose reconstruction be completed before analytic epidemiologic studies are designed. With this approach, community residents may wait several years before dose reconstruction studies are completed and epidemiologic studies are undertaken. Health data sources for these studies then may take several more years to develop and evaluate, further prolonging an epidemiologic assessment of the community. Joint design of dose reconstruction and epidemiologic studies may shorten the period needed for overall assessment of radiation related health effects in these communities. It will permit development of integrated data collection activities for assessment of radiation exposures and possibly associated health outcomes.

Support may be given to a research group to evaluate approaches to joint dose reconstruction and epidemiologic study.

### Geographic Information Systems

All current and planned dose reconstructions and related epidemiologic activities have a geographical component since geographic location is usually a major determinant of the estimated dose. A computer based mapping and information management technology is needed for spatial analysis of doses, populations and environmental measurements, and for simplified visual summaries of those analyses. Moreover, this could serve as a single computer archive for environmental dosimetry and health outcome data for individual DOE nuclear facilities. Support may be given to a research group to evaluate how geographic information system technology may be incorporated into protocols for site-specific dose reconstruction and epidemiologic studies.

### Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

1. The specific aims of the research project, i.e., the broad long term objectives, the intended accomplishment of the specific research proposal, and the hypothesis to be tested; (15%)
2. The background of the proposal, i.e., the basis for the present proposal, the critical evaluation of existing knowledge, and specific identification of the knowledge gaps which the proposal is intended to fill; (10%)
3. The significance and originality from a scientific or technical standpoint of the specific aims of the proposed research, including the adequacy of the theoretical and conceptual framework for the research; (20%)
4. The progress of preliminary studies pertinent to the application; (5%)
5. The adequacy of the proposed research design, approaches, and methodology to carry out the research, including quality assurance procedures, plan for data management, and a statistical analysis plan. (15%)
6. The extent to which the evaluation plan will allow for the measurement of progress toward the achievement of the stated objectives. (15%)
7. Qualifications, adequacy, and appropriateness of personnel to accomplish the proposed activities. (10%)
8. The degree of commitment and cooperation of other interested parties (as evidenced by letters detailing the nature and extent of the involvement). (5%)
9. Adequacy of existing and proposed facilities and resources. (5%)

10. The budget request is clearly explained, adequately justified, reasonable and consistent with the intended use of grant funds. (NOT SCORED)

### Executive Order 12372 Review

Applications are not subject to the review requirements of Executive Order 12372, entitled Intergovernmental Review of Federal Programs.

### Public Health System Reporting Requirement

This program is not subject to the Public Health System Reporting Requirement.

### Catalog of Federal Domestic Assistance Number (CFDA)

The Catalog of Federal Domestic Assistance number is 93.283.

### Other Requirements

#### Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations (45 CFR part 46) regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

### Application Submission and Deadlines

#### A. Preapplication Letter of Intent

Although not a prerequisite of application, a non-binding letter of intent-to-apply is requested from potential applicants. The letter should be submitted to the Grants Management Officer (whose address is reflected in section B, "Applications"). It should be postmarked no later than one month prior to the planned submission deadline. The letter should identify the announcement number being responded to, indicate the intended submission deadline, name the principal investigator, and specify the radiation research topic area addressed by the proposed project.

The letter of intent does not influence review or funding decisions, but it will enable CDC to plan the review more efficiently, and will ensure that each applicant receives timely and relevant information prior to application submission.

### B. Applications

Applicants should use Form PHS-398 and adhere to the ERRATA Instruction Sheet for Form PHS-398 contained in the Grant Application Kit. Please submit an original and five copies, on or before July 19, 1993, to: Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Atlanta, Georgia 30305.

### C. Deadlines

Applications shall be considered as meeting a deadline if they are either:

1. Received on or before the deadline date; or
2. Sent on or before the deadline date and received in time for submission to the review committee. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailings. Applications which do not meet the criteria in C.1. or C.2. above are considered late applications and will be returned to the applicant.

### Where to Obtain Additional Information

To receive additional written information call (404) 332-4561. You will be asked to leave your name, address, and phone number and will need to refer to Announcement Number 308. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all documents, business management technical assistance may be obtained from Lisa Tamaroff, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Mailstop E-13, Atlanta, GA 30305, (404) 842-6796. Programmatic technical assistance may be obtained from Paul Renard, Project Officer, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Hwy, NE., Mailstop F-35, Atlanta, Georgia 30341-3724, (404) 488-7040.

Potential applicants may obtain 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) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, (Telephone (202) 783-3238).

Dated: May 11, 1993.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-11692 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-18-P

### Advisory Committee on Childhood Lead Poisoning Prevention: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

**Name:** Advisory Committee on Childhood Lead Poisoning Prevention.

**Times and Dates:** 10 a.m.-5 p.m., June 2, 1993; 8:30 a.m.-3 p.m., June 3, 1993.

**Place:** Sheraton Century Center Hotel, 2000 Century Boulevard, NE., Atlanta, Georgia 30345-3377.

**Status:** Open to the public, limited only by the space available.

**Supplementary Information:** In October 1991 the Secretary of the Department of Health and Human Services released the CDC policy statement, "Preventing Lead Poisoning in Young Children." This statement is used by pediatricians and lead screening programs throughout the United States, and great progress has been made in implementing the statement. Copies of this statement may be requested from the contact person listed below.

**Matters To Be Discussed:** Since the release of this statement, new data have become available and some information gaps have been identified. The committee will consider this new research data and information on management of lead toxicity and make recommendations concerning revision of the statement.

Agenda items are subject to change as priorities dictate.

Persons wishing to make written comments regarding additions or changes to the statement should provide such written comments to the contact person no later than May 28, 1993. Persons wishing to make oral comments on the statement at the meeting should notify the contact person in writing or by telephone no later than close of business May 28, 1993. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests, it may be necessary to limit the time of each presenter.

**Contact Person for More Information:** Barbara Nelson, Program Analyst, Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects,

NCEH, CDC, 4770 Buford Highway NE., (F42), Atlanta, Georgia 30341-3724, telephone 404/488-7330, FAX 404/488-7335.

Dated: May 12, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-11680 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-18-M

### CDC Advisory Committee on the Prevention of HIV Infection (CDC ACPHI); Subcommittee on Developing Partnerships for HIV Prevention; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following subcommittee meeting.

**Name:** CDC ACPHI Subcommittee on Developing Partnerships for HIV Prevention.

**Time and Date:** 8 a.m.-5 p.m., June 3, 1993.

**Place:** Red Lion Columbia River, 1401 North Hayden Island Drive, Portland, Oregon 97217.

**Status:** Open to the public, limited only by the space available.

**Purpose:** The purpose of this meeting is for the subcommittee to review the type, extent, and quality of partnerships between CDC and nongovernmental organizations in the planning and implementation of a comprehensive HIV prevention program.

Agenda items are subject to change as priorities dictate.

**Contact Person for More Information:** Connie Granoff, Committee Assistant, Office of the Associate Director for HIV/AIDS, CDC, 1600 Clifton Road, NE., Mailstop E-40, Atlanta, Georgia 30333, telephone 404/639-2918.

Dated: May 12, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-11686 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-18-M

### CDC Advisory Committee on the Prevention of HIV Infection (CDC ACPHI); Subcommittee on Developing Partnerships for HIV Prevention; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following subcommittee meeting.

**Name:** CDC ACPHI Subcommittee on Developing Partnerships for HIV Prevention.

**Time and Date:** 8 a.m.-5 p.m., June 7, 1993.

**Place:** Hyatt Regency La Jolla, 3777 La Jolla Village Drive, San Diego, California 92122.

**Status:** Open to the public, limited only by the space available.

**Purpose:** The purpose of this meeting is for the subcommittee to review the type, extent, and quality of partnerships between CDC and nongovernmental organizations in the planning and implementation of a comprehensive HIV prevention program.

Agenda items are subject to change as priorities dictate.

**Contact Person for More Information:** Connie Granoff, Committee Assistant, Office of the Associate Director for HIV/AIDS, CDC, 1600 Clifton Road, NE., Mailstop E-40, Atlanta, Georgia 30333, telephone 404/639-2918.

Dated: May 12, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93-11687 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-18-M

### Advisory Committee on Immunization Practices; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

**Name:** Advisory Committee on Immunization Practices.

**Times and Dates:** 1 p.m.-5:30 p.m., June 2, 1993; 8:30 a.m.-5 p.m., June 3, 1993.

**Place:** CDC, Auditorium A, Building 2, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

**Status:** Open to the public, limited only by the space available.

**Purpose:** The committee is charged with advising the Director, CDC, on the appropriate uses of immunizing agents.

**Matters To Be Discussed:** The committee will discuss BCG meta-analyses; group C meningococcal meningitis clusters; varicella disease and vaccine; adult immunization issues, including the appropriate age for pneumococcal vaccination and the need for regular booster doses of tetanus-diphtheria vaccines; and recommendations for use of antiviral agents for the prevention of influenza type A.

The agenda also includes a presentation on simplification of immunization; new Vi-polysaccharide vaccine for typhoid fever; a new Haemophilus influenzae type b vaccine statement; guidelines on IG measles prophylaxis; bone marrow transplant; Food and Drug Administration and National Institutes of Health report on vaccine licensure and research; update on the National Vaccine Program; and an Injury Compensation Program update. Other matters of relevance among the committee's objectives may be discussed.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:*  
Gloria A. Kovach, Staff Specialist, CDC (1-B72), 1600 Clifton Road, NE, Mailstop A20, Atlanta, Georgia 30333, telephone 404/639-3851.

Dated: May 12, 1993.

Elvin Hilyer,

*Associate Director for Policy Coordination,  
Centers for Disease Control and Prevention  
(CDC).*

[FR Doc. 93-11678 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-10-M

## Food and Drug Administration

[Docket No. 93N-0109]

### Houston Apheresis, Inc.; Opportunity for Hearing on a Proposal To Revoke U.S. License No. 990

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for a hearing on a proposal to revoke the establishment license (U.S. License No. 990) and product licenses issued to Houston Apheresis, Inc., for the manufacture of Whole Blood, Red Blood Cells, Plasma, and Fresh Frozen Plasma. The proposed revocation is based on the inability of authorized FDA employees to conduct an inspection of this facility, which is no longer in operation.

**DATES:** The firm may submit written requests for a hearing to the Dockets Management Branch by June 17, 1993, and any data and information justifying a hearing by July 19, 1993. Other interested persons may submit written comments on the proposed revocation by July 19, 1993.

**ADDRESSES:** Submit written requests for a hearing, any data and information justifying a hearing, and any written comments on the proposed revocation to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Stephen Ripley, Center for Biologics Evaluation and Research (HFM-635), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-295-9074.

**SUPPLEMENTARY INFORMATION:** FDA is initiating proceedings to revoke the establishment license (U.S. License 990) and product licenses issued to Houston Apheresis, Inc., formerly located at 9265 Kirby Dr., Houston, TX 77054, for the manufacture of Whole Blood, Red Blood Cells, Plasma, and Fresh Frozen Plasma.

Proceedings to revoke the licenses are being initiated because an attempt for onsite inspection by FDA revealed that the facility was no longer in operation.

On March 26, 1991, an FDA investigator attempted to conduct an inspection of Houston Apheresis, Inc., and found that the facility was vacant. The FDA investigator called the firm's telephone number and received a continuous busy signal. Because the post office reported that the forwarding address for Houston Apheresis, Inc., was the home address of the Responsible Head, on April 1 and 4, 1991, the FDA investigator went to the home of the Responsible Head of Houston Apheresis, Inc., and left messages to contact the investigator at the office. Two messages were also left on the home telephone number of the Responsible Head to contact the investigator. The Responsible Head did not return any calls.

In a letter sent to Houston Apheresis, Inc., dated June 25, 1991, and returned as undeliverable on July 12, 1991, FDA requested voluntary revocation of the licenses for the manufacture of Whole Blood, Red Blood Cells, Plasma, and Fresh Frozen Plasma on the basis that the firm was no longer in operation. The letter also advised the Responsible Head that, under 21 CFR 601.5(b), a license may be revoked after reasonable efforts have been unable to gain access to an establishment for the purposes of conducting an inspection. In a certified letter to the firm dated October 26, 1992, FDA indicated that following repeated attempts to conduct an inspection and to contact the Responsible Head by telephone, a meaningful inspection could not be made of the establishment. In the same letter, FDA issued the firm notice of FDA's intent to revoke U.S. License No. 990 and announced its intent to offer an opportunity for a hearing.

Because FDA made reasonable efforts to notify the Responsible Head of the proposed revocation and because no response was received from the Responsible Head, FDA is proceeding pursuant to 21 CFR 12.21(b) and publishing a notice of an opportunity for a hearing on a proposal to revoke the licenses of the above establishment.

FDA has placed copies of the documents relevant to the proposed license revocation on file with the Dockets Management Branch (address above) under the docket number found in brackets in the heading of this notice. These documents include the following: Summary of Findings, April 9, 1991 (Endorsement—Form FDA 481); FDA letters of June 25, 1991, and October 26, 1992. These documents are available for

public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Houston Apheresis, Inc., may submit written requests for a hearing to the Dockets Management Branch by June 17, 1993, and any data and information justifying a hearing must be submitted by July 19, 1993. Other interested persons may submit comments on the proposed license revocation to the Dockets Management Branch by July 19, 1993. The failure of the licensee to file a timely written request for a hearing constitutes an election by the licensee not to avail itself of the opportunity for a hearing concerning the proposed license revocation.

FDA procedures and requirements governing a notice of opportunity for a hearing, notice of appearance and request for a hearing, grant or denial of a hearing, and submission of data and information to justify a hearing on a proposed revocation of a license are contained in 21 CFR parts 12 and 601. A request for a hearing may not rest upon mere allegations or denials but must set forth a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses submitted in support of the request for a hearing that there is no genuine and substantial issue of fact for resolution at a hearing, or if a request for a hearing is not made within the requested time with the required format or required analyses, the Commissioner of Food and Drugs will deny the hearing request, making available the findings and conclusions that justify the denial.

Two copies of any submissions are to be provided to FDA, except that individuals may submit one copy. Submissions are to be identified with the docket number found in brackets in the heading of this document. Such submissions, except for data and information prohibited from public disclosure under 21 CFR 10.20(j)(2)(i), 21 U.S.C. 331(j), or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act (sec. 351 (42 U.S.C. 262)) and the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 701 (21 U.S.C. 321, 351, 352, 355, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.67).

Dated: May 3, 1993.

Kathryn C. Zoom,  
Director, Center for Biologics Evaluation and  
Research.

[FR Doc. 93-11418 Filed 5-13-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 92N-0371]

### New Drug Applications; Refusal To File; Meeting of Review Committee

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the establishment, and the first regular meeting, of a standing committee in the Center for Drug Evaluation and Research (CDER) to conduct periodic review of CDER's use of its refusal to file (RTF) procedure, by which it refuses to file new drug applications (NDA's) that are factually deficient under FDA's regulations. This committee has been established on a 1-year trial basis. FDA invites NDA applicants to use the committee's confidential mechanism to request review of any RTF decision during the past 12 months.

**DATES:** The first regular meeting of the committee will be held in July 1993. Submit requests for review by June 17, 1993.

**ADDRESSES:** Submit RTF review requests to Amanda B. Pedersen, FDA Chief Mediator and Ombudsman, Office of the Commissioner (HF-7), Food and Drug Administration, rm. 14-105, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1306.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Jones, Center for Drug Evaluation and Research (HFD-6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2894.

**SUPPLEMENTARY INFORMATION:** The importance to the public health of getting new drug therapies on the market as efficiently as possible has made improving the new drug evaluation process an FDA priority for a number of years. In the Federal Register of February 22, 1985 (50 FR 7452), FDA revised its regulations to streamline the process for submitting and reviewing NDA's. FDA supplemented these regulations with extensive guidelines to applicants on how to prepare complete applications and thus facilitate agency review (52 FR 10819, April 3, 1987). FDA similarly revised its investigational new drug application (IND) regulations in 1987 to clarify and simplify the rules governing

clinical testing of new drugs (52 FR 8798, March 19, 1987). FDA has further refined drug approval procedures to expedite marketing approval for therapies for serious or life-threatening illnesses (53 FR 41516, October 21, 1988; 57 FR 58942, December 11, 1992) and to make such therapies available prior to marketing approval through mechanisms such as the treatment IND (52 FR 19466, May 22, 1987) and the parallel track (57 FR 13250, April 15, 1992) initiatives. The meeting described in this notice continues the agency efforts to promote the timely, efficient, and consistent review of NDA's.

CDER is aware that a clear, well-understood, and consistently applied RTF policy could improve substantially the efficiency of the new drug evaluation process. CDER recognizes that the practice of submitting an incomplete or inadequate application and then providing additional information during an extended review period is inherently inefficient and wasteful of agency resources. It also is unfair to those applicants who fulfill their scientific and legal obligations by submitting complete applications whose review may be delayed while incomplete applications, submitted earlier, undergo review and repair.

FDA regulations on filing applications, including grounds and procedures for refusals to file, are found in § 314.101 (21 CFR 314.101). In the past, some review divisions in CDER have refused to file applications only where the deficiencies were extreme, e.g., the total omission of a section required by 21 CFR 314.50, or the absence of any study even arguably adequate and well controlled, while others have applied this regulation more broadly. When deciding whether to file an application, CDER will exercise discretion, particularly when the application is for a medically important drug. CDER intends to make every effort to promote rapid development and review of applications.

Although an RTF is not a final determination, it is a significant step that delays, at least for a time, full review of an application. The applicant who receives an RTF notification may request an informal conference with the agency and, thereafter, may ask that the application be filed over protest as described under § 314.101(a)(3) (see 57 FR 17950 at 17987, April 28, 1992). CDER believes that an RTF decision is, in general, of benefit to applicants as an early signal that the application has major deficiencies that would, most probably, result in a not approvable action or would introduce serious impediments to a prompt review.

To assess the scientific and procedural quality of RTF decisions, CDER will periodically convene a committee of senior officials to review RTF decisions. The review committee will examine selected RTF's to assess, among other things, the consistency of RTF practices across new drug evaluation offices and divisions, the need for additional guidance on NDA content and format, and the need to modify FDA's RTF policy.

The RTF review committee consists of senior CDER officials, a senior official from the Center for Biologics Evaluation and Research, and FDA's Chief Mediator and Ombudsman. The committee will conduct three to four meetings over the next 12 months on a trial basis to review a limited number of NDA's that the agency has refused to file, some chosen randomly, some proposed for review by applicants.

The committee held pilot meetings on September 24, 1992, and April 1, 1993. At these meetings, the committee reviewed several NDA's that CDER has refused to file that were selected by the Office of the FDA Chief Mediator and Ombudsman. For the first regular meeting, applicants should submit RTF's proposed for committee review to the FDA Chief Mediator and Ombudsman, who will be responsible for compiling the list of RTF decisions for committee consideration. The committee and CDER staff (with the exception of the FDA Chief Mediator and Ombudsman) will not be advised, either in the review process or thereafter, which of the RTF's were randomly chosen and which were submitted by applicants. The committee will evaluate the selected decisions for scientific content and consistency with agency regulations and CDER policy.

Because the committee's deliberations will deal with confidential commercial information, all meetings will be closed to the public. The committee's deliberations will be reported in the minutes of the meeting. Although those minutes will not be publicly available because they will contain privileged commercial information, summaries of the committee's deliberations, with all such privileged commercial information omitted, will be available from the FDA Chief Mediator and Ombudsman. If, following the committee's review, an RTF decision changes, the reviewing division will notify the applicant of the change.

FDA invites applicants to submit to the FDA Chief Mediator and Ombudsman the name and number of any NDA that CDER refused to file during the past 12 months that they want the committee to review at its next

meeting. Submissions should be made by June 17, 1993, to Amanda B. Pedersen, FDA Chief Mediator and Ombudsman (address above).

Dated: May 11, 1993.

**Michael R. Taylor,**

*Deputy Commissioner for Policy.*

[FR Doc. 93-11708 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 76G-0189]

### Market Basket; Withdrawal of GRAS Affirmation Petition

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition (GRASP 6G0058) requesting that the agency affirm that chlorine spray containing 180 parts per million (ppm) of chlorine in water for use as a spray on beef carcasses is generally recognized as safe (GRAS).

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS-217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9519.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of September 7, 1976 (41 FR 37658), FDA published a notice announcing that a petition (GRASP 6G0058) had been filed by Market Basket, 6014 South Eastern, Los Angeles, CA 90022. This petition asked that the agency affirm that chlorine spray containing 180 ppm of chlorine in water for use as a spray on beef carcasses is GRAS.

On October 30, 1981, FDA asked the firm for additional data to support the petition. The last correspondence from the petitioner was a letter dated February 11, 1982. This letter did not respond to the agency's request for additional information to affirm that the petitioned use of chlorine spray is GRAS. Moreover, the petitioner has submitted no further information or data to the agency.

On November 20, 1992, the agency sent a letter to the firm requesting the additional data and asking for a statement of the firm's intent with regard to the petition. FDA advised that if the requested information could not be submitted within 30 days of the date of the letter, then the petition should be withdrawn. Otherwise, the agency would proceed to publish a notice in the *Federal Register* to withdraw or deny

the petition. The letter sent by special carrier could not be delivered to the petitioner's last known address: 13100 Molette St., Santa Fe Springs, CA 90670, and was returned to the agency. Therefore, the agency is announcing that it considers this petition to be withdrawn by the firm, without prejudice to a future filing, in accordance with 21 CFR 171.7(b).

Dated: May 7, 1993.

**Douglas L. Archer,**

*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 93-11642 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93E-0147]

### Determination of Regulatory Review Period for Purposes of Patent Extension; Lamisil Cream

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined the regulatory review period for Lamisil Cream and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

**FOR FURTHER INFORMATION CONTACT:** Karin L. Bolte, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

**SUPPLEMENTARY INFORMATION:** The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug

products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Lamisil Cream. Lamisil Cream (terbinafine hydrochloride) is indicated for the topical treatment of the following dermatologic infections: interdigital tinea pedis (athlete's foot), tinea cruris (jock itch), or tinea corporis (ringworm) because of *Epidermophyton floccosum*, *Trichophyton mentagrophytes*, or *T. rubrum*. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Lamisil Cream (U.S. Patent No. 4,755,534) from Sandoz, Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated April 13, 1993, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Lamisil Cream represented the first commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Lamisil Cream is 3,464 days. Of this time, 2,917 days occurred during the testing phase of the regulatory review period, while 547 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under section 505(i) of the *Federal Food, Drug, and Cosmetic Act* became effective: July 9, 1983. The applicant claims June 6, 1983, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was July 9, 1983.



which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* July 3, 1991. The applicant claims June 30, 1991, as the date the new drug application (NDA) for Lamisil Cream (NDA 20-192) was initially submitted. However, FDA records indicate that NDA 20-192 was initially submitted on July 3, 1991.

3. *The date the application was approved:* December 30, 1992. FDA has verified the applicant's claim that NDA 20-192 was approved on December 30, 1992.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 543 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before July 19, 1993, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before November 15, 1993, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 10, 1993.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.  
(FR Doc. 93-11641 Filed 5-17-93; 8:45 am)

BILLING CODE 4160-01-F

[Docket No. 93N-0156]

**Report on Voluntary Compliance by Food Retailers in Providing Nutrition Labeling Information for Raw Fruit and Vegetables and for Raw Fish; Availability**

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a report entitled "Report on Voluntary Compliance by Food Retailers in Providing Nutrition Labeling Information for Raw Fruit and Vegetables and for Raw Fish." The report was prepared by the Division of Technical Evaluation, Office of Food Labeling, Center for Food Safety and Applied Nutrition, FDA.

**DATES:** The report is available on May 8, 1993. Comments may be received at any time.

**ADDRESSES:** Submit written comments and requests for single copies of the report to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. Comments and requests should be identified with the docket number found in brackets in the heading of this document. Send two self-addressed adhesive labels to assist that office in processing your requests. The report and received comments are available for public examination at Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mary M. Bender, Center for Food Safety and Applied Nutrition (HFS-165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-4466.

**SUPPLEMENTARY INFORMATION:** The Nutrition Labeling and Education Act of 1990 (the 1990 amendments) amended the Federal Food, Drug, and Cosmetic Act (the act) to require, among other things, that under section 403(q)(4) (21 U.S.C. 343 (q)(4)), FDA: (1) identify the 20 most frequently consumed raw fruit, vegetables, and fish in the United States; (2) establish guidelines for the voluntary nutrition labeling of raw fruit and vegetables and of raw fish; and (3) issue regulations that define "substantial compliance" with respect to the adherence by food retailers to those guidelines. In the Federal Register of July 2, 1991 (56 FR 30458), FDA responded to those requirements by a proposal, and in the Federal Register of November 27, 1991 (56 FR 60880), the agency published a final rule on the

nutrition labeling of raw fruit, vegetables, and fish (corrected on March 6, 1992 (57 FR 8174)).

FDA listed the 20 most frequently consumed raw fruit, vegetables, and fish in § 101.44 (21 CFR 101.44). In § 101.45 (21 CFR 101.45), FDA set forth guidelines on how these foods are to be nutrition labeled. Under these guidelines, nutrition labeling information may be provided within the retail departments where raw fruit and vegetables and raw fish are sold. Information may be made available in signs, posters, brochures, notebooks, or leaflets and may be supplemented by video, live demonstration, or other media.

In § 101.43 (21 CFR 101.43), FDA defined substantial compliance to mean that at least 60 percent of the food retailers sampled in a representative survey provide nutrition labeling information (as specified in the guidelines) for at least 90 percent of the foods that they sell that are included on the listing of the most frequently consumed raw fruit and vegetables and raw fish. FDA said that it would make separate determinations of substantial compliance for raw fruit and vegetables collectively and for raw fish (§ 101.43(a)). Section 403(q)(4)(C)(ii) of the act states that if substantial compliance is achieved by food retailers, FDA is to reassess voluntary labeling compliance every 2 years. If substantial compliance is not achieved, the act states that FDA is to propose to require that any person who offers raw fruit and vegetables or raw fish to consumers provide nutrition information for those foods (section 403(q)(4)(D)(i) of the act).

Based upon the results of a study conducted under contract, FDA concludes that substantial compliance by food retailers in providing nutrition labeling information for raw fruit and vegetables and for raw fish has been met when measured against criteria established in § 101.43. In actuality, the 60 percent compliance standard has been well exceeded. Aggregate percentages (i.e., percentages over all stores sampled) for both raw fruit and vegetables and for raw fish show that approximately three-fourths of the retail food stores surveyed by field representatives provide the voluntary nutrition labeling information.

Baseline data collected in 1991, prior to promulgation of the final rule on the nutrition labeling of raw fruit, vegetables, and fish showed that virtually no food retailers provided complete nutrition labeling information for raw fruit and vegetables or for raw fish. The dramatic increase from 1991 to

1992 in the percentage of retail food stores providing nutrition labeling information for raw produce and for raw fish represents a highly significant response to both the 1990 amendments and the agency's regulations in implementing the 1990 amendments.

Prior to the next assessment of substantial compliance in 1994, FDA will seek to increase voluntary compliance by all stores by working closely with the trade associations and providing assistance, as requested, to individual retail stores. FDA will specifically work with independent and smaller stores, which are less likely at this time to provide nutrition labeling information. In the next required report (1995), FDA will pay particular attention to the level of compliance by these segments of industry to determine whether the standard for substantial compliance should be modified to differentiate between chains and independent retail stores or be based upon levels of sales volume. If FDA determines that such a modification is necessary, it will propose to modify § 101.43 accordingly. Any comments received on the report will be included in the administrative record.

Dated: May 12, 1993.

**Michael R. Taylor,**

*Deputy Commissioner for Policy.*

[FR Doc. 93-11709 Filed 5-17-93; 8:45 am]

BILLING CODE 4160-01-F

## National Institutes of Health

### National Heart, Lung, and Blood Institute; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications, contract proposals, and/or cooperative agreements. These applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Panel:* NHLBI SEP on Developing and Implementing at the State and Local Level Educational Strategies and

Interventions for Controlling Asthma in Inner City and High Risk Populations.

*Dates of Meeting:* May 23-24, 1993.

*Time of Meeting:* 7 p.m.

*Place of Meeting:* Chevy Chase Holiday Inn, Chevy Chase, Maryland.

*Agenda:* To review and evaluate contract proposals.

*Contact Person:* David M. Monsees, Jr., Ph.D., 5333 Westbard Avenue, room 550, Bethesda, Maryland 20892. (301) 594-7450.

*Name of Panel:* NHLBI SEP on Improving Hypertensive Care for Inner City Minorities.

*Dates of Meeting:* June 1-2, 1993.

*Time of Meeting:* 7 p.m.

*Place of Meeting:* Stouffer Concourse Hotel, Arlington, Virginia.

*Agenda:* To review and evaluate grant applications.

*Contact Person:* Dr. C. James Scheirer, 5333 Westbard Avenue, room 548, Bethesda, Maryland 20892. (301) 594-7452.

*Name of Panel:* NHLBI SEP on Second Survey of Pediatric Preventive Cardiology.

*Dates of Meeting:* June 8-9, 1993.

*Time of Meeting:* 7 p.m.

*Place of Meeting:* Holiday Inn, Bethesda, Maryland.

*Agenda:* To review and evaluate contract proposals.

*Contact Person:* Dr. Anthony M. Coelher, Jr., 5333 Westbard Avenue, room 648, Bethesda, Maryland 20892. (301) 594-7485.

*Name of Panel:* NHLBI SEP on Cardiovascular Disease Genes in Animal Models.

*Dates of Meeting:* June 9-10, 1993.

*Time of Meeting:* 7:30 p.m.

*Place of Meeting:* Holiday Inn, Chevy Chase, Maryland.

*Agenda:* To review and evaluate grant applications.

*Contact Person:* Dr. Andre Premen, 5333 Westbard Avenue, room 5A10, Bethesda, Maryland 20892. (301) 594-7481.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: May 11, 1993.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 93-11802 Filed 5-17-93; 8:45 am]

BILLING CODE 4140-01-M

### Substance Abuse and Mental Health Services Administration

#### Demonstration Grant Program for Linking Community-Based Primary Care, Substance Abuse, HIV/AIDS, and Mental Health Treatment Services

**AGENCY:** Substance Abuse and Mental Health Services Administration, HHS.  
**ACTION:** Notice of availability of funds.

**INTRODUCTION:** The Center for Substance Abuse Treatment (CAST) and the Bureau of Primary Health Care (BPHC)

are soliciting applications for demonstration projects designed to build linkages among community-based providers of primary health care, alcohol, substance abuse, HIV/AIDS, and mental health treatment services to deliver integrated services to more effectively address the health needs of injecting drug users (IDUs), other high risk substance abusers, their sex partners, and particularly substance abusers who are members of critical populations. Funded projects will be those that demonstrate the most promising organizational models that have multiple links with community service networks and county, city and State delivery systems, enhancing their ability to access resources and deliver to clients an integrated package of primary health care, alcohol, substance abuse, HIV/AIDS, and mental health treatment services. Approximately \$7.8 million will be available to support an estimated 20 to 30 demonstration projects. It is expected that awards will range from about \$275,000 to \$500,000, including all direct and indirect costs. The number and size of grant awards will depend the availability of funds at the time of award.

Support may be requested for a project period of up to 3 years. Depending on the availability of funds in FY 1996, CSAT may announce the availability of additional funds for up to two additional years following the initial three year project period. If continuation funds are available after the initial project period, they will be awarded on a competitive basis, according to the extent to which Grantee projects have accomplished the goals of this program.

In addition to this request for applications (RFA), CSAT is authorized by section 508 of the Public Health Service Act to support under a separate announcement, AS-93-03, the enhancement or creation of new addiction treatment capacity for comprehensive, residential treatment programs for alcohol and other drug abusing women who are pregnant and/or postpartum, and their infants and children. CSAT is also supporting under a separate announcement, AS-93-05, expansion of comprehensive, high quality residential treatment services for women who are not pregnant or postpartum and their dependent children who suffer from alcohol and other drug abuse problems. CSAT is also continuing its Critical Populations Demonstration grant program, announcement AS-93-02, to improve and expand the provision of alcohol and other drug treatment services (not limited to residential treatment) for

specific critical population subgroups, including adolescents, female addicts and their children, racial and ethnic minorities, or individuals in rural areas.

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 for setting health care priorities areas. This Request for Applications, "Linkage of Community-Based Health Care Services," is related to the Healthy People 2000 objectives established for prevention and treatment of Alcohol and Other Drug Abuse (Chapter 4); HIV Infection (Chapter 18); and Mental Health (Chapter 6). Potential applicants may obtain 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) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone 202-783-3238).

**RECEIPT DATES:** The deadline for the initial receipt of applications is July 13, 1993. Applications must be received by the Center for Substance Abuse Treatment Programs at the address below on or before the deadline dates.

**CONSEQUENCES OF LATE SUBMISSION:** Applications received after the specified receipt date will not be accepted and will be returned to the applicant without review.

**ADDRESSES:** Completed applications should be sent to: Center for Substance Abuse Treatment Programs, United Information Systems, 3206 Tower Oaks Blvd., Rockville, MD 20852.

Grant application kits (including Form PHS 5161-1, with Standard Form 424, complete application procedures, and accompanying guidance materials for the narrative approved under OMB No. 0937-0189) may be obtained from: United Information Systems, 3206 Tower Oaks Boulevard, Rockville, Maryland 20852, (301) 984-4222.

**FOR FURTHER INFORMATION CONTACT:**

*For program issues:*

Warren W. Hewitt, Jr., Division of Clinical Programs, Center for Substance Abuse Treatment, 5600 Fishers Lane, Rockwall II, 7th Fl., Rockville, MD 20857, (301) 443-8160.  
 Enrique Fernandez, M.D., Division of Programs for Special Populations, Bureau of Primary Health Care, 5600 Fishers Lane, room 9-12, Rockville, Maryland 20857, (301) 443-8113.

*For grants management issues:*

Grants Management Officer, Center for Substance Abuse Treatment, Rockwall II Building, 10th Floor, 5600 Fishers

Lane, Rockville, Maryland 20857, (301) 443-9665.

**SUPPLEMENTARY INFORMATION:**

**Program Goals**

CSAT and BPHC share a strong commitment to improve the delivery, availability and effectiveness of primary care and substance abuse treatment services. In keeping with this commitment, CSAT/BPHC will support projects designed to link community-based service providers to deliver integrated substance abuse, primary care, mental health and HIV/AIDS treatment, in an effort to improve early detection and the outcomes of treatment. The overarching outcomes for the linked systems of care include:

**Substance Abuse Treatment Outcome Goals**

- Reduce alcohol and drug use.
- Reduce patient/client morbidity/mortality, especially incidence of HIV infection, TB, and STDs.
- Improve overall psychiatric, psychological, and emotional well-being.
- Enhance socio-economic well-being as measured by improved family functioning, enhanced vocational aptitude and educational performance, increased employment and stable living situations.
- Decrease criminal involvement.
- Maximize rates of retention in treatment.

**Primary Health Care Outcomes**

- Increase early identification and treatment for HIV/AIDS, STDs, and TB.
- Reduce patient/client morbidity/mortality, especially incidence of HIV infection, TB, and STDs.
- Reduce incidence of primary care health problems and other drug abuse-related health problems such as endocarditis, septicemia and other disorders.
- Improve overall patient/client health performance.
- Disease reduction in the community.
- More rapid identification of individuals with alcohol and drug abuse problems: multi-program service delivery for addiction treatment and primary care services.
- Ability to assess individual bio-psycho-social needs and increased provision of health and allied health services to those who require such intervention.
- Increase knowledge and communication between primary health care professionals, allied health care professionals and substance abuse professionals in an effort to address the

needs of substance abusers in a comprehensive manner.

- Improve the efficiency of intra-program and inter-program coordination.
  - Facilitate patient/client receipt of health and allied health services, as well as housing, transportation and other necessary facilitation and support.
- The CSAT Comprehensive Care Continuum provides a framework for comprehensive treatment continuum appropriate for all target populations defined under this announcement. The CSAT Comprehensive Care Continuum is a process guideline, however, and is not specific to modality, setting or target populations. Applicant are expected to utilize the CSAT Continuum as a basis for structuring an array of assessment, treatment, support services, case-management and evaluation strategies that will suit the needs of their target populations.

Not all components of the CSAT Comprehensive Care Continuum may be appropriate for every target population. Moreover, it is expected that treatment settings, staff capabilities, and the array and frequency of services contained in applicant proposals will specifically address the needs of the target population(s) as defined in the needs assessment component of each proposal.

**Target Population(s)**

Applicants may propose projects designed to address the needs of one or more of the following designated target populations.

- Adolescents—alcohol and/or drug involved individuals (males and females) ages 10-18, especially those who are homeless, chronic truants or who have dropped out of school; or who are at high risk for the consequences of sustained substance abuse, including early death due to suicide, homicide or accidents directly related to intoxication, overdose, HIV, STDs, TB and other infections.
- Substance abusing women and their children—females over the age of 18 with or without children, or females with children regardless of age; children include individuals from birth to age 10.
- Racial and ethnic minority populations—individuals who are members of racial/ethnic minority groups over the age of 18, especially those who live at or below the poverty line and are frequently not covered in other target population categories, including: Native American, Alaskan Native, Black American, Hispanic, and Asian/Pacific Islander populations, particularly adult males.
- Residents of public housing—residents holding a lease for public

housing units within cluster communities that are subsidized by local and/or federal government and/or those living in public housing illegally (not under lease), or families "doubling-up" with a resident leaseholder.

- Individuals living in rural areas, including migrant farm workers—a rural area is one—where a significant number of the population lives in the country, or in small towns with populations of less than 5,000.

Exceptions could include a large rural county with a major city (greater than 10,000), but at least 30–40% of the population of the catchment area live in the country." (National Rural Institute on Alcohol and Drug Abuse) Migrant farm workers and their families do not live permanently in the geographic area but move after seasonal labor is complete.

Applicants are also encouraged to submit proposals that address the needs of individuals who belong to one or more of the above critical populations and who may be considered disabled under the provisions of the Americans with Disabilities Act of 1990. This Act defines, "disability" as: (a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual, (b) A record of such an impairment, or (c) Being regarded as having such an impairment. Applications proposing to serve the needs of homeless individuals who fit one or more of the above are encouraged.

#### Eligibility

##### Applicants

Eligible applicants include any public or nonprofit private community-based entity, including; addiction treatment programs; community migrant health centers; state and local health departments; homeless or public housing primary care programs; HIV/AIDS prevention and treatment programs. Applicants must have provided health or allied health services to the target population(s) for at least 2 years.

##### Provider Applicant Eligibility

Evidence of capability to perform must accompany each application must consist of at least one of the following:

1. Documentation of the existence of an infrastructure upon which to initiate each component of a treatment program for the target population. Such documentation must be in the form of a letter from the Single State Agency for Alcohol and Drug Abuse (SSA), or the governmental entity (e.g. county, regional or city) immediately

responsible for monitoring, overseeing or administering addiction treatment or other health and human services in the provider's jurisdiction.

2. Documentation that the provider, or at least one member of a provider network, has provided primary care, substance abuse treatment or recovery services to the target population for a minimum of two years prior to the date of application. A network may consist of related health and human services agencies or social institutions (e.g., justice agencies). All members of the network must provide written endorsement of any proposal made on behalf of the network. The endorsement must be forwarded as part of the provider's proposal.

A letter from the SSA, or the governmental entity (e.g. county, regional or city) immediately responsible for monitoring, overseeing or administering addiction treatment or other health and human services in the provider's jurisdiction, certifying the provider's experience, as above, will suffice to meet this requirement.

3. Documentation that the provider is licensed or accredited to provide substance abuse treatment or recovery services by appropriate certification or credentialing bodies (e.g. State or sub-state licensing, Joint Commission on Accreditation for Health Organizations, Commission on Accreditation of Rehabilitation Facilities). Such documentation may be in one of two forms:

- A notarized copy of the provider's license or certification of accreditation, or;

- A letter from the SSA, or the governmental entity (e.g. county, regional or city) immediately responsible for monitoring, overseeing or administering addiction treatment or other health and human services in the provider's jurisdiction, certifying the provider's licensure status (addiction treatment program, mental health care program, primary health care facility, rehabilitation facility, recovery home, etc.).

##### Facility

In cases where the provider's proposal involves the use of facilities on a site where addiction treatment and/or primary health care or related services do not presently exist, the documentation provided must attest to the fact that a suitable and accessible facility is available, and is in compliance with, or capable of being readily brought into compliance with, all State health, safety zoning and fire regulations.

**Note**—Applicants that are not licensed or accredited to provide substance abuse treatment or recovery services at the time of application and that receive awards under this announcement are expected to obtain licensure prior to completion of the grant project, except in cases where the awardee's State does not offer licensure.

#### Special Requirements

##### Supplantation of Existing Funds

The intent of this RFA is to support new or enhanced services or programs. Therefore, award recipients may not use funds awarded under this RFA to replace funds that are currently supporting or are committed to support activities proposed in the application.

##### Coordination With Other Federal/Non-Federal Programs

Applicants seeking support under this announcement are encouraged to coordinate with other programs. Program coordination helps to better serve the multiple needs of the patient/client population, to maximize the impact of available resources, and to eliminate duplication of services. Applicants should identify the coordinating organizations by name and address and describe the process to be used for coordination efforts. Letters of commitment must specify the type(s) and level of support from organizations (both Federal and non-Federal) which have agreed to work with the applicant must be attached to the application.

##### Intergovernmental Review

Applications submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372 as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State process. A current listing of SPOCs is included in the application kit.

The SPOC should send any state process recommendations to the following address: Center for Substance Abuse Treatment, Review Office, 5600 Fishers Lane, Rockwall II, 10th Floor, Rockville, Maryland 20857, Attn: SPOC.

The due date for state process recommendations is no later than 60 days after the deadline date for the receipt of applications. The Center for Substance Abuse Treatment does not guarantee to accommodate or explain



SPOC comments that are received after the 60-day cut-off.

### Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, only community-based nongovernmental applicants must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental applicants are required to submit the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the application receipt date.

- a. A copy of the face page of the application (Standard Form 424).
- b. A summary of the project (PHSIS), not to exceed one page, which provides:

- (1) A description of the population to be served.
- (2) A summary of the services to be provided.
- (3) A description of the coordination planned with the appropriate State or local health agencies.

Applications submitted in response to this RFA will be reviewed for technical merit in accordance with the PHS/SAMHSA/HRSA peer review procedures for grants.

Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts. Notification of the IRG's recommendation will be sent to the applicant upon completion of the initial review.

### Review Criteria

The criteria that will be used in assessing technical merit of individual applications submitted under this announcement, and the relative weight assigned to each criterion, are as follows:

#### 1. Proof of Need—25 points

- Adequacy of documentation of the need for the proposed services.
- Extent to which the number of substance abusers in the target area exceed existing capacity for services, as documented in the application narrative.
- Evidence of the extent to which the current and proposed target population(s) meet the definitions of

high-risk populations, as described in this announcement.

- Extent to which the target population of substance abusers is statistically defined by age, race, ethnicity, and other characteristics.
  - Extent to which there is an ongoing collection of incidence and prevalence data for substance abuse, HIV, STDs, and TB among the target population.
- #### 2. Relevance/Adequacy of Program Design—25 points
- Appropriateness of applicant's proposed goals and objectives to goals of announcement.
  - Extent to which proposed approaches are relevant to the target population(s).
  - Extent to which proposed treatment services are achievable, realistic, and consistent with the goals and objectives stated in the application.
  - Evidence that the proposed linkages between primary health care, substance abuse, HIV, and mental health services will be established and maintained through defined methods for integrating the various components of care.
  - Compliance with and adequacy of the service approaches required in the RFA, with specific reference to: procedures for identifying, assessing, and retaining patients in treatment; referral processes; and the proposed service approaches.
  - Demonstrated ability to implement a gender-specific and culturally competent project as evidenced in such areas as treatment strategies, staffing and evaluation, reflecting the composition of the target population.
  - Evidence that the proposed project builds on state-of-the-art knowledge of primary care, substance abuse and HIV treatment and reflects current knowledge based on services linkage and integration.
- #### 3. Provider Network/Service Integration Experience—10 points
- Documentation of experience in forming or participation in community-based networks that involve substance abuse treatment, primary health care, and mental health services.
  - Documentation of experience in the design and delivery of integrated services that involve substance abuse treatment, primary health care, and mental health care services.
- #### 4. Resources, Planning, and Management—20 points
- Evidence of organizational capability and experience of applicant organization, and a logical and feasible management plan.
  - Evidence of formal linkages with substance abuse, primary care, mental

health, HIV/AIDS and other community service providers.

- Evidence of adequate plans for all phase-in activities and a reasonable timeline for completion.
- Feasibility of proposed project in terms of time frames, estimated number of individuals who will receive services, and adequacy and availability of facilities and resources.
- Qualifications/ experience of the proposed project director, consultants and staff; appropriateness of job descriptions; adequacy of the proposed staff selection process and staff training plan specific to the needs of this population.

#### 5. Budget—5 points

- Reasonableness/appropriateness of budget for the phase-in period and for implementation of first year's services, and budget for each year of proposed services.
- Cost effectiveness (cost per patient for treatment services)
- Clear and reasonable justification for each line item in the budget for all phase-in activities, and program and management components.

#### 6. Program Evaluation—15 points

- Clarity/feasibility/appropriateness of proposed process and outcome evaluation design and methodology.
- Extent to which the staff proposed for the evaluation demonstrate the expertise needed for this task.

### Award Decision Criteria

Applications recommended for approval by the Initial Review Group and the appropriate advisory council, if established, will be considered for funding on the basis of their overall technical merit as determined through the review process and the availability of Federal funds. Other award criteria will include:

1. Need, as evidenced by objective indicators of substance abuse and related problems in the target population.
2. Balance of the geographic distribution of awards throughout the United States.
3. Balance of types of linkage models.

Given the limited level of funding available, it is highly unlikely that all projects recommended for approval by the IRG will receive awards.

### Terms and Conditions of Support Reporting Requirements

Final progress reports, financial status and expenditure reports will be required and specified to awardees in accord with PHS Grants Policy requirements.

### Participation in CSAT's National Evaluation Efforts

In addition to individual project internal evaluation, CSAT is planning a national large scale evaluation to describe and further refine the different linkage models and the efficacy of various strategies and approaches taken by grantees. Grantees are encouraged to participate in the national evaluation, work closely with the national evaluator to develop measurements of program outcomes, and share evaluation results on the outcomes and effectiveness of various linkage models.

### Authority and Regulations

Grants awarded under this RFA are authorized under section 510 of the Public Health Service Act, as amended (42 U.S.C. 290bb-3).

Federal regulations at 45 CFR Parts 74 and 92 apply.

Grants must be administered in accordance with the PHS Grants Policy Statement (Revised October 1, 1990).

The Catalogue of Federal Domestic Assistance (CFDA) number for this program is 93.109.

Dated: May 13, 1993.

### Richard Kopanda,

Acting Executive Officer, Substance Abuse and Mental Health, Services Administration.  
[FR Doc. 93-11781 Filed 5-17-93; 8:45 am]

BILLING CODE 4162-20-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZ-010-93-5440-10-A103; AZA-24631]

### Airport Patent Application, Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of airport patent application AZA-24631.

**SUMMARY:** Pursuant to section 516 of the Airport and Airway Improvement Act of September 3, 1982 (49 U.S.C. 2215), the Town of Colorado City has applied for an airport patent for the following described public land:

### Gila and Salt River Meridian, Arizona

T. 41 N., R. 7 W.,  
Tract 37.

Containing 111.89 acres.

The Federal Aviation Administration has determined that the land is necessary for airport purposes and has requested the Bureau of Land Management to convey title to the requested land to the Town of Colorado City. The applicant will pay all costs of

conveyance. A right-of-way for ditches and canals will be reserved to the United States (Act of August 30, 1890). Conveyance will be subject to South Central Utah Telephone Association powerline right-of-way AZA-24630 (Act of October 21, 1976).

**DATES:** For a period of 45 days from the date of this publication, interested parties may submit comments to the District Manager, Bureau of Land Management, Arizona Strip District, 390 N. 3050 E., St. George, UT 84770. In the absence of any objections, this proposal will become final.

**FOR FURTHER INFORMATION CONTACT:** Laurie Ford, Vermillion Resource Area Realty Specialist, at (801) 673-3545.

**Roger G. Taylor,**  
Arizona Strip District Manager.

[FR Doc. 93-11774 Filed 5-17-93; 8:45 am]

BILLING CODE 4310-32-M

[AZ-920-03-4210-04; AZA-25242]

### Arizona: Exchange of Public and Private Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange documents.

**SUMMARY:** Notice is hereby given of the completion of a land exchange between the United States and White Hills Trust #11, William Eversole, Trustee. The United States transferred 487.28 acres of public land in Mohave County, Arizona, and the White Hills Trust #11 transferred 640.00 acres of private land in Mohave County, Arizona.

**FOR FURTHER INFORMATION CONTACT:** Dorie Morrison, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011. Telephone (602) 650-0518.

**SUPPLEMENTARY INFORMATION:** The Bureau of Land Management transferred the following described land to White Hills Trust #11, William Eversole Trustee, by Patent No. 02-93-0001, dated October 26, 1992, pursuant to Section 206 of the Act of October 21, 1976:

### Gila and Salt River Meridian, Arizona

T. 27 N., R. 20 W.,  
Sec. 30, NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 27 N., R. 21 W.,  
Sec. 24, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Comprising 330.00 acres in Mohave County, Arizona.

Deed No. AZ-93-002, dated October 26, 1992, transferred the following described lands:

### Gila and Salt River Meridian, Arizona

T. 27 N., R. 20 W.,

Sec. 30, lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ .

Comprising 157.28 acres in Mohave County, Arizona.

In exchange for these lands, the United States acquired the following described lands from White Hills Trust #11, William Eversole, Trustee:

### Gila and Salt River Meridian, Arizona

T. 26 N., R. 18 W.,

Sec. 27, all.

Comprising 640.00 acres in Mohave County, Arizona.

The actual transfer of lands took place March 17, 1993.

The values of the Federal public land and the private lands were appraised at \$135,400.00 and \$128,000.00. A payment of \$7,400.00 was made by White Hills Trust #11, William Eversole, Trustee, to the United States in order to equalize the values.

The purpose of this exchange was to achieve more efficient management of the public land through consolidation of ownership and the acquisition of unique natural resource lands. The public interest was served through completion of this exchange.

**Mary Jo Yeas,**

Chief, Branch of Lands Operations.

[FR Doc. 93-11776 Filed 5-17-93; 8:45 am]

BILLING CODE 4310-32-M

[OR 36198; OR-080-03-4212-04; GP3-220]

### Realty Action; Proposed Modified Competitive Sale

Dated: May 6, 1993.

This notice amends the notice of realty action published in the Federal Register on March 18, 1993, (FR Doc. 93-6296).

The appraised fair market value has been determined to be \$1,600.00.

The date that sealed written bids must be received is June 10, 1993. If the land is not sold on that date, it will be offered to the adjoining landowners on a continuing basis. Bids will be opened weekly on Wednesdays at 11 a.m. through August 12, 1993.

All other provisions of the notice remain unchanged.

**John H. Mears,**

Alsea Area Manager.

[FR Doc. 93-11676 Filed 5-17-93; 8:45 am]

BILLING CODE 4310-32-M

[UT-942-4212-13; UTU-65659]

### Issuance of Land Exchange Conveyance Document; Utah

AGENCY: Bureau of Land Management, DOI.

**ACTION:** Exchange of public and private lands.

**SUMMARY:** This action informs the public of the conveyance of 953.95 acres of public land out of Federal ownership. This action will also open 2,243.337 acres of reconveyed land to appropriation under the public land laws including the mining laws, open 288.24 acres of reconveyed land to appropriation under the public land laws, and open 80 acres of reconveyed land to appropriation under the public land laws including leasable minerals under the mining laws.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Crocker, Bureau of Land Management, Utah State Office, 324 South State Street, P.O. Box 45155, Salt Lake City, Utah 84145-0155, 801-539-4118.

**SUPPLEMENTARY INFORMATION:**

1. The United States has issued an exchange conveyance document to United States Pollution Control, Inc., for the surface and locatable mineral estates of the following described land pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716:

**Salt Lake Meridian**

T. 1 S., R. 11 W.,  
Sec. 19, lot 4, S $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 20, W $\frac{1}{2}$ SW $\frac{1}{4}$ .

T. 1 S., R. 12 W.,  
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 25, All.

Containing 953.95 acres.

2. In exchange for the lands listed in paragraph 1, the United States received the surface and mineral estates of the following described land:

**Salt Lake Meridian**

T. 4 N., R. 19 W.,  
Sec. 23, W $\frac{1}{2}$ W $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 6 S., R. 5 W.,  
Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ .

T. 6 S., R. 6 W.,  
Sec. 28, lots 5, 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 10 S., R. 8 E.,  
Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 34, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 40 S., R. 17 W.,  
Sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 5, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Containing 2,243.337 acres.

3. The United States received the surface estate of the following land:

**Salt Lake Meridian**

T. 7 S., R. 5 W.,

Sec. 3, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 4, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 288.24 acres.

4. The United States received the surface and leasable mineral estates of the following land:

**Salt Lake Meridian**

T. 7 S., R. 5 W.,

Sec. 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ .

Containing 80 acres.

5. At 7:45 a.m., on June 17, 1993, the lands described in paragraphs 2, 3, and 4 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on June 17, 1993, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. At 7:45 a.m., on June 17, 1993, the lands described in paragraph 2 will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in paragraph 2 under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

7. At 7:45 a.m. on June 17, 1993, the lands described in paragraph 4 will be opened to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

8. The purpose of this exchange was to acquire non-federal lands that have high values for wildlife, livestock grazing, and recreational use. This exchange created a more logical and

efficient land management pattern that will better serve the public interest.

**James M. Parker,**

*State Director.*

[FR Doc. 93-11762 Filed 5-17-93; 8:45 am]

BILLING CODE 4310-00-M

[CO]-842-83-4730-12]

**Colorado: Filing of Plats of Survey**

May 5, 1993.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., May 5, 1993.

The plat representing the dependent resurvey of a portion of the Eleventh Standard Parallel North (south boundary), the west boundary, and portions of the north boundary and subdivisional lines, and the subdivision of certain sections in T. 45 N., R. 11 E., New Mexico Principal Meridian, Colorado, Group No. 867, was accepted April 21, 1993.

This survey was executed to meet certain administrative needs of this Bureau.

This plat (in nine sheets), representing the dependent resurvey of portions of the south boundary and subdivisional lines, and a portion of mineral survey No. 1959, Keystone Placer, the survey of the Ridgway Reservoir boundary, the Primary Jurisdiction Area, and Scenic Easements, and the subdivision of sections, T. 46 N., R. 8 W., New Mexico Principal Meridian, Colorado, Group No. 991, was accepted April 8, 1993.

The plat representing the dependent resurvey of a portion of the subdivisional lines, the survey of the Ridgway Reservoir boundary, and the subdivision of section 4, T. 45 N., R. 8 W., New Mexico Principal Meridian, Colorado, Group No. 991, was accepted April 8, 1993.

These surveys were executed to meet certain administrative needs of the Bureau of Reclamation.

The plat representing the dependent resurvey of a portion of the Ninth Standard Parallel North (south boundary, T. 37 N., R. 2 W.), portions of the south and east boundaries, the west boundary, and a portion of the subdivisional lines, the subdivision of certain sections, and the metes-and-bounds survey of Tract 37 in section 4, T. 36 N., R. 2 W., New Mexico Principal Meridian, Colorado, Group No. 900, was accepted April 21, 1993.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

Jack A. Eaves,  
Chief, Cadastral Surveyor for Colorado.  
[FR Doc. 93-11711 Filed 5-17-93; 8:45 am]  
BILLING CODE 4310-JB-M

## National Park Service

### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 8, 1993. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by June 2, 1993.

Patrick W. Andrus,  
Acting Chief of Registration, National Register.

#### ARKANSAS

##### Clark County

Estes, Horace, House, 614 E. Main St.,  
Gardon. 93000487

##### Columbia County

Couch, Harvey C., Schaal, NE of jct. of Co.  
Rd. 11 (Calhoun Rd.) and Co. Rd. 25,  
Calhoun. 93000482

##### Desha County

McKenna—Shea House, 206 Waterman St.,  
Dumas. 93000485

##### Garland County

Klein, George, Taurist Court Historic District,  
501 Morrison St., Hot Springs. 93000480

##### Izard County

Rector Log Barn, Co. Rd. 218. 1.23 mi. NW  
of jct. with AR 9, Melbourne vicinity,  
93000488

##### Johnson County

Munger, Raymond, Memorial Chapel—  
University of the Ozarks, W of AR 103,  
University of the Ozarks campus,  
Clarksville. 93000489

##### Logan County

Magazine City Hall—Jail, NW of jct. of  
Garland and Priddy Sts., Magazine,  
93000483

##### Marion County

Pea Ridge School Building, E of Co. Rd. 6,  
approximately 4 mi. S of Bruno, Bruno  
vicinity, 93000486

##### Sebastian County

Sebastian County Courthouse—Ft. Smith City  
Hall, 100 S. 6th St., Fort Smith, 93000484

#### Washington County

Fayetteville Confederate Cemetery, Rock St.,  
approximately 800 feet N of jct. with  
Willow St., Fayetteville, 93000481

#### FLORIDA

##### Hillsborough County

Downtown Plant City Commercial District,  
Bounded by Baker and Wheeler Sts. and  
the Seaboard Coast Line RR tracks, Plant  
City, 93000478

#### MAINE

##### Oxford County

Eastman Hill Rural Historic District, Eastman  
Hill Rd., E of Center Lovell, Center Lovell  
vicinity, 93000477

#### MINNESOTA

##### St. Louis County

Kabetagama Ranger Station District, SW  
shore of Kabetagama Lake, Voyageurs NP  
(VOYA), Rav vicinity, 93000479

#### SOUTH CAROLINA

##### Charleston County

Crawford's Plantation House (Edisto Island  
MRA), 8202 Oyster Factory Rd., Edisto  
Island, 93000475

#### TENNESSEE

##### Carroll County

First Cumberland Presbyterian Church—  
McKenzie, 305 N. Stonewall St., McKenzie,  
93000476

#### WEST VIRGINIA

##### Grant County

Rohrbaugh Cabin, Smokehole Rd. (WV 28/  
11), 3 mi. S of jct. with WV 28/55,  
Monongahela NF, Petersburg vicinity,  
93000490

##### Nicholas County

Curtin Run Rockshelter (Rockshelters on the  
Gauley Ranger District, Manongahela  
National Forest MPS), Address Restricted,  
Woodbine vicinity, 93000495

##### Webster County

Craig Run East Park Rockshelter  
(Rockshelters on the Gauley Ranger  
District, Manongahela National Forest  
MPS), Address Restricted, Mills Mountain  
vicinity, 93000493

Craig Run East Park Slider Rockshelter  
(Rockshelters on the Gauley Ranger  
District, Manongahela National Forest  
MPS), Address Restricted, Mills Mountain  
vicinity, 93000494

Craig Run West Park Rockshelter  
(Rockshelters on the Gauley Ranger  
District, Manongahela National Forest  
MPS), Address Restricted, Mills Mountain  
vicinity, 93000492

Laurel Run Rockshelter (Rockshelters on the  
Gauley Ranger District, Manongahela  
National Forest MPS), Address Restricted,  
Coe vicinity, 93000491

[FR Doc. 93-11760 Filed 5-17-93; 8:45 am]

BILLING CODE 4310-70-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

#### Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized the guaranty of loans to the Republic of Indonesia ("Borrower") as part of A.I.D.'s development assistance program. The proceeds of these loans will be used to finance infrastructure and shelter projects for low-income families in Indonesia. At this time, the Government of Indonesia has authorized A.I.D. to request proposals from eligible lenders for a loan under this program of \$20 Million Dollars (\$20,000,000). The name and address of the Borrower's representatives to be contacted by interested U.S. lenders or investment bankers, the amount of the loan and project number are indicated below:

#### Government of Indonesia

Project: 497-HG-001—\$20,000,000  
Loan Guaranty Authorization No.: 497-  
HG-005 A01

1. Attention: Mr. Benjamin Parwoto,  
Director General of Budget, Ministry  
of Finance, Jalan Lapangan Banteng  
Timur No. 2, Jakarta, Indonesia.  
Telex No.: 45799 DJMLNIA or  
Telefax No.: 62-21-365859 (preferred  
communication)  
Telephone No.: 62-21-3458289, 372758  
or 3842234 or 3843294
2. Attention: Mr. Binhad, Bank of  
Indonesia, Jalan M.H. Thamrin No. 2,  
Jakarta, Indonesia.  
Telex No.: 44200 BISIR IA or 46611  
BISIR IA  
Telefax No.: 62-21-3452892  
Telephone No.: 62-21-367972
3. Attention: Mr. Ahmad Darsana, Bank  
of Indonesia, One World Financial  
Center, 200 Liberty Street, 6th Floor,  
New York, NY 10281.  
Telefax No.: 212/945-1316  
Telephone No.: 212/945-1310 or 1311

Interested lenders should contact the Borrower as soon as possible and indicate their interest in providing financing for the Housing Guaranty Program. Interested lenders should submit their bids to all of the Borrower's representatives by Tuesday, June 1, 1993, 5 p.m. Eastern Standard Time. Bids should be open for a period of 48 hours from the bid closing date. Copies of all bids should be simultaneously sent to the following:

Mr. William Frej, Director, Regional  
Housing and Urban Development  
Office/Jakarta, USAID, Box 4, APO AP  
96520.



(Street address: J1 Medan Merdeka Selatan No. 5, Jakarta, Indonesia)  
 Telex No.: 44218 AMEMB LA  
 Telefax No.: 62-21-380-6694 (preferred communication)  
 Telephone No.: 62-21-360-360  
 Mr. David Grossman/Mr. Peter Pirnie,  
 Agency for International Development, Office of Housing and Urban Programs, PRE/H, room 401, SA-2, Washington, DC 20523-0214.  
 Telex No.: 892703 AID WSA  
 Telefax No.: 202/663-2552 (preferred communication)  
 Telephone No.: 202/663-2548/2530

For your information the Borrower is currently considering the following terms:

(1) *Amount*: U.S. \$20 million.  
 (2) *Term*: 30 years.  
 (3) *Grace Period*: Ten years on repayment of principal (during grace period, semi-annual payments of interest only). If *variable interest rate*, repayment of principal to amortize in equal, semi-annual installments over the remaining 20 year life of the loan. If *fixed interest rate*, semi-annual level payments of principal and interest over the remaining 20 year life of the loan.

(4) *Interest Rate*: Alternatives of fixed and variable rates are requested.

(a) *Fixed Interest Rate*: If rates are to be quoted based on a spread over an index, the lender should use as its index a long bond, specifically the 7½% U.S. Treasury Bond due February 15, 2023. Such rate is to be set at the time of acceptance.

(b) *Variable Interest Rate*: To be based on the six-month British Bankers Association LIBOR, preferably with terms relating to Borrower's right to convert to fixed. The rate should be adjusted weekly.

(5) *Prepayment*: (a) Offers should include options for prepayment and mention prepayment premiums, if any.

(b) Only in an extraordinary event to assure compliance with statutes binding A.I.D., A.I.D. reserves its right to accelerate the loan (it should be noted that since the inception of the A.I.D. Housing Guaranty Program in 1962, A.I.D. has not exercised its right of acceleration).

(6) *Fees*: Offers should specify the placement fees and other expenses, including A.I.D. fees, Paying and Transfer Agent fees, out of pocket expenses, etc. Lenders are requested to include all legal fees in their placement fee. Such fees and expenses shall be payable at closing from the proceeds of the loan.

(7) *Closing Date*: Estimated 60 days from date of selection of lender.

Selection of investment bankers and/or lenders and the terms of the loan are

initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in agreements between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in section 238(c) of the Act. They are:

(a) U.S. citizens;  
 (2) Domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens;

(3) Foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) Foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Mr. Peter M. Kimm, Director, Office of Housing and Urban Programs, Agency for International Development, Room 401, SA-2, Washington, DC 20523-0214. Telephone: 202/663-2530.

Paul E. Weisenfeld,

Acting Assistant General Counsel, Bureau for Private Enterprise, Agency for International Development.

{FR Doc. 93-11761 Filed 5-17-93; 8:45 am}

BILLING CODE 6110-01-M

any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Dr. Blakely was no longer authorized by state law to handle controlled substances and thus was ineligible for DEA registration as set forth in 21 U.S.C. 823(f).

The Order to Show Cause was received by Dr. Blakely on March 22, 1993. More than thirty days have passed since the Order to Show Cause was received and no response was received by DEA from Dr. Blakely or anyone purporting to represent him.

Pursuant to 21 CFR 1301.54(d), the Administrator finds that Dr. Blakely has waived his opportunity for a hearing. The Administrator has carefully considered the investigative file in this matter, and enters his final order under the provisions of 21 CFR 1301.57.

The Administrator finds that on February 14, 1989, the South Carolina Board of Medical Examiners indefinitely suspended Dr. Blakely's medical license, based on findings that he treated eight patients using various controlled substances in quantities that were without valid documented medical justification and for other than any documented legitimate medical purpose. As a result of this action, the South Carolina Bureau of Drug Control canceled Dr. Blakely's controlled substances registration on March 13, 1989. Therefore, Dr. Blakely is not authorized to administer, dispense, prescribe, or otherwise handle controlled substances under the laws of the state in which he is registered with DEA.

DEA has consistently held that termination of a registrant's state authority to handle controlled substances requires that DEA revoke the registrant's DEA Certificate of Registration. *Sam S. Misasi, D.O.*, 50 FR 11469 (1985); *George P. Gotsis, M.D.*, 49 FR 33750 (1984); *Henry Weitz, M.D.*, 46 FR 34858 (1981).

Based on the foregoing, the Administrator concludes that Dr. Blakely's registration must be revoked. 21 U.S.C. 823(f) and 824(a)(3). Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AB8862989, previously issued to Guy Smith Blakely, M.D., be, and it hereby is, revoked, and that any pending applications for registration, be, and they hereby are, denied. This order is effective May 18, 1993.

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Guy Smith Blakely, M.D.; Revocation of Registration

On March 18, 1993, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Guy Smith Blakely, M.D., of Woodruff, South Carolina, proposing to revoke his DEA Certificate of Registration, AB8862989, and deny

Dated: May 11, 1993.  
**Robert C. Bonner,**  
*Administrator of Drug Enforcement.*  
 [FR Doc. 93-11664 Filed 5-17-93; 8:45 am]  
 BILLING CODE 4410-09-M

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)**

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

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.

*New*

Employment and Training Administration

Worker Adjustment Formula Financial Report

ETA 9041

Quarterly

State or local governments

52 respondents; 43 hours per response; 2,236 total hours; 1 form

The information will be used to assess formula programs under Title III for the Job Training Partnership Act as amended. Participant and financial data will be used to monitor program performance and to prepare reports and budget request.

*Extension*

Employment and Training Administration

Forms for Interstate Clearance Program of Services to Migratory Workers and Employers

1205-0134; ETA 790, 795, 785, 785A

Form No.	Affected public	Re-spond-ents	Fre-quency	Average time per response (hours)
ETA 790	State/local govt .....	2,000	1	1
ETA 795	State/local govt .....	3,000	1	1/2
ETA 785	State/local govt .....	3,500	1	1/2
ETA 785A	State/local govt .....	2,500	1	1/2
6,500 total hours				

State Employment Security Agencies use forms in servicing agricultural employers to ensure their labor needs for domestic migratory agricultural workers are met; in servicing domestic agricultural workers to assist them in locating jobs expeditiously and orderly; and to ensure exposure of employment

opportunities to domestic agricultural workers before certification for employment of foreign workers.

Employment and Training Administration

Nonmonetary Determinations Report  
 1205-0150; ETA 207

Form No.	Affected public	Respondents	Frequency (per year)	Average time per response (hours)
ETA 207	State govt .....	53	4	4
ETA 207	Local govt .....	3	4	4

Data are used to monitor the impact of the disqualification provisions, to measure workload, and to appraise adequacy and effectiveness of State and Federal nonmonetary determination procedures.

Employment Standards Administration

Application for Special Industrial Homeworker's Certificate; Application for Authorization to Employ a Student Learner at Subminimum Wages; Application for Authority to Employ Workers with Disabilities at Special Minimum Wages; Supplemental Data for Application for Authority to Employ Workers with Disabilities at Special Minimum Wages

1215-0005; WH-2; WH-205; WH-226-MIS; WH-226A-MIS

Annually

Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit organizations; Small businesses or organizations.

Form No.	Number of respondents	Hours per response (minutes)
WH-2 .....	20	30
WH-205 .....	600	30
WH-226-MIS ...	5,000	45
WH-226A-MIS ..	7,200	45
9,460 total hours		

This information is needed to determine whether respondents will be authorized to pay subminimum wages to handicapped individuals and learners and employ homeworkers in the restricted industries under the provisions of sections 11(d), 14(a) and (c) of the Fair Labor Standards Act.

Employment Standards Administration

Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture

1215-0032; WH-200-MIS

Annually

Farms; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations

Respondent	Average time per response	Subtotal
1,600 .....	30 minutes ...	800
8,400 .....	10 minutes ...	1,400
2,200 total hours		

This information is used to determine whether a retail or agriculture employer should be authorized to pay subminimum wages to full-time students pursuant to the provisions of

Section 14(b) of the Fair Labor Standards Act.

Mine Safety and Health Administration Hearing Conservation Plan 1219-0017

On occasion

Businesses and other for profit; Small businesses or organizations 157 respondents; 1 hour per response; 157 total hours

Within 60 days after receiving a notice of violation for noise levels in excess of the permissible standard, coal mine operators are required to submit to MSHA a plan for the administration of a continuing, effective hearing conservation plan.

Revision

Employment and Training Administration

Dislocated Worker Special Project Report

1205-0318; ETA 9038

Quarterly

State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations

225 respondents; 91 hours per response; 20,497 total hours; 1 form

The information will be used to assess the Defense Conversion Adjustment Program, the Clear Air Employment Transition Assistance, and Title III National Reserve projects. Participant and financial data will be used to monitor program performance, and to prepare reports and budget requests.

Employment Standards Administration Davis-Bacon and Related Acts/Contract Work Hours and Safety Standards Reporting Requirements—Regulations 29 CFR Part 5

1215-0140

On occasion

State or local governments; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations

Re-spondents	Average time	Sub-total hours
5,000	15 minutes .....	1,250
5	1 hour .....	5
1,255 total hours		

The Employer reports conformed classifications and wage rates and requests for approval of unfunded fringe benefit plans to the U.S. Department of Labor pursuant to the Davis-Bacon and Related Acts (DBRA).

Signed at Washington, DC, this 6th day of May 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93-11754 Filed 5-17-93; 8:45 am]

BILLING CODE 4510-27-P

Employment and Training Administration

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of April 1993.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,266; The Octagon-Corp.,

Williamsville, NY

TA-W-28,260; Tubeco Steel

Manufacturing, Inc., Crane, TX

TA-W-28,186; Hawks Industries, Inc.,

Casper, WY

TA-W-28,235; Vasser Fibercoating &

Metalizing, Vasser, MI

TA-W-28,319; Damford Manufacturing

Co., Lebanon, PA

TA-W-27,957; Artos Engineering Co.,

New Berlin, WI

TA-W-28,031; Bayliner Marine Corp.,

Pipestone, MN

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-28,532; Totes, Inc., Lancaster, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-28,445; Neal's Oilfield Service, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-28,487; Greens Creek Mining Co., Juneau, AK

Declines in production and separations at the subject firm are attributable to lost exports and a loss of export sales cannot be considered in determining import injury under the trade act.

TA-W-28,339; Globe Trading Corp., Humble, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-28,134; AT&T Technologies, Inc., Oklahoma City, OK

All production of cable at the subject plant ceased in 1989, there has been no production of cable during the relevant period.

TA-W-28,368; Unocal Corp., Alaska Business Unit, Anchorage, AK

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,509; General Electric Co., Now Known as Martin Marietta, Ocean, Radar & Sensor Systems, Syracuse, NY

The investigation revealed that all production of the article at the subject plant was exported. Declines in sales or production of exports cannot be used as a basis to determine import impact under the Trade Act.

TA-W-28,389A; Vanderbilt Fashions, Inc., Lantry Retail Div., Ashville, NC

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,390; Vanderbilt Fashions, Inc., Langtry, Pigeon Forge, TN

TA-W-28,391; Vanderbilt Fashions, Inc., Langtry, USA Factory Stores, Opelika, AL

TA-W-28,392; Vanderbilt Fashions, Inc., Langtry, Eddyville, KY

TA-W-28,393; Vanderbilt Fashions, Inc., Langtry, Rivera Centre, Foley, AL

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,394; Vanderbilt Fashions, Inc., Vanderbilt Factory Outlet, Columbus, NC

TA-W-28,395; Vanderbilt Fashions, Inc., Langtry, Slidell Factory Stores, Slidell, LA

TA-W-28,396; Vanderbilt Fashions, Inc., Langtry, Carolina Pottery Outlet Center, Georgetown, KY

TA-W-28,397; Vanderbilt Fashions, Inc., Langtry, Horse Cave, KY

TA-W-28,398; Vanderbilt Fashions, Inc., Langtry, Birch Run, MI

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,399; Vanderbilt Fashions, Inc., Captree Factory Store, Hot Springs Factory Outlet, Hot Springs, AR

TA-W-28,400; Vanderbilt Fashions, Inc., Captree Factory Store, Carolina Pottery Outlet Center, Blountville, TN

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,401; Vanderbilt Fashions, Inc., Langtry, Peach Festival Outlet Center, Byron, GA

TA-W-28,402; Vanderbilt Fashions, Inc., Langtry, Hilton Head, SC

TA-W-28,403; Vanderbilt Fashions, Inc., Langtry, Myrtle Beach, SC

TA-W-28,404; Vanderbilt Fashions, Inc., Langtry, St. Augustine Outlet Center, St. Augustine, FL

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,405; Vanderbilt Fashions, Inc., Langtry, Sarasota Outlet Center, University Park, FL

TA-W-28,406; Vanderbilt Fashions, Inc., Langtry, Russell Mills Outlet Center, Panama City, FL

TA-W-28,407; Vanderbilt Fashions, Inc., Langtry, Russell Mills Outlet Center, Ft. Pierce, FL

TA-W-28,408; Vanderbilt Fashions, Inc., Langtry, Cannon Village, Kannapolis, NC

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,498; Vanderbilt Fashions, Inc., Langtry, Savannah Festival Outlet Center, Savannah, GA

TA-W-28,410; Vanderbilt Fashions, Inc., Langtry, Lake Park Mill Store Plaza, Lake Park, GA

TA-W-28,411; Vanderbilt Fashions, Inc., Langtry, Manufacturer's Outlet Center, Ft. Walton Beach, FL

TA-W-28,412; Vanderbilt Fashions, Inc., Factory Stores at Adel, Adel, GA

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

TA-W-28,413; Vanderbilt Fashions, Inc., Langtry, Townview Square Shopping Center, Zephyrhills, FL



TA-W-28,414; Vanderbilt Fashions, Inc., Langtry, Ltd., New York, NY

TA-W-28,415; Vanderbilt Shirt Co., Fort Washington, PA

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and to the absolute decline in sales or production.

#### Affirmative Determinations

TA-W-28,210; General Electric Co., Syracuse Plant, Syracuse, NY

A certification was issued covering all workers separated on or after December 2, 1991.

TA-W-28,365; Ametek, U.S. Gauge Division, Sellersville, PA

A certification was issued covering all workers separated on or after February 18, 1992.

TA-W-28,324; Auburn Technology, Inc., Auburn, NY

A certification was issued covering all workers producing diesel engine production operations on or after February 1, 1993.

TA-W-28,278; Exxon Co., USA, Exxon Production Research Co., Houston, TX

A certification was issued covering all workers of Exxon Co., USA, Exxon Production Research Co., Houston, TX, providing research and technical support for domestic exploration and

production of crude oil and natural gas separated on or after January 8, 1992.

TA-W-28,388; Vanderbilt Shirt Co., Harrisville, WV

A certification was issued covering all workers separated on or after February 23, 1992

TA-W-28,389; Vanderbilt Shirt Co., Inc., Ashville, NC

A certification was issued covering all workers separated on or after February 23, 1992.

TA-W-28,389B; Vanderbilt Manufacturing, Inc., Wholesale Division, Ashville, NC

A certification was issued covering all workers separated on or after February 23, 1992.

I hereby certify that the aforementioned determinations were issued during the month of April 1993. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: May 10, 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 93-11752 Filed 5-17-93; 8:45 am]

BILLING CODE 4510-30-M

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and

are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 28, 1993.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 28, 1993.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC, 20210.

Signed at Washington, DC, this 3rd day of May 1993.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

#### APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition number	Articles produced
Tri-State Optical Co., Inc (Co)	Shreveport, LA	5/03/93	4/20/93	28,608	Eyeglass Lenses and Frames.
General Dynamics, Convair Div. (Wkrs)	San Diego, CA	5/03/93	4/22/93	28,609	MD11 Fuselage.
Digital Equipment Corp (Wkrs)	Westfield, MA	5/03/93	4/20/93	28,610	Systems and Modules.
Columbia Falls Aluminum Co (AWTC)	Columbia Falls, MT	5/03/93	4/16/93	28,611	Reduce Alumina to Aluminum.
Black Clawson Co (Wkrs)	Watertown, NY	5/03/93	4/16/93	28,612	Paper Mill Machinery.
American International Mfg Co (Wkrs)	Fort Worth, TX	5/03/93	4/18/93	28,613	Oilfield Pumps and Machinery.
Inland Steel Mining Co, Minora Mine (USWA)	Virginia, MN	5/03/93	3/23/93	28,614	Taconite Pellets.
Van Leer Containers, Inc (USWA)	Cleveland, OH	5/03/93	4/23/93	28,615	Steel Drums.
Santa Rita Resources, Inc (Wkrs)	Oklahoma City, OK	5/03/93	4/19/93	28,616	Oil and Gas Drilling.
TimeSlice Technology, Inc (Co)	Houston, TX	5/03/93	4/22/93	28,617	Computer Services.
San Ron Sportswear (ILGWU)	Pittston, PA	5/03/93	4/22/93	28,618	Ladies' Skirts.
Sutton Shirt Corp (Wkrs)	Sparta, TN	5/03/93	4/19/93	28,619	Men's and Boys' Pants.
Pyke Mfg Co (Co)	Salt Lake City, UT	5/03/93	4/23/93	28,620	Women's Apparel.
National Power Flow, Inc (UAW)	Elwood, IN	5/03/93	4/10/93	28,621	Water and Oil Pumps.
OshKosh B'Gosh (UGWA)	Camden, TN	5/03/93	4/16/93	28,622	Children's Pants.
Ogden Apparel Ventures (Wkrs)	Ogden, UT	5/03/93	4/19/93	28,623	Ladies' Swimwear.
McDonnell Douglas Aircraft Co (UAW)	Melbourne, AR	5/03/93	4/23/93	28,624	Sub-Assemblies for Commercial Aircraft.
Brooks Well Service (Wkrs)	Kilgore, TX	5/03/93	4/22/93	28,625	Well Services.
Medallist Industries (Co)	Vancouver, WA	5/03/93	4/21/93	28,626	Panel Products.

## APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition number	Articles produced
M&S Industries (Co) .....	Vancouver, WA .....	5/03/93	4/21/93	28,627	Panel Products.
Maxx Energy Services Group, Inc (Co) .	Houston, TX .....	5/03/93	4/23/93	28,628	Oil Drilling Equipment.
Maxx Energy Services Group, Inc (Co) .	Bryan, TX .....	5/03/93	4/23/93	28,629	Oil Drilling Equipment.
Jeri Jr. Co (Wkrs) .....	Wilkes-Barre, PA ...	5/03/93	4/19/93	28,630	Ladies Bolts and Shoulder Pads
Pyke Manufacturing Co (Co) .....	Lehi, UT .....	5/03/93	4/23/93	28,631	Women's Apparel.

[FR Doc. 93-11751 Filed 5-17-93; 8:45 am]  
BILLING CODE 4510-30-M

### Emergency Unemployment Compensation (EUC) Program; Changes in EUC Benefit Period Durations

This notice announces recent changes in benefit period durations under the Emergency Unemployment Compensation (EUC) Program in four States.

#### Background

The following trigger changes have occurred in States since publication of the last notice:

- \*March 7, 1993—Montana and New Jersey increased to 26 weeks.
- \*March 21, 1993—Pennsylvania increased to 26 weeks.
- \*March 28, 1993—Maine increased to 26 weeks.

New claimants coming into the program in these States on or after the specified dates as well as claimants with an "applicable benefit year" that previously exhausted EUC at a lower level are eligible for the higher number of weeks.

In addition, Public Law 102-164 permits the Governor of a State to elect to trigger off an Extended Benefit Period in order to provide payment of EUC benefits to individuals who have exhausted their rights to regular compensation under State law. Since the publication of the last notice, in accordance with section 101(e) of Public Law 102-164, the Governor of Puerto Rico has elected to trigger off Extended Benefits and instead pay EUC benefits.

#### Information for Claimants

The duration of benefits payable in the Emergency Unemployment Compensation Period, and the terms and conditions on which they are payable, are governed by the Act and the operating instructions issued to the States by the U.S. Department of Labor. The State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits

and is potentially eligible for EUC benefits (20 CFR 615.13(c)).

Persons who believe they may be entitled to EUC benefits, or who wish to inquire about their rights under the program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, DC, on May 7, 1993.  
Carolyn M. Golding,  
Acting Assistant Secretary of Labor.  
[FR Doc. 93-11750 Filed 5-17-93; 8:45 am]  
BILLING CODE 4510-30-M

### Job Training Partnership Act: Announcement of a Proposed Non-Competitive Grant Extension

AGENCY: Employment and Training Administration, DOL.

ACTION: Notice of intent to extend a non-competitive grant.

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), announces its intent to extend a non-competitive grant to the Contact Center, Inc. of Lincoln, Nebraska under the authority of the Job Training Partnership Act (JTPA).

DATES: It is anticipated that this grant will be modified by June 4, 1993, to extend funding for 1 year. Submit comments by 4:45 p.m. (Eastern Time), on June 2, 1993.

ADDRESSES: Submit comments regarding this proposed extension to: U.S. Department of Labor, Employment and Training Administration, room S4203, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Charlotte Adams; Reference FR-DAA-93-001.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to extend a noncompetitive grant to the Contact Center, Inc. of Lincoln, Nebraska, in accordance with the Department of Labor Manual Series (DLMS), Volume No. 2, Section 833(f)(3): "services are available from only one responsible source and no substitute will suffice, and the recipient

has unique qualifications to perform the type of activities to be furnished". This DLMS section is cited because Contact Center has a built-in entry to a significant number of JTPA eligible participants by virtue of its being the primary national hotline number used by several major national literacy campaigns from the following group: Project PLUS (supported by ABC-TV), the Public Broadcasting System, the American Council on Education, and the American Newspaper Publisher's Association, and the Ad Council. Under this extension, Contact Center, Inc., will continue to provide JTPA information to individuals calling the Contact Center hotline in response to general Project PLUS public service announcements and follow up with written information where appropriate. Funds for this activity are authorized by the Job Training Partnership Act, as amended, Title IV—Federally Administered Programs. The proposed funding is approximately \$48,000 for twelve months.

Signed at Washington, DC on May 11, 1993.  
Robert D. Parker,  
ETA Grant Officer.  
[FR Doc. 93-11749 Filed 5-17-93; 8:45 am]  
BILLING CODE 4510-30-M

### 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, room S3502, 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 7th day of May 1993.

**Robert A. Schaerfl,**

*Director, United States Employment Service.*

DIVISION OF FOREIGN LABOR CERTIFICATIONS, APPROVED ATTESTATIONS, 04/01/93 To 04/30/93

CEO-Name/facility name/address	State	Approval date
Max Michael, M.D., The Cooper Green Hospital, 1515 Sixth Avenue South, Birmingham 35233, 205-930-3493	AL	04/21/93
Mr. Robert P. Atkinson, Jefferson Reg'l Med. Ctr., 1515 West 42nd, Pine Bluff 71603, 501-541-7100	AR	04/21/93
Ms. Mary Anderson, Associated Health Professiona, 6095 Bristol Parkway #100, Culver City 90230, 310-417-3011	CA	04/09/93
Mr. Lester W. Holcomb, Kern Medical Center, 1830 Flower Street, Bakersfield 93305, 805-326-2101	CA	04/09/93
Ms. Anelli Stamm, Silver Oak Manor, 788 Holmes Street, Livermore 94550, 510-447-2280	CA	04/09/93
Mr. Thomas G. Hennessy, Bay Harbor Hospital/Harbor Health Systems, Inc., Harbor City 90710, 310-325-1221	CA	04/09/93
Mr. David Banks, Bav. Manor Conval. Hosp.-West, Beverly California Corp., 91790, 818-962-3368	CA	04/10/93
Sr. Ruth Marie Nickerson, Saint Agnes Medical Ctr., 1303 East Herndon Avenue, Fresno 93720, 209-449-3000	CA	04/12/93
Mr. Daniel Bunn, All Saints Healthcare, Darbun Enterprises, Inc., No. Hollywood 91605, 818-982-4600	CA	04/12/93
Mr. Armando Lopez, Jr., L.A. County-Rancho Los Amigos Medical Ctr., Hariman Bldg., Rm. 156, Downey 90242, 310-940-7911.	CA	04/16/93
Mr. K.E. Blake, Beverly Hospital, 309 W. Beverly Blvd., Montebello 90640, 213-889-2417	CA	04/16/93
Mr. S. Scott Tibbitts, Santa Monica Hospital Med. Ct, 1250 16th Street, Santa Monica 90404, 310-319-4000	CA	04/21/93
Mr. Stan B. Berry, Hanford Community Med. Ctr., 450 Greenfield Avenue, Hanford 93230, 209-585-5464	CA	04/21/93
Ms. Doris Porth, San Leandro Hospital, 13855 E. 14th Street, San Leandro 94578, 510-667-4542	CA	04/26/93
Ms. Sand Hazel, East Los Angeles Doctors Hosp., 4060 East Whittier Blvd., Los Angeles 90023, 213-268-5514	CA	04/26/93
Mr. John P. Yeros, Staff Builders Travel Nurse, 360 S. Garfield Street, Denver 80209, 303-394-2900	CO	04/25/93
Mr. Kevin C. Clark, Cross Country Healthcare, Inc., 1515 South Federal Hwy., Boca Raton 33432, 800-347-2264	FL	04/12/93
Mr. Michael Gerber, Westchester General Hospital, 2500 S.W. 75th Avenue, Miami 33155, 305-264-5252	FL	04/16/93
Jay Kaplin, Camelot Care Center of Dade, I, 25268 S.W. 134 Avenue, Miami, Florida 33032, 305-258-2222	FL	04/16/93
Mr. Frank Murphy, Morton Plant Health Systems, 323 Jeffords Street, Clearwater 34616, 813-462-7000	FL	04/21/93
Mr. Daniel J. Friedrich III, Pompano Beach Medical Ctr., 600 S.W. Third Street, Pompano Beach 33060 305-782-2000.	FL	04/21/93
Mr. Jim Albright, Bayfront Medical Ctr., Inc., 701 Sixth Street South, St. Petersburg 33701, 813-893-6014	FL	04/26/93
Mr. Gary L. Rowe, AML Towns & Country Hosp., 6001 Webb Road, Tampa 33615, 813-885-6666	FL	04/28/93
Mr. Ramsey Jennings, Bulloch Memorial Hospital, 500 East Grady Street, Statesboro 30458, 912-764-6671	GA	04/09/93
Ms. Dorothy N. Key, Greene Point Health Care, Beverly Enterprises, P.O. Box 312, Union Point 30669, 706-486-2167.	GA	04/09/93
Mr. Rex Mobley, Woodstock Nursing Ctr., 105 Arnold Mill Rd., Woodstock 30188, 404-926-0016	GA	04/21/93
Milton Slepman, Ph.D., Smyrna Hospital, 3949 South Cobb Drive, Smyrna 30080, 404-434-0710	GA	04/21/93
Ms. Judith Braswell, Saint Joseph's Hospital, Inc., 11705 Mercy Blvd., Savannah 31419, 912-925-4100	GA	04/26/93
Mr. Walter L. Behn, Kapiolani Medical Ctr. for Women and Children, Honolulu 96826, 808-973-8227	HI	04/09/93

## DIVISION OF FOREIGN LABOR CERTIFICATIONS, APPROVED ATTESTATIONS, 04/01/93 To 04/30/93—Continued

CEO-Name/facility name/address	State	Approval date
Reverend Stephen A. Dahl, Bethany Terrace Nursing Ctr., 8425 N. Waukegan Rd., Morton Grove 60053, 708-965-8100	IL	04/09/93
Mr. Morris Esformes, The Terrace Nursing Home, Inc., 1615 Sunset Avenue, Waukegan 60087, 708-244-6700	IL	04/09/93
Ms. Diane E. Kramer, Avraora Manor Nursing Ctr., 1601 N. Farnsworth Ave., Avraora 60505, 708-898-1180	IL	04/16/93
Mr. Jack Reiss, Bloomingdale Pavilion, Inc., 311 Edgewater Drive, Bloomingdale 60108, 708-894-7400	IL	04/21/93
Ms. Lucy Morales, Southshore Surgl—Ctr. ENTS, 8300 S. Brandon, Chicago 60617, 312-721-6000	IL	04/26/93
Mr. Gerald A. Woods, River Park Health Care, Kansas Health Care Investors, L.P., Wichita 67203, 316-262-8481	KS	04/26/93
Mr. Steven Smith, Earl K. Long Medical Center, 5825 Airline Highway, Baton Rouge 70805, 504-358-1000	LA	04/16/93
Mr. Peter J. Betts, East Jefferson General Hosp., 4200 Houma Blvd., Metairie 70011, 504-454-5606	LA	04/21/93
Mr. Raymond D. Sanzone, Tewksbury Hospital, 356 East Street, Tewksbury 01876, 508-851-7321	MA	04/09/93
Mr. Everard O. Rutledge, Liberty Medical Ctr. Inc., 2600 Liberty Heights Avenue, Baltimore 21215, 410-383-4000	MD	04/16/93
Mr. James O. Dague, Bon Secours Hospital, Inc., 2000 West Baltimore Street, Baltimore 21223, 410-352-3000	MD	04/26/93
Mr. Kark Eustis, Grace Hospital, 6071 West Outer Drive, Detroit 48235, 313-966-3473	MI	04/26/93
Ms. Gail Warden, Henry Ford Hospital, 2799 W. Grand Boulevard, Detroit 48202, 313-876-2600	MI	04/28/93
Mr. Salvatore D. Benisatto, Westwood Nursing Ctr., 16588 Schaefer, Detroit 48235, 313-345-5000	MI	04/28/93
Mr. Leslie C. Jarema, Meadowbrook Terrace of North Raleigh, Raleigh 27615, 919-878-7772	NC	04/21/93
Mr. R.O. Canothers, Autumn Care of Drexel, P.O. Box 1278, Drexel 28619, 704-433-6180	NC	04/28/93
Ms. Ronnette S. Cox, Convalescent Ctr. of Sanford, 4000 Farrell Road, Sanford 27330, 919-775-7207	NC	04/28/93
Mr. Edward Lewis, Bergen Pines County Hospital, East Ridgewood Avenue, Paramus 07652, 201-967-4000	NJ	04/09/93
Mr. Harvey Adelsberg, Daughters of Mariam, Ctr. for the Aged, Clifton 07015, 201-772-3700	NJ	04/16/93
Mr. Dennis Doody, The Medical Center at Princet, 253 Witherspoon Street, Princeton 08054, 609-4335	NJ	04/16/93
Marie D. Moore, M.D., Oakland Care Center, 20 Breakneck Road, Oakland 07436, 201-337-3300	NJ	04/21/93
Sister Elizabeth Ann Maloney, St. Elizabeth Hospital, 225 Williamson Street, Elizabeth 07207, 908-527-5326	NJ	04/26/93
Mr. Arnold Putterman, Morristown Rehab. Ctr., Inc., 66 Morris Street, Morristown 07960, 201-539-3000	NJ	04/26/93
Mr. Lawrence Gelfand, Daughters of Israel Geriatric Ctr., West Orange 07052, 201-731-5100	NJ	04/26/93
Mr. George E. Sararu, World Nurse Connection, 1000 E Main Street, Tonopah 59049, 714-925-1489	NV	04/28/93
Mr. Joshua Teitelbaum, Queens Nassau Nursing Home, 1, 520 Beach 19th Street, Far Rockaway 11691, 718-471-7400	NY	04/09/93
Mr. Michael Dreisiger, LaGuardia Hospital, 102-01 66th Road, Forest Hills 11375, 718-830-4276	NY	04/09/93
Mr. Augusto Li. Cuesta, America's Health Personnel Service, East Elmhurst 11370, 718-426-5361	NY	04/12/93
Mr. Richard N. Yezzo, St. Clare's Hospital and Health Ctr., New York 10019, 212-586-1500	NY	04/12/93
Mr. Percy Allen, II, State University of N.Y. Heal Science Center of Brooklyn, Brooklyn 11203, 718-270-1000	NY	04/12/93
Sr. Helen Murphy, New York Foundling Hospital f, Pediatric Med. and Rehab. Care, Inc., New York 10011, 212-633-9300	NY	04/16/93
Spencer Foreman, M.D., Montefiore Medical Ctr., 111 E. 210th Street, Bronx 10467, 212-920-4321	NY	04/16/93
Mr. Frank Maddalena, The Brookdale Hospital Med. C, Linden Blvd. at Brookdale Plaza, Brooklyn 11218, 718-240-5958	NY	04/16/93
Mr. William T. Newell, The University Hospital at Stony Brook (Health Science Ctr.), Stony Brook 11794, 516-444-1800	NY	04/16/93
Ms. Ann Cecio, Metropolitan Jewish Geriatric, 4915 10th Avenue, Brooklyn 11219, 718-851-3700	NY	04/26/93
Ms. Florida Fuentesilla, Health & Professionals Network, Inc., Rego Park 11374, 718-997-1080	NY	04/26/93
Mr. David S. Harper, Sentry Care Simpsonville, Inc., 807 S.E. Main Street, Simpsonville 29681, 803-963-6069	SC	04/09/93
Ms. Julie F. Waters, Easley Health Care, Inc., 200 Anne Drive, Easley 29640, 803-859-9754	SC	04/09/93
Mr. Louis Milite, Brian Center Health & Retirement/Columbia, Columbia 29204, 803-254-5960	SC	04/12/93
Mr. William W. Arnold, III, Centennial Medical Center, Park View, Nashville 37203, 615-342-1825	TN	04/08/93
Mr. W.R. Barger, Heritage Manor of Monteagle, Health Care Capital, Inc., Monteagle 37356, 615-924-2041	TN	04/09/93
Mr. William R. Rice, University of Tennessee, UT Bo Hospital, c/o Dr. R.A. Palazzolo, Memphis 38163, 901-528-6352	TN	04/12/93
Mr. Robert Collette, AMI Brownsville Medical Ctr., 1040 W Jefferson, Brownsville 78520, 512-544-1455	TX	04/12/93
Robert Myers, M.D., Scott & White, 2401 South 31st Street, Temple 76508, 817-774-2111	TX	04/16/93
Mr. Craig B. Watson, Gulf Coast Medical Ctr., 1400 Hwy 59, Wharton 77488, 409-532-2500	TX	04/16/93
Ms. Emilia L. Serrano, Unicare Health Services, Inc., 3100 Timmons Lane, Suite 425, Houston 77027, 712-621-8361	TX	04/21/93
Mr. Ben M. McKibbens, Valley Baptist Medical Ctr., 2101 Pease Street, Harlingen 78550, 210-421-1100	TX	04/21/93
Mr. Paul Herzog, Vista Hills Medical Ctr., 10301 Gateway West, El Paso 79925, 800-967-3711	TX	04/26/93
Mr. Ralph E. Beaty, Huntsville Memorial Hospital, 3000 I-45, Huntsville 77340, 409-291-4521	TX	04/26/93
Juan R. Ameil, M.D., F.A.C.C., Red Oak Cardiovascular Ctr., 17200 Red Oak Drive, Houston 77090, 713-893-8640	TX	04/26/93
Mr. George T. Roberts, Henderson Memorial Hospital, 300 Wilson Street, Henderson 75652, 903-657-7541	TX	04/26/93
Mr. James Baxendale, Marshall Manor, Inc., 8645 John Marshall Hwy., Marshall 22115, 703-364-1200	VA	04/09/93
Steve Purves, Roanoke Memorial Hospital, Bellevue at Jefferson Street, Roanoke 24014, 703-981-7825	VA	04/21/93
Total attestations: 82		



[FR Doc. 93-11753 Filed 5-17-93; 8:45 am]

BILLING CODE 4510-30-M

## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. RM 93-4]

#### Implementation of the Audio Home Recording Act of 1992; Statements of Account Public Meeting

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of informal public meeting.

**SUMMARY:** The Copyright Office of the Library of Congress has issued interim regulations and a quarterly statement of account form as part of its mandate to implement the Audio Home Recording Act of 1992, Public Law 102-563. This notice invites participation in a public meeting intended to elicit comments, views, and information which will assist the Office in its review of the quarterly statement of account form and its design of the annual statement of account form. This is to be an informal meeting for exchange of opinions and information among interested parties. Written comments are welcome, but are not required. No transcript of the discussion will be made.

**DATE AND ADDRESS:** The meeting will be held on June 11, 1993, beginning at 1:30

p.m. in the conference room of the Register of Copyrights, LM 407, James Madison Memorial building, Library of Congress, First St. and Independence Ave., SE., Washington, DC. Participants need not notify the Copyright Office of their intention to attend the meeting. Any written comments should be submitted to the Office of Copyright General Counsel at the same address if delivered by hand. If submitted by mail, use the designation "Department 100" in addition to the above address and the zip code "20540."

**FOR FURTHER INFORMATION CONTACT:** Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559. Telephone (202) 707-8380.

**SUPPLEMENTARY INFORMATION:** Effective October 28, 1992, the Audio Home Recording Act (AHRA) created new statutory obligations in chapter 10 of title 17, United States Code, relating to digital audio recording devices and media. The AHRA provides solutions to policy problems presented by consumer products that make nearly perfect copies of digital audio recordings. These include provision of an exemption for private noncommercial home recording of digital audio recordings, a restriction on serial copying of copyrightable works on digital recorders, and the requirement that manufacturers and importers of digital audio recorders and media file an initial notice of

distribution, quarterly and annual statements of account, and royalty payments upon distribution in the United States of digital audio recording devices and media.

The AHRA provides that importers or manufacturers of digital audio recording devices or media shall file with the Register of Copyrights quarterly and annual statements of account in such form as the Register shall prescribe by regulation. Interim regulations were issued by the Office February 22, 1993 (58 FR 9544) governing the filing of quarterly and annual statements of account and payment of royalties. Comments were invited, and have been received. The quarterly statement of account form was of necessity prepared and then distributed in early April without the opportunity for comment on the form design and content. The quarterly form is reprinted in an Appendix to the Notice. The meeting proposed by this notice will provide the Office with information and comments needed to review the quarterly form and prepare the annual statement of account form under the AHRA.

Dated May 12, 1993.

Ralph Oman,

*Register of Copyrights.*

#### Appendix

#### *DART Quarterly Statement of Account*

BILLING CODE 1410-08-M

## A NEW LAW

Effective October 28, 1992, the Audio Home Recording Act of 1992, Public Law 102-563, 106 Stat. 4237, created a new statutory obligation under the Copyright Act, title 17 U.S.C. This law was enacted after interested parties came to an agreement about associated rights and compensation in an age in which near-perfect copying of protected audio works by consumers is possible.

Under the Act, manufacturers and importers of digital audio recording devices and media who distribute the products in the United States must file quarterly and annual statements of account and make royalty payments to the Copyright Office.

## TRANSITIONAL PERIOD REQUIREMENTS

The first Quarterly Statement of Account following enactment of the Act shall cover the period from October 28, 1992, to the end of at least one full quarter. This statement is due 45 days following the end of the first full quarter after October 28, 1992, or by May 15, 1993, whichever is later.

The first Annual Statement of Account shall cover the entire period since October 28, 1992, and is not due until March 1, 1994, or later depending upon the basis of filing.

## HOW TO FILE THE STATEMENT OF ACCOUNT AND ROYALTY FEE

**FIRST:** Study the information and read through the instructions in the Statement of Account form. Before you start completing the form, make sure that you have collected all the necessary information and that you are using the right form.

**SECOND:** Complete the statement of account form, giving all of the required information. Use a typewriter, a legible printer, or hand print the information in dark ink.

**THIRD:** Certify the statement of account by signing in Space G. The statement of account is not acceptable unless it bears the handwritten signature of one of the individuals indicated in Space G as authorized to certify it pursuant to Copyright Office regulations.

**FOURTH:** Obtain a certified check, cashier's check, money order, or make an electronic payment in the amount of the royalty fee due as calculated in Space C. Payment in any other form (personal or company checks) will be returned. The remittance must be made payable to: Register of Copyrights. **DO NOT SEND CASH.**

**FIFTH:** Send the completed statement of account, together with the royalty fee due, to:

Licensing Division  
Copyright Office  
Library of Congress  
Washington, DC 20557-6400

**SIXTH:** Retain a copy of the entire statement, as filed, in case it is needed for future reference.









FORM DART/Q, PAGE 4

SPACE



**WORKSHEET FOR COMPUTING INTEREST**

You must complete this worksheet for those royalty payments submitted as a result of a late payment or underpayment.

Line 1. Enter the amount of late payment or underpayment ..... \$ \_\_\_\_\_

x \_\_\_\_\_ %

Line 2. Multiply line 1 by the interest rate\* and enter the the sum here ... \$ \_\_\_\_\_

x \_\_\_\_\_ days

Line 3. Multiply line 2 by the number of days late ..... \$ \_\_\_\_\_

x .00274

Line 4. Multiply line 3 by .00274\*\*, enter here and on line 4 in Space C ... \$ \_\_\_\_\_

(interest charge)

\*Contact the Licensing Division at 202-707-8150 for the interest rate for the accounting period in which the late payment or underpayment occurred.

\*\*This is the decimal equivalent of 1/365, which is the interest assessment for one day late.

SPACE



**INDIVIDUAL TO BE CONTACTED IF FURTHER INFORMATION IS NEEDED**

(Identify an individual to whom we can write or call about this Statement of Account).

NAME \_\_\_\_\_ TELEPHONE ( ) \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPACE



**CERTIFICATION**

(This Statement of Account must be certified and signed in accordance with Copyright Office Regulations.)

I, the undersigned, hereby certify that: (check ONLY ONE of the boxes listed below.)

(Importer or manufacturer other than corporation or partnership)

I am the importer/manufacturer identified in Space B, line 1.

(Principal of importer or manufacturer other than corporation or partnership)

I am the duly authorized agent of the importer/manufacturer identified in Space B, line 1.

(Officer or partner)

I am an officer (if a corporation) or a partner (if a partnership) of the legal entity identified in Space B, line 1.

I have examined this Quarterly Statement of Account and hereby declare under penalty of law that all statements of fact contained herein are true, complete, and accurate to the best of my knowledge, information, and belief, and are made in good faith.

HANDWRITTEN SIGNATURE \_\_\_\_\_

TYPED OR PRINTED NAME \_\_\_\_\_

TITLE \_\_\_\_\_ DATE \_\_\_\_\_

GENERAL INSTRUCTIONS FOR FORM DART/Q, PAGE 1

# GENERAL INSTRUCTIONS

## STATEMENT OF ACCOUNT FORM DART/Q

The Audio Home Recording Act of 1992 (Pub. L. No. 102-563)

Chapter 10 of title 17, United States Code, creates new statutory obligations for parties who import and distribute in the United States or manufacture and distribute in the U.S. any digital audio recording device or digital audio recording medium. This law was enacted after interested parties came to an agreement about associated rights and compensation in an age in which near-perfect copying of protected audio works by consumers is possible.

### DEFINITIONS

- "DIGITAL AUDIO RECORDING PRODUCT" means digital audio recording devices and digital audio recording media.
- "DIGITAL AUDIO RECORDING DEVICE" is any machine or device of a type commonly distributed to individuals for use by individuals, whether or not included with or as part of some other machine or device, the digital recording function of which is designed or marketed for the primary purpose of, and that is capable of, making a digital audio copied recording for private use, except for (A) professional model products, and (B) dictation machines, answering machines, and other audio recording equipment that is designed and marketed primarily for the creation of sound recordings resulting from the fixation of nonmusical sounds.
- "DIGITAL AUDIO RECORDING MEDIUM" is any material object in a form commonly distributed for use by individuals, that is primarily marketed or most commonly used by consumers for the purpose of making digital audio copied recordings by use of a digital audio recording device.
- The "PRODUCT CATEGORY" of a device or medium is a general class of products made up of functionally equivalent digital audio recording products with substantially the same use in substantially the same environment, including, for example, hand-held portable integrated combination units ("boomboxes"), portable personal recorders, stand-alone home recorders ("tape decks"), home combination systems ("rack systems"), automobile recorders, configurations of tape media (standard cassettes or microcassettes), and configurations of disc media, such as 2-1/2", 3" or 5" discs.
- The "TECHNOLOGY" of a device or medium is a digital audio recording product type distinguished by different technical processes for digitally recording musical sounds, such as digital audio tape recorders (DAT), digital compact cassette (DCC), or different disc-based technologies such as minidisc (MD).
- "MANUFACTURE" means to produce or assemble a product in the United States. A "manufacturer" is a person who manufactures.
- The "MANUFACTURING PARTY" is any person or entity who manufactures and distributes or imports and distributes any digital audio recording device or digital audio recording medium in the United States.
- A "QUARTERLY STATEMENT OF ACCOUNT" is a statement accompanying royalty payments pursuant to 17 U.S.C., section 1003.
- An "ANNUAL STATEMENT OF ACCOUNT" is a cumulative statement accompanying annual royalty payments pursuant to 17 U.S.C., section 1003.

### SPACE A: ACCOUNTING PERIOD & FILING STATUS

Statements of account may be filed on either a calendar year or fiscal year basis at the election of the manufacturer or importer. Whichever filing

basis is elected, the election stands for 3 years and may be changed for subsequent filings only by written request to the Copyright Office at least 60 days before the proposed effective date. The request must be approved by the Office in order to become effective.

Enter the calendar or fiscal year designation, including the beginning and ending month, day, and year of the period covered by the quarter. Space A also requires a designation of the manufacturing party's status, such as "manufacturer," "importer," or "manufacturer and importer."

### SPACE B: NAME AND ADDRESS

The full legal name of the manufacturing party will be included, together with the fictitious or assumed name, if any, used by the person or entity for the purpose of conducting the business of manufacturing and distributing or importing and distributing digital audio recording products.

In addition, Space B requires the full mailing address of the manufacturing party, including a specific number and street name or rural route of the place of business of this person or entity. A post office box or similar designation will not be sufficient for this purpose except where it is the only address that can be used in that geographic location.

### SPACE C: COMPUTATION OF ROYALTY FEE

#### Column 1: "Product Category"

Enter the product category of the digital audio recording products manufactured and distributed or imported and distributed by the manufacturing party during the quarter covered by the statement. Product categories include hand-held portable integrated combination units ("boomboxes"), portable personal recorders, stand-alone home recorders ("tape decks"), home combination systems ("rack systems"), automobile recorders, configurations of tape media (standard cassettes or microcassettes), and configurations of disc media, such as 2-1/2", 3", and 5" discs.

#### Column 2: "Technology"

Enter the technology of the digital audio recording products manufactured and distributed or imported and distributed by the manufacturing party during the quarter covered by the statement. The technology of a device or medium is a product type distinguished by different technical processes for digitally recording musical sounds, such as digital audio recorders (DAT), digital compact cassettes (DCC), or different disc-based technologies such as minidisc (MD).

#### Column 3: "Series or Model #"

Enter the model (or, in the case of media, series) numbers assigned by the manufacturer to the digital audio recording products manufactured and distributed or imported and distributed by the manufacturing party during the quarter covered by the statement.

#### Column 4: "Fee Code"

Enter the fee code that is associated with the product. Fee Code "A" applies to a digital audio recording device distributed as a physically integrated unit.

Fee Code "B" applies to a device that is not a physically integrated unit where substantially similar separate components have been distributed separately at any time during the previous 4 quarters using the average transfer price.

Fee Code "C" applies to a device that is not a physically integrated unit where such separate components have not been distributed separately at any time during the preceding 4 quarters using the proportional value of such devices to the combination as a whole.

Fee Code "D" applies to a digital audio recording medium. **IMPORTANT: WHEN COMPUTING THE ROYALTY FEE FOR THE RECORDING MEDIUM, DO NOT COMPLETE COLUMNS 8, 9, 12 AND 13.**

## GENERAL INSTRUCTIONS FOR FORM DART/Q, PAGE II

**Column 5: "Source Code"**

Enter the Source Code for the product category. Enter an "M" if the product was manufactured in the United States. Enter an "I" if the product was imported into the United States.

**Column 6: "Transfer Price"**

Enter the transfer price of the product. The transfer price in the case of imported products, is the actual entered value at United States Customs (exclusive of any freight, insurance, and applicable duty). In the case of a domestic product, the transfer price of a product is the manufacturer's transfer price (FOB the manufacturer, and exclusive of any direct sales taxes or excise taxes incurred in connection with the sale). If the transferor and transferee are related entities or within a single entity, the transfer price shall not be less than a reasonable arms-length price under the principles of the regulations adopted pursuant to section 482 of the Internal Revenue Code of 1986.

**Column 7: "Number of Units Distributed"**

Enter the number of units distributed. "Distribute" means to sell, lease, or assign a product to consumers in the United States, or to sell, lease, or assign a product in the United States for ultimate transfer to consumers in the United States.

**Column 8: "Minimum Fee Per Unit"**

Enter the statutory Minimum Fee of \$1.00 for all digital recording devices.

**Column 9: "Minimum Fee"**

Multiply the Number of Units Distributed (column 7) by the Minimum Fee Per Unit (column 8) and enter the result in column 9 for the Minimum Fee.

**Column 10: "Rate"**

Enter the statutory royalty rate of 2 percent for digital audio recording devices OR 3 percent for digital audio recording media.

**Column 11: "Rate Fee"**

Multiply the Transfer price (column 6) by the Number of Units Distributed (column 7) and then multiply the result by the Rate (column 10) and enter that figure in column 11 for the Rate Fee.

**Column 12: "Maximum Fee Per Unit"**

Enter the statutory Maximum Fee Per Unit of \$8.00 for non-physically integrated units and \$12.00 for physically integrated units.

**Column 13: "Maximum Fee"**

Multiply the Number of Units Distributed (column 7) by the Maximum Fee Per Unit (column 12) and enter the result in column 13 for the Maximum Fee.

**Column 14: "Royalty Fee"**

The manufacturing party must pay either the "Rate Fee", the "Minimum Fee" or the "Maximum Fee." To determine the appropriate Royalty Fee for digital audio recording devices:

- Enter the Rate Fee (column 11) if it is greater than the Minimum Fee (column 9) and less than the Maximum Fee (column 13).
- OR
- Enter the Minimum Fee (column 9) if the Rate Fee (column 11) is less than or equal to the Minimum Fee (column 9).
- OR
- Enter the Maximum Fee (column 13) if the Rate Fee (column 11) is greater than or equal to the Maximum Fee (column 13).

**SPACE D: REDUCTION OF ROYALTY PAYMENT**

This space applies to a reduction of the royalty payment for devices in physically integrated units that were not first distributed in combination with a unit, and upon which royalty fees have been previously paid pursuant to section 1004 (a)(2)(A) of Public Law 102-563. You may give the total amount for the quarter.

**SPACE E: INTEREST WORKSHEET**

Interest will be imposed on underpayments and late payments of royalties due. Manufacturing parties must calculate their own interest charge on the worksheet. Manufacturers or importers submitting royalty payments in an untimely fashion should include the proper interest charge with their payments. The interest rate is the rate quoted as the Current Value

of Funds to Treasury, as published in the Federal Register, in effect on the first business day after the close of the filing deadline for the relevant accounting period.

The interest rate for a particular accounting period may be obtained by consulting the Federal Register or the Licensing Division of the Copyright Office for the applicable Current Value of Funds Rate.

For underpayments and late payments the interest shall be compounded annually and begin to accrue on the first day after the close of the filing date for that accounting period. For a late payment the accrual period ends on the date that the Statement of Account and proper form of payment are received in the Copyright Office. For underpayments the accrual period ends on the date appearing on the certified check, cashier's check, money order, or electronic payment, provided that the remittance is received in the Copyright Office within 5 business days of that date. Interest is not required to be paid on any royalty underpayment or late payment from a particular accounting period if the interest charge is less than or equal to \$5.00.

**SPACE F: CONTACT**

Clearly identify an individual to whom the Copyright Office can write or call about this quarterly statement of account.

**SPACE G: CERTIFICATION**

Each quarterly statement of account must include the handwritten signature of the manufacturing party. If the manufacturing party is a corporation, the signature must be that of a duly authorized officer of the corporation. If the manufacturing party is a partnership, the signature must be that of a partner. The signature must be accompanied by the printed or typewritten name of the person signing the quarterly statement of account. It must also note the date the document is signed. If the manufacturing party is a partnership or corporation, indicate the title or official position held in the partnership or corporation. The signature provides the certification as noted in Space G.

**Note:**

All information provided must be intelligible, legible, and unambiguous, and must not incorporate by reference any facts or information contained in other documents or records.

**FILING DATES**

Quarterly statements of account shall be filed at intervals of 3 months for the first 3 quarters of the calendar year or fiscal year cycle. Quarterly statements are due no later than 45 days after the close of the period covered by the statement. The information relating to the fourth quarter, as well as the accumulation for the year, shall be contained in the annual statement of account. Annual statements are due on or before 2 months after the close of the calendar or fiscal year covered by the statement.

**CORRECTIONS AND REFUNDS**

- Errors in the computation of the royalty payments that result in underpayment of royalties can be corrected and supplemental payments made upon compliance with Copyright Office procedures. Contact the Licensing Division for specific instructions.
- Refunds will not be made for alleged overpayments accompanying quarterly statements of account. Any such overpayment can be reconciled in the annual statement of account for the relevant accounting year.

**NOTE:** The annual statement of account provides credits for devices that are unsold or defective and a reconciliation of the cumulative and quarterly accounts. However, delayed payment of royalties does not affect the copyright owner's right to any remedy that is available under the law.

**CONFIDENTIALITY OF STATEMENTS OF ACCOUNT**

Public access will be denied to the Copyright Office files of Statements of Account for Digital Audio Recording Products. Access will only be granted to interested copyright parties in accordance with regulations prescribed by the Register of Copyrights pursuant to Section 1003(c) of title 17 United States Code, as amended by Pub. L. 102-563.



## National Acid Precipitation Assessment Program

### Oversight Review Board Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Acid Precipitation Assessment Program announces the following meeting.

*Date and Time:* June 8-9, 1993.

*Place:* The Madison Hotel, 1177 15th Street, NW., Washington, DC 20005.

*Type of Meeting:* Open. Those wishing to attend should contact Judy Hickey by June 1, 1993.

*Contact Person:* Ms. Judy Hickey, National Acid Precipitation Assessment Program, Office of the Director, 722 Jackson Place, NW., Washington, DC 20503, telephone (202) 296-1002.

*Purpose of Meeting:* To provide advice and recommendations concerning program plans for the National Acid Precipitation Assessment Program.

*Agenda:* To review and evaluate research, monitoring, and assessment components of the program.

*Dated:* May 13, 1992.

Derek Winstanley,

Committee Management Office.

[FR Doc. 93-11744 Filed 5-17-93; 8:45 am]

BILLING CODE 3125-01-M

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Records Schedules; Availability and Request for Comments

**AGENCY:** Office of Records Administration, National Archives and Records Administration.

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before July 2,

1993. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

**ADDRESSES:** Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

**SUPPLEMENTARY INFORMATION:** Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

#### *Schedules Pending:*

1. Department of Commerce, Bureau of Economic Analysis, Balance of Payments Division (N1-375-93-1). Revisions to the comprehensive agency records schedule.

2. Department of Justice, Federal Bureau of Investigation (N1-65-93-4). Documentation and recordings of FBI Career Board deliberation.

3. Department of State, Office of the Under Secretary for Management (N1-59-93-25). Routine and facilitative records of the White House Liaison Staff.

4. Department of State, Bureau of Oceans and Environmental and Scientific Affairs (N1-59-93-28). Routine and facilitative records of the Office of the Executive Director.

5. Department of State, Bureau of Oceans and Environmental and Scientific Affairs (N1-59-93-29). Decrease in retention period of records of the Coordinator for Population Affairs.

6. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs (N1-59-93-31). Routine and facilitative records relating to nuclear energy and energy technology affairs.

7. National Archives and Records Administration (N2-354-93-1). Duplicative trade data from the Department of Agriculture in the holdings of the National Archives.

8. Department of the Army (N1-AU-90-22). Reports of routine Investigations.

*Dated:* May 5, 1993.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 93-11677 Filed 5-17-93; 8:45 am]

BILLING CODE 7515-01-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Meetings; Humanities Panel

**AGENCY:** National Endowment for the Humanities, NFAH.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/606-8282.

**SUPPLEMENTARY INFORMATION:** The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications

for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of title 5, United States Code.

1. *Date:* June 1, 1993.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 415.

*Program:* This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1994 in the field of Classical, Medieval, and Renaissance Studies, submitted to the division of Fellowships and Seminars, for projects beginning after June, 1994.

2. *Date:* June 2, 1993.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 415.

*Program:* This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1994 in the field of British and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1994.

3. *Date:* June 3, 1993.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 415.

*Program:* This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1994 in the field of Philosophy and Religion, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1994.

4. *Date:* June 4, 1993.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 415.

*Program:* This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1994 in the field of American Literature and Culture, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1994.

5. *Date:* June 7, 1993.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 415.

*Program:* This meeting will review Summer Seminars for School Teachers applications for directing seminars in

1994 in the field of Foreign and Comparative Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1994.

6. *Date:* June 8, 1993.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 315.

*Program:* This meeting will review Summer Seminars for School Teachers applications for directing seminars in 1994 in the field of History, Politics, and Society, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1994.

7. *Date:* June 11, 1993.

*Time:* 8:30 a.m. to 5:30 p.m.

*Room:* 415.

*Program:* This meeting will review applications submitted by state humanities councils to the Division of State Programs, submitted to the Division of State Programs, for projects beginning after September, 1994.

8. *Date:* June 21, 1993.

*Time:* 8:30 a.m. to 5 p.m.

*Room:* 415.

*Program:* This meeting will review applications submitted by state humanities councils to the Division of State Programs for "Nature, Technology, and Human Understanding," an NEH/NSF joint initiative to promote public understanding of the interrelationships between science and the humanities, submitted to the Division of State Programs, for projects beginning after September, 1993.

9. *Date:* June 22, 1993.

*Time:* 9 a.m. to 5 p.m.

*Room:* 315.

*Program:* This meeting will review applications for Elementary and Secondary Education in the Humanities, submitted to the Division of Education Programs, for projects beginning after November 1, 1993.

10. *Date:* June 29, 1993.

*Time:* 9 a.m. to 5 p.m.

*Room:* 315.

*Program:* This meeting will review applications for Elementary and Secondary Education in the Humanities, submitted to the Division of Education Programs, for projects beginning after November 1, 1993.

**David C. Fisher,**

*Advisory Committee, Management Officer.*

[FR Doc. 93-11759 Filed 5-17-93; 8:45 am]

BILLING CODE 7530-01-M

## NATIONAL SCIENCE FOUNDATION

**Office of Polar Programs; Permit Issued Under the Antarctic Conservation Act of 1978**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:** Thomas F. Forhan, Permit Office, Office of Polar Programs, National Science Foundation, Washington, DC 20550.

**SUPPLEMENTARY INFORMATION:** On February 12, 1993 the National Science Foundation published a notice in the *Federal Register* of permit applications received. A permit was issued to John C. Wingfield on May 10, 1993.

**Thomas F. Forhan,**

*Permit Office, Office of Polar Programs.*

[FR Doc. 93-11710 Filed 5-17-93; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-352 and 50-353]

**Philadelphia Electric Co., Limerick Generating Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-39 and NPF-85, issued to Philadelphia Electric Company (PECO or the licensee), for operation of the Limerick Generating Station (LGS), Units 1 and 2, located in Montgomery County, Pennsylvania.

### Environmental Assessment

#### Identification of Proposed Action

The proposed amendments would allow the licensee to receive and possess, but not separate, such source, byproduct, and special nuclear materials as contained in the fuel assemblies and fuel channels from the Shoreham Nuclear Power Station (SNPS) at the Limerick site.

The proposed action is in accordance with the licensee's application for amendments dated March 8, 1993. The proposed changes have been evaluated against the criteria in 10 CFR 51.21 for the identification of licensing and regulatory actions requiring an environmental assessment. We have concluded that the proposed changes do not meet the criteria for categorical exclusion as defined in 10 CFR 51.22(c)(9). Therefore, in accordance with the requirements in 10 CFR 51.30,

the following information is being provided to support an Environmental Assessment.

#### *Need for the Proposed Action*

The proposed change to the Facility Operating Licenses is requested to permit the transfer of the SNPS slightly irradiated fuel assemblies and fuel channels to the LGS site. Currently, the license provides, "pursuant to the Act and 10 CFR parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility." The proposed action would modify this license condition by adding the phrase "and to receive and possess, but not separate, such source, byproduct and special nuclear materials as contained in the fuel assemblies and fuel channels from the Shoreham Nuclear Power Station." The proposed action would thus allow LGS to receive the subject assemblies.

#### *Environmental Impacts of the Proposed Action*

The approval of the proposed change to the LGS operating licenses will result in no significant effect on the human environment and does not alter any initial conditions assumed for the design basis accidents previously evaluated nor change operation of safety systems utilized to mitigate the design basis accidents. This conclusion considers the potential impact of: normal transport and transportation accidents, the uranium fuel cycle, radioactive effluents, low level radioactive waste, and, occupational exposure.

The impact of the transportation of the slightly irradiated fuel from the SNPS site to the LGS site is minimal. Table S-4 of 10 CFR 51.52, "Environmental Impact of Transportation of Fuel and Waste To and From One Light-Water-Cooled Nuclear Power Reactor," addresses the impact of transporting irradiated fuel and radioactive waste including normal transport and possible accidents. The proposed shipments meet the conditions specified in 10 CFR 51.52(a) since it does not (a) exceed 4 percent enrichment, (b) exceed an average irradiation level of 33,000 megawatt days-per-metric-ton, (c) come from a reactor with a power level in excess of 3800 megawatts and is not being shipped less than 90 days after discharge. Therefore, the environmental impact of the proposed shipments is as set forth in Table S-4. In any event, the low level of radiation and the substantial elapsed time since the low power operation of the SNPS fuel make

the assumptions used in Table S-4 conservative relative to the proposed shipments. Therefore, Table S-4 bounds the environmental impact of the transportation of the SNPS fuel.

The impact of the transfer of SNPS fuel to LGS on the uranium fuel cycle is neutral or positive. The NRC's original evaluation of this type of impact is documented in NUREG-0974, "Final Environmental Statement Related to the Operation of Limerick Generating Station, Units 1 and 2," dated April 1984. NUREG-0974 used 10 CFR 51.51, "Uranium Fuel Cycle Environmental Data—Table S-3," to assess the effect of the uranium fuel cycle on the operation of LGS Unit 1 and Unit 2. Transfer of the slightly irradiated SNPS fuel to LGS and the subsequent future use of this fuel results in a reduction in the total amount of uranium mined and fabricated into fuel and a reduction in the amount of spent fuel that will eventually be stored at a Federal high-level waste repository. Therefore, with regard to the uranium fuel cycle, the evaluation in NUREG-0974 remains unchanged.

The impact on the radioactive effluents discharged from the LGS site is neutral, whether or not the SNPS fuel is used. The shipment of the SNPS fuel assemblies will meet the packaging and shipping criteria required for shipments of new fuel, so there will be no increase in fuel failure probability due to the shipping process. Specifically, an increase in fuel failures either due to shipping effects on the fuel or the design of the fuel is not likely as a result of the shipping criteria and inspections that will be employed. Finally, no increase in radioactive liquid and gaseous effluents is expected as a result of the receipt, unpacking, and inspection of the SNPS fuel.

The impact of the transfer of SNPS fuel to LGS on the generation of low-level radioactive waste will be low. Solid waste in the form of Dry Active Waste (DAW) including fuel assembly packaging materials will be shipped offsite for volume reduction and disposal. The volume of DAW will be minimized, wherever possible, by the re-use of packaging and shipping material for the multiple shipments required to transfer all of the SNPS fuel.

The impact of the transfer of SNPS fuel to LGS on occupational exposure will be within existing estimates for LGS. The slightly irradiated Shoreham fuel will be packaged inside shipping casks designed to handle highly irradiated spent fuel assemblies. The casks will be opened and unloaded while submerged in the LGS cask storage pit, and handling of the slightly

irradiated fuel will be the same as handling the highly irradiated fuel during refueling operations. Appropriate actions to maintain exposure as low as reasonably achievable (ALARA) will be taken.

Additionally, the proposed change to the LGS operating licenses would benefit the environment and is in the national interest. The benefits include: Recovery of the available energy from the fuel that might otherwise be lost; reduction in the need to mine and process uranium and fabricate fuel assemblies that would otherwise be required; reduction in the amount of spent nuclear fuel that would otherwise require storage and disposal at a Federal high-level waste repository; and facilitates the decommissioning of the SNPS.

Accordingly, the Commission concludes that the proposed action would result in no significant radiological environmental impact.

Non-radiological impacts at the LGS site are limited to removal of paving material sufficient to permit wheel clearance on 600 feet of existing rail spur and the replacement of a number of railroad ties. Since the work is minor and the site area was previously disturbed during site preparation and construction, this type of environmental impact has been previously addressed and no further environmental assessment of this activity is required. The Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendments.

Therefore, we have concluded that there is no need for a supplemental environmental impact statement in connection with the issuance of this amendment to the LGS operating licenses in accordance with criteria of 10 CFR 51.22(b).

#### *Alternative to the Proposed Action*

Because the staff has concluded that there is no significant environmental impact associated with the proposed transfer of the SNPS fuel to LGS, any alternative would have either no impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce the impacts from operation of the facility since LGS reactors will continue to operate using new fuel obtained from existing sources. Denial of an amendment authorizing the transfer of the SNPS fuel to LGS, could result in the SNPS fuel being disposed of at a Federal high-level waste repository or, through the expenditures of additional resources, reprocessed at

an overseas facility for eventual reconstitution into fuel.

#### **Alternate Use of Resources**

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement Related to the Operation of Limerick Generating Station, Units 1 and 2" dated April 1984.

#### **Agencies and Persons Consulted**

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### **Finding of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the above environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated March 8, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Dated at Rockville, Maryland, this 11th day of May 1993.

For the Nuclear Regulatory Commission.

**Michael L. Boyle,**

*Acting Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 93-11705 Filed 5-17-93; 8:45 am]

**BILLING CODE 7590-01-M**

#### **Use of Experience Data for ALWR Seismic Qualification; Meeting**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** Nuclear Regulatory Commission staff and consultants will meet with staff and contractors of the Advanced Reactor Corporation and other industry representatives to discuss methodology and criteria for seismic qualification of safety related equipment in Advanced Light Water Reactors (ALWRs) by use of experience data.

**DATES:** June 24 and 25, 1993 9 a.m. each day.

**ADDRESSES:** MPR Associates, Inc., 320 King Street, Alexandria, VA 22314.

**FOR FURTHER INFORMATION CONTACT:** John A. O'Brien, Structural and Seismic Engineering Branch, Office of Nuclear

Regulatory Research, Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 492-3894.

**SUPPLEMENTARY INFORMATION:** The use of experience data as a method of seismic qualification has been proposed by the Electric Power Research Institute (EPRI) in the Utility Requirements Documents for both passive and evolutionary ALWRs. This approach is treated in IEEE Std 344-87 and, according to Regulatory Guide 1.100, will be evaluated by the NRC staff on a case-by-case basis.

The purpose of this meeting is to exchange information relating to the viability of the experience approach to specific equipment categories and the conditions which must be met in each case. No specific agenda is being proposed.

Dated at Rockville, Maryland, this 10th day of May 1993, for the Nuclear Regulatory Commission.

**Lawrence C. Shao,**

*Director, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 93-11707 Filed 5-17-93; 8:45 am]

**BILLING CODE 7590-01-M**

#### **Regulatory Review Group; Publication of Report to Executive Director**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Publication of the Regulatory Review Group's report to the Executive Director for Operations for comment.

**SUMMARY:** On January 4, 1993, the Executive Director for Operations established a Regulatory Review Group. The Group has conducted a comprehensive and disciplined review of power reactor regulations and related processes, programs, and practices with special attention placed on the feasibility of substituting performance based requirements and guidance founded on risk insights for prescriptive requirements and guidance. The recommendations of the Group and a summary of the basis for those recommendations are contained in a report to be made available on May 28, 1993. The comment period will end June 29, 1993 in order to allow the final report with comments to be provided to the Executive Director for Operations by July 15, 1993. The report is in four sections: (1) A brief summary and list of recommendations, (2) a detailed analysis of regulations and processes, (3) an analysis of four licenses and process, and (4) potential applications of risk analysis approaches within the regulatory structure beyond current usage.

The overall intent of the Group was to identify where increased flexibility could be made available to licensees with little or no direct safety impact. The Group believes enhanced safety would result from the elimination of irrelevant items and their inherent cost allowing management attention to focus on safety relevant problems. While the group was in a position to address flexibility in a regulatory context, the current or future value of that flexibility is clearly a utility decision. Comments are, therefore, requested on the report which address the value or potential value of the specific recommendations either in absolute or relative terms. In addressing the value, we ask also that the regulatory method and time for implementation be considered and discussed. In those areas where the commentator disagrees with a recommendation in total or in part comments would be appreciated in at least as much detail as is provided in the report so that changes and corrections in the supporting material can also be evaluated.

A public meeting is planned for June 15, 1993 to answer questions and receive comments on the report. The meeting will take place in room 1F-7/9 at 2 p.m., at the NRC headquarters building located at 11555 Rockville Pike, Rockville, MD. Copies of the referenced material are available for inspection and/or copying for a fee in the NRC Public Document Room, 2102 L Street, NW. (Lower Level), Washington, DC.

Dated at Rockville, Maryland, this 12th day of May, 1993.

For the Nuclear Regulatory Commission.

**Frank P. Gillespie,**

*Regulatory Review Group.*

[FR Doc. 93-11706 Filed 5-17-93; 8:45 am]

**BILLING CODE 7590-01-M**

[Docket No. 50-213]

#### **Connecticut Yankee Atomic Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment would increase the shutdown margin requirements (boron concentration) in the Haddam Neck Technical



Specifications (TS). This change is necessary because the reactor is transitioning from a stainless steel core to one with zircaloy cladding. The change in cladding results in a more thermalized neutron spectrum, and since Boron is primarily a thermal absorber, the Boron worth increases. An increase in the shutdown margin is required to compensate for the additional reactivity added by a Boron dilution event with zircaloy clad core.

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.

By June 17, 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 Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457. 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 on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

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 filing 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: 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, Counselors at Law, 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 23, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Dated at Rockville, Maryland, this 12th day of May 1993.

For the Nuclear Regulatory Commission,  
Guy S. Vissing,

Acting Director, Project Directorate I-4,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.

[FR Doc. 93-11703 Filed 5-17-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

#### Exemption

In the Matter of Florida Power and Light Company, Turkey Point Nuclear Generating Units 3 and 4.

## I

Florida Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR-31 and DPR-41 which authorize operation of the Turkey Point Nuclear Generating Units 3 and 4. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facilities consist of two pressurized water reactors, Turkey Point Units 3 and 4, at the licensee's site located in Dade County, Florida.

## II

Title 10 CFR 50.60, "Acceptance criteria for fracture prevention measures for lightwater nuclear power reactors for normal operation," states that all lightwater nuclear power reactors must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary as set forth in appendices G and H to 10 CFR part 50. Appendix G to 10 CFR part 50 defines pressure/temperature (P/T) limits during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests to which the pressure boundary may be subjected over its service lifetime. 10 CFR 50.60(b) specifies that alternatives to the described requirements in appendices G and H to 10 CFR part 50 may be used when an exemption is granted by the Commission under 10 CFR 50.12.

To prevent low temperature overpressure (LTOP) transients that would produce pressure excursions exceeding the appendix G P/T limits while the reactor is operating at low temperatures, the licensee installed an Overpressure Mitigation System (OMS). The licensee's OMS includes pressure relieving devices, Power Operated Relief Valves (PORVs). The PORVs are set at a pressure low enough so that if a LTOP transient occurred the mitigation system would prevent the pressure in the reactor vessel from exceeding the appendix G P/T limits. To prevent the LTOPs from lifting as a result of normal operating pressure surges (e.g., reactor coolant pump starting, and shifting operating charging pumps) with the reactor coolant system in a water solid condition, the operating pressure must be maintained below the PORV setpoint.

The licensee has determined that the generic methodology used to calculate the OMS setpoint for Turkey Point is deficient and did not account for certain flow-induced differential pressures and piping losses. As a result, the analytical

maximum pressure limits for LTOP events for a certain design basis condition exceed the pressure limits of the 10 CFR part 50 appendix G curves. In addition, in order to start a reactor coolant pump, the operator must maintain a differential pressure across the reactor coolant pump seals. Hence, the licensee must operate the plant in a pressure window that is defined as the difference between the minimum required pressure to start a reactor coolant pump and the operating margin to prevent the lifting of the PORV due to normal operating pressure surges. The licensee's LTOP analysis indicates that using the appendix G safety margins to determine the PORV setpoint would result in a pressure setpoint within its operating window and there would be no margin for normal operating pressure surges. Hence operating with these limits would likely result in the lifting of the PORV during normal operation.

The licensee proposed that in determining the OMS setpoint for LTOP events for Turkey Point Units 3 and 4, the allowable pressure be determined using the safety margins developed in an alternate methodology in lieu of the safety margins currently required by appendix G, 10 CFR part 50. The alternate methodology is consistent with a proposed American Society of Mechanical Engineers (ASME) Code Case N-514 which is expected to be approved and published in the near future. The NRC has reviewed and plans to endorse this Code Case.

An exemption from 10 CFR 50.60 is required to use the alternate methodology for calculating the maximum allowable pressure for the OMS setpoint. By application dated April 8, 1993, as supplemented April 22, 1993, the licensee requested an exemption from 10 CFR 50.60 for this purpose.

## III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR 50.12(a)(2)(ii), "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule \* \* \*".

The underlying purpose of 10 CFR 50.60 appendix G is to establish fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences, to which the pressure boundary may be subjected over its service lifetime. Section IV.A.2 of this appendix requires that the reactor vessel be operated with P/T limits at least as conservative as those obtained by following the methods of analysis and the required margins of safety of appendix G of the ASME Code.

Appendix G of the ASME Code requires that the P/T limits be calculated: (a) Using a safety factor of 2 on the principal membrane (pressure) stresses, (b) assuming a flaw at the surface with a depth of one quarter of the vessel wall thickness and a length of six times its depth, and (c) using a conservative fracture toughness curve that is based on the lower bound of static, dynamic, and crack arrest fracture toughness tests on material similar to the Turkey Point reactor vessel material.

In determining OMS setpoint for LTOP events, the licensee proposed to use safety margins based on an alternate methodology consistent with the proposed ASME Code Case N-514 guidelines. The ASME Code Case N-514 allows OMS setpoint for LTOP events such that the maximum pressure in the vessel would not exceed 110% of the P/T limits of the existing ASME appendix G. This results in a safety factor of 1.8 on the principal membrane stresses. All other factors, including assumed flaw size and fracture toughness, remain the same. Although this methodology would reduce the safety factor on the principal membrane stresses, the proposed criteria will provide adequate margins of safety to the reactor vessel during LTOP transients and will satisfy the underlying purpose of 10 CFR 50.60 for fracture toughness requirements.

Using the licensee's proposed safety factors instead of appendix G safety factors to calculate the LTOP setpoint will permit a higher LTOP setpoint and will provide added margin to prevent normal operating surges from lifting the PORVs.

## IV

For the foregoing reasons, the NRC staff has concluded that the licensee's proposed use of the alternate methodology in determining the acceptable OMS setpoint for LTOP events will not present an undue risk to public health and safety and is

consistent with the common defense and security. The NRC staff has determined that there are special circumstances present, as specified in 10 CFR 50.12(a)(2), such that application of 10 CFR 50.60 is not necessary in order to achieve the underlying purpose of this regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption is authorized by law, will not endanger life or property of common defense and security, and is, otherwise, in the public interest. Therefore, the Commission hereby grants Florida Power and Light Company an exemption from the requirements of 10 CFR 50.60 such that in determining the OMS setpoint for LTOP events, the appendix G curves for P/T limits are not exceeded by more than 10 percent in order to be in compliance with these regulations. This exemption is applicable only to conditions of LTOP in normal operation.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (58 FR 27584, May 10, 1993).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 11th day of May 1993.

For the Nuclear Regulatory Commission.

**Steven A. Varga,**

Director, Division of Reactor Projects—II,  
Office of Nuclear Reactor Regulation.

[FR Doc. 93-11704 Filed 5-17-93; 8:45 am]

BILLING CODE 7590-01-M

**OFFICE OF MANAGEMENT AND BUDGET**

**Cumulative Report on Rescissions and Deferrals**

May 1, 1993.

This report is submitted in fulfillment of the requirement of section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) requires a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to Congress.

This report gives the status of 12 deferrals contained in five special messages for FY 1993. These messages were transmitted to Congress on October 1, and December 30, 1992, and on February 26, March 16, and April 20, 1993.

**Rescissions (Attachments A and C)**

As of May 1, 1993, one rescission proposal totaling \$180.0 million is pending before Congress.

**Deferrals (Attachments B and D)**

As of May 1, 1993, \$3,626.5 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1993.

**Information From Special Messages**

The special messages containing information on the rescission proposal and deferrals that are covered by this cumulative report are printed in the Federal Register cited below:

- 57 FR 46730, Friday, October 9, 1992
- 58 FR 3368, Friday, January 8, 1993
- 58 FR 16324, Thursday, March 25, 1993
- 58 FR 17298, Thursday, April 1, 1993
- 58 FR 27192, Thursday, May 6, 1993

Leon E. Panetta,  
Director.

**Attachment A**

*Status of FY 1993 Rescissions*

	Amounts (in millions of dollars)
Rescissions proposed by the President .....	\$180.0
Rejected by the Congress .....	.....
Funding never withheld .....	.....
Currently before the Congress .....	180.0

**Attachment B**

*Status of FY 1993 Deferrals*

	Amounts (in millions of dollars)
Deferrals proposed by the President .....	\$4,467.5
Routine Executive releases through May 1, 1993 .....	- 841.0
Overtaken by the Congress .....	.....
Currently before the Congress .....	3,626.5

**Attachment C**

*Status of FY 1993 Rescission Proposals—As of May 1, 1993 (Amounts in Thousands of Dollars)*

Agency/bureau/account	Rescission No.	Amounts pending before Congress		Date of message	Amount previously withheld and made available	Date made available	Amount rescinded	Congressional action
		Less than 45 days	More than 45 days					
Independent agencies: Board for International Broadcasting: Israel relay station.	R93-1	180,000	.....	4-20-93				
Total rescissions .		180,000	0		0		0	

## Attachment D

## Status of FY 1993 Deferrals—As of May 1, 1993 (Amounts in Thousands of Dollars)

Agency/bureau/account	Deferral No.	Amounts transmitted		Date of message	Releases(-)		Congressional action	Cumulative adjustments (+)	Amount deferred as of 5-1-93
		Original request	Subsequent change (+)		Cumulative OMB/agency	Congressionally required			
Funds appropriated to the President:									
International Security Assistance:									
Economic support fund.	D93-1	492,736	.....	10-1-92	.....	.....	.....	.....	.....
	D93-1A	.....	1,492,774	12-30-92	614,100	.....	.....	.....	1,371,411
Foreign military financing grants.	D93-8	1,487,000	.....	12-30-92	.....	.....	.....	.....	1,487,000
Foreign military financing program.	D93-9	149,200	.....	12-30-92	138,997	.....	.....	.....	10,203
Agency for International Development:									
Demobilization and transition fund.	D93-2	13,750	.....	10-1-92	5,750	.....	.....	.....	8,000
International disaster assistance, executive.	D93-10	63,823	.....	2-26-93	7,068	.....	.....	.....	56,755
Sub-Saharan Africa assistance, executive.	D93-11	67,188	.....	2-26-93	14,000	.....	.....	.....	53,188
Department of Agriculture:									
Forest Service:									
Cooperative work.	D93-3	364,582	.....	10-1-92	33,151	.....	.....	.....	331,431
Expenses, brush disposal.	D93-4	40,241	.....	10-1-92	.....	.....	.....	.....	.....
	D93-4A	.....	5,835	12-30-92	.....	.....	.....	.....	.....
	D93-4B	.....	8	3-16-93	.....	.....	.....	.....	46,084
Timber salvage sales.	D93-12	222,994	.....	2-26-93	20,000	.....	.....	.....	202,994
Department of Defense—Civil:									
Wildlife Conservation, Military Reservations:									
Wildlife conservation, Defense.	D93-5	2,175	.....	10-1-92	955	.....	.....	.....	1,220
Department of Health and Human Services:									
Social Security Administration:									
Limitation on administrative expenses.	D93-6	7,267	.....	10-1-92	.....	.....	.....	.....	.....
	D93-6A	.....	50	4-20-93	.....	.....	.....	.....	7,317
Department of State:									
Bureau for Refugee Programs:									
United States emergency refugee and migration assistance fund.	D93-7	10,123	.....	10-1-92	.....	.....	.....	.....	.....



Agency/bureau/account	Deferral No.	Amounts transmitted		Date of message	Releases(-)		Congressional action	Cumulative adjustments (+)	Amount deferred as of 5-1-93
		Original request	Subsequent change (+)		Cumulative OMB/agency	Congressionally required			
	D93-7A	.....	47,761	12-30-92	7,000	.....	.....	.....	50,884
Total, deferrals.		2,921,080	1,546,428		841,021	0		0	3,626,487

[FR Doc. 93-11645 Filed 5-17-93; 8:45 am]

BILLING CODE 3110-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-32298; International Series Release No. 545; File No. SR-NASD-93-28]

### Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Filing and Order Granting Temporary Accelerated Approval of Proposed Rule Change Relating to the Informational Linkage With the Stock Exchange of Singapore Ltd.

May 12, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934,<sup>1</sup> ("Act"), notice is hereby given that on April 28, 1993, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the NASD. 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 NASD hereby files, pursuant to section 19(b)(1) of the Act and Rule 19b-4 thereunder, for Commission authorization to extend the operation of its Pilot Program with the Stock Exchange of Singapore Limited ("SES") for six months. The Pilot Program currently consists of an interchange of closing price and volume data on up to 35 Nasdaq securities that are also traded through the SES's facilities. With the thirteen hour time difference (twelve hours during EDT), the trading hours of the SES and NASD markets do not overlap. The end-of-day information being exchanged under the Pilot Program may assist in the establishment of opening prices the following business day. The Pilot Program currently involves no automated order routing or execution capabilities, and no such

capability will be established during the proposed extension.

The Commission originally authorized operation of the NASD-SES Pilot Program for a two-year term<sup>2</sup> that was extended most recently through May 12, 1993.<sup>3</sup> Commission approval of the instant filing would permit continuation of this Pilot Program through November 12, 1993. During this interval, no more than 35 Nasdaq issues will be included in this Pilot Program. That figure corresponds to the number originally authorized at the inception of the Pilot Program in 1988. As noted in the last filing on this matter (File No. SR-NASD-92-43), the SES information being transmitted to the NASD reflects the SES's use of an order-driven trading system (known as the "CLOB").

#### 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 NASD 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 NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NASD-SES Pilot Program commenced operation with the Commission's approval of File No. SR-NASD-87-40 on March 14, 1988. The principal features of this Program were fully described in Section 1 of that Form

19b-4, which description is hereby incorporated by reference.<sup>4</sup>

The current authorization of the NASD-SES Pilot Program will expire on May 12, 1993. The NASD, on its own as well as the SES's behalf, hereby requests that the Commission approve a further extension of the Pilot Program for six months, expiring on November 12, 1993.

During the proposed extension, each market will transmit to the other static price/volume information compiled at the end of each trading day on approximately 35 NASDAQ securities which are also traded on the SES. The NASD will transmit for each Pilot security the closing inside quotes, cumulative volume, last sale price and the closing quote of every NASDAQ market maker in each of the Pilot securities (collectively referred to as "NASD information"). In recognition of the SES's use of the order-driven CLOB system, the SES will transmit the following data elements for each Pilot security: closing price (*i.e.*, the price of the final transaction in the CLOB on that business day); the highest and lowest prices at which transactions were effected; and the aggregate volume (collectively referred to as "SES information").<sup>5</sup> Because all trading of NASDAQ securities also traded on the SES occurs in the CLOB, the price information sent to the NASD will reflect the prices of actual trades consummated by the automated matching of buy and sell orders resident in the CLOB system.

The CLOB is a fully automated trading system that was instituted by the SES in 1989. Prior to that time, the SES employed a quote-driven, market maker system similar to the NASDAQ System. Orders to buy and sell securities are entered into the CLOB through some 1,800 trading terminals on the premises of 26 SES member firms. The CLOB

<sup>4</sup> See also Securities Exchange Act Release No. 25065 (October 28, 1987), 52 FR 42187 (November 3, 1987).

<sup>5</sup> If no trades are effected in a Pilot security on a given day, the SES will transmit no data on that issue even if bids or offers had been entered into the CLOB for possible execution.

<sup>1</sup> 15 U.S.C. 78e(b)(1) (1988).

<sup>2</sup> Securities Exchange Act Release No. 25457 (March 14, 1988), 53 FR 9156 (March 21, 1988).

<sup>3</sup> Securities Exchange Act Release No. 31442 (November 12, 1992), 57 FR 54824 (November 19, 1992).

provides an electronic limit order file with open orders ranked by price and time in each security. When the terms of two orders match, the CLOB generates an automated execution accompanied by confirmations back to the originating brokers.

As noted in File No. SR-NASD-92-43, the SES intends to incorporate the NASDAQ pilot stocks into "CLOB International." The latter is a separate section of the SES market system for the trading of foreign issues that are not listed on the SES. These securities trade through the CLOB in the same manner as SES-listed securities. CLOB International currently includes the stocks of Malaysian, Hong Kong, and Philippine issuers. The SES regards inclusion of the NASDAQ pilot stocks in CLOB International as a logical step in the progression of the Pilot Program. Further, the SES believes that this step could stimulate greater trading interest in NASDAQ securities among Singapore investors. Accordingly, both the NASD and the SES desire to continue the Pilot Program.

The incorporation of Nasdaq securities into CLOB International will not alter the basic operation of the Pilot Program, namely, the interchange of static, end-of-day information on the Pilot securities. SES information will continue to be offered only to subscribers of Nasdaq Level 2/3 services.<sup>9</sup> Similarly, NASD information transmitted to Singapore will be available only on the terminals used by SES members to access the exchange's CLOB system. The original linkage agreement between the NASD and the SES will remain in effect for the term of the extended Pilot Program. That agreement, which provides for the sharing of regulatory information as needed, is believed adequate given the limited nature and limited scope of the Pilot Program.

Finally, the NASD acknowledges that any further enhancement to the Pilot Program, including the introduction of automated order routing and execution facilities, would require concurrent authorizations from the Commission and the Monetary Authority of Singapore. No such enhancement is planned for implementation during the requested extension.

The NASD believes that sections 11A(a)(1) (B) and (C), 15A(b)(6), and 17A(a)(1) of the Act provide the statutory basis for this proposed rule change. Subsections (B) and (C) of section 11A(a)(1) set forth the

Congressional goals of achieving more efficient and effective market operations, the availability of information with respect to quotations for securities and the execution of investor orders in the best market through the application of new data processing and communications techniques. Section 15A(b)(6) requires, *inter alia*, that the rules of the NASD be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market. Finally, section 17A(a)(1) reflects the Congressional goals of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The NASD submits that extension of the Pilot Program will further these ends by providing the cooperative regulatory environment and operating experience needed for advancement of these goals in the context of internationalization of securities markets.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The extended Pilot Program will permit the continued exchange of static market data on a limited group of Nasdaq securities between the NASD and the SES on a non-exclusive basis. The costs of supporting the Pilot Program are nominal, and the sponsoring markets absorb their respective costs. The market information being exchanged by the NASD and SES under the Pilot Program is deemed to constitute an exchange of equivalent value. Hence, no additional fee is paid by NASD and SES member firms for receipt of the static data being provided on Pilot securities.

The NASD submits that neither the structure nor operation of the present Pilot Program poses any burden on competition.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The NASD did not solicit or receive written comments on this rule proposal.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The NASD requests that the Commission find, pursuant to section 19(b)(2) of the Act, good cause for approving the proposed rule change

prior to the 30th day after the date of publishing notice of the filing and, in any event, by May 12, 1993. The NASD believes that accelerated approval is appropriate for the following reasons: (1) The experimental character of the Pilot Program and the need to maintain continuity in its operation; (2) the commitment not to make any significant operational changes during the requested extension absent Commission approval; (3) the limited nature of the Pilot Program, both in terms of the number of Pilot securities and the amount of market information being exchanged; and (4) the limited utility of end-of-day, static information to the NASD and SES member firms capable of accessing, respectively, SES and NASD information. Moreover, during the period of the proposed extension, the sponsoring markets remain committed to exchange regulatory information whenever the need arises. Finally, if accelerated approval is not granted, the sponsors will be obliged to terminate this experimental program before its potential benefits can be realized in relation to the globalization of securities markets.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of sections 11A(a)(1) (B) and (C), 15A(b)(6), 17A(a)(1) and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publishing notice of filing thereof. The Commission believes that accelerated approval is appropriate to maintain continuity in the Pilot Program and to allow the sponsors to continue to assess the impact of the trading of these securities in the international section of the SES's order-driven market system. Further, the Pilot Program is of a limited nature and no substantive changes will be implemented during the proposed extension. Accordingly, the Commission believes that the Pilot Program should not be terminated under these circumstances.

#### **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

<sup>9</sup> To retrieve this information, a Nasdaq subscriber must enter a discrete query through a Nasdaq Workstation device.

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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASA.

All submissions should refer to file number SR-NASD-93-28 and should be submitted by \_\_\_\_\_.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved for a period of six months, through November 12, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 93-11741 Filed 5-17-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32294; File No. SR-NYSE-93-14]

### Self-Regulatory Organizations; Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to its Floor Conduct and Safety Guidelines.

May 11, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 9, 1993, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an amendment to the Exchange's Floor Conduct and Safety Guidelines which imposes a \$1,000 fine on a member or member organization which fails to properly register a Trading Floor employee. The Exchange proposes to adopt the following amendment:

#### Employment of Clerical Personnel

All Floor clerical employees of members or member organizations must be properly cleared, as discussed below, before they are employed. Failure to do so will subject the member or member organization to a \$1,000 fine.

The clearance procedure is as follows:

Temporary clerks to be employed up to six weeks must first obtain a form from the ID Card Office, 8 Broad Street lobby, to be completed by the member or member organization and returned to Security, at which time an access control card will be issued for the period requested.

Clerks to be employed in excess of six weeks must first be formally registered with Floor Services, 20th Floor, 11 Wall Street. Floor Services will process the clerks and Security will issue access control cards with no time limitations.

#### 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 organizations 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

###### (a) Purpose

The Exchange is proposing to amend its Floor Conduct and Safety Guidelines to provide for the imposition of a \$1,000 fine when a member or member organization fails to properly register a Floor employee. The proposed rule change supports the Guidelines' purpose of insuring the safety and welfare of all individuals on the Floor, and it fosters membership compliance with Exchange Rule 35.

Exchange Rule 35 provides, among other matters, that an employee of a member or member organization may not be admitted to the Trading Floor unless such employee is registered with, and approved by, the Exchange for admittance and until the employer and employee have complied with requirements set forth by the Exchange.

The proposed amendment to the Floor Conduct and Safety Guidelines emphasizes that employees must be cleared by the Exchange prior to admission to the Floor and states the clearing procedure. The Exchange believes that the imposition of a fine for

failure to adhere to these procedures is an appropriate means of insuring compliance with Rule 35.<sup>1</sup>

###### (b) Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

##### 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 other 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

<sup>1</sup> A member or member organization would be able to appeal any fine levied under this provision pursuant to the procedures outlined in the Floor Conduct and Safety Guidelines. See letter from Donald Siemer, Director, Market Surveillance, NYSE, to Diana Luka-Hopson, Branch Chief, Commission, dated April 5, 1993.

<sup>7</sup> 17 CFR 200.30-3(a)(12) (1992).

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-93-14 and should be submitted by June 8, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 93-11662 Filed 5-17-93; 8:45 am]

BILLING CODE 8010-01-M

**Issuer Delisting; Application To Withdraw From Listing and Registration; (Alaska Air Group, Inc., Common Stock, \$1.00 Par Value) File No. 1-8957**

May 12, 1993.

Alaska Air Group, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, its common stock has been listed for trading on the PSE since July 7, 1959, and concurrently since February 23, 1983 on the New York Stock Exchange, Inc. ("NYSE").

According to the Company, in making the decision to withdraw its common stock for listing on the PSE, the Company considered the direct and indirect costs and expenses associated with continuing to maintain the dual listing of its common stock on the NYSE and the PSE. The Company does not see any particular advantage to the continued dual trading of its stock.

Any interested person may, on or before June 2, 1993 submit by letter to

the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 93-11663 Filed 5-17-93; 8:45 am]

BILLING CODE 8010-01-M

**SMALL BUSINESS ADMINISTRATION**

**[Declaration of Disaster Loan Area #2639]**

**New York; Amendment #2; Declaration of Disaster Loan Area**

The above-numbered Declaration is hereby amended to include Schuyler and Yates Counties and the contiguous counties of Chemung, Ontario, and Steuben as a disaster area as a result of damages caused by flooding which began on April 2, 1993.

All other information remains the same, i.e., the termination date for filing applications for physical damage is June 21, 1993 and January 21, 1994 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 11, 1993.

**Dayton J. Watkins,**

*Acting Administrator.*

[FR Doc. 93-11727 Filed 5-17-93; 8:45 am]

BILLING CODE 8025-01-M

**[License No. 04/05-0064]**

**Financial Resources, Inc.; Surrender of License**

Notice is hereby given that Financial Resources, Inc. (Financial), 200 Jefferson, Suite 750, Memphis, Tennessee 38103 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). Financial was licensed by the Small Business Administration on March 21, 1962.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on April 13, 1993, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 7, 1993.

**Wayne S. Foren,**

*Associate Administrator for Investment.*

[FR Doc. 93-11732 Filed 5-17-93; 8:45 am]

BILLING CODE 8025-01-M

**Public Meeting**

The National Small Business Development Center Advisory Board will hold a public meeting on Thursday, June 17, 1993, through noon Friday, June 18, 1993, at the Bryant College Small Business Development Center, 1150 Douglas Pike, Smithfield, Rhode Island.

The purpose of the meeting is to discuss such matters as may be presented by Advisory Board members, staff of the SBA, or others present.

For further information, write or call Judith Dunn, SBA, 5th Fl., 409 3rd Street, SW., Washington, DC 20416, telephone 202/205-7301.

May 12, 1993.

**Dorothy A. Overall,**

*Acting Assistant Administrator, Office of Advisory Councils.*

[FR Doc. 93-11729 Filed 5-17-93; 8:45 am]

BILLING CODE 8025-01-M

**[Application No. 99000080]**

**Byrd Business Investments, L.P.; Application for a License to Operate as a Small Business Investment Company**

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by Byrd Business Investments, L.P., 2060 Glen Echo Road, Suite 100, Nashville, Tennessee 37215 (Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1992).

The Applicant is a limited partnership whose partners, management, and ownership are as follows:



Name and address	Title and/or relationship	Percent of ownership of the applicant
Tennessee Business Investments, Inc. 2000 Glen Echo Road, Suite 100, Nashville, Tennessee 37215.	General Partner, Manager .....	1.0
Damon Winston Byrd, 432 Westview Avenue, Nashville, Tennessee 37205 .....	President, Director of General Partner.	2.8
William Alexander Steele, III, 405 Jackson Boulevard, Nashville, Tennessee 37205 .....	Director of General Partner ....	.....
William Mark Gill, 217 Scenic Ridge Court, Old Hickory, Tennessee 37138 .....	Director of General Partner ....	.....
Rodgers Business Interests, Ltd., 2000 Glen Echo Road, Suite 100, Nashville, Tennessee 37215.	Limited Partner .....	17.6

The majority shareholder of Rodgers Business Interests, Ltd., is JMR Investments, 2000 Glen Echo Road, Suite 100, Nashville, Tennessee 37215 who through attribution would own 10 or more percent of the Applicant's private capital. No other limited partner owns 10 or more percent of the Applicant's private capital.

The Applicant, a Delaware limited partnership, will begin operations with \$2,568,687 in partnership private capital. The Applicant will conduct its activities primarily in Nashville, Tennessee and the surrounding metropolitan area but will consider investments in businesses in other areas in the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., 6th Floor, Washington, DC 20416.

A copy of the Notice shall be published in a newspaper of general circulation in Nashville, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 7, 1993.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 93-11724 Filed 5-17-93; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

### [Public Notice 1809]

#### Secretary of State's Panel on El Salvador; Closed Meeting

The Department of State announces a meeting of the Secretary of State's Panel on El Salvador on Monday, June 14, at 1:30 p.m. in room 1406, Department of State, Washington, DC. Pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1), it has been determined the meeting will be closed to the public. The agenda calls for a working session of the Panel to write its report. A substantial portion of the material to be read and discussed consists of classified national security information.

For more information, contact Edward Pope, Secretary's Panel on El Salvador, Department of State, Washington, DC 20520, phone: 202/736-4517.

Dated: May 7, 1993.

B. Lynn Pascoe,

Executive Director, Secretary's Panel on El Salvador.

[FR Doc 93-11773 Filed 5-17-93; 8:45 am]

BILLING CODE 4710-45-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### [Order 93-5-18]

#### Fitness Determination of American Flight Group, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of commuter air carrier fitness determination—Order to Show Cause.

**SUMMARY:** The Department of Transportation is proposing to find American Flight Group, Inc., fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

**RESPONSES:** All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their

responses with the Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street, SW., room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than May 27, 1993.

#### FOR FURTHER INFORMATION CONTACT:

Carol Woods, Air Carrier Fitness Division (P-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: May 12, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93-11649 Filed 5-17-93; 8:45 am]

BILLING CODE 4010-02-M

### [Notice 93-15]

#### Performance Review

As part of President Clinton's 6-month initiative to "reinvent government," the Department of Transportation (DOT) has begun a major review of how it does business. The purpose of the review is to ensure that what we are doing and how we do it makes sense, meets our customer's needs, and spends the taxpayers' money wisely.

The Department has established performance review teams for virtually all of its operating administrations (the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the National Highway Traffic Safety Administration, the Federal Transit Administration, the Maritime Administration, the Research and Special Programs Administration, and the United States Coast Guard) and for the Office of the Secretary. In addition, it has established six cross-cutting groups (Safety, Grants Delivery, Rulemaking, Environment, Field Activities, and Administrative Issues) to look at issues that affect the entire Department.

The Department solicits ideas and suggestions about how DOT could do its job better or at less cost. There may be some things that could be done differently or some activities that could be eliminated altogether. In addition, we would appreciate hearing about "success stories" within the Department to ensure that we keep up the good work in those areas. All suggestions, however small, would be most welcome.

The Department has established a toll-free number, (800) 433-4919, to encourage public participation in this process. The phone lines will be staffed from 8 a.m. until 6 p.m. eastern daylight time, Monday through Friday, through May 28, 1993. Written submissions can be faxed to (800) 433-4919 or sent to *The DOT Performance Review (M-20.1)*, U.S. Department of Transportation, 400 Seventh Street, SW., room PL400, Washington, DC 20590. If you have substantial comments and would be interested in speaking directly to our performance review staff, let us know in your submission. We will try to accommodate your requests.

Performance review teams will review all suggestions and consider them in developing their recommendations. The Department is not, however, opening a formal docket for comments nor is it planning to respond to specific comments. Because the focus of the performance review is on the structure and process of the Department, we ask that commenters not address substantive issues in open proceedings such as rulemakings, contract awards, formal adjudications and personnel actions. Comments that do address such proceedings will be directed to the relevant docket.

Issued in Washington May 11, 1993.

**Melissa J. Allen,**  
Deputy Assistant Secretary for  
Administration.

[FR Doc. 93-11648 Filed 5-17-93; 8:45 am]  
BILLING CODE 4910-82-M

#### Federal Aviation Administration

##### Advisory Circular 25.1523-1, Minimum Flightcrew

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of issuance of advisory circular.

**SUMMARY:** This notice announces the issuance of Advisory Circular (AC) 25.1523-1, Minimum Flightcrew. This AC sets forth a method of compliance with the requirements of § 25.1523 of the Federal Aviation Regulations (FAR) which contain the certification

requirements for minimum flightcrew on transport category airplanes.

**DATES:** Advisory Circular 25.1523-1 was issued by the Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100, on February 2, 1993.

**HOW TO OBTAIN COPIES:** A copy may be obtained by writing to the U.S. Department of Transportation, Utilization and Storage Section, M-443.2, 400 7th Street SW., Washington, DC 20590, or faxing your request to that office at 202-366-7103.

Issued in Renton, Washington, on May 11, 1993.

**Gary L. Killion,**  
Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service,  
ANM-100.

[FR Doc. 93-11714 Filed 5-17-93; 8:45 am]  
BILLING CODE 4910-13-M

##### Advisory Circular 25.703-1, Takeoff Configuration Warning Systems

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of issuance of advisory circular.

**SUMMARY:** This notice announces the issuance of Advisory Circular (AC) 25.703-1, Takeoff Configuration Warning Systems. This AC provides guidance for certification of takeoff configuration warning systems installed on transport category airplanes.

**DATES:** Advisory Circular 25.703-1 was issued by the Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100, on March 17, 1993.

**HOW TO OBTAIN COPIES:** A copy may be obtained by writing to the U.S. Department of Transportation, Utilization and Storage Section, M-443.2, 400 7th Street SW., Washington, DC 20590, or faxing your request to that office at 202-366-7103.

Issued in Renton, Washington, on May 11, 1993.

**Gary L. Killion,**  
Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service,  
ANM-100.

[FR Doc. 93-11716 Filed 5-17-93; 8:45 am]  
BILLING CODE 4910-13-M

##### Proposed Modification of the Phoenix, AZ, Terminal Control Area (TCA); Informal Airspace Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is proposing to modify the Phoenix, AZ, TCA. The proposed modifications include defining the TCA by using the Phoenix Very High Frequency Omnidirectional Range/Tactical Air Navigation; lowering the base of the TCA from 8,000 feet mean sea level (MSL) to 7,000 MSL between the 20-mile and 25-mile arcs along the KARLO, FOSSL, and TOTECA arrivals; raising the floor of the TCA from 3,000 feet MSL to 4,000 feet MSL west of 99th Avenue; and encompassing the Williams Air Force Base area with a base altitude of 6,000 feet MSL in the area between the 15-mile and 20-mile arcs, and a base altitude of 8,000 feet MSL in the area between the 20-mile and 25-mile arcs. The informal airspace meeting has been scheduled to provide the opportunity to gather additional facts relevant to the aeronautical effects of the proposal and to provide interested persons an opportunity to discuss objections to the proposal. The TCA modifications are being considered due to the increased volume of traffic arriving and departing the Phoenix Sky Harbor International Airport. All comments received during the meeting will be considered prior to any modification.

**TIME AND DATE:** The meeting will be held from 11 a.m. to 3 p.m., on Saturday, July 17, 1993. Comments must be received on or before September 17, 1993.

**PLACE:** Glendale Municipal Airport, Glendale Terminal Conference Room, 6801 North Glen Harbor Boulevard, Glendale, AZ.

**COMMENTS:** Send or deliver comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP-500, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

**FOR FURTHER INFORMATION CONTACT:** Burleigh J. Stokes, Manager, Airport Traffic Control Tower, Phoenix Sky Harbor International Airport, telephone: (602) 379-4226.

##### SUPPLEMENTARY INFORMATION: Meeting Procedures

(a) The meeting will be informal in nature and will be conducted by a representative of the FAA Western Pacific Region. Representatives from the FAA will present a formal briefing on the proposed TCA modifications. Each participant will be given an opportunity to deliver comments or make a presentation.

(b) The meeting will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter. The panel may allocate the time available for each presentation in order to accommodate all speakers. The meeting will not be adjourned until everyone on the list has had an opportunity to address the panel. The meeting may be adjourned at any time if all persons present have had the opportunity to speak.

(d) Position papers or other handout material relating to the substance of the meeting will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(e) The meeting will not be formally recorded. However, a summary of the comments made at the meeting will be filed in the docket.

#### Agenda for Each Meeting

Opening Remarks and Discussion of Meeting Procedures  
Briefing on Background for Proposal  
Public Presentations  
Closing Comments

Issued in Washington, DC, on May 10, 1993.

**Willis C. Nelson,**

*Acting Manager, Airspace—Rules and Aeronautical Information Division.*

[FR Doc. 93-11718 Filed 5-17-93; 8:45 am]

BILLING CODE 4910-13-M

#### Flight Service Station at King Salmon, AK; Change in Facility Operations

Notice is hereby given that on or about May 15, 1993, the Flight Service Station at King Salmon, Alaska will be closed. Services to the general aviation public formerly provided by this facility will be provided by the Automated Flight Service Station at Kenai, Alaska. This information will be reflected in the FAA Organization Statement the next time it is reissued. Sec. 313(a) of Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Anchorage, Alaska on April 23, 1993.

**Jacqueline L. Smith,**

*Regional Administrator, Alaskan Region.*

[FR Doc. 93-11715 Filed 5-17-93; 8:45 am]

BILLING CODE 4910-13-M

#### Federal Highway Administration

##### Supplemental Draft Environmental Impact Statement; Salt Lake County, UT

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a supplemental draft environmental impact statement (SDEIS) will be prepared for a proposed highway project in Salt Lake County, Utah.

**FOR FURTHER INFORMATION CONTACT:** William R. Gedris, U.S. Department of Transportation, Federal Highway Administration, 2520 West, 4700 South, Salt Lake City, Utah 84118, Telephone (801) 963-0183; R. James Naegle, P.E., State of Utah, Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119, Telephone (801) 965-4160; or, Mick Crandall, Wasatch Front Regional Council, Suite 100, 420 West 1500 South, Bountiful, Utah 84010, Telephone (801) 292-4469.

**SUPPLEMENTARY INFORMATION:** FHWA, in cooperation with the Utah Department of Transportation (UDOT) and the Wasatch Front Regional Council (WFRC) will prepare a supplemental draft environmental impact statement on a proposal to improve I-15 from 12300 South in Sandy to 600 North in Salt Lake City, Salt Lake County. This is a continuation of planning work conducted from 1986 through 1990.

In March 1990, the Federal Highway Administration and the Urban Mass Transportation Administration (now Federal Transit Administration—FTA) approved the Alternatives Analysis and Draft Environmental Impact Statement (AA/DEIS) for the I-15/State Street Corridor Study. This document considered both improvements to I-15 and various mass transit alternatives, including light rail. A Supplemental Draft Environmental Impact Statement has been undertaken by FTA and the Utah Transit Authority (UTA) for the mass transit component of the 1990 AA/DEIS. A Final Environmental Impact Statement for the mass transit project is currently under preparation.

Since the 1990 approval of the AA/DEIS, decisions and design revisions have led to the requirement for a supplemental draft environmental impact statement for the I-15 corridor. These include alternatives to the North Temple interchange presented in the AA/DEIS build alternatives; revisions to the HOV concept; new air quality conformity and traffic congestion management requirements; re-

evaluation of the I-15/I-80/SR 201 interchange; and re-evaluation of the operation of the two-way frontage road paralleling I-15. The concept includes the addition of new lanes on I-15, reconstruction and/or improvements to interchanges, and ramp and frontage road modifications.

The alternatives being considered in this SDEIS for the I-15 project include No-Build, Transportation Systems Management, and build alternatives. The build alternatives include the selected I-15 concept approved in the AA/DEIS Locally Preferred Alternative, with modifications being developed as part of additional studies. The I-15 median lanes will be analyzed as High Occupancy Vehicle (HOV) lanes and as general purpose lanes. Provision of additional downtown access from I-15 will also be considered in the build alternatives.

This Notice of Intent will be distributed to federal, state, and local agencies and jurisdictions to advise them of the SDEIS process and to request comments and suggestions. The on-going public involvement process for the I-15 General Development Plan will be augmented by additional opportunities to participate in this supplementary environmental process.

To ensure that the full range of issues related to this action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the SDEIS 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: May 7, 1993.

**Walter M. Running,**

*Assistant Division Administrator, Federal Highway Administration, Salt Lake City, Utah.*

[FR Doc. 93-11775 Filed 5-17-93; 8:45 am]

BILLING CODE 4910-22-M

#### Maritime Administration

##### Approval of Applicant as Trustee

Notice is hereby given that Trustmark National Bank Corporate Trust, Jackson, Mississippi, with offices at 248 E. Capitol Street, Suite 1008, Jackson, Mississippi, has been approved as Trustee pursuant to Public Law 100-710 and 46 CFR part 221.

Dated: May 12, 1993.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 93-11647 Filed 5-17-93; 8:45 am]

BILLING CODE 4910-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### IRS 1993 Electronic/Magnetic Filing: Forms 940, 941 and 941E

AGENCY: Internal Revenue Service,  
Treasury.

ACTION: 940—Employer's Annual Federal Unemployment Tax Return (FUTA). 941—Employer's Quarterly Federal Tax Return. 941E—Quarterly Return of Withheld Federal Income Tax and Medicare Tax.

SUMMARY: Philadelphia Service Center is offering their filers an alternative way to file Forms 940/941/941E. These forms can be filed via diskette or electronically (via modem to modem). This program is a prototype. This method of filing is offered to the Philadelphia Service Center filers who reside in Pa., De., Md., Va., and Washington, DC.

DATES: Letter of Application can be submitted year around.

ADDRESSES: Internal Revenue Service, Philadelphia Service Center, Magnetic Media Project Office, D.P. 115, P.O. Box 21028, Philadelphia, PA 19114. Telephone: (215) 969-7533 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The Internal Revenue Service is receiving an increasing number of computer prepared returns, and is exploring methods to use the flexibility provided by computer preparation to achieve efficiencies of processing. Electronic filing eliminates most of the manual processes required by IRS to handle paper documents, which will increase the quality of the final product, speed

up the processing and reduce unnecessary correspondence. Generally, the procedures will call for the filing of returns electronically using all the data currently supplied on the paper return, including schedules which usually accompany the return. Additionally, filers will be required to test if using modem to modem or before acceptance into the program. The Forms 940/941/941E are a prototype and is being offered to filers and software developers in the Philadelphia Service Center's geographical area. This area consists of Pa., De., Md., Va., and Washington D.C.

Joseph H. Cloonan,

Director, Philadelphia Service Center.

[FR Doc. 93-11643 Filed 5-17-93; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF VETERANS AFFAIRS

### Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information:

- (1) The title of the information collection and the Department form number(s), if applicable;
- (2) A description of the need and its use;
- (3) Who will be required or asked to respond;
- (4) An estimate of the total annual reporting hours, and recordkeeping burden, if applicable;
- (5) The estimated average burden hours per respondent;
- (6) The frequency of response; and
- (7) An estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before June 17, 1993.

Dated: May 11, 1993.

By direction of the Secretary.

Marjorie Leandri,

Acting Director, Records Management Service.

### Emergency Submission

1. Veterans Benefits Administration.
2. Veterans' Job Training Act.
3. VA Forms 22-8929, 22-8930, 22-8931, 22-8932.
4. These four forms are used to administer the Veterans' Job Training Program created by Public Law 98-77: (1) Certification of Training; (2) Notice of Intent to Employ a Veteran; (3) Employer's Application for Approval of Job Training Program; and (4) Application for Certification of Eligibility.
5. On occasion, monthly, quarterly.
6. Individuals or household, State or local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations.
7. 105,000 responses.
8. .555 hour.
9. Not applicable.

[FR Doc. 93-11665 Filed 5-17-93; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 58, No. 94

Tuesday, May 18, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## U.S. CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10:00 a.m., Wednesday, May 19, 1993.

**LOCATION:** Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

**STATUS:** Open to the Public.

### 1. FY 95 Priorities

The Commission will consider priorities for fiscal year 1995.

### 2. Mid-Year Review

The Commission will consider issues related to fiscal year 1993 mid-year review.

For a recorded message containing the latest agenda information, call (301) 504-0709.

### CONTACT PERSON FOR ADDITIONAL INFORMATION:

Shelton D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 (301) 504-0800.

Dated: May 13, 1993.

**Shelton D. Butts,**

*Deputy Secretary.*

[FR Doc. 93-11882 Filed 5-14-93; 1:48 pm]

**BILLING CODE 6355-01-M**

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 11 a.m., Monday, May 24, 1993.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, DC 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

- Proposals regarding a Federal Reserve Bank's renovation project.
- Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
- Any items carried forward from a previously announced meeting.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 14, 1993.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 93-11898 Filed 5-14-93; 2:52 pm]

**BILLING CODE 6210-01-P**

## INTERSTATE COMMERCE COMMISSION

Commission Conference

**TIME AND DATE:** 10:00 a.m., Tuesday, May 25, 1993.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

**STATUS:** The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

### MATTERS TO BE DISCUSSED:

Finance Docket No. 32133, *Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control—Chicago and North Western Holdings Corp. and Chicago and North Western Transportation Company*  
Finance Docket No. 31320, *The Indian & Ohio Railway Company—Construction and Operation—Butler, Warren, and Hamilton Counties, OH*

Ex Parte No. MC-211, *Revision of Tariff Regulations, Indexes*

Docket No. 40877, *Ronge Tariffs of All Motor Common Carriers—Show Cause Proceeding*

Docket No. 40888, *Reconsideration of Special Tariff Authorities Authorizing the Publication of Customer Account Codes in Tariffs*

### CONTACT PERSONS FOR MORE INFORMATION:

Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927-5350, TDD: (202) 927-5721.

Sidney L. Strickland, Jr.,

*Secretary.*

[FR Doc. 93-11880 Filed 5-14-93; 1:44 pm]

**BILLING CODE 7035-01-M**

## UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-93-15]

**TIME AND DATE:** May 25, 1993 at 10:00 a.m.

**PLACE:** Room 101, 500 E Street S.W., Washington, DC 20436.

**STATUS:** Open to the public

- Agenda for future meetings
- Minutes
- Ratification List

- Inv. No. 731-TA-564 (Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan)—briefing and vote.
- Continuation of discussion of APO matters
- Outstanding action jacket requests
- AD-93-003, Distribution and Printing of USITC Publications.
- GC-93-044, Violation of 24-hour rule in an investigation under title VII of the Tariff Act of 1930.
- INV-93-053, Questionnaires in Inv. No. 731-TA-539-E (Final), (Uranium from Ukraine).
- PA-93-003, Annual Report for fiscal year 1992.
- O/TATA-93-004, Proposed modification to the Harmonized Tariff Schedule of the United States on Inv. No. 1205-3.
- O/TATA-93-005, Report on H.R. 997.
- Any items left over from previous agenda

**CONTACT PERSON FOR MORE INFORMATION:** Paul R. Bardos, Acting Secretary (202) 205-2000.

Issued: May 11, 1993.

**Paul R. Bardos,**

*Acting Secretary.*

[FR Doc. 93-11888 Filed 05-14-93; 2:15 pm]

**BILLING CODE 7020-02-P**

## LEGAL SERVICES CORPORATION

Board of Directors Meetings

**TIME AND DATE:** The Legal Services Corporation Board of Directors and its Provision for the Delivery of Legal Services; Audit and Appropriations; and, Office of the Inspector General Oversight Committees will meet on May 24, 1993. The meetings will commence at 8:00 a.m., and continue in the following order until all business has been concluded.

- Provision for the Delivery of Legal Services Committee;
- Audit and Appropriations Committee;
- Office of the Inspector General Oversight Committee; and
- Board of Directors.

**PLACE:** The Legal Services Corporation, 750 1st Street, N.E., The Board Room, 11th Floor, Washington, D.C. 20002, (202) 336-8996.

### PROVISION FOR THE DELIVERY OF LEGAL SERVICES COMMITTEE MEETING:

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

### OPEN SESSION:

- Approval of Agenda.
- Approval of April 25, 1993 Meeting Minutes.
- Consideration of Status Report on Request for Proposals for Migrant Ombudsman Demonstration Projects.

4. Consideration of Status Report on Survey of Grantees on Attorney Recruitment and Retention.
5. Consideration of Status Report on Timekeeping Grant Solicitation.
6. Six-Month Report on Meritorious and Innovative Grant Projects.
7. Consideration of Status Report on Law School Solicitation.

**AUDIT AND APPROPRIATIONS COMMITTEE MEETING:**

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

**OPEN SESSION.**

1. Approval of Agenda.
2. Approval of Draft Minutes of April 25, 1993 Meeting.
3. Consideration and Review of Budget and Expenses for the Six-Month Period of October 1, 1992 to March 31, 1993.
4. Consideration and Review of Six-Month Projections for the Period of April 1, 1993 to September 30, 1993.
  - a. Consideration of Need for Internal Budgetary Adjustments.
  - b. Consideration of Reallocation of Fiscal Year 1993 Consolidated Operating Budget.
5. Consideration of Status Report on Reprogramming Request Related to Funding Law School Clinical Program Grants.
  - a. Consideration of Status Report on Law School Grant Solicitation.
6. Consideration of Recommendation to Seek a Supplemental Appropriation.
7. Consideration of Status Report on Leasing the Corporation's Former Headquarters Office Space.
8. Consideration of Status Report on Effort to Secure Corporation Funds.

**OFFICE OF THE INSPECTOR GENERAL OVERSIGHT COMMITTEE MEETING:**

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

**OPEN SESSION:**

1. Approval of Agenda.
2. Approval of Minutes of February 21, 1993 Meeting.
3. Consideration of Draft Management Response to the Inspector General's Semiannual Report Covering the Period Ending March 31, 1993.

**BOARD OF DIRECTORS MEETING:**

**STATUS OF MEETING:** *Open*, except that a portion of the meeting will be closed pursuant to a vote of a majority of the Board of Directors to hold an executive session. At the closed session, in accordance with the aforementioned vote, the Board will consider and vote on approval of the draft minutes of the executive session held on *April 26, 1993*. The Board will hear and consider the report of the General Counsel on litigation to which the Corporation is, or may become, a party. Further, the Board will consult with the Inspector General on internal personnel, operational and investigative matters. Finally, the Board

will consult with the President on internal personnel and operational matters. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552(b)(2)(5), (6), (7), and (10)], and the corresponding regulation of the Legal Services Corporation [45 CFR Section 1622.5(a), (d), (e), (f), and (h)].<sup>1</sup> The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, N.E., Washington, DC., 20002, in its eleventh floor reception area, and will otherwise be available upon request.

**MATTERS TO BE CONSIDERED:**

**OPEN SESSION:**

1. Approval of Agenda.
2. Approval of Minutes of April 26, 1993 Meeting.
3. Ratification of Notational Vote Taken During the Period of May 18-20, 1993 to Release An Opinion of the General Counsel Regarding Employee Protections to a Third Party.
4. Chairman's and Members' Reports.
5. Consideration of Operations and Regulations Committee Report.
6. Consideration of Office of the Inspector General Oversight Committee Report.
  - a. Consideration of Draft Management Response to the Inspector General's Semiannual Report for the Period Ending March 31, 1993.
7. Consideration of Provision for the Delivery of Legal Services Committee Report.
  - a. Status Report on Results of Survey on Attorney Recruitment and Retention.
  - b. Status Report on Proposals for Migrant/Ombudsman Demonstration Project Grants.
  - c. Consideration of Comments of Roger Rosenthal, Director, Migrant Legal Action Program, Regarding the Corporation's Request for Proposals for Migrant/Ombudsman Demonstration Project Grants.
  - d. Status Report on Timekeeping Grant Solicitation.
  - e. Six-Month Report on Meritorious and Innovative Grant Projects.
8. Consideration of Audit and Appropriations Committee Report.
  - a. Consideration and Review of Budget and Expenses for the Six-Month Period of October 1, 1992 to March 31, 1993.
  - b. Consideration and Review of Six-Month Projections for the Period of April 1, 1993 to September 30, 1993.
    - i. Consideration of Need for Internal Budgetary Adjustments.

<sup>1</sup> As to the Board's consideration and approval of the draft minutes of the executive session(s) held on the above-noted date(s), the closing is authorized as noted in the Federal Register notice(s) corresponding to that/those Board meeting(s).

- ii. Consideration of Reallocation of Fiscal Year 1993 Consolidated Operating Budget.
- c. Consideration of Status Report on Reprogramming Request Related to Funding Law School Clinical Program Grants.
  - i. Consideration of Status Report on Law School Grant Solicitation.
  - d. Consideration of Recommendation to Seek a Supplemental Appropriation.
9. Consideration of Results of Survey of Corporation-Funded Grantees on The Effects of Reduced Interest on Lawyer Trust Account ("IOLTA") Funds on Program Operations in 1993.
10. Consideration of Report on Declination of Representation and Other Unmet Legal Needs Survey Data.
11. President's Report.
12. Inspector General's Report.

**BOARD OF DIRECTORS MEETING:**

**CLOSED SESSION:**

13. Consultation by Board with the Inspector General on Internal Personnel, Operational and Investigative Matters.
14. Consultation by Board with the President on Internal Personnel and Operational Matters.
15. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is, or May Become, a Party.
16. Approval of Minutes of Executive Session Held on April 26, 1993.

**OPEN SESSION: (Resumed)**

17. Consideration of Other Business.

**CONTACT PERSON FOR INFORMATION:**

Patricia Batie (202) 336-8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336-8800.

Date Issued: May 14, 1993.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 93-11936 Filed 5-14-93; 3:59 pm]

BILLING CODE 7050-01-M

**NATIONAL TRANSPORTATION SAFETY BOARD TIME AND DATE:** 9:30 a.m., Tuesday, May 25, 1993.

**PLACE:** The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

5894A—Marine Accident Report: Grounding of United Kingdom passenger vessel RMS QUEEN ELIZABETH 2, Vineyard Sound, Massachusetts, August 7, 1992.

6062—Railroad Accident Report: Head-on Collision of Burlington, Northern Railroad Freight Train 602 and 603, Ledger, Montana, August 30, 1991.

**NEWS MEDIA CONTACT:** Telephone (202) 382-0660.

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 382-6525.

Dated: May 14, 1993.

**Bea Hardesty,**

*Federal Register Liaison Officer.*

[FR Doc. 93-11881 Filed 5-14-93; 1:43 pm]

**BILLING CODE 7533-01-M**

**NUCLEAR REGULATORY COMMISSION**

**DATE:** Weeks of May 17, 24, 31, and June 7, 1993.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of May 17**

*Tuesday, May 18*

9:00 a.m.

Briefing on Status of Action Plan for Fuel Cycle Facilities (Public Meeting)

(Contact: Ted Sherr, 301-504-3371)

10:30 a.m.

Briefing by the Executive Branch (CLOSED—Ex. 1)

1:30 p.m.

Briefing on Turkey Point Lessons Learned (Public Meeting)

(Contact: Fred Hebdon, 301-504-2024)

3:00 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**Week of May 24—Tentative**

*Wednesday, May 26*

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Randall C. Orem, D.O.—Commission Action on Settlement Agreement

Approved in LBP-92-18 (Tentative)

(Contact: Steve Burns, 301-504-2184)

b. Environmental and Resources

Conservation Organization's Petition for Reconsideration of CLI-93-03 (Rancho Seco) (Tentative)

(Contact: Margaret Doane, 301-504-2001)

2:00 p.m.

Briefing on Status of Efforts for Risk Harmonization (Public Meeting)

(Contact: Richard Bangart, 301-504-3340)

**Week of May 31—Tentative**

*Tuesday, June 1*

10:00 a.m.

Briefing on Development of Standards, Certification Process, and Status of U.S. Enrichment Corporation Transition (Public Meeting)

(Contact: John Hickey, 301-504-3328)

2 p.m.

Briefing on Status of BWR Water Level Indicators (Public Meeting)

(Contact: Ashok Thadani, 301-504-3884)

**Wednesday, June 2**

10 a.m.

Briefing on Progress of Design Certification Review and Implementation (Public Meeting)

(Contact: Dennis Crutchfield, 301-504-1159 or Richard Borchardt, 301-504-1193)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:30 p.m.

Briefing on Investigative Matters (Closed—Ex. 5 and 7)

**Friday, June 4**

10 a.m.

Briefing on Status of Enhanced Participatory Rulemaking (Public Meeting)

(Contact: Chip Cameron, 301-504-1642)

2 p.m.

Briefing on Status of Design Basis Threat (Public Meeting)

(Contact: Robert Burnett, 301-504-3365)

**Week of June 7—Tentative**

*Thursday, June 10*

12:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

**ADDITIONAL INFORMATION:** By a vote of 5-0 on May 14, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Discussion of Litigation Matters" (Closed—Ex. 2, 6 and 10) be held on May 14, and on less than one week's notice to the public.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504-1292.

**CONTACT PERSON FOR MORE INFORMATION:** William Hill, (301) 504-1661.

Dated: May 14, 1993.

**William M. Hill, Jr.**

*SECY Tracking Officer, Office of the Secretary.*

[FR Doc. 93-11883 Filed 5-14-93 2:44 pm]

**BILLING CODE 7590-01-M**

# Corrections

Federal Register

Vol. 58, No. 94

Tuesday, May 18, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 91-149-4]

#### Oriental Fruit Fly Quarantine

##### Correction

In rule document 93-3523 beginning on page 8517 in the issue of Tuesday, February 16, 1993, make the following corrections:

1. On page 8517, in the third column, under the heading *Definitions (Section 301.93-1)*, in the seventh line, insert "Inspector," after "Infestation,".

#### § 301.93-1 [Corrected]

2. On page 8521, in the third column, in § 301.93-1, in the third paragraph, in the first line, "Move" should read "Moved".

#### § 301.93-2 [Corrected]

3. On the same page, in the same column, in § 301.93-2 (a), in the 18th line, "Cashew" was misspelled.

#### § 301.93-10 [Corrected]

4. On page 8524, in the second column, in § 301.93-10 (a)(1)(i), in the

fourth line, "centers" should read "center".

BILLING CODE 1505-01-D

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 124

[Docket No. 90-011-2]

#### Patent Term Restoration for Veterinary Biologics

##### Correction

In rule document 93-4345 beginning on page 11367 in the issue of Thursday, February 25, 1993, make the following correction:

#### § 124.23 [Corrected]

On page 11370, in the second column, in § 124.23 (b), in the first line, after "request", insert "under".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[T.D. 8462]

RIN 1545-AH09

#### Definition of Affiliated Group; Correction

##### Correction

In rule document 93-6912 beginning on page 16349 in the issue of Friday,

March 26, 1993, make the following correction:

On page 16350, in the first column, in the second full paragraph, in the fifth line, "I" should read "It".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[INTL-0401-83]

RIN 1545-AL80

#### Intercompany Transfer Pricing Regulations Under Section 482

##### Correction

In proposed rule document 93-1110 beginning on page 5310 in the issue of Thursday, January 21, 1993, make the following corrections:

1. On page 5310, in the second column, under **SUPPLEMENTARY INFORMATION**, in the first paragraph, in the next to last line, "RO:FP," should read "TR:FP,".

#### § 1.482-1T [Corrected]

2. On page 5313, in the first column, in § 1.482-1T (f)(2)(v), in Example 1. (i), in the next to last line, after "10%", insert "of Sub's sales in country FC. Sub pays no a royalty to Parent but does distribute to Parent an amount equal to 10%".

BILLING CODE 1505-01-D



# Federal Register

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Tuesday  
May 18, 1993

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Part II

Department of  
Health and Human  
Services

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Administration for Children and Families

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Runaway and Homeless Youth Program:  
Fiscal Year (FY) 1993 Final Priorities,  
Availability of Financial Assistance for  
Fiscal Year 1993 and Request for  
Applications; Notice

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. ACF/ACYF/RHYP 92-1]

#### Runaway and Homeless Youth Program: Fiscal Year (FY) 1993 Final Program Priorities, Availability of Financial Assistance for Fiscal Year 1993 and Request for Applications

**AGENCY:** Family and Youth Services Bureau, Administration on Children, Youth, and Families (ACYF), Administration for Children and Families (ACF), HHS.

**ACTION:** Notice of Fiscal Year 1993 Final Runaway and Homeless Youth Program Priorities, announcement of availability of financial assistance and request for applications for the following programs for runaway and homeless youth: Basic Center, Drug Abuse Prevention and Demonstration Programs for Runaway and Homeless Youth, and the Transitional Living Program for Homeless Youth.

**SUMMARY:** The Family and Youth Services Bureau of the Administration on Children, Youth and Families is publishing final program priorities and announcing the availability of funds for the following programs:

**Runaway and Homeless Youth Basic Center Grant Program (BC):** The purpose of the Runaway and Homeless Youth Basic Center Grant Program is to provide financial assistance to establish or strengthen locally-controlled centers that address the immediate needs (e.g., outreach, temporary shelter, counseling, and aftercare services) of runaway and homeless youth and their families.

**Drug Abuse Education and Prevention Program for Runaway and Homeless Youth (DAPP):** The purpose of the Drug Abuse Education and Prevention Program for Runaway and Homeless Youth is to improve and expand drug abuse prevention, education and information services to runaway and homeless youth and their families.

**Transitional Living Program for Homeless Youth (TLP):** The purpose of the Transitional Living Program for Homeless Youth is to support projects which provide long term shelter, skill training and support services in local communities to homeless youth to assist them in making a smooth transition to self-sufficiency and to prevent long-term dependency on social services.

**Runaway and Homeless Youth Demonstration Program (RHYD):** The purpose of demonstration activities is to

increase our knowledge and understanding of effective methods for serving the runaway and homeless youth population.

This single announcement for all runaway and homeless youth programs has been developed in order to save both the field and the Federal government significant resources. More importantly, the single announcement provides the field with the application due dates for the programs listed above, providing interested organizations with the advantage of being able to forecast the workload and resources needed to apply for these grants.

This announcement contains all the necessary information and application materials to apply for funds under these grant programs. The following are the estimated funds available by fiscal year and the approximate number of new grants to be awarded under this program announcement:

Program	Fiscal year	Funds available	New grants
BC .....	1993	\$8,367,418	100-110
DAPP ...	1993	4,000,000	35-45
RHYD ...	1993	1,000,000	3-6
TLP .....	1994	6,000,000	30-35

New grants for the Basic Center, Drug Abuse Prevention and Demonstration Programs will be awarded out of FY 1993 funds. New Transitional Living Program grants, subject to the appropriation of funds by Congress, will be awarded out of FY 1994 funds.

In addition to new grants, the Family and Youth Services Bureau of the Administration on Children, Youth and Families anticipates providing FY 1993 continuation funds to current grantees as follows:

Program	Funds available	Number of continuation grants
BC .....	\$23,231,452	254
DAPP .....	7,979,849	64
TLP .....	10,995,859	41
RHYD .....	676,183	4

Grantees eligible for these continuation grants will receive a letter to that effect from the appropriate office and should not submit their continuation applications in response to this announcement. Only applications for new grants are solicited through this announcement.

**DATES:** The deadlines or closing dates for receipt of applications for new grants under this announcement are as follows: BC—July 2, 1993; DAPP—July 19, 1993;

TLP—August 2, 1993; and RHYD—August 2, 1993.

**ADDRESSES:** Application receipt point: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341-F, Hubert H. Humphrey Building, Washington, DC 20201. Attn: Maiso Bryant, ACT-93-ACYF/RHYP.

Envelopes containing applications must clearly indicate the specific program that the application is addressing: Runaway and Homeless Youth Basic Center Program (BC), Drug Abuse Prevention Program (DAPP), Transitional Living Program for Homeless Youth (TLP) or Runaway and Homeless Youth Demonstration Project (RHYD).

**FOR FURTHER INFORMATION CONTACT:** Administration on Children, Youth and Families, Family and Youth Services Bureau, P.O. Box 1182, Washington, DC 20013, Telephone: (202) 205-8049 or (202) 205-8074.

**SUPPLEMENTARY INFORMATION:** This program announcement consists of six parts. Part I provides general information for potential applicants who wish to apply to operate programs serving runaway and homeless youth. Part II contains the evaluation criteria against which all applications will be competitively reviewed, evaluated and rated. Part III contains specific information necessary to apply for funds under each of the three service programs and for demonstration projects related to runaway and homeless youth. Part IV describes the application process. Part V provides instructions on the assembly and submission of the application, and Part VI contains appendices to be consulted in preparation of the application. All forms needed to prepare an application for any of the programs are found in part VI, appendix I of this announcement.

The following outline is provided to assist in the review of this Federal Register announcement:

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- B. Legislative Authority
- C. Purpose, Goals and Objectives of the Federal Runaway and Homeless Youth Grant Programs
  1. Basic Center Programs for Runaway and Homeless Youth
  2. Drug Abuse Education and Prevention Program for Runaway and Homeless Youth
  3. Transitional Living Program for Homeless Youth
  4. Runaway and Homeless Youth Demonstration Projects
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## D. Runaway and Homeless Youth Continuation Grantees

## 1. Basic Center Programs for Runaway and Homeless Youth

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## 3. Drug Abuse Prevention Programs for Runaway and Homeless Youth

## E. Runaway and Homeless Youth Basic Center Program Allocations by State

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## I. Forms and Instructions

## Part I. General Information

## A. Background on Runaway and Homeless Youth

The Family and Youth Services Bureau (FYSB), within the Administration on Children, Youth and Families (ACYF), administers programs that target services to an adolescent population of approximately 1.3 million runaway and homeless youth who inhabit the streets of this nation. Many have had to leave home for reasons beyond their control. They have left to escape abusive situations or because their parents could not provide them with the basic needs of food, shelter and a safe supportive environment.

This population's lifestyles place them among the most high-risk groups in the nation. While living on the streets or away from home without parental supervision, these youth are highly vulnerable. They may become victims of street violence, or may be exploited by dealers of illegal drugs. Usually lacking marketable skills, they may be drawn into shoplifting, prostitution, and dealing drugs in order to earn money for food, clothing, and other daily expenses. Without a fixed address or regular place to sleep, they often drop out of school, forfeiting their opportunities to learn and to become independent, self-sufficient, contributing members of society. As street people, they may try to survive with little or no contact with medical professionals, the result being that their health problems may go untreated and may worsen. Without the support of family, schools, and other community institutions, they may not acquire the personal values and work skills that will enable them to enter or advance in the world of work at other than the most minimal levels. Finally, as street people, they may create substantial law enforcement problems, endangering both themselves and the communities in which they are located. All these problems, real and potential, call for a nationwide, community-based program to address the needs of runaway and homeless youth.

## B. Legislative Authority

Runaway and Homeless Youth Basic Center grants are authorized by Part A of the Runaway and Homeless Youth

Act (RHY Act), 42 U.S.C. 5701 *et seq.* The RHY Act was enacted as Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415), and amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95-115), the Juvenile Justice Amendments of 1980 (Pub. L. 96-509), the Juvenile Justice Amendments of 1984 (Pub. L. 98-473), the Anti-Drug Abuse Act of 1988 (Pub. L. 100-690), and the Juvenile Justice and Delinquency Prevention Act Amendments of 1992 (Pub. L. 102-586).

Grants for the Transitional Living Program for Homeless Youth are authorized under Part B of the Runaway and Homeless Youth Act. Part B was established in 1988 as part of Public Law 100-690.

Grants for the Drug Abuse Education and Prevention Program are authorized under section 3511 of Public Law 100-690, the Anti-Drug Abuse Act of 1988 (Anti-Drug Abuse Act), which established the Drug Abuse Education and Prevention Program for Runaway and Homeless Youth, as amended by Public Law 102-132.

Grants for Runaway and Homeless Youth Demonstration Projects are authorized under Section 343 of the Runaway and Homeless Youth Act, as amended, and Section 3511 of the Anti-Drug Abuse Act of 1988, as amended.

## C. Purpose, Goals and Objectives of the Federal Runaway and Homeless Youth Grant Programs

## 1. Basic Center Programs for Runaway and Homeless Youth

The overall purpose of the Runaway and Homeless Youth Basic Center Program is to provide financial assistance to establish or strengthen community-based centers that address the immediate needs (e.g., outreach, temporary shelter, counseling, and aftercare services) of runaway and homeless youth and their families. Services supported by this program are to be outside of the law enforcement system, the child welfare system, the mental health system and the juvenile justice system. The program goals and objectives of Part A of the RHY Act are to:

(a) Alleviate problems of runaway and homeless youth;

(b) Reunite youth with their families and encourage the resolution of intrafamily problems through counseling and other services;

(c) Strengthen family relationships and encourage stable living conditions for youth; and

(d) Help youth decide upon constructive courses of action.

## 2. Drug Abuse Education and Prevention Program for Runaway and Homeless Youth

The overall purpose of the Drug Abuse Education and Prevention Program for Runaway and Homeless Youth is to help communities address the problem of drug abuse among runaway and homeless youth through the prevention, early intervention, and reduction of drug dependency. The specific goals and objectives of the program, as set forth in section 3511 of the Act, are to:

(a) Provide individual, family, and group counseling to runaway youth and their families and to homeless youth for the purpose of preventing or reducing the illicit use of drugs by such youth;

(b) Develop and support peer counseling programs for runaway and homeless youth related to the illicit use of drugs;

(c) Develop and support community education activities related to the illicit use of drugs by runaway and homeless youth, including outreach to individual youth;

(d) Provide runaway and homeless youth in rural areas with assistance (including the development of community support groups) related to the illicit use of drugs;

(e) Provide information and training regarding issues related to the illicit use of drugs by runaway and homeless youth to individuals involved in providing services to these youth;

(f) Support research on illicit drug use by runaway and homeless youth, the effects on such youth of drug abuse by family members, and any correlation between such use and attempts at suicide; and

(g) Improve the availability and coordination of local services related to drug abuse for runaway and homeless youth.

## 3. Transitional Living Program for Homeless Youth

The overall purpose of the Transitional Living Program for Homeless Youth is to support programs which assist older homeless youth in making a successful transition to self-sufficient living and to prevent long-term dependency on social services. The specific goals and objectives of the program, as set forth in Part B of the Act, are to:

(a) Provide stable, safe living accommodations while a homeless youth is a program participant;

(b) Provide the services necessary to assist homeless youth in developing both the skills and personal characteristics needed to enable them to live independently;

(c) Provide education, information and counseling aimed at preventing, treating and reducing substance abuse among homeless youth;

(d) Provide homeless youth with appropriate referrals and access to medical and mental health treatment; and

(e) Provide the services and referrals necessary to assist youth in preparing for and obtaining employment.

The Administration on Children, Youth and Families will award grants for these programs to support direct services to runaway and homeless youth. Specifics regarding each of these grant programs are found in Part III, sections A-C of this announcement.

## 4. Runaway and Homeless Youth Demonstration Projects

In addition, the Administration on Children, Youth and Families will award grants for the development and implementation of demonstration projects designed to increase knowledge about effective methods of serving the runaway and homeless youth population in community-based settings. Specifics regarding these grants are found in Part III, section D of this announcement.

### D. Definitions

1. The term *homeless youth* is defined differently for different programs.

Under Part A of the RHY Act, which authorizes the Basic Center Program, the term *homeless youth*, means a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care. This definition applies to all Basic Center programs and can be found in 45 CFR 1351.1(f).

Under Part B of the RHY Act, which authorizes the TLP, *homeless youth* means an individual who is not less than 16 years of age and not more than 21 years of age; for whom it is not possible to live in a safe environment with a relative; and who has no other safe alternative living arrangement. This definition applies to all Transitional Living programs and can be found in section 321(b)(1) of the RHY Act.

2. The term *public agency* means any State, unit of local government, combination of such States or units, or any agency, department, or instrumentality of any of the foregoing. This definition applies to all runaway and homeless youth programs and can be found in Section 3601(8) of the Anti-Drug Abuse Act, incorporating by reference Section 103(11) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

3. The term *runaway youth* means a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian. This definition applies to all Basic Center programs and can be found in 45 CFR 1351.1(k).

(4) The term *shelter* includes host homes, group homes and supervised apartments. This definition applies to all TLP programs and is referenced in section 322(1) of the RHY Act. As currently understood in the field:

Host homes are facilities providing shelter, usually in the home of a family, under contract to accept runaway and/or homeless youth assigned by the TLP service provider, and are licensed according to State or local laws.

A group home is a single site residential facility designed to house TLP clients who may be new to the program and/or require a higher level of supervision. These dwellings operate in accordance with State or local housing codes and licensure.

A supervised apartment is a single unit dwelling or multiple unit apartment house operated under the auspices of the TLP service provider for the purpose of housing program participants.

5. The term *State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands (Palau). This definition applies to all runaway and homeless youth programs and can be found in section 3601(10) of the Anti-Drug Abuse Act, incorporating by reference section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

6. The term *temporary shelter* means the provision of short-term (maximum of 15 days) room and board and core crisis intervention services on a 24 hour basis. This definition applies to all Basic Center programs and can be found in 45 CFR 1351.1(o).

7. The term *transitional living youth project* means a project that provides shelter and services designed to promote transition to self-sufficient living and to prevent long-term dependency on social services. This definition applies to all TLP programs and is found in section 321(b)(2) of the RHY Act.

### E. Final Priorities

Section 364 of the Runaway and Homeless Youth Act requires the Department to publish annually for public comment a proposed plan specifying priorities the Department will follow in awarding grants and contracts under the RHY Act. The



proposed plan for FY 1993 was published in the *Federal Register* on December 24, 1992 (57 FR 61429), requesting comments and recommendations from the field.

#### 1. Public Comments in Response to the Proposed Priorities

The Family and Youth Services Bureau (FYSB) received 28 written responses from a number of sources, including Runaway and Homeless Youth Program grantees in 18 different States and one U.S. Congressman. The responses were generally supportive and the following summarizes the major issues raised:

a. Several respondents noted that the proposed priorities stated that "organizations which provide services to fulfill the four major goals of the Runaway and Homeless Youth Program" would be funded in FY 1993, but that the priorities lacked an explicit statement that States, State agencies, and other units of government could apply for funds.

b. A number of these same respondents noted further the statement that the goals of the RHYP are achieved through the Basic Centers, which provide services "in a manner which is outside the \* \* \* child welfare \* \* \* system \* \* \*" These respondents were concerned that this statement might preclude child welfare agencies from receiving RHYP grant funds.

Two sections in the Runaway and Homeless Youth Act relate to the issues raised in paragraphs a. and b. above. The first authorizes the Secretary of the Department of Health and Human Services to make grants and reads as follows:

Section 311. [42 U.S.C. 5711] (a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement system, the child welfare system, the mental health system, and the juvenile justice system.

The section of the RHY Act dealing with eligibility to receive grants further states:

Section 312. [42 U.S.C. 5712] (a) To be eligible for assistance under section 311(a), an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center, a locally controlled project (including a host family home) that provides temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles. (b) In order to qualify for

assistance under section 311(a), an applicant shall submit a plan to the Secretary including assurances that the applicant \* \* \*

There follows in the RHY Act a list of 12 activities that together comprise the essential characteristics of a runaway and homeless youth center. These include locating the center in an area reachable by runaways, contacting the parents and ensuring the safe return of the youth if possible, providing safe shelter, food, clothing, counseling and aftercare services, keeping adequate records, and related activities.

The policy of the Administration on Children, Youth and Families is that a child welfare agency is not precluded from receiving a grant under the Runaway and Homeless Youth Act. Such an agency may receive a grant on the condition that the services provided to the youth and their families are in compliance with the requirements summarized in sections 312(a) and 312(b) of the RHY Act and are provided outside of the child welfare system. Grant funds under the RHY Act may not be used to provide services to youth already entered into the child welfare system; that is, to youth between foster care placements or prior to adoption placements, or to youth removed from their homes by child protective services and awaiting placement by the child welfare agency.

Further, the "public and private entities" to which the Secretary may award RHY grants include State, Territorial, county, and local governments; agencies and subagencies of these governments; private for-profit and private non-profit organizations; and American Indian Tribes.

c. In the matter of selecting among the three proposed new demonstration initiatives (Aftercare, Community Planning, and Services for Youth in Rural Areas), seven respondents expressed an interest in the Aftercare option, seven preferred Services for Youth in Rural Areas, while only two preferred Community Planning. Four suggested that the Administration should not pursue or should postpone an initiative in Community Planning.

Given very limited funding for demonstrations in FY 1993, the Administration has decided to solicit proposals in the single area of Services to Youth in Rural Areas. The favorable responses of respondents and the fact that the Congress indicated a special interest in this area in the FY 1992 reauthorization of the Runaway and Homeless Youth Act has led to this choice.

To the extent feasible, ACYF addressed all other public comments in preparing the final priorities. Comments

intended to clarify and focus the priorities were incorporated into the revised descriptions. The final priorities, found in Part III of this announcement, reflect the changes made in the planned priorities in light of the comments received.

#### 2. Final Program Priorities for Fiscal Year 1993

a. *Service Grants for Runaway and Homeless Youth.* (1) Basic Center Program Grants. Part A, section 311 of the Runaway and Homeless Youth Act, as amended, authorizes grants to public and private entities, (State, Territorial, county, and local governments; agencies and subagencies of these governments; private for-profit and private non-profit organizations; American Indian Tribes) and to combinations of such entities, to establish and operate Basic Centers for Runaway and Homeless Youth.

Approximately 350 new and continuation Basic Center grants will be funded in FY 1993 to support organizations which provide emergency services to runaway and homeless youth that include temporary shelter, food, clothing, counseling, and related services which are provided outside the law enforcement, child welfare, mental health and juvenile justice systems.

Part III, section A of this publication announces the availability of funds for these grants, and includes the minimum requirements that applicants must address in their proposals for Basic Center grant applications.

In FY 1993, approximately two-thirds of the current Basic Center grantees will be awarded noncompetitive continuation funds, and the remaining grantees (those whose grant periods expire in FY 1993) will have the opportunity to compete for new grant awards by submitting new competitive applications. All other eligible youth-serving agencies not holding current awards may also apply for these new competitive funds.

(2) Transitional Living Program Grants. Part B, section 321 of the Runaway and Homeless Youth Act, as amended, authorizes grants to establish and operate transitional living projects for homeless youth. This program is structured to help older, homeless youth achieve self-sufficiency and avoid long-term dependency on social services. Transitional living projects provide shelter, skills training, and support services to homeless youth ages 16 through 21 for a continuous period not exceeding 18 months.

Funds available under this program in FY 1993 will be awarded in the form of non-competitive continuation awards to

current grantees. There will be no new grants awarded with FY 1993 funds.

This announcement solicits applications for new Transitional Living Program grant awards to be supported with FY 1994 funds, subject to the appropriation of these funds by Congress. Project periods for these new awards will begin when FY 1994 funds are appropriated and made available to ACYF, but in no case will they begin prior to October 1, 1993. By soliciting proposals and making funding decisions during 1993, we will enable current grantees not eligible for FY 1994 continuation funds to compete for new grants to be funded in FY 1994 and to continue their existing projects with a minimal disruption of services, if successful in the competition.

Part III, section C of this publication announces the availability of funds for these grants, and includes the minimum requirements that applicants must address in their proposals for Transitional Living grant applications.

b. *Runaway and Homeless Youth Demonstration Grants: Promoting a Continuum of Care.* Over the past decade, directors of agencies serving runaway and homeless youth have observed and documented significant changes in the populations they assist. The youth are increasingly "multi-problem" youth. Fifteen years ago youth typically fled their homes for reasons related to child and parent conflict and abuse.

Today, however, the familial alienation of runaway and homeless youth is very often overlaid with problems related to alcohol and drug abuse, school failure, sexual activity, as well as impaired physical and mental health. There also has been an apparent corresponding increase in the intensity of the problems experienced by these young people.

As a result of these growing problems among runaway and homeless youth, and a corresponding increase in funding streams, an increasingly complex, multi-faceted service system has emerged. The Administration on Children, Youth and Families has set a goal to assist the existing service system by promoting the development of a continuum of care to more effectively serve at-risk youth and their families at the community level. This continuum can be considered from three perspectives:

(1) The individual components of care to be provided directly by ACF-supported youth-serving agencies (e.g., street outreach, counseling, aftercare, etc.);

(2) The types and range of services to be provided through coordination with other community agencies; and

(3) The care to be accorded particularly hard-to-reach and difficult to serve populations such as street youth, runaway youth in rural areas, physically and sexually abused youth, etc.

#### Services to Youth in Rural Areas

As a first step in promoting this continuum of care, the Family and Youth Services Bureau expects to fund three to six three-year demonstration grants in FY 1993 to explore the provision of services to youth in rural areas. Because of geographic distances, low population density and, in some cases, cultural differences, it is difficult to provide effective services to runaway and homeless youth in rural areas.

There is a need for innovative models for the provision of a continuum of care in areas where the incidence of running away and homelessness is not sufficient to warrant allocating scarce resources to the funding of a separate, autonomous basic center program.

The purpose of these grants is to demonstrate innovative and effective models for the provision of runaway and homeless youth services in rural areas, including Indian reservations. These models should involve innovative methods that make services accessible to youth without setting up expensive service agencies in low populated areas. Possible options include satellite centers, telecommunication systems, and mobile vans. These grants will result in a written description of the service model implemented, the identification of issues related to model implementation, and information on youth and program outcomes. The proposed models will be required to incorporate formal collaboration with other youth-serving agencies in the areas to be served.

A complete description of these initiatives can be found in Part III, section D of this announcement.

c. *Program Support.* (1) Training and Technical Assistance Grants. Both and Runaway and Homeless Youth Act, Section 342, and the Drug Abuse Prevention Program for Runaway and Homeless Youth, Section 3511 of the Anti-Drug Abuse Act of 1988 authorize support to nonprofit organizations for the purpose of providing training and technical assistance (T&TA) to runaway and homeless youth service providers. This T&TA is a valuable mechanism to strengthen programs and to enhance the knowledge and skills of youth service workers.

Beginning in FY 1991, the Family and Youth Services Bureau awarded ten three-year Cooperative Agreements, one in each of the ten Federal Regions, to

provide T&TA to agencies funded under all three Federal programs for runaway and homeless youth. Each Cooperative Agreement is unique, being based on the characteristics and different T&TA needs in the respective Regions.

All funds available for T&TA services in FY 1993 will be awarded through noncompeting continuations to the current ten grantees.

(2) National Communications System. Part C, section 331 of the Runaway and Homeless Youth Act, as amended, mandates support for a national communications system to assist runaway and homeless youth in communicating with their families and with service providers.

In FY 1991, a three-year grant was awarded to the National Runaway Switchboard, Inc., in Chicago, Illinois, to operate the system. Continuation funds will be awarded to the grantee in FY 1993 for the third year of operation.

(3) National Clearinghouse on Runaway and Homeless Youth. In June 1992, a five-year contract was awarded to establish and operate the National Clearinghouse on Runaway and Homeless Youth to serve as a central information point for professionals and agencies involved in the development and implementation of services to runaway and homeless youth.

The Clearinghouse has begun operations and is currently collecting materials and responding to requests for information. Non-competitive continuation funding will be awarded to sustain the Clearinghouse in FY 1993.

(4) Management Information System (MIS). In FY 1992, a five-year contract was awarded to implement the Runaway and Homeless Youth Management Information System (MIS) across three FYSB programs: the Runaway and Homeless Youth Basic Center Program, the Transitional Living Program, and the Drug Abuse Prevention Program. The MIS, now a mandatory data collection system, is designed to be used as a management tool for individual programs. In addition, FYSB will use the data generated by the system to produce reports and information regarding these programs, including information for required reports to Congress on efforts to serve runaway and homeless youth.

Non-competitive continuation funding will be awarded to sustain this effort in FY 1993. During this time, the contractor, using an existing computer-based, information gathering protocol, will provide training and technical assistance to all RHY service grantees in the use of the MIS.

(5) Monitoring Support for FYSB Programs. In FY 1992, FYSB began

developing a comprehensive monitoring instrument and set of site visit protocols, including a peer-review component, for the Runaway and Homeless Youth Basic Center Program, the Transitional Living Program, and the Drug Abuse Prevention Program.

The monitoring instrument and related protocols will be implemented in FY 1993. Also in FY 1993, a new contract to provide logistical support for the peer review monitoring process will be put in place. User of the new instrument and the peer review process will improve Federal oversight of the programs. Moreover, it will identify program strengths and weaknesses. The findings will be used to direct the provision of technical assistance and to inform policy development.

d. *Program Evaluations.* (1) Basic Center Programs for Runaway and Homeless Youth. A contract to evaluate the Basic Center program was awarded in FY 1991 and will continue through FY 1993. It is anticipated that the evaluators will be collecting data in the field in FY 1993, interviewing a sample of both youth and youth-service workers. It is further anticipated that no additional funding will be required to complete this evaluation.

(2) Transitional Living Program for Homeless Youth. An evaluation of the Transitional Living Program (TLP) was initiated in FY 1991 to determine the effectiveness of the program in preparing homeless youth for self-sufficiency. Non-competitive continuation funding will be awarded to sustain the evaluation in FY 1993, when the evaluators will conduct interviews of a sample of youth and program administrators in the field.

(3) Home-Based Services for Runaway Youth. In FY 1989 and FY 1991, demonstration grants were awarded to develop and implement models of home-based services as alternatives to shelter care for runaway youth. In FY 1992, a two-year contract was awarded to evaluate these grants. The contractor will provide descriptive information about the models and outcome information about their impact on the youth served. Non-competitive continuation funding will be awarded to sustain the evaluation in FY 1993, when the contractor will begin interviews in the field.

F. *Eligible Applicants.* The legislation authorizing the runaway and homeless youth programs addressed in this Federal Register announcement identifies "eligible applicants" differently. Accordingly, the definition appropriate to each individual program is found in Part III of this announcement

as a part of each priority area description.

Organizations that have current Basic Center and/or Drug Abuse Prevention Service Programs with project periods ending in FY 1993 and all remaining eligible applicants may apply for new grants for either or both of these two programs. Basic Center and DAPP grantees with one or two years remaining on their current awards and the expectation of continuation funding in FY 1993 may not apply for new grants under that particular grant program.

Organizations that have current Transitional Living Program grants with project periods ending in FY 1993 and all remaining eligible applicants may apply for new Transitional Living Program grants. Transitional Living grantees with one or two years remaining on their current awards and the expectation of continuation funding in FY 1994 may not apply for new grants under that particular grant program.

Applicants may refer to Part VI, Appendix D for a listing of current grantees that are ineligible to apply for one or more of these grant programs.

All grantees, however, and all other eligible applicants, may apply for the demonstration project described under Part III, section D.

Non-profit applicants which have not previously received financial support from the Administration on Children, Youth and Families must submit proof of their non-profit status with their grant application. This can be done either by making reference to the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations or by submitting a copy of its letter from the IRS [IRS Code, Sections 501(c)(3) and 501(c)(6)]. Non-profit applicants cannot be funded without acceptable proof of this status. For-profit entities may participate as grantees under Priority Area A, Runaway and Homeless Youth Basic Center Programs, but may participate only as sub-grantees for any other priority areas in this announcement.

G. *Availability of Funds.* The Administration on Children, Youth and Families expects to award approximately 600 new and continuation grants to serve runaway and homeless youth. Dollar amounts to be awarded by fiscal year and program are as follows:

1. Basic Center Programs for Runaway and Homeless Youth

The Administration on Children, Youth and Families expects to award \$31,598,870 in Basic Center grants in FY

1993. Of this total, \$23,231,452 will be awarded in the form of non-competitive continuations to current grantees, and the remaining \$8,367,418 will be available for competitive, new-start awards. In accordance with the RHY Act, the funds will be divided among the States in proportion to their respective populations under the age of 18. We recognize that the RHY Act also requires that the amount allotted to each State (including the District of Columbia and Puerto Rico) be at least \$100,000, and the amounts allotted to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (Palau), and the Commonwealth of the Northern Mariana Islands be at least \$45,000 each. In applying other provisions of the RHY Act, specifically Section 311(b)(3), it became necessary, in all cases, to use the minimum allotment of \$75,000 for each State (including the District of Columbia and Puerto Rico) and the minimum allotment of \$30,000 for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (Palau), and the Commonwealth of the Northern Mariana Islands. The amount of funds available for both continuations and new starts in each of the States and Territories is listed in the Table of Allocations by State (part VI, appendix E) which reflects the FY 1993 allocations for each State. In this Table, the amounts shown in the column labeled "New Starts" are the amounts available for competition in the respective States.

Of the total amount available for Basic Center grants, approximately \$23,231,452 will be awarded in the form of non-competing continuation grants to current Basic Center grantees having one or two years remaining in their project periods. Grantees in this category will receive instructions from their respective ACF Regional Offices on the procedures for applying for these continuation grants and should not respond to this announcement. These grantees are listed in Part VI, Appendix D.1, have project expiration dates in FY 1994 and 1995, and are not eligible to apply for new Basic Center grants.

Approximately \$8,367,418 will be awarded in the form of competitive new starts. Current Basic Center grantees with project periods ending by September 30, 1993 and all other eligible applicants not currently receiving Basic Center funds may apply for the grants under this announcement.

The number of new awards made within each State will depend upon the funds available (i.e., the State's total allotment less the amount required for non-competing continuations), as well



as on the number of acceptable applications. Therefore, where the amount required for non-competing continuations in any State equals the State's total allotment, no new awards will be made.

All applicants under this announcement will compete with other applicants in the State in which their services would be provided. In the event that an insufficient number of acceptable applications is approved for funding from any State or jurisdiction, the Commissioner, ACYF, will reallocate the unused funds.

#### 2. Drug Abuse Education and Prevention Program for Runaway and Homeless Youth

In FY 1993, the Administration on Children, Youth and Families expects to award \$4,000,000 in new Drug Abuse Prevention Program grants and \$7,979,849 in non-competing continuation DAPP awards.

#### 3. Transitional Living Program for Homeless Youth

In FY 1993, the Administration on Children, Youth and Families expects to award \$10,995,859 in non-competing continuation Transitional Living Program grants. No awards for new grants will be made in FY 1993.

In FY 1994, the Administration on Children, Youth and Families estimates award of \$6,000,000 in new Transitional Living Program grants as a result of this competition, subject to appropriation of funds by Congress.

#### 4. Runaway and Homeless Youth Demonstration Projects

In FY 1993, the Administration on Children, Youth and Families expects to award \$676,183 in non-competing continuation demonstration grants and \$1,000,000 in new competitive awards.

**H. Duration of Projects.** This announcement solicits applications for projects of up to three years (36 month project periods). Grant awards, made on a competitive basis, will be for a one year (12-month) budget period. Applications for continuation grants beyond the one-year budget period, but within the 36 month project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

**I. Maximum Federal Share and Grantee Share of the Project.** The maximum amount of Federal funds for which an applicant can apply is

specified in each program description found in Part III of this announcement.

The legislation authorizing runaway and homeless youth programs requires that grantees provide a non-Federal match for Federal funds. In some cases, this non-Federal share is a percent of the total cost of the project and, in some cases, it is a percent of the Federal share. Specific non-Federal share requirements for each Priority Area are found in Part III of this announcement.

The non-Federal share may be met by cash or in-kind contributions. Federal funds provided to States and services or other resources purchased with Federal funds may not be used to match project grants. Applicants which do not provide the required percentage of non-Federal share will not be funded.

For-profit applicants for Basic Center programs are reminded that no grant funds may be paid as profit to any recipient of a grant or sub-grant (45 CFR 74.705).

#### Part II. Evaluation Criteria

The five criteria that follow will be used to review and evaluate each application and should be used in developing the program narrative. The point values following each criterion heading indicate the numerical weight each criterion will be accorded in the review process.

**Criterion 1. Objectives and Need for Assistance (15 Points).** Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for the assistance and state the goals or service objectives of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Give a precise location of the project site(s) and area(s) to be served by the proposed project. Maps or other graphic aids may be attached. (The applicant should refer to Part I, section C of this announcement for a description of each program's purpose.)

**Criterion 2. Results or Benefits Expected (20 Points).** Identify the results and benefits to be derived from the project. State the numbers of runaway and homeless youth and their families to be served, and describe the types and quantities of services to be provided. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project.

**Criterion 3. Approach (35 Points).** Outline a plan of action pertaining to the scope of the project and detail how the proposed work will be accomplished. Describe any unusual

features of the project, such as extraordinary social and community involvements, and how the project will be maintained after termination of Federal support. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

**Criterion 4. Staff Background and Organizational Experience (20 Points).** List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution. Summarize the background and experience of the project director and key project staff and the history of the organization. Demonstrate the ability to effectively manage the project and to coordinate activities with other agencies. Legislation authorizing each of the Federal Runaway and Homeless Youth Programs requires that priority for funding be given to agencies with experience in providing direct services to runaway and homeless youth. Applicants are encouraged to discuss staff and organizational experience in working with this population and may include information regarding their past performance under RHYP grants. (Applicants may refer to the staff résumés and to the Organizational Capability Statement included in the submission.)

**Criterion 5. Budget Appropriateness (10 Points).** Demonstrate that the project's costs (overall costs, average cost per youth served, costs for different services) are reasonable in view of the anticipated results and benefits. (Applicants may refer (1) to the budget information presented in Standard Forms 424 and 424A and in the associated budget justification, and (2) to the results or benefits expected as identified under Criterion 2.)

The Program Narrative information provided by the applicant in response to the priority area description identified in Part III of this announcement should be organized and presented according to these five evaluation criteria.

#### Part III. Priority Areas

##### A. Runaway and Homeless Youth Basic Center Program

**Eligible Applicants:** Any State, unit of local government, combination of units of local government, public or private agency, organization, institution, or other non-profit entity is eligible to apply for these funds. Federally recognized Indian Tribes are eligible to apply for Basic Center grants. Non-



Federally recognized Indian Tribes and urban Indian organizations are also eligible to apply for grants as private, non-profit agencies.

Grantees (including subgrantees) with current Basic Center grants who are eligible to apply for continuation funding in FY 1993 may not apply for a new Basic Center grant under this announcement. Applicants may refer to Part VI, Appendix D.1 for a listing of current grantees which are ineligible for grants under this priority area.

As required by runaway and homeless youth legislation, priority for funding will be given to agencies with demonstrated experience establishing and operating centers that provide direct services to runaway and homeless youth in a manner that is outside the law enforcement system, the child welfare system, the mental health system and the juvenile justice system.

**Program Purpose, Goals, and Objectives:** The Administration on Children, Youth and Families will award approximately 100-110 new service grants to establish or strengthen existing or proposed runaway and homeless youth Basic Centers. These programs must be locally controlled efforts that provide temporary shelter, counseling and other services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.

Applications are solicited under this priority area to carry out direct service projects designed to carry out the program purpose, goals and objectives set forth in the legislation and as specified in Part I, section C.1 of this announcement. These goals and objectives are:

- To alleviate the problems of runaway and homeless youth;
- To reunite youth with their families and to encourage the resolution of intrafamily problems through counseling and other services;
- To strengthen family relationships and to encourage stable relationships for youth; and
- To help youth decide upon constructive courses of action.

**Background:** The Runaway Youth Act was enacted in response to widespread concern regarding the alarming number of youth who were leaving home without parental permission, crossing State lines, and who, while away from home, were exposed to exploitation and other dangers of street life.

Each Basic Center funded under the authorizing legislation is required to provide outreach to runaway and homeless youth; temporary shelter for up to fifteen days; food; clothing; individual, group, and family

counseling; and related services. Many Basic Centers provide their services in residential settings with a capacity for no more than 20 youth. Some centers also provide some or all of their shelter services through host homes (usually private homes under contract to the centers), with counseling and referrals being provided from a central location.

Currently, approximately 60,000 youth annually receive both shelter for an average of 12 nights and other ongoing services through ACYF-funded Basic Center programs. The presenting problems of these youth include conflict with parents or other adults, including physical and sexual abuse (63 percent); other family crises such as divorce, death, or sudden loss of income (9 percent); personal problems such as drug use, or problems with peers, school attendance and truancy, bad grades, inability to get along with teachers, and learning disabilities account for the remainder of the total (28 percent).

Low self-esteem is a major problem among this population. Half (49 percent) have a poor self image; somewhat less than half (43 percent) are depressed; and 12 percent are possibly suicidal.

After receiving ongoing services from shelter programs, 50 percent of the youth return to their families. One-third (33 percent) are provided alternative, but safe, long-term living arrangements. Five percent return to the streets, and 12 percent leave the centers with no known destination.

**Minimum Requirements for Project Design:** As part of addressing the evaluation criteria outlined in Part II of this announcement, each applicant must address the following items in the program narrative section of their application.

#### Objectives and Need for Assistance

- Applicant must specify the goals and objectives of the program and how implementation will fulfill the purposes of the legislation identified in Part I, section C.1. of this announcement.
- Applicant must describe the conditions of youth and families in the area to be served, with an emphasis on the incidence and characteristics of runaway and homeless youth and their families. The discussion must consider matters of family functioning, along with the health, education, employment, and social conditions of the youth, including at-risk conditions or behaviors such as drug use, school failure, and delinquency.
- Applicant must discuss the existing support systems for at-risk youth and families in the area, with specific references to law enforcement, health and mental health care, social services,

school systems, and child welfare. In addition, other agencies providing shelter and services to runaway and homeless youth in the area must be identified.

- Within the context of the existing support systems, applicant must demonstrate the need for the center and indicate the objectives that the program would work toward fulfilling.

- Applicant must describe the area to be served by the proposed center, and must demonstrate that the center is or will be located in an area which is frequented by and/or easily accessible by runaway and homeless youth.

#### Results and Benefits Expected

- Applicant must specify the numbers of runaway and homeless youth and their families to be served, the number of beds available for runaway and homeless youth and the types and quantities of services to be provided.

- Applicant must describe the anticipated changes in attitudes, values and behavior, and improvements in individual and family functioning that will occur as a consequence of the services provided by the center.

- Applicant must discuss the expected impact of the project on the availability of services to runaway and homeless youth in the local community and indicate how the project will enhance the organization's capacity to provide services that address the needs of runaway and homeless youth in the community.

#### Approach

- Applicant must describe how runaway and homeless youth and their families will be reached, and how services will be provided in compliance with the Program Performance Standards listed in Part VI, Appendix A.

- Applicant must describe the center's philosophy regarding the provision of services to runaway and homeless youth and the involvement of the youth's parents or legal guardians in these services.

- Applicant must include detailed plans for implementing direct services based upon identified goals and objectives. Applicant must identify the strategies that will be employed and the activities that will be implemented, including innovative approaches to securing appropriate center services for the runaway and homeless youth to be served, for involving family members as an integral part of the services provided, for periodic review and assessment of individual cases, and for encouraging awareness of and sensitivity to the particular needs of runaway and

homeless youth who are members of ethnic and racial minority groups and/or who are street youth.

- Applicant must describe the center's plans for conducting an outreach program that, where applicable, will attract members of ethnic and racial minorities and/or persons with limited ability to speak English.
- Applicant must describe the center's plans and procedures for intake and assessment of the youth upon arrival at the center.
- Applicant must describe the center's plans for contacting the parents or other relatives of the youth they serve, for ensuring the safe return of the youth to their parents, relatives or legal guardians if it is in their best interests, for contacting local governments pursuant to formal or informal arrangements established with such officials, and for providing alternative living arrangements when it is not safe or appropriate for the youth to return home.
- Applicant must describe the type of shelter that will be available, the shelter capacity of the center and the system of staff supervision to be implemented in the shelter.
- Applicant must describe the center's plans for ensuring proper coordination with law enforcement personnel, health and mental health care personnel, social service personnel, and welfare personnel.
- Applicant must describe the center's plans for ensuring coordination with the schools to which runaway and homeless youth will return, and for assisting the youth to stay current with the curricula of these schools.
- Applicant must describe the center's procedures for dealing with youth who have run from foster care placements.
- Applicant must describe procedures for dealing with youth who have run from correctional institutions, and must show that procedures are in accordance with Federal, State and local laws.
- Applicant must describe the center's plans and procedures for providing aftercare services and for ensuring, whenever possible, that aftercare services will also be provided to those youth who are returned beyond the State in which the center is located.
- Applicant must agree to gather and submit program and client data required by FYSB's Management Information System (MIS). While the computer software and training for the implementation of the MIS will be provided by FYSB to grantees, applicant should include a request for funds in its

budget for any computer equipment needed for implementation of the MIS.

- Applicant must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families.

#### **Staff Background and Organizational Experience**

- As priority for funding will be given to agencies and organizations that have documented experience in establishing and operating centers that provide direct services to runaway and homeless youth, applicant must include a brief description of the organization and its experience in providing services to this client population.
  - Applicant must include a description of current and proposed staff skills and knowledge regarding runaway and homeless youth and indicate how staff will be utilized in achieving the goals and objectives of the program. Information on proposed staff training and brief résumés or job descriptions may be included.
  - Applicant must describe procedures for maintaining confidentiality of records on the youth and families served. Procedures must insure that no information on the youth and families is disclosed without the consent of the individual youth, parent or legal guardian. Disclosures without consent can be made to another agency compiling statistical records if individual identities are not provided or to a government agency involved in the disposition of criminal charges against an individual runaway or homeless youth.
  - Applicant must describe how the project has established or will establish formal service linkages with other social service, law enforcement, educational, housing, vocational, welfare, legal service, drug treatment and health care agencies in order to ensure appropriate referrals for the project clients when needed.
  - Applicant must describe how community and other support will be secured to continue the project at the conclusion of the Federal grant period.
- #### **Budget Appropriateness**
- Applicant must discuss and justify the costs of the proposed project in terms of numbers of youth and families to be served, types and quantities of services to be provided, and the anticipated outcomes for the youth and families.
  - The applicant must describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement, and

accurate accounting of funds received under this program announcement.

**Duration of Project:** This announcement solicits applications for Basic Center projects of up to three years (36 month project periods). Grant awards, made on a competitive basis, will be for a one year (12-month) budget period. Applications for continuation grants beyond the one-year budget period, but within the 36 month project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

**Federal Share of Project Costs:** Priority will be given to applicants which apply for less than \$200,000 per year. The maximum Federal share for a 3-year project period is \$600,000.

**Applicant Share of Project Costs:** The Runaway and Homeless Youth Act requires a non-Federal matching requirement of ten percent of the total Federal funds awarded. For example, a project requesting \$300,000 in Federal funds over a three year project period (based on an award of \$100,000 per twelve month budget period) must include a match of at least \$30,000 (10% of the Federal share).

#### **B. Drug Abuse Education and Prevention Program for Runaway and Homeless Youth (DAPP)**

**Eligible Applicants:** Any State, unit of local government (or combination of units of local government), public or non-profit private agency, organization, institution, or other non-profit entity is eligible to apply for these funds. Federally recognized Indian Tribes are eligible to apply for DAPP grants. Non-Federally recognized Indian Tribes and urban Indian organizations are also eligible to apply for grants as private, non-profit agencies.

Grantees (including subgrantees) with current DAPP grants who are eligible to apply for continuation funding in FY 1993 may not apply for a new DAPP grant under this announcement. Applicants may refer to Part VI, Appendix D.3 for a listing of current grantees which are ineligible for grants under this priority area.

Priority for funding will be given to agencies and organizations that have documented experience in providing direct services to runaway and homeless youth.

**Program Purpose Goals and Objectives:** The Administration on Children, Youth and Families will award approximately 35-45 new grants to support services within a community

to maintain, improve and/or expand drug abuse prevention, early intervention, and reduction of drug dependency services to runaway and homeless youth and their families. Applications are solicited under this priority area to carry out direct service projects designed to address the issue of drug abuse among runaway and homeless youth in the applicant's community as required by the goals and objectives set forth in the legislation and specified in Part I, section C.2 of this announcement.

Activities that may be maintained, improved and/or expanded through a DAPP grant include, but are not necessarily limited to:

- Improving networking and service coordination to increase the availability of services to runaway and homeless youth;
- Expanding outreach activities, particularly street-based outreach programs;
- Providing individual, family, group, and/or peer prevention and intervention counseling related to alcohol and other drug use;
- Strengthening intake and assessment procedures for substance abuse at runaway and homeless youth shelters;
- Coordinating services with drug treatment facilities and making referrals to treatment that are geared to the runaway and homeless youth population;
- Providing aftercare and follow-up services to runaway and homeless youth with substance abuse problems who have received shelter;
- Increasing staff knowledge and skills related to working with runaway and homeless youth with substance abuse problems by improving or accessing training opportunities;
- Improving programming to address the unique cultural needs and concerns of minority runaway and homeless youth;
- Involving and educating parents, siblings and peers of runaway and homeless youth receiving drug abuse prevention services;
- Developing and implementing programs designed to reduce drug involvement among the target population by improving coping skills and reducing stress factors arising from such problems as homelessness, family dysfunction, and peer pressure; and
- Establishing linkages with community mental health programs that will provide comprehensive substance abuse counseling to runaway and homeless youth.

Efforts that will not be funded under this priority area include technical

assistance, research and demonstration projects on illicit drug use by runaway and homeless youth, and the direct provision of drug treatment services such as those services provided in a medical setting or by medical personnel.

This priority area is specifically targeted to runaway and homeless youth. Potential applicants interested in providing drug abuse prevention services to high-risk youth other than those who are runaways or homeless are encouraged to contact the Center for Substance Abuse Prevention (CSAP). For information on CSAP grant programs and other drug abuse prevention resources, applicants should contact the National Clearinghouse for Alcohol and Drug Information, P.O. Box 2345, Rockville, Maryland 20852, 1-800-487-4890.

**Background:** The abuse of drugs has had an increasingly severe impact on runaway and homeless youth. Reports from shelters which serve this client population indicate a growing drug abuse problem. In 1988, 15.4 percent of the youth entering shelters indicated a personal drug abuse problem. In addition, 16.6 percent of the youth entering shelters reported that their reason for running away was parental drug and/or alcohol abuse.

A 1990 survey, conducted by the National Network of Runaway and Youth Services, of 185 community-based agencies that serve runaway and homeless youth found substance abuse to be the leading health problem among the youth served. Several other studies reveal that the incidence of substance abuse among runaway and homeless youth in large urban areas is significantly greater than the rate of abuse among other adolescents. The prevalence of the problem is underscored by the fact that not only are youth-serving agencies in major urban areas reporting an increase in drug use among their client population, but that providers in small towns and rural communities also are finding that more than half of their clients are reporting drug abuse as a primary problem.

While several studies provide some evidence of alcohol and drug abuse decline in the general youth population, recent locally based studies indicate that this is not the trend among the runaway and homeless youth population. There is a marked increase in the use of alcohol and other dangerous and addictive drugs such as cocaine and its derivative, crack. Alcohol use among the younger adolescent population is also on the increase.

This population's circumstances require more detailed and focused

approaches to prevention and drug reduction services than those provided by traditional approaches. Many runaway and homeless youth have already experimented with, or become frequent users of, one or more drugs and need effective programs which help them understand drug use problems and teach them the decision-making skills they need to help them decide to maintain a drug-free lifestyle.

The Drug Abuse Education and Prevention Program (DAPP) provides Federal assistance to more comprehensively address the problem of drug involvement among runaway and homeless youth. Since the program's inception in 1989, ACYF has awarded approximately \$53 million in discretionary grants to approximately 250 agencies and organizations located throughout the United States, including Puerto Rico and the Virgin Islands. These awards were made to support a wide variety of locally determined project designs which address the problem of drug involvement among runaway and homeless youth.

While varying degrees of success have been reported by DAPP grantees, many of the most promising programs have implemented one or more of the following components:

- Candid discussions between youth and street-wise peer counselors and/or recovering youth substance abusers who can discuss addiction and recovery from their personal experience;
- Sessions in which youth obtain accurate facts on any and all aspects of substance abuse and treatment;
- Presentation of decision-making and self-assertiveness skills and techniques that assist youth in making independent choices and avoiding drug involved friends and environments;
- Counseling and/or other strategies for helping youth to understand both the underlying causes of drug use and the effect of drugs on them, their family, their peers and their community;
- Educational information that portrays the consequences of overdosing, the effects of drug withdrawal, and the increased chances of contracting the HIV virus and AIDS; and
- The provision of specific and realistic information on various treatment options that are available, assistance enrolling in such programs and appropriate follow-up by the service provider.

**Minimum Requirements for Project Design:** As a part of addressing the evaluation criteria outlined in Part II of this announcement, each applicant must address the following items in the



program narrative section of their application.

#### Objectives and Need for Assistance

- Applicant must specify the goals and objectives of the program and how implementation will fulfill the requirements of the legislation identified in Part I, section C.2 of this announcement.
- Applicant must discuss the rate of illicit drug use by juveniles, specifically addressing the issue and incidence of runaway and homeless youth in the community(ies) to be served and the availability (or lack) of services for runaway and homeless youth in those communities.
- Applicant must identify the extent to which the proposed projects or activities will provide services in geographic areas where similar services are unavailable or in short supply.
- Applicant must demonstrate an understanding of the issues related to alcohol and other drug abuse among runaway and homeless youth and the provision of services to that population.

#### Results and Benefits Expected

- Applicant must identify the number of runaway and homeless youth and their families to be served, the types and quantities of services to be provided and how units of service will be defined and measured.
- Applicant must discuss how the project will enhance or increase the capacity of the applicant to provide services to address the illicit use of alcohol and other drugs by runaway and homeless youth.
- Applicant must describe the extent to which the project will maintain, increase or improve the community's level of services and/or the coordination of services for runaway and homeless youth.
- Applicant must discuss the expected impact of the project on the availability of services to homeless youth in the local community and indicate how the project will enhance the organization's capacity to provide services to address youth homelessness in the community.

#### Approach

- Applicant must describe how the program will maintain, improve, and/or expand direct alcohol and other drug abuse prevention, intervention and reduction services in their community.
- Applicant must include detailed plans for implementing direct services based upon identified goals and objectives. Applicant must identify the strategies that will be employed and the activities that will be implemented,

including innovative approaches to securing appropriate drug treatment services for the runaway and homeless youth to be served, for involving family members as an integral part of services provided, and for encouraging awareness of and sensitivity to the particular needs of runaway and homeless youth who are members of ethnic and racial minority groups and/or who are street youth.

- Applicant must identify, when appropriate, the short-term prevention and intervention strategies that they will use with runaway and homeless youth in temporary emergency shelters and explain the follow-up efforts to be implemented with the youth once he or she has left the shelter.
- Applicant must discuss how the proposed project will be integrated with other services to runaway and homeless youth that are provided by the applicant or that are available in the community. In addition, applicant is encouraged to show evidence of collaboration with other agencies in the development of a comprehensive approach to service delivery for runaway and homeless youth. Applicant must identify the organizations with which they will work and describe the contributions of these organizations to the project. A letter of commitment that indicates the level of responsibility and involvement must be included for each participating agency.
- Applicant must identify and explain how the program will provide alcohol and other drug abuse prevention services to address the particular needs of runaway and homeless youth who are members of ethnic and racial minority groups, persons with limited ability to speak English and/or who are street youth.
- Applicant must discuss the extent, if any, to which the project will incorporate new or innovative techniques.
- Applicant must discuss plans for evaluating the project, including assessing the outcomes and accomplishments of the program and the service delivery models being implemented.
- Applicant must describe how the activities implemented under this project will be continued by the agency once Federal funding for the project has ended.
- Applicant must agree to gather and submit program and client data required by FYSB's Management Information system (MIS). While the computer software and training for the implementation of the MIS will be provided by FYSB to grantees, applicant should include a request for funds in its

budget for any computer equipment needed for implementation of the MIS.

- Applicant must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families.

#### Staff Background and Organizational Experience

- As priority for funding will be given to agencies and organizations that have documented experience in providing direct services to runaway and homeless youth, applicant must include a brief description of the organization and its experience in providing services to this client population.
- Applicant must include a brief description of current and proposed staff skills and knowledge regarding runaway and homeless youth and indicate how staff will be utilized in achieving the goals and objectives of the program. Information on proposed staff training and brief resumes or job descriptions may be included.
- Applicant must describe procedures for maintaining confidentiality of records on the youth and families served. Procedures must insure that no information on the youth and families is disclosed without the consent of the individual youth, parent or legal guardian. Disclosures without consent can be made to another agency compiling statistical records if individual identities are not provided or to a government agency involved in the disposition of criminal charges against and individual runaway or homeless youth.

#### Budget Appropriateness

- Applicant must discuss and justify the costs of the proposed project in terms of numbers of youth and families to be served, types and quantities of services to be provided, and the anticipated outcomes for the youth and families.
  - The applicant must describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement, and accurate accounting of funds received under this program announcement.
- Duration of Project:* This announcement solicits applications for Drug Abuse Prevention Projects of up to three years (36-month project periods). Grant awards, made on a competitive basis, will be for a one year (12-month) budget period. Applications for continuation grants beyond the one-year budget period, but within the 36 month project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the



grantee and determination that continued funding would be in the best interest of the government.

**Federal Share of Project Costs:** Up to \$100,000 per year, which equals a maximum Federal share of \$300,000 for a 3-year project period.

**Applicant Share of Project Costs:** Grantees must provide at least 25 percent of the total approved cost of the project. The total 25 percent of the total approved cost of the project is the sum of the Federal share and the non-Federal share. For example, a project requesting \$300,000 in Federal funds over a three year project period (based on an award of \$100,000 per twelve month budget period) must include a match of at least \$100,000 (25% of the total approved cost of the project).

### C. Transitional Living Program for Homeless Youth (TLP)

**Eligible Applicants:** Eligible applicants for a TLP grant under this announcement include States, units of local government (or a combination of units of local government), public or non-profit, private agency organizations, institutions or other non-profit entities. Federally recognized Indian Tribes are eligible to apply for TLP grants. Non-Federally recognized Indian Tribes and urban Indian organizations are also eligible to apply for grants as private, non-profit agencies.

Grantees (including subgrantees) with current TLP grants which are eligible to receive continuation funding in FY 1994 may not apply for a new TLP grant under this announcement. Applicants may refer to Part VI, Appendix D.2 for a listing of current grantees which are ineligible for grants under this priority area.

As required by runaway and homeless youth legislation, priority for funding will be given to agencies with demonstrated experience in providing direct services to runaway and homeless youth.

**Program Purpose, Goals and Objectives:** The Administration on Children, Youth and Families will award approximately 30-35 new service grants to provide shelter, skill training and support services to assist homeless youth in making a smooth transition to self-sufficiency and to prevent long-term dependency on social service. Applications are solicited under this priority area to carry out direct service projects designed to carry out the program purpose, goals and objectives set forth in the legislation and as specified in Part I, section C.3 of this announcement.

Funds available under Part B of the Runaway and Homeless Youth Act are to be used to enhance the capacities of youth-serving agencies in local communities to effectively address the service needs of homeless older adolescents and young adults. Activities that may be maintained, improved and/or expanded through a TLP grant must include, but are not necessarily limited to:

- Providing stable, safe living accommodations while a homeless youth is a program participant;
- Providing the services necessary to assist homeless youth in developing both the skills and personal characteristics needed to enable them to live independently;
- Providing education, information and counseling aimed at preventing, treating and reducing substance abuse among homeless youth;
- Providing homeless youth with appropriate referrals and access to medical and mental health treatment; and
- Providing the services and referrals necessary to assist youth in preparing for and obtaining employment.

**Background:** It is estimated that about one-fourth of the youth served by all runaway and homeless youth programs are homeless. This means that many of the youth served cannot return home or to another safe living arrangement with a relative. Other homeless youth have "aged out" of the child welfare system and are no longer eligible for foster care.

These young people are often homeless through no fault of their own. The families they can no longer live with are often physically and sexually abusive and involved in drug and alcohol abuse. They cannot provide the youth with their basic human needs (shelter, food, clothing), let alone the supportive and safe environment needed for the healthy development of self-image and the skills and personal characteristics which would enable them to mature into a self-sufficient adult.

Homeless youth, lacking a stable family environment and without social and economic supports, are at high risk of being involved in dangerous lifestyles and problematic or delinquent behaviors. More than two-thirds of homeless youth served by ACYF-funded programs report using drugs or alcohol and many participate in survival sex and prostitution to meet their basic needs.

Homeless youth are in need of a support system that will assist them in making the transition to adulthood and independent living. While all adolescents are faced with adjustment

issues as they approach adulthood, homeless youth experience more severe problems and are at greater risk in terms of their ability to successfully make the transition to independent living.

Homeless youth have been a population eligible to receive services under the Runaway and Homeless Youth Act since 1978, but the service goals for homeless youth are different from those of runaways. For example, family reunification, though desirable, is typically not feasible for homeless youth. In many instances, programs serving the homeless populations are able to provide only limited assistance to homeless youth, whose needs are more complex and longer-term than those of runaway youth.

The Transitional Living Program for Homeless Youth specifically targets services to homeless youth and affords youth service agencies with an opportunity to serve homeless youth in a manner which is comprehensive and geared towards ensuring a successful transition to self-sufficiency. The TLP also improves the availability of comprehensive, integrated services for homeless youth, which reduces the risks of exploitation and danger to which these youth are exposed while living on the streets without positive economic or social supports.

**Minimum Requirements for Project Design:** As a part of addressing the evaluation criteria outlined in Part II of this announcement, each applicant must address the following items in the program narrative section of their application.

### Objectives and Need for Assistance

- Applicant must specify the goals and objectives of the program and how the implementation of the objectives will fulfill the requirements of the legislation identified in Part I, section C.3. of this announcement.
- Applicant must discuss the issue of youth homelessness in the community to be served, the present availability of services for homeless youth and provide documentation of the incidence of homeless youth.
- Applicant must describe the system that will be used to ensure that individual clients will meet the eligibility criteria of need for service as established by the Act. This may include a discussion of the intake and assessment activities which will be conducted with a client prior to acceptance into the TLP project. The applicant is encouraged to include samples of any forms to be used to determine eligibility and appropriate services.

### Results and Benefits Expected

- Applicant must describe how homeless youth will be reached and identify the number who will be served annually on both a residential and non-residential basis.

- Applicant must provide information on the expected results and benefits of the program in terms of the number of youth who will successfully complete the program as well as potential problems or barriers to program implementation that might be possible reason(s) for non-success. Applicant must also discuss the organization's policy on termination and re-entry of youth out of and into the program.

- Applicant must discuss the expected impact of the project on the availability of services to homeless youth in the local community and indicate how the project will enhance the organization's capacity to provide services to address youth homeless in the community.

### Approach

- Applicant must discuss how they will implement the statutory requirements of the Act. Specifically, the applicant must describe plans for the provision of shelter and services and for program administration.

#### Shelter: Applicant must:

- Assure that shelter is provided through one or a combination of the following:

- a) a group home facility;
- b) family host homes; or
- c) supervised apartments.

Applicant must indicate if the shelter will be provided directly or indirectly. When shelter will be provided indirectly, applicant must submit copies of formal written agreements with service providers regarding the terms under which shelter is provided.

- Assure that the facility used for housing, whether a shelter, host family home and/or supervised apartment, shall accommodate no more than 20 youth at any given time; shall have a sufficient number of staff to ensure on-site supervision at each shelter option that is not a family home including periodic, unannounced visits from project staff; and is in compliance with State and local licensing requirements;

- Assure, if applicable, that the applicant meets the requirements of the RHY Act for the lease of surplus Federal facilities for use as transitional living shelter facilities. Each surplus Federal facility used for this purpose must be made available for a period not less than two years, and no rent or fee shall be charged to the applicant in connection

with use of such a facility. Any structural modifications or additions to surplus Federal facilities become the property of the government of the United States. All such modifications or additions may be made only after receiving prior written consent from the appropriate Department of Health and Human Services official.

**Services:** Applicant must include a description of the core services to be provided. The description must include the purpose and concept of the service, its role in both the overall program design and the individual client TLP plan. The service to be provided must include, but are not necessarily limited to, the following:

- Basic life skills information and counseling, including budgeting, money management, use of credit, housekeeping, menu planning and food preparation, consumer education, leisure-time activities, transportation, and obtaining vital documents (Social Security card, birth certificate).

- Interpersonal skill building, such as developing positive relationships with peers, and adults, effective communication, decisionmaking, and stress management.

- Educational advancement, such as GED preparation and attainment, post-secondary training (college, technical school, military, etc.), and vocational education.

- Job preparation and attainment, such as career counseling, job preparation training, dress and grooming, job placement and job maintenance.

- Mental health care, such as counseling (individual and group), drug abuse education, prevention and referral services, and mental health counseling.

- Physical health care, such as routine physicals, health assessments, family planning/parenting skills, and emergency treatment.

- The substantive participation of youth in the assessment of their needs and in decisions about the services to be received.

#### Administration: Applicant must:

- Describe the procedures to be employed in the development, implementation and monitoring of an individualized, written transitional living plan for each program client which addresses the provisions of services, and is appropriate to the individual needs of the client.

- Assure that the clients will substantively participate in the assessment of their needs and in decisions about the services to be received.

- Assure that the outreach programs to be established are designed to attract

individuals who are eligible to participate in the project.

- Provide an assurance that housing and services will be available to a client for a continuous period not to exceed 540 days (18 months).

- Describe the methods to be employed in collecting statistical records and evaluative data and for submitting annual reports on such information to the Department of Health and Human Services.

- Describe how the applicant will ensure the confidentiality of client records.

- Applicant must describe how the activities implemented under this project will be continued by the agency once Federal funding for the project has ended.

- Applicant must agree to gather and submit program and client data required by ACYF's Management Information System (MIS). While the computer software and training for the implementation of the MIS will be provided by FYSB to grantees, applicant should include a request for funds in its budget for any computer equipment needed for implementation of the MIS.

- Applicant must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families.

### Staff Background and Organizational Experience

- As priority for funding will be given to agencies and organizations that have documented experience in providing direct services to homeless youth, applicant must include a brief description of the organization and its experience in providing services to this specific client population.

- Applicant must include a description of current and proposed staff skills and knowledge regarding homeless youth and indicate how staff will be utilized in achieving the goals and objectives of the program.

Information on proposed staff training and brief resumes or job descriptions may be included.

- Applicant must describe how the project has established or will establish formal service linkages with other social service, law enforcement, educational, housing, vocational, welfare, legal service, drug treatment and health care agencies in order to ensure appropriate referrals for the project clients where and when needed.

- Applicant must describe procedures for maintaining confidentiality of records on the youth and families served. Procedures must insure that no information on the youth and families is disclosed without the consent of the

individual youth, parent or legal guardian. Disclosures without consent can be made to another agency compiling statistical records if individual identities are not provided or to a government agency involved in the disposition of criminal charges against an individual runaway or homeless youth.

#### Budget Appropriateness

- Applicant must discuss and justify the costs of the proposed project in terms of numbers of youth to be served, the types and quantities of services to be provided, and the anticipated outcomes for the youth.

- Applicant must describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement, and accurate accounting of funds received under this program announcement.

- Applicant must describe how cost-effective use of TLP funds will be ensured by taking maximum advantage of existing resources within the State which would help in the operation or coordination of a TLP, including those resources which are supported by Federal Independent Living Initiatives funds. Also, applicant must describe efforts to be undertaken over the length of the project which may increase non-Federal resources available to support the TLP.

**Duration of Project:** Because successful applicants will receive grants with funds appropriated by Congress for FY 1994, project periods for these new awards will begin when FY 1994 funds are appropriated and made available to ACYF, but in no case will they begin prior to October 1, 1993.

This announcement solicits TLP applications for projects of up to three years (36 month project periods). Grant awards, made on a competitive basis, will be for a one year (12-month) budget period. Applications for continuation grants beyond the one-year budget period, but within the 36 month project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

**Federal Share of Project Costs:** Up to \$200,000 per year, which equals a maximum of \$600,000 for a 3-year project period.

**Applicant Share of the Project:** The Runaway and Homeless Youth Act requires a non-Federal matching requirement of ten percent of the total Federal funds. For example, a project requesting \$600,000 in Federal funds

over a three year project period (based on an award of \$200,000 per twelve month budget period) must include a match of at least \$60,000 (10% of the Federal share).

#### D. Runaway and Homeless Youth Demonstration Projects: Services to Youth in Rural Areas

**Eligible Applicants:** States, localities and private entities (and combinations of such entities) are eligible to apply for demonstration grants designed to increase knowledge concerning, and to improve services for, runaway and homeless youth.

**Program Purpose, Goals and Objectives:** The Administration on Children, Youth and Families expects to fund from three to six grants to demonstrate innovative models for the provision of runaway and homeless youth services in rural areas, including Indian reservations. These models will build on the strengths and address the unique needs of youth in rural communities and employ effective methods for making services accessible to youth without setting up expensive service agencies in sparsely populated areas.

The grants will result in a written description of the service models implemented, the identification of issues related to model implementation, information on youth and program outcomes and program products and reports useful to other organizations interested in implementing services to runaway and homeless youth in rural areas.

**Background:** Studies on runaway and homeless youth tend to focus on youth in large urban areas. However, most youth do not run beyond 50 miles from home and often end up in shelters in the same community or county as their legal residence. Not all these youth migrate to large metropolitan areas as the media suggests (Schatz and Mallea, 1991). Homeless and runaway youth are as likely to be found in rural areas as in large, urban areas.

Research indicates that the majority of homeless and runaway youth leave home in reaction to multiple family problems. This is also true of rural areas. Sexual and physical abuse, family violence, drug and alcohol abuse and addiction, deprivation and parental neglect are not simply urban problems. Compounding the problem is the fact that preventive services and shelters in rural areas are limited and often inaccessible. In addition, geographic distances, low population density and lack of qualified staff, staff training and referral services make it difficult to assist youth and families.

There is a need to identify, develop and adapt innovative models for the provision of a continuum of care in rural areas where the incidence of runaway and homeless youth is not sufficient to warrant allocating scarce resources to the funding of a separate, autonomous shelter program. The services needed for runaway and homeless youth include crisis intervention, emergency shelter, counseling, referral services, prevention programs, housing, health care, transportation and recreation. Strategies that lead to the provision of this care in rural areas might include a telecommunication system that youth can use to access shelter as well as medical, mental health, and social service consultation; the promotion of available services through the use of the media including newspapers, radio and television; strategies to access needed transportation for youth in rural settings; a system of emergency shelters that might include host home networks, satellite centers and/or mobile vans; and innovative training methods for increasing staff knowledge and skills related to working with runaway and homeless youth.

**Minimum Requirements for Project Design:** As a part of addressing the evaluation criteria outlined in Part II of this announcement, each applicant must address the following items in the program narrative section of their application.

#### Objectives and Need for Assistance

- Applicant must provide a detailed discussion of the emerging or current problems and issues related to runaway and homeless youth in the rural areas to be served. Applicant must provide information on the incidence of runaway and homeless youth in the area and describe the specific reasons why rural youth run away or are homeless.

- Applicant must describe the geographic area to be targeted in terms of its distinctive features and the youth populations to be served. Provide a description of the approach that addresses the unique setting and needs of runaway and homeless youth in rural areas.

- Applicant must describe how the project will address the availability and accessibility of services and programs for youth in rural areas. Applicant must discuss specific barriers to services for these youth, such as lack of transportation, and describe how these needs will be met through this project.

- Applicant must discuss the program's goals and objectives and identify innovative aspects of the proposal, including how it builds on or

differs from past efforts to serve rural youth.

#### Results and Benefits Expected

- Applicant must estimate the number, age, ethnic and family backgrounds, and presenting problems of the youth to be served and the results expected from the services provided.
- Applicant must describe how the proposed demonstration effort will result in the provision of more effective and efficient local service provision to runaway and homeless youth in rural areas in the future.
- Applicant must describe models, evaluation findings, program materials and products, etc. that will be developed by the project to facilitate replication and utilization of the effort in other communities.

#### Approach

- Applicant must indicate how the demonstration effort will build on knowledge of existing models, research and evaluation findings related to serving runaway and homeless youth in rural areas, and must describe the innovative methods that will be developed and implemented under this project.
- Applicant must describe the proposed demonstration effort in detail, including strategies and activities for implementing the program goals and objectives and dealing with the problems and issues inherent in serving runaway and homeless youth in rural areas.
- Applicant must provide a detailed description of the efforts that will be carried out by the applicant directly and those efforts to be carried out in conjunction with other agencies. Discuss how this project will improve networking, linkages and services through formal collaboration with other youth-serving agencies to increase the availability of services to runaway and homeless youth.
- Applicant must provide letters of commitment or support from other agencies that includes details on their experience working with the target population and their roles and responsibilities in this effort.
- Applicant must provide evidence that the proposed activities are appropriate and culturally relevant for the target population to be served.
- Applicant must describe how the activities implemented under this project will be continued by the agency once Federal funding for the project has ended.
- Applicant must describe the program evaluation methodology that will be used to examine the program

implementation process as well as the impact of the project's activities on the clients served. Applicant is encouraged to use an outside evaluator and to set aside approximately five percent of the Federal funds for the evaluation effort.

- Applicant must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families.

#### Staff Background and Organizational Experience

- As priority for funding will be given to agencies and organizations that have documented experience in providing direct services to runaway and homeless youth, applicant must include a description of the organization and its experience in providing services to this client population.
- Applicant must describe current and proposed staff skills and knowledge regarding runaway and homeless youth and indicate how staff will be utilized in achieving the goals of the program. Information on proposed staff training and resumes or job descriptions may be included.
- Applicant must clearly define the roles and provide a job description of the staff who will be working directly with the youth.
- Applicant must describe procedures for maintaining confidentiality of records on the youth and families served. Procedures must ensure that no information on the youth and families is disclosed without the consent of the individual youth, parent or legal guardian. Disclosures without consent can be made to another agency compiling statistical records if individual identities are not provided or to a government agency involved in the disposition of criminal charges against an individual runaway or homeless youth.

#### Budget Appropriateness

- Applicant must discuss and justify the costs of the proposed project in terms of numbers of youth and families to be served, the types and quantities of services provided, and the anticipated outcomes for the youth and families.
  - The applicant must describe the fiscal control and accounting procedures that will be used to ensure the prudent use, proper disbursement, and accurate accounting of funds received under this program announcement.
- Duration of Project.* This announcement solicits applications for demonstration projects of up to three years (36 month project periods). Grant awards, made on a competitive basis, will be for a one year (12-month) budget

period. Applications for continuation grants beyond the one-year budget period, but within the 36 month project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

*Federal Share of Project Costs:* Up to \$200,000 per year which equals a maximum of \$600,000 for a 3-year project period.

*Applicant Share of Project Costs:* Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the Federal share and the non-Federal share. For example, a project requesting \$600,000 in Federal funds over a three year project period (based on an award of \$200,000 per twelve month budget period) must include a match of at least \$200,000 (25% of the total approved cost of the project).

#### Part IV. Application Process

##### A. Assistance to Prospective Grantees

Potential grantees can receive informational assistance in developing applications from the appropriate ACF Regional Youth Contacts listed in part VI, appendix F. or from the Administration on Children, Youth and Families in Washington, DC (see address at the beginning of this announcement). Organizations may also receive information and technical assistance in preparing applications from the appropriate Training and Technical Assistance Provider grantee listed in part VI, appendix G.

##### B. Application Requirements

To be considered for a Runaway and Homeless Youth grant, each application must be submitted on the forms provided at the end of this announcement (see Part VI, section I of this announcement) and in accordance with the guidance provided herein. The application must be signed by an individual authorized both to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

Applicants applying for grants under more than one program (Basic Center, Drug Abuse Prevention, Transitional Living Programs and/or Demonstration Projects) must submit a separate and complete application for each program and must identify the relevant Priority Area on Form 424, Item #11. Although coordination among program



components is encouraged, applications that combine an application for more than one grant program in a single proposal will not be reviewed.

All applicants must indicate in their applications their willingness to fully cooperate in any data collection and research efforts mandated by the Administration for Children and Families.

If more than one agency is involved in submitting a single application, one entity must be identified as the applicant organization which will have legal responsibility for the grant.

#### C. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record-keeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications by OMB.

#### D. Notification Under Executive Order 12372

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the E.O., States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Oklahoma, Oregon, Pennsylvania, Virginia, Washington, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these fourteen jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants must contact their SPOCs as soon as possible to alert them to the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this

submission (or date of contract if no submission is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they must be addressed to: Runaway and Homeless Youth Programs, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341-F.2, Hubert H. Humphrey Building, Washington, DC 20201. Attn: William J. McCarron.

A list of the Single Points of Contact for each State and Territory is included as part VI, appendix H of this announcement.

#### E. Availability of Forms and Other Materials

A copy of the forms required to be submitted as part of each application for a runaway and homeless youth grant, and instructions for completing the application, are provided in part VI, appendix I. The Basic Center Program Performance Standards as well as descriptions of the National Runaway Switchboard and the National Clearinghouse on Runaway and Homeless Youth are presented in part VI, appendices A, B and C. Addresses of the State Single Points of Contact (SPOCs) to which applicants must submit review copies of their proposals are listed in part VI, appendix H.

Legislation referenced in Part I, section B of this announcement may be found in major public libraries and at the ACF Regional Offices listed in part VI, appendix F at the end of this announcement.

Additional copies of this announcement may be obtained from the ACF Regional Offices or by calling the telephone number listed at the beginning of this announcement. Further general information may be obtained from the Training and Technical Assistance Providers listed in part VI, appendix G.

#### F. Application Consideration

All applications which are complete and conform to the requirements of this

program announcement will be subject to a competitive review and evaluation process against the specific criteria outlined in Part II of this announcement and the specific Minimum Requirements for Project Design contained in Part III of this announcement. This review will be conducted in Washington, DC by teams of non-Federal experts knowledgeable in the areas of youth development and/or human service programs. Applications for a Basic Center grant will be reviewed competitively only with other applications from the same State. Applications for Drug Abuse Prevention, Transitional Living and Demonstration grants will be reviewed as a part of a national competition.

The non-Federal experts will review the applications based on the Evaluation Criteria listed in Part II of this announcement and the specific Minimum Requirements for Project Design contained in Part III of this announcement and will assign a score to each application. The results of the competitive review will be analyzed by Federal staff who, in consultation with ACF Regional officials, will select those applications to be recommended for funding to the Commissioner, ACYF.

The Commissioner will make the final selection of the applicants to be funded. As required by runaway and homeless youth legislation, priority for funding will be given to agencies with demonstrated experience in providing direct services to runaway and homeless youth. However, current grantees ending a three-year funding period, and applying as a new applicant for funds under this program announcement, are reminded that when the current project period ends so does the funding agency's obligation for future awards. As in past program announcements, Criterion 3, Approach, requires applicants to discuss how their project will be maintained after termination of Federal support.

In addition to scores assigned by non-Federal reviewers, consideration also will be given to adequate geographic distribution of services and the Commissioner may show preference for applications proposing services in areas that would not otherwise be served. The Commissioner also may elect to consider an applicant's past performance in providing services to runaway and homeless youth and also may elect not to fund any applicants having known management, fiscal or other problems which make it unlikely that they would be able to provide effective services.

Grant awards for Basic Center, Drug Abuse Prevention Programs and

Demonstration Projects will be made September 30, 1993. Grant awards for Transitional Living Programs will be made after October 1, 1993. Successful applicants will be notified through the issuance of a Financial Assistance Award which will set forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support will be given, the non-Federal share to be provided, and the total project period for which support is contemplated.

Organizations whose applications will not be funded will be notified of that decision in writing by the Commissioner of the Administration on Children, Youth and Families. Every effort will be made to notify all unsuccessful applicants as soon as possible after final decisions are made, including grantees whose three year project period ends in FY 1993.

#### Part V. Application Assembly and Submission

Applicants applying for more than one runaway and homeless youth grant (Basic Center, Drug Abuse Prevention, Transitional Living and/or Demonstrations) must submit a separate and complete application for each program. Applications that combine more than one program in a single proposal will not be reviewed.

A. *Contents of Application.* Each application must contain the following items in the order listed:

1. Application for Federal Assistance (Standard Form 424, REV 4-88) (page i).
2. Budget Information (Standard Form 424A, REV 4-88) (pages ii-iii).
3. Budget Justification (Type on standard size plain white paper) (pages iv-v).
4. Assurances—Non-Construction Programs (Standard Form 424B, REV 4-88) (pages ix-x).
5. Certification Regarding Lobbying (page xi).
6. Program Narrative Statement (pages 1 and following; 40 pages maximum, double-spaced). **SPECIAL NOTE: APPLICANTS ARE STRONGLY ENCOURAGED TO LIMIT THE PROGRAM NARRATIVE STATEMENT PORTION OF THE APPLICATION TO 40 DOUBLE-SPACED PAGES.**
7. Organizational Capability Statement (pages vi-viii).
8. Supporting Documents (pages SD-1 and following; 10 pages maximum, exclusive of letters of support or agreement).

#### B. *Instructions for Preparing Application Components*

1. Standard Forms 424 and 424A: Follow the instructions in Part VI,

Appendix I. In Item 8 of Form 424, check "New." In Item 10 of the 424, clearly identify the *Catalog of Federal Domestic Assistance* Program Number and Title for the program for which funds are being requested (93.623, Runaway and Homeless Youth Basic Center Program; 93.657, Drug Abuse Prevention Program for Runaway and Homeless Youth; or 93.550, Transitional Living Program for Homeless Youth. Applicants applying for Demonstration Projects must use the number and title for the Runaway and Homeless Youth Basic Center Program, 93.623.

In Item 11 of the 424, identify the Priority Area (IV, A, B, C, D1, D2, D3 or D4) and the program name (Basic Center, Drug Abuse Prevention Program, Transitional Living or a Demonstration Project) which the application is addressing.

2. *Budget Justification:* Provide breakdowns for major budget categories and justify significant costs. List amounts and sources of all funds, both Federal and non-Federal, that will be used for this project.

3. *Standard Form 424B, Certification Regarding Drug-Free Workplace, Certification Regarding Debarment, and Certification Regarding Lobbying.* Of these forms, only the Standard Form 424B and the Certification Regarding Lobbying need to be signed and returned with the application.

4. *Program Narrative Statement:* Use the Evaluation Criteria in Part II as a way to organize the Narrative. Be sure to address all the specifics contained in the appropriate Priority Area Description in Part III, especially the information described under Minimum Requirements for Project Design.

5. *Organizational Capability Statement:* Applicants must provide a description (no more than three pages, double-spaced) of how the applicant agency is organized and the types, quantities and costs of services it provides, including services to clients other than runaway and homeless youth. For the prior year, list all contracts with or funds received from probation and/or welfare agencies. Provide an organizational chart showing any superordinate, parallel, or subordinate agencies to the specific agency that will provide direct services to runaway and homeless youth, and summarize the purposes, clients and overall budgets of these other agencies. If the agency has multiple sites, list these sites. If the agency is a recipient of funds from the Administration on Children, Youth and Families for services to runaway and homeless youth for programs other than that applied for in this application, show how the

services supported by these funds are or will be integrated with the existing services. Discuss the experience of the applicant organization in providing services to runaway and homeless youth.

6. *Supporting Documentation:* The maximum for supporting documentation is 10 pages, double spaced, exclusive of letters of support or agreement. These documents might include resumes, newspaper clippings, evidence of the program's efforts to coordinate youth services at the local level, etc. Documentation over the ten page limit will not be reviewed. Applicants may include as many letters of support or agreement as are appropriate.

#### C. *Application Submission*

To be considered for a grant, each applicant must submit one signed original and two additional copies of the grant application, including all attachments, to the application receipt point specified below. The original copy of the application must have original signatures, signed in *black ink*. Each copy must be stapled (back and front) in the upper left corner. All copies of a single application must be submitted in a single package.

Because each application will be duplicated by the government, do not use or include separate covers, binders, clips, tabs, plastic inserts, maps, brochures or any other items that cannot be processed easily on a photocopy machine with an automatic feed. Do not bind, clip, fasten or in any way separate subsections of the application, including supporting documentation.

#### 1. *Closing Date for the Receipt of Applications*

The closing dates for receipt of applications for the grant programs contained in this announcement are: BC—July 2, 1993; DAPP—July 19, 1993; TLP—August 2, 1993; and RHYD—August 2, 1993.

Applications may be submitted to the following address: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, S.W., room 341-F, Washington, DC 20201. Attn: Maiso Bryant, ACF-92-ACYF/RHYP. (Hand delivered applications will be accepted during the normal working hours of 9 a.m. to 5:30 p.m., Monday through Friday.)

Envelopes containing applications must clearly indicate the specific program that the application is addressing: Runaway and Homeless Youth Basic Center Program (BC), Drug Abuse Prevention Program (DAPP),

Transitional Living Program for Homeless Youth (TLP) or Runaway and Homeless Youth Demonstration Project (RHYD).

## 2. Deadline for Submission of Applications

a. *Deadline.* Applications will be considered as meeting the deadline if they are either:

i. Received on or before the deadline date at the above address, or  
ii. Sent on or before the deadline date and received by the granting agency in time for the independent review under DHHS GAM I-62. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service as proof of timely mailing. Private metered postmarks are not acceptable as proof of timely mailing.)

b. *Late applications.* Applications which do not meet the criteria stated above are considered late applications. The Administration for Children and Families (ACF) will notify each late applicant that its application will not be considered in the current competition.

c. *Extension of deadline.* The granting agency may extend the deadline for all applicants because of acts of God such as earthquakes, floods or hurricanes, etc., or when there is a widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

## 3. Checklist for a Complete Application

- One original application signed in black ink and dated plus two copies;
- A completed SPOC certification with the date of SPOC contact entered in item 16 on page 1 of SF 424, if applicable.
- SF 424 (The original application must have the word "ORIGINAL" hand printed in bold block letters at the top margin of its SF 424.
- SF 424A;
- Budget Justification;
- SF 424B;
- Certification Regarding Lobbying;
- Program Narrative Statement (maximum of 40 double-spaced pages); and
- Organizational Capability Statement (maximum of three pages double-spaced);
- Supporting Documents (maximum of 10 pages double-spaced).

(Catalog of Federal Domestic Assistance Number 93.623, Runaway and Homeless Youth Program; Number 93.657, Drug Abuse Prevention Program for Runaway and Homeless Youth; and Number 93.550, Transitional Living Program for Homeless Youth.)

Dated: May 7, 1993.

Joseph A. Mottola,  
Acting Commissioner, Administration on Children, Youth and Families.

## Part VI. Appendices

### Appendix A. Basic Center Program Performance Standards

#### Program Performance Standards

##### I. Purpose

The Program Performance Standards established by the Bureau for its funded centers relate to the basic program components enumerated in section 317 of the Runaway and Homeless Youth Act and as further detailed in the Regulations and Program Guidance governing the implementation of the Act. They address the methods and processes by which the needs of runaway and homeless youth and their families are being met, as opposed to the outcome of the services provided on the clients served.

The terms "program performance standard," "criterion," and "indicators" are used throughout both the instrument and the instructions. These terms are defined as follows:

*Program Performance Standard:* The general principle against which a judgment can be made to determine whether a service or an administrative component has achieved a particular level of attainment.

*Criterion:* A specific dimension or aspect of a program performance standard which helps to define that standard and which is amendable to direct observation or measurement.

*Indicator:* The specific documentation which demonstrates whether a criterion (or an aspect of a criterion) is being met and thereby the extent to which a specific aspect of a standard is being met.

Fourteen program performance standards, with related criteria, are established by the Bureau for the projects funded under the Runaway and Homeless Youth Act. Nine of these standards relate to service components (outreach, individual intake process, temporary shelter, individual and group counseling, family counseling, service linkages, aftercare services, recreational programs, and case disposition), and five to administrative functions or activities (staffing and staff development, youth participation, individual client files, ongoing project planning, and board of directors/ advisory body).

Although fiscal management is not included as a program performance standard, it is viewed by FYSB as being an essential element in the operation of

its funded projects. Therefore, as validation visits are made, the Regional ACF specialist and/or staff from the Office of Fiscal Operations will also review the project's financial management activities.

FYSB views these program performance standards as constituting the minimum standards to which its funded projects should conform. The primary assumption underlying the program performance standards is that the service and administrative components which are encompassed within these standards are integral (but not sufficient in themselves) to a program of services which effectively addresses the crisis and long-term needs of runaway and homeless youth and their families.

The program performance standards are designed to serve as a developmental tool, and are to be employed by both the project staff and the Regional ACF staff specialists in identifying those service and administrative components and activities of individual projects which require strengthening and/or development either through internal action on the part of staff or through the provision of external technical assistance.

##### II. Program Performance Standards and Criteria

The following constitute the program performance standards and criteria established by the Bureau for its funded centers. Each standard is numbered, and each criterion is listed after a lower case letter.

###### 1. Outreach

The project shall conduct outreach efforts directed towards community agencies, youth and parents.

###### 2. Individual Intake Process

The project shall conduct an individual intake process with each youth seeking services from the project. The individual intake process shall provide for:

a. Direct access to project services on a 24-hour basis.

b. The identification of the emergency service needs of each youth and the provision of the appropriate services either directly or through referrals to community agencies and individuals.

c. An explanation of the services which are available and the requirements for participation, and the securing of a voluntary commitment from each youth to participate in project services prior to admitting the youth into the project.



d. The recording of basic background information on each youth admitted into the project.

e. The assignment of primary responsibility to one staff member for coordinating the services provided to each youth.

f. The contact of the parent(s) or legal guardian of each youth provided temporary shelter within the timeframe established by State law or, in the absence of State requirements, preferably within 24 but within no more than 72 hours following the youth's admission into the project.

### 3. Temporary Shelter

The project shall provide temporary shelter and food to each youth admitted into the project and requesting such services.

a. Each facility in which temporary shelter is provided shall be in compliance with State and local licensing requirements.

b. Each facility in which temporary shelter is provided shall accommodate no more than 20 youth at any given time.

c. Temporary shelter shall normally not be provided for a period exceeding two weeks during a given stay at the project.

d. Each facility in which temporary shelter is provided shall make at least two meals per day available to youth served on a temporary shelter basis.

e. At least one adult shall be on the premises whenever youth are using the temporary shelter facility.

### 4. Individual and Group Counseling

The project shall provide individual and/or group counseling to each youth admitted into the project.

a. Individual and/or group counseling shall be available daily to each youth admitted into the project on a temporary shelter basis and requesting such counseling.

b. Individual and/or group counseling shall be available to each youth admitted into the project on a non-residential basis and requesting such counseling.

c. The individual and/or group counseling shall be provided by qualified staff.

### 5. Family Counseling

The project shall make family counseling available to each parent or legal guardian and youth admitted into the project.

a. Family counseling shall be provided to each parent or legal guardian and youth admitted into the project and requesting such services.

b. The family counseling shall be provided by qualified staff.

### 6. Service Linkages

The project shall establish and maintain linkages with community agencies and individuals for the provision of those services which are required by youth and/or their families but which are not provided directly by the centers.

a. Arrangements shall be made with community agencies and individuals for the provision of alternative living arrangements, medical services, psychological and/or psychiatric services, and the other assistance required by youth admitted into the project and/or by their families which are not provided directly by the project.

b. Specific efforts shall be conducted by the project directed toward establishing working relationships with law enforcement and other juvenile justice system personnel.

### 7. Aftercare Services

The project shall provide a continuity of services to all youth served on a temporary shelter basis and/or their families following the termination of such temporary shelter both directly and through referrals to other agencies and individuals.

### 8. Recreational Program

The project shall provide a recreational-leisure time schedule of activities for youth admitted to the project for residential care.

### 9. Case Disposition

The project shall determine, on an individual case basis, the disposition of each youth provided temporary shelter, and shall assure the safe arrival of each youth home or to an alternative living arrangement.

a. To the extent feasible, the project shall provide for the active involvement of the youth, the parent(s) or legal guardian, and the staff in determining what living arrangement constitutes the best interest of each youth.

b. The project shall assure the safe arrival of each youth home or to an alternative living arrangement, following the termination of the crisis services provided by the project, by arranging for the transportation of the youth if he/she will be residing within the area served by the project; or by arranging for the meeting and local transportation of the youth at his/her destination if he/she will be residing beyond the area served by the project.

c. The project shall verify the arrival of each youth who is not accompanied home or to an alternative living arrangement by the parent(s) or legal guardian, project staff or other agency

staff within 12 hours after his/her scheduled arrival at his/her destination.

### 10. Staffing and Staff Development

Each center is required to develop and maintain a plan for staffing and staff development.

a. The project shall operate under an affirmative action plan.

b. The project shall maintain a written staffing plan which indicates the number of paid and volunteer staff in each job category.

c. The project shall maintain a written job description for each paid and volunteer staff function which describes both the major tasks to be performed and the qualifications required.

d. The project shall provide training to all paid and volunteer staff (including youth) in both the procedures employed by the project and in specific skill areas as determined by the project.

e. The project shall evaluate the performance of each paid and volunteer staff member on a regular basis.

f. Case supervision sessions, involving relevant project staff, shall be conducted at least weekly to review current cases and the types of counseling and other services which are being provided.

### 11. Youth Participation

The center shall actively involve youth in the design and delivery of the services provided by the project.

a. Youth shall be involved in the ongoing planning efforts conducted by the project.

b. Youth shall be involved in the delivery of the services provided by the project.

### 12. Individual Client Files

The project shall maintain an individual file on each youth admitted into the project.

a. The client file maintained on each youth should, at a minimum, include an intake form which minimally contains the basic background information needed by FYSB; counseling notations; information on the services provided both directly and through referrals to community agencies and individuals; disposition data; and, as applicable, any follow-up and evaluation data which are compiled by the center.

b. The file on each client shall be maintained by the project in a secure place and shall not be disclosed without the written permission of the client and his/her parent(s) or legal guardian except to project staff, to the funding agency(ies) and its(their) contractor(s), and to a court involved in the disposition of criminal charges against the youth.



**13. Ongoing Center Planning**

The center shall develop a written plan at least annually.

a. At least annually, the project shall review the crisis counseling, temporary shelter, and aftercare needs of the youth in the area served by the center and the existing services which are available to meet these needs.

b. The project shall conduct an ongoing evaluation of the impact of its services on the youth and families it serves.

c. At least annually, the project shall review and revise, as appropriate, its goals, objectives, and activities based upon the data generated through both the review of youth needs and existing services (13a) and the follow-up evaluations (13b).

d. The project's planning process shall be open to all paid and volunteer staff, youth, and members of the Board of Directors and/or Advisory Body.

**14. Board of Directors/Advisory Body (Optional)**

It is strongly recommended that the centers have a Board of Directors or Advisory Body.

a. The membership of the project's Board of Directors or Advisory Body shall be composed of a representative cross-section of the community, including youth, parents, and agency representatives.

b. Training shall be provided to the Board of Directors or Advisory Body designed to orient the members to the goals, objectives, and activities of the project.

c. The Board of Directors or Advisory Body shall review and approve the overall goals, objectives, and activities of the project, including the written plan developed under standard 13.

**Appendix B. National Runaway Switchboard**

The National Runaway Switchboard:

- Facilitates communication among youth, their families and youth and community-based resources through conference calling services.
- Provides crisis intervention counseling and message delivery services to at-risk youth and their families.
- Provides information and referral services to at-risk youth and their families on youth serving agencies using a computerized national resource directory.
- Conducts an annual conference for local switchboard service providers.

The Switchboard distributes information brochures, posters, a newsletter, and public service

announcements. For more information, contact the National Runaway Switchboard, 3080 North Lincoln, Chicago, IL 60657; telephone 1-800-621-4000.

**Appendix C. National Clearinghouse on Runaway and Homeless Youth**

The Family and Youth Services Bureau (FYSB) established NCRHY in June 1992 in response to the need for a central source of information on runaway and homeless youth and the provision of services to that client population. As a national resource for youth service professionals, policymakers and the general public, NCRHY offers the following specific services:

Through its information line, bibliographic and FYSB program databases and special mailings, NCRHY distributes information about successful program approaches, available resources and current activities relevant to runaway and homeless youth organizations.

NCRHY develops semi-annual briefing packages to inform the field about new developments, ideas and issues related to services to runaway and homeless youth. It also produces informational packets on FYSB programs and reports on critical issues, best practices and model programs.

NCRHY facilitates FYSB-sponsored forums, bringing together experts in the field to discuss critical issues and develop strategies for addressing the causes and consequences of runaway episodes and homelessness.

NCRHY will assist FYSB in collaborating with national, State and local organizations on youth-related policy and program initiatives.

For more information, please contact the National Clearinghouse on Runaway and Homeless Youth, P.O. Box 13505, Silver Spring, Maryland 20911-3505, telephone (301) 608-8098.

**Appendix D. Runaway and Homeless Youth Continuation Grantees**

The following grantees are expected to receive continuation grants in FY 1993 and are NOT eligible to apply for funds under this announcement.

**D.1: Basic Center Programs for Runaway and Homeless Youth Grantees Ineligible for New FY 1993 Funding****Region I****Connecticut**

The Youth Shelter, 105 Prospect Street, Greenwich, CT 06830, Shari Shapiro, (203) 661-2594.

Youth Continuum, Inc., 54 Meadow Street, New Haven, CT 06519, David Sorenson, (203) 562-3396.

Council of Churches, 126 Washington Avenue, Bridgeport, CT 06604, John Cottrell, (203) 334-1121.

Quinebaug Valley Youth and Family Services, P.O. Box 812, North Grosvenordale, CT 06255, Pamela Brown, (203) 774-1122.

**Maine**

New Beginnings, 491 Maine Street, Lewiston, ME 04240, Barbara Kawliche, (207) 946-7272.

Youth and Family Services, P.O. Box 502, Skowhegan, ME 04976, Ronald Herbert, (207) 474-8311.

Youth Alternatives of Southern Maine, 17 Lancaster Street, Portland, ME 04101, Mike Tarpinian, (207) 874-1175.

**Massachusetts**

The Bridge, 47 West Street, Boston, MA 02111, Sister Barbara Whelan, (617) 423-9575.

Wayside Community Programs, 4 Thurber Street, Framingham, MA 01701, Eric Masi, (508) 879-9800.

Brookline Community Mental Health Center, 43 Garrison Road, Brookline, MA 02146, Cynthia Price, (617) 277-8107.

Access House, Inc., P.O. Box 748, East Falmouth, MA 02536, June Mendell, (508) 548-7085.

Riverside Community Mental Health, 450 Washington Street, Dedham, MA 02026, Susan Sawyer, (617) 244-4802.

**New Hampshire**

Child and Family Services, 99 Hanover Street, Manchester, NH 03101, A. Reed Carver, (603) 668-1920.

**Rhode Island**

Stopover Shelters, Box 553, Portsmouth, RI 02871, Peter Marshall, (401) 683-1824.

**Vermont**

Washington County Youth Service Bureau, P.O. Box 627, Montpelier, VT 05602, Tom Howard, (802) 229-9151.

**Region II****New Jersey**

Together, 301 Green Tree Road, Glassboro, NJ 08080, Susan Sasser, (609) 881-6100.

Tri-County Youth Services, 435 Main Street, Paterson, NJ 07501, Gail Manning, (201) 881-0280.

Youth Coordinating Council, 306 Brookline Avenue, Cherry Hill, NJ 08002, Eleanor Stofman, (609) 663-2020.

Somerset Youth Shelter, 49 Brahma Avenue, Bridgewater, NJ 08807, Jeffrey Fetzko, (201) 526-6605.

Ocean's Harbor House, 2445 Windsor Avenue, Toms River, NJ 08753, Susan Jones, (908) 929-0660. Anchor House, 482 Centre Street, Trenton, NJ 08611, Judith Hutton, (609) 396-8329.

Crossroads, Box 321, Lumberton, NJ 08048, Gregory Roane, (609) 261-5400.

Group Homes of Camden County, 35 S. 29th Street, Camden, NJ 08105, Sandra Mengestu, (609) 541-9283.

#### New York

Dutchess County Youth Bureau, 27 High Street, Poughkeepsie, NY 12601, Betsy Brockway, (914) 485-1001.

Center for Youth Services, 258 Alexander Street, Rochester, NY 14607, Robert McKee, (716) 473-2464. Society for Seamen's Children, 25 Hyatt Street, Staten Island, NY 10301, Ann Deinhardt, (718) 447-7740.

Hillside Children's Center 1183 Monroe Avenue Rochester, NY 14620, James Cotter, (716) 473-5150.

University Settlement, 184 Eldridge Street, New York, NY 10002, Michael Zisser, (212) 674-9120.

Catholic Charities of Ogdensburg, 380 Arlington Street, Watertown, NY 13601, Anne Boulter Davis, (315) 788-4300.

St. Agatha Home, 135 Convent Road, Nanuet, NY 10954, Rosemarie Crisstellio, (914) 623-3461.

Project Equinox, 214 Lark Street, Albany, NY 12210, Judith Watson, (518) 434-6135.

Compass House, 370 Linwood Avenue, Buffalo, NY 14209, Janell Wilson, (716) 886-1351.

Town of Huntington Youth Bureau, 423 Park Avenue, Huntington, NY 11743, Paul Lowery, (516) 351-3061.

YWCA of Binghamton/Broome County, 80 Hawley Street, Binghamton, NY 13901, Lynn Atkinson, (607) 772-2365.

Family of Woodstock, P.O. Box 3516, Kingston, NY 12401, Joan Mayer, (914) 331-7080.

Chautauqua Opportunities, 188 South Erie Street, Mayville, NY 14757, Douglas Fricke, (716) 753-2117.

Emergency Housing Group, 141 Monahan Avenue, Middletown, NY 10940, John Harper, (914) 343-7115.

Oswego County Opportunities, 223 Oneida Street, Fulton, New York 13069, Jan Resneck, (315) 598-4724.

#### Puerto Rico

The Salvation Army, 1327 Americo Miranda Avenue, Caparra Terrace, PR 00619, Majorie Yambo, (809) 781-6883.

Centro De Servicios A La Juventud, Box 9368 Cotto Station, Arecibo, PR 00613, Nidra Torres-Martinez, (809) 878-6776.

#### Virgin Islands

Caribbean Behavioral Institute, P.O. Box 1547, Kingshill, St. Croix, VI 00851, Chester Copemann, (809) 773-5113.

#### Region III

##### Delaware

Aid in Dover, 838 Walker Road, Suite 2B-1, Dover, DE 19901, Beverly Williams, (302) 734-7610.

Child, Inc., 507 Philadelphia Pike, Wilmington, DE 19809, Joseph Dell'Olio, (302) 762-8989.

##### District of Columbia

Sasha Bruce Youthwork, 1022 Maryland Avenue, N.E., Washington, DC 20002, Deborah Shore, (202) 675-9340.

Latin American Youth Center, 3045-15th Street, N.W., Washington, DC 20009, Lori Kaplan, (202) 483-1140.

##### Maryland

Southern Area Youth Services, P.O. Box 44408, Friendly, MD 20744, Robert Jones, (301) 292-3825.

Youth Resources Center, 7300 New Hampshire Avenue, Takoma Park, MD 20912, Holger Kjeldsen, (301) 779-1257.

Fellowship of Lights, Inc., 1300 North Calvert Street, Baltimore, MD 21202, Ross Pologe, (301) 837-8155.

Boys and Girls Home, 9601 Colesville Road, Silver Spring, MD 20901, Quanah Parker, (301) 589-8444.

First Step, Inc., 8303 Liberty Road, Baltimore, MD 21224, David Goldman, (301) 521-4141.

##### Pennsylvania

Centre County Youth Service, 410 S. Fraser Street, State College, PA 16801, Norma Keller, (814) 237-5731.

Valley Youth House Committee, 539 Eighth Avenue, Bethlehem, PA 18018, David Gilgoff, (215) 691-1200.

Whale's Tale, 250 Shady Avenue, Pittsburgh, PA 15206, Linda Golling, (412) 661-1800.

Youth Services, Inc. 410 N. 34th Street, Philadelphia, PA 19104, Laurine Ward, (215) 222-3262.

Family and Children's Services of Blair County, 2022 Broad Avenue, Altoona, PA 16601, Jacqueline Sutton, (814) 944-3583.

Voyage House, 1431 Lombard Street, Philadelphia, PA 19146, Susan Pursch, (215) 545-2910.

Catholic Charities, (Cenacle Shelter), 4800 Union Deposit Road, Harrisburg, PA 17105, John Lamd, (717) 236-8211.

Catholic Social Services, (The Bridge Youth Services), 33 E. Northhampton Street, Wilkes-Barre, PA 18701, Thomas Cherry, (717) 824-5766.

Three Rivers Youth, (The Loft), 2039 Termon Avenue, Pittsburgh, PA 15212, David Droppa (412) 766-2215.

Alternatives Family Resources, Beech and Warren Street, Pottstown, PA 19464, Ronald Harris, (215) 327-1601.

#### Virginia

Campagna Center, (This Way House), 418 South Washington Street, Alexandria, VA 22314, Catherine Morrison, (703) 549-1111.

Alternative House, P.O. Box 637, McLean, VA 22101, James Warwick, (703) 356-6360.

Loudoun County Youth Shelter, 16450 Meadowview Court, Leesburg, VA 22075, Jerry Tracy, (703) 771-5300.

Volunteer Emergency Families, P.O. Box 15416, Richmond, VA 23227, William Christian, (804) 261-0607.

City of Roanoke, (Sanctuary Crisis Intervention Center), 836 Campbell Avenue, S.W. Roanoke, VA 24016, Steve Brandt, (703) 981-1288.

#### West Virginia

Daymark, (Patchwork), 1598-C Washington Street, East Charleston, WV 25311, Carol Sharlip, (304) 340-3670.

Southwestern Community Council, 540 Fifth Avenue, Huntington, WV 25701, Pamela Dickens-Rush, (304) 525-7161.

#### Region IV

##### Alabama

Shelby Youth Services, P.O. Box 1261, Alabaster, AL 35007, Susan Johnson, (205) 663-6301.

Marshall County Attention Home, 517 Gunter Avenue, Guntersville, AL 35976, Shirley White, (205) 582-0377.

American Red Cross, 405 South First Street, Gadsden, AL 35901, Kathy Spakes, (205) 547-8971.

Shelby Youth Services, P.O. Box 1261, Alabaster, AL 35007, Susan Johnston, (205) 663-6301.

##### Florida

Corner Drugstore, (Interface), 1300 Northwest 6th Street, Gainesville, FL 32601, Karen Crapo, (904) 378-1588.

YMCA, (Someplace Else), 1315 Linda Ann Drive, Tallahassee, FL 32301, Stacy Gromatski, (904) 877-7993.

Switchboard of Miami, (Family P.A.C.T.), 75 S.W. 8th Street, 4th Flr., Miami, FL 33130, Shirley Aron, (305) 358-1640.

Miami Bridge, 1149 N.W. 11th Street, Miami, FL 33136, Maxine Thurston, (305) 324-8953.

Anchorage Children's Home, (Hidle House), 707 North Cove Boulevard, Panama City, FL 32401, Barbara Cloud, (904) 763-7102.

Orange County Department of Children's Services, (Family Services Project), 1800 East Michigan Avenue, Orlando, FL 32806, Mike Robinson, (407) 836-7644.

Lutheran Ministeries, (Lippman Family Center), 221 Northwest 43rd Court, Oakland Park, FL 33309, Donald Carey, (305) 568-2801.

Sarasota Family YMCA 1075 S. Euclid Avenue, Sarasota, FL 34237, Jack Greetich, (813) 955-5596.

ACT Corporation, (B.E.A.C.H. House), 1220 Willis Avenue, Datona Beach, FL 32114, Don Stocker, (904) 760-7277.

Lutheran Ministeries, (South Gulf Coast Youth and Family Services), 3825 Henderson Boulevard, Tampa, FL 33629, Kay Lohmiller, (904) 453-2772.

Family Resources, Inc., (Residential South), P.O. Box 13087, St. Petersburg, FL 33733, Jane Harper, (813) 461-1424.

Youth Crisis Center, 3015 Parental Home Road, Jacksonville, FL 32216, Tom Patania, (904) 725-6662.

Youth and Family Alternatives (RAP), 7524 Plathe Road, New Port Richey, FL 34653, Richard Hess, (813) 841-4184.

Florida Keys Children's Shelter, 73 High Point Road, Tavernier, FL 33070, Dale Wolgast, (305) 852-4246.

#### Georgia

Children's Emergency Shelter, P.O. Box 446, Cartersville, GA 30120, Teresa Ramey, (404) 382-6180.

Greenbriar Children's Center, 3709 Hopkins Street, Savannah, GA 31405, Yvette Johnson-Hagins, (912) 234-3431.

The Bridge, 75 Peachtree Place, NW., Atlanta, GA 30309, Ann Starr, (404) 881-8344.

The Marshlands Foundation, 311 E. Hall Street, Savannah, GA 31401, T. Noel Cooper, (912) 234-0130.

Athens Regional Attention Home, 490 Pulaski Street, Athens, GA 30601, Sharon Smith, (706) 548-5893.

#### Kentucky

Lexington-Fayette County Government, 536 West Third Street, Lexington, KY 40508, Kathy Noel, (606) 254-2501.

YMCA of Greater Louisville, 1410 South First Street, Louisville, KY 40208, Elizabeth Triplett, (502) 637-6480.

Brighton Center, P.O. Box 325, Newport, KY 41072, Jane Hunt, (606) 581-1111.

#### Mississippi

Warren County Children's Shelter, P.O. Box 820174, Vicksburg, MS 39182, Christopher Cherney, (601) 352-7784.

#### North Carolina

Haven House, 401 E. Whitaker Mill Road, Raleigh, NC 27608, Michael Rieder, (919) 755-6368.

Catholic Social Services, 10 Cascade Avenue, Winston-Salem, NC 27101, Rosemary Martin, (919) 727-0705.

Lutheran Family Services, P.O. Box 12887, Raleigh, NC 27605, Bill Britain, (919) 823-2620.

The Relatives, 1000 East Boulevard, Charlotte, NC 28203, Jo Ann Greyer, (704) 335-0202.

Mountain Youth Resources, P.O. Box 2847, Cullowhee, NC 28723, Elizabeth Chambers, (704) 586-8958.

Tuscarora Tribe, P.O. Box 1346, Lumberton, NC 28359, Chief Young Bear, (919) 793-0003.

#### South Carolina

Department of Youth Services (Greenville), 35 Perry Avenue, Greenville, SC 29601, Jane Burgess, (803) 233-5574.

#### Tennessee

Oasis Center, P.O. Box 121648, Nashville, TN 37312, Liz Fey, (615) 327-4455.

Link House, Inc., 1912 Stadium Court, Kingsport, TN 37664, Connie Steere, (615) 378-4163.

#### Region V

##### Illinois

Aunt Martha's, 224 Blackhawk, Park Forest, IL 60466, Steven McCabe, (312) 747-2701.

Teen Living Programs, 3179 N. Broadway, Chicago, IL 60657, Deborah Hinde, (312) 883-0025.

LaSalle County Youth Service Bureau, 827 Columbus Street, Ottawa, IL 61350, Dave McClure, (815) 433-3953.

Travelers and Immigrants Aid, 327 S. LaSalle, Chicago, IL 60604, Laura Friedman, (312) 435-4500.

Project OZ, 201 E. Grove, 2nd Floor, Bloomington, IL 61701, Peter Rankaitis, (309) 827-0377.

The Harbour, Inc., 355 N. East River Road, Des Plaines, IL 60016, Mary Eichling, (708) 297-8540.

McHenry County Youth Service, 101 South Jefferson Street, Woodstock, IL 60098, Susan Krause, (815) 338-7360.

Hoyleton Youth and Family Services, 8787 State St., Suite 207, East St. Louis, IL 62203, Conrad Steinhoff, (618) 398-0640.

Central Illinois Youth Service Bureau, 1111 South Eighth Street, Springfield,

IL 62703, Kaywin Davis, (217) 753-8300.

Franklin-Williamson Human Services, P.O. Box 530, West Frankfort, IL 62896, Connie Baker, (618) 937-6483. Northside Ecumenical Night Ministry, 1218 West Addison, Chicago, IL 60613, Rev. Peter Brick, (312) 935-8300.

Omni Youth Services, 1111 Lake Cook Road, Wheeling, IL 60089, Dennis Depcik, (312) 537-6878.

Children's Home and Aid Society, 1819 S. Neil, Suite D, Champaign, IL 61820, Tom Butero, (217) 359-8815.

Youth Attention Center, P.O. Box 606, Jacksonville, IL 62651, Jerome Noble, (217) 245-6000.

#### Indiana

Crisis Center, Inc., 215 N. Grand Boulevard, Gary, IN 46403, Shirley Caylor, (219) 980-4207.

Monroe County Youth Service Bureau, 1310 East Atwater Avenue, Bloomington, IN 47401, Roberta Wysong, (812) 333-3506.

Indiana Juvenile Justice Task Force, 3050 North Meridian, Indianapolis, IN 46208, James Miller, (317) 926-6100. Children's Bureau of Indianapolis, 615 N. Alabama Street, Indianapolis, IN 46204, Kenneth Phelps, (317) 264-2700.

#### Michigan

The Sanctuary, 1222 South Washington, Royal Oak, MI 48067, Meri Pohutsky, (313) 547-2260.

Gateway Community Services, (Equal Ground), 910 Abbott Road, Suite 100, East Lansing, MI 48823, Connie Hays, (517) 351-4000.

Genesee County Youth Corp., 914 Church Street, Flint, MI 48502, Jo Davis, (313) 233-8700.

Third Level Crisis Intervention Center, P.O. Box 1035, Traverse City, MI 49685, Gail Sorenson Heath, (616) 922-4802.

Comprehensive Youth Services (Macomb), Two Crocker Boulevard, Mt. Clemens, MI 48043, Joanne Smyth, (313) 463-7079.

Link Crisis Intervention Center, 2002 South State Street, St. Joseph, MI 49085, Nancy Berendsen, (616) 983-5465.

Youth Living Centers, 3000 Hiveway Street, Inkster, MI 48141, Ouida Cash, (313) 728-3400.

Listening Ear Crisis Center, 107 E. Illinois Avenue, Mt. Pleasant, MI 48858, Donald Schuster, (517) 772-2918.

#### Minnesota

Minneapolis Youth Diversion Program, 1905 Third Avenue South, 1905 Third

Avenue South, Minneapolis, MN 55404, Nancy Hite, (612) 871-3613.  
The Bridge, 2200 Emerson Avenue South, Minneapolis, MN 55405, Thomas Sawyer, (612) 377-8800.  
St. Paul Youth Service Bureau, 1619 Dayton Avenue, St. Paul, MN 55104, Nancy letourneau, (612) 647-0411.  
Lutheran Social Services, 565 Dunnell Drive, Owatonna, MN 55060, Roy Harley, (612) 388-1041.

#### Ohio

New Life Youth Services, 6128 Madison Road, Cincinnati, OH 45227, Debbie Letter, (513) 561-0100.  
Free Medical Clinic, 12201 Euclid Avenue, Cleveland, OH 44106, Rebecca Devenanzio, (216) 421-2000.  
Connecting Point, 3301 Collingwood Boulevard, Toledo, OH 43610, Carole Smith, (419) 243-6326.  
Daybreak, 819 Wayne Avenue, Dayton, OH 45410, David Nehring, (513) 461-1000.  
Lutheran Metro Ministry, 1468 West 25th Street, Cleveland, OH 44113, Rev. Richard Serin (216) 696-2715.  
Special Alternatives for Youth of Ohio, 10100 Elida Road, Delphos, OH 45833, Bruce Maag, (800) 532-7239.  
Huckleberry House, 1421 Hamlet Street, Columbus, OH 43201, Douglas McCoard, (614) 294-8097.  
Safe Landing Youth Shelter, 680 E. Market Street, Akron, OH 44303, David Fair, (216) 376-4200.  
Southern Consortium for Children, 7990 Dairy Lane, Athens, OH 45701, Steven Trout, (614) 593-8293.

#### Wisconsin

Walker's Point Youth Center, 2030 W. National Avenue, Milwaukee, WI 53204, Andre Olton, (414) 672-5300.  
Innovative Youth Services, 1030 Washington Avenue, Racine, WI 53403, Jane Karas, (414) 637-9557.  
Wisconsin Association for Runaway Services, 2318 E. Dayton Street, Madison, Wisconsin 53704, Patricia Balke, (608) 241-2649.  
Lutheran Social Services, 3821 Kohler Memorial Drive, Sheboygan, WI 53081, Merry Klemme, (414) 458-8381.  
Briarpatch, 12 E. Washington Avenue, Madison, WI 53703, Steve Sperling, (608) 251-6211.  
Counseling Center of Milwaukee, 2038 N. Bartlett, Milwaukee, WI 53202, Ted Seaver, (414) 271-2565.

#### Region VI

##### Arkansas

Center of Youth and Families, (Stepping Stone), 6501 W. 12th Street, Little Rock, AR 72204, Judy Kane, (501) 562-1809.

Consolidated Youth Services, 4220 Stadium Boulevard, Jonesboro, AR 72401, Bonnie Stevens, (501) 972-1110.  
Youth Bridge, P.O. Box 668, Fayetteville, AR 72702, James Popejoy, (501) 521-1532.  
Comprehensive Juvenile Services, 1606 South "J" Street, Fort Smith, AR 72901, Jerry Robertson, (501) 785-4031.

#### Louisiana

Mt. Zion Church (Safety Net), P.O. Box 72, Baton Rouge, LA 70821, Lil Veal, (504) 383-7266.  
Father Flanagan's Boys' Home, Boys Town Center, New Orleans, LA 68010, Fr. Val J. Peter, (402) 498-1000.  
Johnny Gray Jones Regional Youth Shelter, 4815 Shed Road, Bossier City, LA 71111, Gerry Gardner, (318) 747-1459.

#### New Mexico

Youth Shelters and Family Services, P.O. Box 8135, Santa Fe, NM 87504, Betty Rangel, (505) 473-0240.  
A New Day, 2720 Carlisle Blvd., Suite A, Albuquerque, NM 87110, Jeffrey Burrows, (505) 881-5228.

#### Oklahoma

Community Children's Shelter, 15 Monroe, NE., Ardmore, OK 73401, Sandra Ayer, (405) 226-1838.  
Cherokee Nation Youth Shelter, P.O. Box 948, Tahlequah, OK 74465, Linda Vann, (918) 458-4440.  
Youth Services of Tulsa County, 302 South Cheyenne, Tulsa, Ok 74103, Sharon Wiggins, (918) 582-0061.  
Youth and Family Services of Canadian County, 2404 Sunset Drive, El Reno, OK 73036, Les Sparks, (405) 262-6555.  
Youth Services for Stephens County, P.O. Box 1603, Duncan, OK 73534, John Herdt, (405) 255-8800.  
Youth and Family Services of North Oklahoma, 2925 North Midway, Enid, OK 73701, Jane Webber, (405) 237-7173.

#### Texas

Middle Earth Unlimited, 3708-B South Second Street, Austin, TX 78704, Mitch Weynand, (512) 482-8322.  
Lover's Lane, 9200 Inwood Road, Dallas, TX 75220, Charles Green, (214) 691-4721.  
Sand Dollar, 103 West Park Lane, Pasadena, TX 77506, John Miller, (713) 473-9135.  
Sabine Valley MHMR Center, P.O. Box 6800, Longview, TX 75608, Ron Cookston, (214) 297-2191.

Catholic Family Services, P.O. Box 15127, Amarillo, TX 79105, James Rogers, (806) 376-4571.  
Collin Intervention to Youth, 902 16th Street, Plano, TX 75074, Janet Lawler, (214) 423-7057.  
The Bridge Association, 115 West Broadway, Fort Worth, TX 76104, Jan Viles, (817) 877-1121.  
East Texas Open Door, 414 West Burleson Street, Marshall, TX 75670, William Power, (214) 938-1211.  
Texas Baptist Children's Home, P.O. Box 7, Round Rock, TX 78680, Jerry Bradley, (512) 255-3668.  
Grayson County Juvenile Alternatives, P.O. Box 1625, Sherman, TX 75091, Sarah Frietsch, (913) 893-4717.  
Father Flanagan's Boys' Home, Boys Town Center, San Antonio, TX 68010, Val J. Peter, (402) 498-1000.  
Comal County Juvenile Resident, 1414 W. San Antonio Street, New Braunfels, TX 78130, Conley Thompson, (512) 629-6571.  
Youth Alternatives, (The Bridge), 3103 West Avenue, San Antonio, TX 78213, Jon Ann Sanders, (512) 340-7971.  
Catholic Family Services, 123 North Avenue, N., Lubbock, TX 79401, Stephen Hay, (806) 765-8475.  
Institute for Child and Family Services, 100 Sandman, Houston, TX 77007, Jane Harding, (713) 863-7850.  
Children's Aid Society, 1101 30th Street, Wichita Falls, TX 76302, Patricia King, (817) 322-3141.  
Stop Child Abuse and Neglect, 6202 McPherson, Laredo, TX 78041, Ramiro Luna, Jr., (512) 725-7211.

#### Region VII

##### Iowa

Christian Home Association, North 6th and Avenue E, Council Bluffs, IA 51502, Harry Wallar, (712) 322-3700.  
Valley Shelter Homes, 942 Marquette Street, Davenport, IA 52804, William Reagan, (319) 323-8094.  
Youth and Shelter Services, 232½ Main Street, Ames, IA 50010, George Belitsos, (515) 233-3141.

##### Kansas

Wichita Children's Home, 810 North Holyoke, Wichita, KS 67208, James Garrettn, (316) 684-6581.  
Ray Valley Center, 4300 Brenner Drive, Kansas City, KS 66104, Wayne Sims, (913) 334-0294.

##### Missouri

Youth Emergency Service, 6816 Washington Avenue, University City, MO 63130, Deacon Farrelly, (314) 862-1334.  
Comprehensive Human Services, 707 North Eighth Street, Columbia, MO 65201, Yvette Thayer, (314) 874-8686.



Youth in Need, 529 Jefferson, St. Charles, MO 63301, James Braun, (314) 724-7171.

Marian Hall Emergency Shelter, 325 N. Newstead Avenue, St. Louis, MO 63108, Joanne Fuchs, (314) 653-0800.

#### Nebraska

Father Flanagan's Boys Home, Boys Town Center, Boys Town, NE 68502, Roger Peterson, (402) 475-3040.

Youth Service System, 2202 South 11th Street, Lincoln, NE 68502, James Blue, (402) 475-3040.

#### Region VIII

##### Colorado

Let's Work It Out, 902 Taughenbaugh, #303, Rifle, CO 81650, Debbie Wilde, (303) 625-3141.

Attention, Inc., P.O. Box 907, Boulder, CO 80306, Brie Timms, (303) 447-1206.

Gemini House, (Family Tree), 3805 Marshall Street, Wheatridge, CO 80033, Tracy Kraft, (303) 235-0630.

Comitis Crisis Center, 9840 E. 17th Street, Aurora, CO 80040, Richard Barnhill, (303) 341-9160.

Larimer County Shelter Care, 303 Skyway Drive, Fort Collins, CO 80525, Jack Hickey, (303) 225-2523.

Human Services, Inc., 899 Logan St., Suite 500, Denver, CO 80203, Ben Leonard, (303) 830-2714.

##### Montana

Mountain Plains Youth Services, 709 East Third, Anaconda, MT 59711, Linda Wood, (701) 255-7229.

Blackfeet Tribal Council, P.O. Box 1210, Browning, MT 59417, Violet Butterfly, (406) 338-5871.

##### North Dakota

Mountain Plains Youth Services, 311 North Washington, Bismarck, ND 58501, Linda Wood, (701) 255-7229.

##### South Dakota

Crow Creek Sioux Tribe, (Red Horse Lodge), P.O. Box 49, Ft. Thompson, SD 57339, Tamara Schmidt, (605) 245-2213.

Mountain Plains Youth Services, 1206 North Third Street, Aberdeen, SD 57401, Linda Wood, (701) 255-7229.

##### Wyoming

Mountain Plains Youth Services, 20 W. Works, Sheridan, WY 82801, Linda Wood, (701) 255-7229.

Attention Home, P.O. Box 687, Cheyenne, WY 82003, James Cosgrove, (307) 778-7832.

#### Region IX

##### Arizona

Center for Human Resources, 915 N. Fifth Street, Phoenix, AZ 85004, Michael Garvey, (602) 271-9849.

Open-Inn, 4810 E. Broadway, Tucson, AZ 85711, Darlene Dankowski, (602) 323-0200.

The Navajo Nation, P.O. Box 1599, Window Rock, AZ 86515, Irving Toddy, (602) 871-6744.

Our Town Family Center, P.O. Box 26665, Tucson, AZ 85726, Dennis Noonan, (602) 323-1708.

##### California

Individuals Now, 1303 College Avenue, Santa Rosa, CA 95404, Ed Patterson, (707) 544-3299.

C.S.P. South County Youth Shelter, 980 Catalina, Laguna Beach, CA 92651, Karen Cervenka, (714) 494-4311.

Santa Clara Social Advocates, 509 View Street, Mountain View, CA 94041, Paul Schutz, (408) 253-3540.

Los Angeles Youth Network, 1944 N. Cahuenga Boulevard, Los Angeles, CA 90068, Jessica Brown, (213) 466-6200.

Central City Hospitality House, 146 Leavenworth Street, San Francisco, CA 94102, Ann O'Halloran, (415) 776-2101.

Catholic Charities, 1400 W. 9th Street, Los Angeles, CA 90015, Bill White, (213) 251-3496.

San Diego Youth and Community Services, 3878 Old Town Avenue, San Diego, CA 92110, Liz Shear, (619) 297-9310.

Interface Community, 1305 Del Norte Road, Camarillo, CA 93010, Charles Watson, (805) 485-6114.

Youth Advocates, (Nine Grove Lane), 285-12th Avenue, San Francisco, CA 94118, Bruce Fisher, (415) 668-2622.

Youth Advocates, (Huckleberry House), 285-12th Avenue, San Francisco, CA 94118, Bruce Fisher, (415) 668-2622.

Redwood Community Action Agency, 904 G Street, Eureka, CA 95501, Lloyd Throne, (707) 445-0881.

Fresno County Economic Opportunity Commission, 1920 Mariposa Mall, Suite 300, Fresno, CA 93721, Joe Williams, (209) 263-1012.

Operation Safehouse, Inc., 11980 South Mt. Vernon, Grand Terrace, CA 92324, Amy Harrison, (714) 783-8400.

City of Oceanside, 300 North Hill Street, Oceanside, CA 92054, John Mamaux, (619) 966-4411.

Emergency Housing Consortium, P.O. Box 2346, San Jose, CA 95109, Barry Del Buono, (408) 298-9657.

Hoopa Valley Business Council, P.O. Box 1348, Hoopa, CA 95546, Dale Risling, (916) 625-4211.

Hollywood Community Services Project, 1754 Taft Avenue, Hollywood, CA 90028, Leslie Forbes, (213) 467-1932.

Ocean Park Community Center (Stepping Stone), 245 Hill Street, Santa Monica, CA 90405, Vivian Rothstein, (213) 399-9232.

Santa Cruz Community Center, 298 Harvey West Boulevard, Santa Cruz, CA 95060, Terry Morarity, (408) 425-1830.

Diogenes Youth Services, 3353 Bradshaw Road, Suite 132, Sacramento, CA 95827, James Bueto, (916) 369-2020.

YMCA of San Diego County, 4715 Viewridge Avenue, San Diego, CA 92123, Beverly DiGregorio, (619) 292-4034.

Bill Wilson Counseling Center, 1000 Market Street, Santa Clara, CA 95050, Sparky Harlan, (408) 984-5955.

South Bay Community Services, 315 Fourth Avenue, Suite E, Chula Vista, CA 91910, Kathryn Lembo, (619) 420-3620.

Mendocino County Schools, 202 S. State Street, Ukiah, CA 95482, Arlene Rose, (707) 463-4915.

Casa Youth Shelter, 10911 Reagan Street, Los Alamitos, CA 90720, Luciann Maulhardt, (213) 594-8825.

Larkin Street Services, 1044 Larkin Street, San Francisco, CA 94109, Diane Flannery, (415) 673-0911.

Xanthos, 1355 Park Avenue, Alameda, CA 94501, Jon Schiller, (510) 522-8363.

Chinatown Youth Center, 1693 Polk Street, San Francisco, CA 94019, Joseph Lam, (415) 775-2636.

Center for Positive Prevention, 729 N. California Street, Stockton, CA 95202, Linda Mascarenas, (209) 948-4357.

Boys Town of Southern California, 303 West Lincoln Avenue, Anaheim, CA 92805, Michael Riley, (714) 491-7777.

##### Hawaii

Hawaii Youth Services Network, 2146 Damon Street, Honolulu, HI 96822, Sam Cox, (808) 946-3635.

##### Nevada

WestCare  
401 S. Martin Luther King Blvd., Las Vegas, NV 89106, Mike Shannon, (702) 385-2020.

Tahoe Youth and Family Services, P.O. Box 848, S. Lake Tahoe, CA 96156, Teri Mundt, (916) 541-2445.

#### Region X

##### Alaska

Juneau Youth Services, P.O. Box 32839, Juneau, AK 99803, Betty Jo Engleman, (907) 789-7810.

Alaska Youth and Parent Foundation, 3745 Community Park Loop,

Anchorage, AK 99508, Karen Brady, (907) 274-6541.

Fairbanks Native Association, 201 First Avenue, Fairbanks, AK 99701, Florence Loucks, (907) 452-6925.

#### *Idaho*

Bannock Youth Foundation, P.O. Box 2072, Pocatello, ID 83206, Stephen Mead, (208) 234-2244.

Hays Shelter Home, 5440 Franklin Road, Boise, ID 83705, Jonathan Wunrow, (208) 336-1066.

#### *Oregon*

Janis Youth Programs, 738 N.E., Davis, Portland, OR 97232, Dennis Morrow, (503) 233-6090.

Looking Glass, 44 West Broadway, Eugene, OR 97401, Galen Phipps, (503) 689-3111.

Youthworks, 1302 W. Main Street, Medford, OR 97501, Steven Groveman, (503) 779-2393.

#### *Washington*

Friend of Youth, 16225 NE 87th St., Suite A-6, Renton, WA 98052, Sheridan Hopper, (206) 869-6490.

Northwest Youth Services, P.O. Box 1449 Bellingham, WA 98226, Cindy Mudgett, (206) 676-1022.

United Indians, P.O. Box 99100, Seattle, WA 98199, Bernie Whitebear, (206) 285-4425.

EPIC, 1910 Englewood, Yakima, WA 98902, Ed Ferguson, (509) 248-3950.

YouthCare, 333 First Avenue, West Seattle, WA 98119, Victoria Wagner, (206) 282-1288.

#### **D.2: Transitional Living Programs for Homeless Youth Grantees Ineligible for New FY 1994 Funding**

##### **Region I**

#### *Connecticut*

Quinebaugh Valley, 15 Thatcher Road, Windham, CT 06255, Pamela Brown, (203) 923-9526.

#### *Massachusetts*

The Bridge, 47 West Street, Boston, MA 02111, Paul Finnegan, (617) 423-9575.

#### *Vermont*

Spectrum, Inc., 20 South Willard Street, Burlington, VT 05401, William Rowe, (802) 864-7423.

##### **Region II**

#### *New Jersey*

Anchor House, 482 Centre Street, Trenton, NJ 08611, Judith Hutton, (609) 396-8329

#### *New York*

Oswego County Opportunities, Inc., 223 Oneida Street, Fulton, NY 13069, Janette Reshick, (315) 598-4717. Family of Woodstock, P.O. Box 3516, Kingston, NY 12401, Michael Berg, (914) 331-7080.

Equinox, 214 Lark Street, Albany, NY 12210, Judith Watson, (518) 434-6135.

Center for Children and Families, 161-20 89th Avenue, Jamaica, NY 11432, Merrith Hockmeyer (718) 526-0722.

##### **Region III**

#### *District of Columbia*

Latin American Youth Center, 3045-15th Street, N.W., Washington, DC 20009, Lori Kaplan, (202) 483-1140.

#### *Pennsylvania*

Three Rivers Youth, 2039 Termon Avenue, Pittsburgh, PA 15212, Elmer Goodson (412) 243-4429.

Youth Services of Bucks County, Neshaminy Manor Center, Almshouse, PA 18901, Roger Dawson, (215) 343-7800.

##### **Region IV**

#### *Florida*

Miami Bridge, 1149 N.W. 11th Street, Miami, FL 33136, Maxine Thurston, (305) 324-8953.

#### *Georgia*

The Bridge, 77 Peachtree Place, N.W., Atlanta, GA 30309, Ann Starr, (404) 881-8344.

#### *Kentucky*

Presbyterian Child Welfare, 1710 Terrace View Lane, Lexington, KY 40504, Charles Baker, (606) 398-7245.

#### *Mississippi*

Southern Christian Services, 347 Millsaps Avenue, Jackson, MS 39202, Susannah Cherney, (601) 345-0983.

#### *North Carolina*

Haven House, 401 E. Whitaker Mill Road, Raleigh, NC 27608, Michael Rieder, (919) 856-6368.

#### *Tennessee*

Oasis Center, P.O. Box 121648, Nashville, TN 37212, Liz Allen Fey, (615) 327-4455.

##### **Region V**

#### *Illinois*

Aunt Martha's, 224 Blackhawk, Park Forest, IL 60466, Lonnetta Albright, (708) 747-2701.

The Harbour, 355 N. East River Road, Des Plaines, IL 60016, Mary Eichling, (708) 297-8540.

#### *Michigan*

Gateway Community Services, 910 Abbott Road, East Lansing, MI 48823, Connie Hays, (517) 351-4000.

#### *Minnesota*

Evergreen House, 622 Mississippi Avenue, Bemidji, MN 56601, Clark Fairbanks, (218) 751-4332.

Freeport West, Inc., 210 E. 38th Street, Minneapolis, MN 55409, Janet Berry, (612) 824-0282.

#### *Ohio*

New Life Youth Services, 6128 Madison Drive, Hamilton, OH 45227, Robert Mecum, (513) 561-0100.

#### *Wisconsin*

Kenosha Youth Development Services, 5407 Eighth Avenue, Kenosha, WI 53140, George Schwartz, (414) 657-7188.

Walker's Point Youth Family Center, 2030 W. National Avenue, Milwaukee, WI 53204, Andre Olton, (414) 672-5300.

##### **Region VI**

#### *Oklahoma*

Youth Services of Tulsa, 302 South Cheyenne, Tulsa, OK 74301, Sharon Wiggins, (918) 582-0061.

#### *Texas*

Covenant House, 1111 Lovett Boulevard, Houston, TX 77006, Carolyn Larsen, (713) 523-2231.

El Paso Center for Children, 3700 Altura Avenue, El Paso, TX 79930, Sandy Rioux, (915) 565-8361.

##### **Region VII**

#### *Missouri*

Youth In Need, 529 Jefferson, St. Charles, MO 63301, James Braun, (314) 946-0101.

##### **Region VIII**

#### *Colorado*

Mesa County Department of Social Service, P.O. Box 20000-5035, Grand Junction, CO 81502, Anthony Silva, (303) 241-8480.

#### *North Dakota*

Mountain Plains Youth Services, 311 N. Washington Street, Bismarck, ND 58501, Doug Herzog, (701) 255-7229.

##### **Region IX**

#### *Arizona*

Center for Human Resources, 915 N. Fifth Street, Phoenix, AZ 85004, Janet Garcia, (602) 271-9904.

**California**

Bill Wilson Marriage and Family Counseling, 1000 Market Street, Santa Clara, CA 95050, Sparky Harlan, (408) 984-5955.

Center for Human Rights and Constitutional Law, 256 S. Occidental Boulevard, Los Angeles, CA 90057, Peter Schey, (213) 388-8693.

San Diego Youth Involvement, P.O. Box 95, Lemon Grove, CA 91946, Hura Murphy, (619) 463-7887.

Youth and Family Assistance, 609 Price Avenue, San Mateo, CA 94063, Richard Gordon, (415) 366-8401.

San Diego Youth and Community Services, 3878 Old Town Avenue, San Diego, CA 92110, Liz Shear, (619) 297-9310.

**Region X****Oregon**

Northwest Human Services, 681 Center Street, N.E., Salem, OR 97301, Karen Hill, (503) 588-5828.

The Youthworks, 1032 W. Main Street, Medford, OR 97501, Steven Groveman, (503) 779-2393.

**Washington**

United Indians of All Tribes, Box 99100, Discovery Park, Seattle, WA 98199, Bernie Whitebear, (206) 285-4425.

Volunteers of America, S. 152 Washington, Spokane, WA 99204, Kenneth Trent, (509) 624-2378.

**D.3: Drug Abuse Prevention Programs for Runaway and Homeless Youth****Grantees Ineligible for New FY 1993 Funding****Region I****Connecticut**

Educational Resources, Inc. (The Bridge), 90 North Main Street, West Hartford, CT 06107, Wayne Starkey, (203) 521-8035.

Council of Churches of Greater Bridgeport, 126 Washington Avenue, Bridgeport, CT 06604, John Cottrell, (203) 334-1121.

**Massachusetts**

Bridge Over Troubled Waters, 47 West Street, Boston, MA 02111, Barbara Whelan, (617) 423-9575.

Marathon of Rhode Island, 1303 Washington Street, Walpole, MA 02081, Susan Doody, (508) 668-3631.

YMCA of Western Massachusetts, 120 Maple Street, Springfield, MA 01103, Mary Johnson, (413) 732-3121.

**Maine**

New Beginnings, 436 Main Street, Lewiston, ME 04240, Robert Rowe, (207) 795-4077.

**New Hampshire**

Child and Family Services, 99 Hanover Street, Manchester, NH 03101, Reed Carver, (603) 668-1920.

**Rhode Island**

Stopover Shelters, 3380 East Main Road, Portsmouth, RI 02871, Peter Marshall, (401) 683-1824.

Tides Family Services, 1599 Main Street, West Warwick, RI 02893, Michael Reis, (401) 822-1360.

**Vermont**

The Counseling Services of Addison County, 89 Main Street, Middlebury, VT 05753, Barbara Rachelson, (802) 388-6751.

**Region II****New Jersey**

Crossroads, P.O. Box 321, Lumberton, NJ 08048, Mary Lou Bendit, (609) 261-5400.

Ocean's Harbor House, 2445 Windsor Avenue, Toms River, NJ 08754, Albert Borris, (201) 929-0660.

Somerset Youth Shelter, 49 Brahma Avenue, Bridgewater, NJ 08807, Jeffrey Fitzko, (201) 526-6605. Together, 7 State Street, Glassboro, NJ 08028, Susan Sasser, (609) 881-6100.

**New York**

Center for Youth Services, 258 Alexander Street, Rochester, NY 14607, Roger Palma, (716) 473-2464.

Covenant House, (Under 21), 460 West 41st Street, New York, NY 10036, Eleanor Miller, (212) 354-4323.

Equinox, 214 Lark Street, Albany, NY 12210, Donna McIntosh, (518) 465-9524.

The Salvation Army, 749 S. Warren Street, Syracuse, NY 13202, Roberta Schofield, (315) 479-1323.

Educational Alliance, 197 East Broadway, New York, NY 10002, Marion Lazar, (212) 475-6200.

The Hetrick-Martin Institute, 401 West Street, New York, NY 10014, Judith Verdino, (212) 633-8920.

Dutchess County Youth Bureau, 22 Market Street, Poughkeepsie, NY 12601, Patrice Kellett, (914) 454-3600.

**Puerto Rico**

Centro De Servicios A La Juventud, Box 9368 Cotto Station, Arecibo, PR 00613, Nidra Torres-Martinez, (809) 878-6776.

**Virgin Islands**

Caribbean Institute for Psychology, P.O. Box 1547 Kingshill, St. Croix, VI 00851, Chester Copemann, (809) 773-5113.

**Region III****Maryland**

Diakonia, Inc., 12747 Old Bridge Road, Ocean City, MD 21842, Fredericka Danielus, (410) 289-0923. Youth Resources Center, 4307 Jefferson Street, Hyattsville, MD 20781, Holger Kjeldsen, (301) 864-9735.

**Pennsylvania**

Whale's Tale, 250 Shady Avenue, Pittsburgh, PA 15206, Christopher Smith, (412) 661-1800.

Centre County Youth Services Bureau, 410 South Fraser Street, State College, PA 16801, Norma Keller, (814) 237-5731.

**Virginia**

Alternatives, Inc., 1520 Aberdeen Road, Hampton, VA 23666, Richard Goll, (804) 838-2330.

Loudoun County Youth Shelter, 16450 Meadowview Court, Leesburg, VA 22075, Keren Modrak, (703) 771-5300.

**West Virginia**

Southwestern Community Action Council, 540 Fifth Street, Huntington, WV 25701, Pamela Dickens-Rush, (304) 525-7161.

Daymark, Inc., (Patchwork), 1598-C Washington Street, East, Charleston, WV 25311, Carol Sharlip, (304) 340-3670.

**Region IV****Florida**

Youth Services Center, Inc., P.O. Box 540625, Merritt Island, FL 32954, Susan Jennings, (407) 452-8988. Family Resources, Inc., P.O. Box 13087, St. Petersburg, FL 33733, Jane L. Harper, (813) 526-1100. Project III of Central Florida, 1412 West Colonial Drive, Orlando, FL 32804, David Congdon, (407) 423-2273.

**Georgia**

Tri-County Protective Agency, P.O. Box 1937, Hinesville, GA 31313, Bryant Bradley, (912) 368-3344.

**Kentucky**

YMCA Center for Youth Alternatives, 1410 South First Street, Louisville, KY 40208, Kevin Connelly, (502) 635-5233.

**North Carolina**

Mountain Youth Resources, P.O. Box 2847, Cullowhee, NC 28723, Elizabeth Chambers, (704) 586-8958.

**Mississippi**

Catholic Charities, Inc., P.O. Box 2248, Jackson, MS 39225, Gayle Watts, (601) 355-8634.

**North Carolina**

North Carolina Department of Human Resources, 101 Blark Drive, Raleigh, NC 27603, Arthur Jones, Jr., (919) 733-4555.

**Tennessee**

Child and Family Services of Knox County, 114 Dameron Avenue, Knoxville, TN 37917, Sandie Shaver, (615) 524-7483.

Oasis Center, P.O. Box 121648, Nashville, TN 37212, Liz Allen Fey, (615) 327-4455.

**Region V****Illinois**

Omni Youth Services, 1111 Lake Cook Road, Buffalo Grove, IL 60089, Dennis Depcik, (708) 537-6878.

Hoyleton Youth and Family Services, 8787 State Street, Suite 207, East St. Louis, IL 62203, Shelly Byndom, (618) 398-0900.

Youth Services Project, 3942 W. North Avenue, Chicago, IL 60647, Nancy Abbate, (312) 772-6270.

Project OZ, 502 Morris Avenue, Bloomington, IL 61701, Peter Rankaitis, (309) 827-0377.

**Indiana**

Youth Service Bureau of St. Joseph, 2222 Lincolnway West, South Bend, IN 46628, Bonnie Strycker, (219) 284-9231.

**Michigan**

The Sanctuary, 1232 South Washington, Royal Oak, MI 48067, Meri Pohutsky, (313) 547-2260.

Advisory Centers, (The Bridge), 1115 Ball Avenue, N.E., Grand Rapids, MI 49505, Mary Alice Williams, (616) 458-7434.

Alternatives for Girls, 1950 Trumbull, Detroit, MI 48216, Amanda Good, (313) 496-0938.

Youth Living Centers, 30000 Hiveley, Inkster, MI 48141, Sherry Olshavsky, (313) 728-3400.

Comprehensive Youth Services, Two Crocker Boulevard, Mt. Clemens, MI 48043, Joanne Smyth, (313) 463-7079.

Gateway Community Services, 910 Abbott Road, East Lansing, MI 48823, Connie Hays, (517) 351-4000.

**Minnesota**

The Bridge for Runaway Youth, 220 Emerson Avenue South, Minneapolis, MN 55405, Thomas Sawyer, (612) 377-8800.

**Ohio**

New Life Youth Services, 1527 Madison Road, Cincinnati, OH 45206, Robert Mecum (513) 221-3350.

Lutheran Metropolitan Ministry, 1468 West 25th Street, Cleveland, OH 44113, Thomas Sutton, (216) 241-4791.

**Region VI****New Mexico**

Youth Shelters and Family Services, P.O. Box 8135, Santa Fe, NM 87504, Cynthia Gonzales, (505) 983-0586.

**Oklahoma**

Youth and Family Services of Canadian County, 2404 Sunset Drive, El Reno, OK 73036, Les Sparks, (405) 262-6555.

Youth and Family Services of North Oklahoma, 2925 North Midway, Enid, OK 73701, Jane Webber, (405) 233-7220.

Youth Services of Oklahoma County, 2915 N. Lincoln, Oklahoma City, OK 73105, Sharon Wiggins, (405) 235-7537.

Youth Services for Stephens County, P.O. Box 1603, Duncan, OK 73534, John Herdt, (405) 255-8800.

**Texas**

The Bridge Association, 115 West Broadway, Fort Worth, TX 76104, Jan Viles, (817) 877-1121.

Youth Alternatives, (The Bridge), 3103 West Avenue, San Antonio, TX 78213, Jo Ann Sanders, (512) 340-8077.

Montgomery County Youth Services, P.O. Box 1316, Conroe, TX 77305, Gretchen Faulkner, (409) 756-8682.

**Region VII****Iowa**

Youth Homes, Inc., P.O. Box 324, Iowa City, IA 52244, William McCarty, (319) 337-4523.

Youth Emergency Services, 921 Pleasant Street, Des Moines, IA 50309, Susan Gehring-Liker, (515) 243-7825.

**Kansas**

Wichita Children's Home, 810 N. Holyoke, Wichita, KS 67208, Sarah Robinson, (316) 684-6581.

**Missouri**

Youth In Need, 529 Jefferson, St. Charles, MO 63301, James Braun, (314) 946-0101.

Managers of Roman Catholics Orphans Asylums of St. Louis, 325 North Newstead Avenue, St. Louis, MO 63108, Joanne Fuchs, (314) 653-0080.

**Region VIII****Colorado**

Urban Peak, 1577 Clarkson Street, Denver, CO 80218, Jonathan Schwartz, (303) 863-7325.

Ute Mountain Ute Tribe, P.O. Box 56, Towaoc, CO 81334, Rita Arnett, (303) 565-9634.

**Montana**

Yellowstone County, (Tumbleweed Runaway Program, Inc.), P.O. Box 35000, 217 N. 27th Street, Billings, MT 59107.

Blackfeet Tribal Business Council, P.O. Box 1210, Browning, MT 59417, Violet Butterfly, (406) 338-5871.

**North Dakota**

Mountain Plains Youth Services, 311 North Washington, Bismarck, ND 58501, Linda Wood, (701) 255-7229.

**South Dakota**

Crow Creek Sioux Tribe, (Red Horse Lodge), Box 49, Ft. Thompson, SD 57339, Emelia Olson, (605) 245-2213.

**Utah**

Salt Lake City Division of Youth Services, 3975 South Main, Murray, UT 84107, Lamar Eyre, (801) 264-2254.

**Region IX****Arizona**

Center for Youth Resources, 915 N. Fifth Street, Phoenix, AZ 85004, Michael Garvey, (602) 271-9849.

The Navajo Nation, P.O. Box 1599, Window Rock, AZ 86515, Irving Toddy, (602) 871-6744.

Open-Inn, 4810 E. Broadway, Tucson, AZ 85711, Darlene Dankowski, (602) 323-0200.

**California**

Community Service Program, 17200 Jamboree, Irvine, CA 92714, Margot Carlson, (714) 494-4311.

Klein Bottle, 401 N. Milpas, Santa Barbara, CA 93103, David Edelman, (805) 564-7830.

Los Angeles Free Clinic, 8405 Beverly Boulevard, Los Angeles, CA 90048, Andrea Sobbe, (213) 653-8622.

Orange County Youth and Family Services, 12900 Garden Grove Blvd., Garden Grove, CA 92668, Kevin Meehan, (714) 978-6896.

Santa Clara Social Advocates, 509 View Street, Mountain View, CA 94041, Paul Schutz, (408) 253-3540.

Los Angeles Gay and Lesbian Community Services Center, 1213 North Highland Avenue, Los Angeles, CA 90038, Jackie Gelfand, (213) 993-7400.

Larkin Street Services, 1044 Larkin Street, San Francisco, CA 94109, Diane Flannery, (415) 673-0911.

Youth and Family Assistance, 609 Price Avenue, Suite 205, Redwood City, CA 94063, Richard Gordon, (415) 366-8401.



Diogenes Youth Services, 9097-99  
Tuolumne Drive, Sacramento, CA  
95826, James Bueto, (916) 363-9943.

Central City Hospitality House, 146  
Leavenworth Street, San Francisco,  
CA 94102, Kate Durham, (415) 749-  
2117.

South Bay Community Services, 315  
Fourth Avenue, Suite E, Chula Vista,  
CA 91910, Kathryn Lembo, (619) 420-  
3620.

#### *Nevada*

Tahoe Youth and Family Services, P.O.  
Box 848, South Lake Tahoe, CA  
96156, Teri Mundt, (916) 541-2445.

#### **Region X**

##### *Alaska*

Alaska Youth and Parent Foundation,  
3745 Community Park Loop,  
Anchorage, AK 99508, Sheila Gaddis,  
(907) 274-6541.

##### *Oregon*

The Youthworks, Inc., 1032 W Main  
Street, Medford, OR 97501, Steven  
Groverman, (503) 779-2393.

J Bar J Youth Services, 62895 Hamby  
Road, Bend, OR 97701, Craig  
Christiansen, (503) 389-1409.

Northwest Human Services, 681 Center  
Street, N.E., Salem, OR 97301, Karen  
Hill, (503) 588-5828.

##### *Washington*

Youth Help Association, West 1101  
College, Spokane, WA 99201, Teresa  
Wright, (509) 326-9553.

Pierce County Alliance, 710 S. Fawcett,  
Tacoma, WA 98402, Dean Wilson,  
(206) 572-4750.

Friends of Youth, 16225 NE 87th Street,  
Redmond, WA 98052, Sheridan  
Hopper, (206) 869-6490.

South Puget Intertribal Planning  
Agency, S.E. 1750 Old Olympic  
Highway, Shelton, WA 98584,  
Amadeo Tiam, (206) 426-3990.

BILLING CODE 4184-01-M

Appendix E. Runaway and Homeless Youth Basic Center Program  
Allocations by State

TABLE OF ALLOCATIONS BY STATE  
(Total 57 States and Jurisdictions -- Fiscal Year 1993)

<u>Regions/States</u>	<u>Continuations</u>	<u>New Starts</u>	<u>Total Allotments</u>
Region I			
Connecticut	\$272,818	\$89,209	\$362,027
Maine	146,896	-0-	146,896
Massachusetts	386,469	264,611	651,080
New Hampshire	106,437	26,243	132,680
Rhode Island	108,987	-0-	108,987
Vermont	75,000	-0-	75,000
Region II			
New Jersey	796,089	76,756	872,845
New York	1,563,671	505,189	2,068,860
Puerto Rico	226,998	319,833	546,831
Virgin Islands	30,000	-0-	30,000
Region III			
Delaware	79,608	-0-	79,608
District of Columbia	75,000	-0-	75,000
Maryland	487,062	82,040	569,102
Pennsylvania	1,073,702	266,840	1,340,542
Virginia	501,142	227,650	728,792
West Virginia	207,076	-0-	207,076
Region IV			
Alabama	409,704	97,797	507,501
Florida	1,178,951	241,199	1,420,150
Georgia	594,256	246,840	841,096
Kentucky	432,064	22,365	454,429
Mississippi	60,198	295,669	355,867
North Carolina	550,031	228,516	778,547
South Carolina	82,291	362,187	444,478
Tennessee	249,494	333,350	582,844
Region V			
Illinois	1,356,061	64,089	1,420,150
Indiana	419,221	274,980	694,201
Michigan	569,400	607,661	1,177,061
Minnesota	335,198	228,218	563,416
Ohio	1,022,994	312,809	1,335,803
Wisconsin	621,227	-0-	621,227

## Region VI

Arkansas	296,635	-0-	296,635
Louisiana	311,373	272,893	584,266
New Mexico	140,617	76,410	217,027
Oklahoma	312,710	87,699	400,409
Texas	1,746,583	608,013	2,354,596

## Region VII

Iowa	213,297	130,723	344,020
Kansas	213,491	104,941	318,432
Missouri	501,914	133,055	634,969
Nebraska	113,688	92,440	206,128

## Region VIII

Colorado	281,395	137,021	418,416
Montana	105,670	-0-	105,670
North Dakota	81,977	-0-	81,977
South Dakota	77,299	17,946	95,245
Utah	-0-	304,690	304,690
Wyoming	75,000	-0-	75,000

## Region IX

American Samoa	-0-	30,000	30,000
Arizona	431,115	47,481	478,596
California	3,128,568	739,054	3,867,622
Guam	-0-	30,000	30,000
Hawaii	136,945	-0-	136,945
Northern Marianas	-0-	30,000	30,000
Nevada	146,717	5,865	152,582
Palau	-0-	30,000	30,000

## Region X

Alaska	85,294	-0-	85,294
Idaho	151,160	-0-	151,160
Oregon	238,556	115,889	354,445
Washington	423,403	199,245	622,648

TOTALS	\$23,231,452	\$8,367,418	\$31,598,870
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**Appendix F. Administration for Children and Families Regional Office Youth Contacts**

- Region I:** Sue Rosen, Administration for Children and Families, John F. Kennedy Federal Building, Room 2011, Boston, Massachusetts 02203 (CT, MA, ME, NH, RI, VT) (617) 565-1149
- Region II:** Estelle Haferling, Administration for Children and Families, 26 Federal Plaza, Room 4149, New York, NY 10278 (NJ, NY, PR, VI) (212) 264-2974
- Region III:** David Lett, Administration for Children and Families, 3535 Market Street, P.O. Box 13714, Philadelphia, PA 19101 (DC, DE, MD, PA, VA, WV) (215) 596-1224
- Region IV:** Viola Brown, Administration for Children and Families, 101 Marietta Tower, Suite 903, Atlanta, GA 30323 (AL, FL, GA, KY, MS, NC, SC, TN) (404) 221-2128
- Region V:** William Sullivan, Administration for Children and Families, 105 West Adams, 23rd Floor, Chicago, IL 60603 (IL, IN, MI, MN, OH, WI) (312) 353-4241
- Region VI:** Ralph Rogers, Administration for Children and Families, 1200 Main Tower, 20th Floor, Dallas, TX 75202 (AR, LA, NM, OK, TX) (214) 767-6596
- Region VII:** Lynda Bitner, Administration for Children and Families, Federal Office Building, Room 384, 601 East 12th Street, Kansas City, MO 64106 (IA, KS, MO, NE), (816) 426-5401
- Region VIII:** Robert Rease, Administration for Children and Families, Federal Office Building, 1961 Stout Street, 9th Floor, Denver, CO 80294 (CO, MT, ND, SD, UT, WY), (303) 844-3106
- Region IX:** Les Rucker, Administration for Children and Families, 50 United Nations Plaza, San Francisco, CA 94102 (AZ, CA, HI, NV, American Samoa, Guam, Northern Mariana Islands, Marshall Islands, Federated States of Micronesia, Palau) (415) 556-7408
- Region X:** Steve Ice, Administration for Children and Families, 2201 Sixth Avenue, RX 32, Seattle, WA 98121 (AK, ID, OR, WA) (206) 442-0482

**Appendix G. Training and Technical Assistance Providers**

FYSB funds ten regionally based organizations to provide training and technical assistance to programs funded under the Basic Center, Transitional Living and Drug Abuse Prevention Programs, and to other agencies serving runaway and homeless youth.

Each of the training and technical assistance providers offers on-site consultations; regional, State and local conferences; information sharing and skill-based training.

For more information, contact the training and technical assistance provider in your region.

Massachusetts Committee for Children and Youth, 14 Beacon Street, Suite 706, Boston, MA 02108, (617) 742-8555, Contact: Nancy Jackson

Empire State Coalition, 121 Avenue of the Americas, Room 507, New York, NY 10013, (212) 966-6477, Contact: Margo Hirsch

Mid-Atlantic Network of Youth and Family Services, Inc., 9400 McKnight Road, Suite 106, Pittsburgh, PA 15237, (412) 366-6562, Contact: Nancy Johnson

Southeastern Network of Youth and Family Services, 337 South Milledge Avenue, Suite 209, Athens, GA 30605, (706) 354-4568, Contact: Gail Kurtz

Michigan Network of Runaway and Youth Services, 115 West Allegan, Suite 310, Lansing, MI 48933, (517) 484-5262, Contact: Bruce Haas

Southwest Network of Youth Services, West 40th Street, Austin, TX 78751, (512) 459-1455, Contact: Theresa Andreas-Tod

M.I.N.K., A Network of Runaway and Youth Serving Agencies, P.O. Box 14403, Parkville, MO 64152, (314) 946-0101, Contact: Laura Harrison

Mountain Plains Youth Services, 311 North Washington, Bismarck, ND 58501, (701) 255-7229, Contact: Linda Wood

Western States Youth Services Network, 1306 Ross Street, Suite B, Petaluma, CA 94954, (707) 763-2213, Contact: Nancy Fastenau

Northeast Network of Runaway and Youth Services, 94 Third Street, Ashland, OR 97501, (503) 482-8890, Contact: Ginger Baggett

**Appendix H—State Single Points of Contact****Arizona**

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280-1315

**Arkansas**

Mr. Joseph Gillespie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371-1074

**California**

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323-7480

**Colorado**

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, Telephone (303) 866-2156

**Connecticut**

Under Secretary, Attn: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106-4459, Telephone (203) 566-3410

**Delaware**

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736-3326

**District of Columbia**

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, Room 416,

District Building, 1350 Pennsylvania Avenue NW., Washington, D.C. 20004, Telephone (202) 727-9111

**Florida**

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399-0001, Telephone: (904) 488-8114

**Georgia**

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street SW., Atlanta, Georgia 30334, Telephone (404) 656-3855

**Hawaii**

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol—Room 406, Honolulu, Hawaii 96813, Telephone (808) 548-5893, FAX (808) 548-8172

**Illinois**

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782-8639

**Indiana**

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232-5610

**Iowa**

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281-3725

**Kentucky**

Debbie Anglin, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Telephone (502) 564-2382

**Maine**

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289-3261

**Maryland**

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Telephone (301) 225-4490

**Massachusetts**

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, Room 1803, Boston, Massachusetts 02202, Telephone (617) 727-7001

**Michigan**

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Telephone (517) 373-7111

Please direct correspondence to: Manager, Federal Project Review, Michigan



Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373-6223

#### Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960-4280

#### Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751-4834

#### Montana

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, Room 202—State Capitol, Helena, Montana 59620, Telephone (406) 444-5522

#### Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Attn: John B. Walker, Clearinghouse Coordinator

#### New Hampshire

Jeffery H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271-2155

#### New Jersey

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-6613

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-9025

#### New Mexico

Aurella M. Sandoval, State Budget Division, DFA, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827-3640, FAX (505) 827-3006

#### New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474-1605

#### North Carolina

Mrs. Chrysta Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733-0499

#### North Dakota

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224-2094

#### Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411, Telephone (614) 466-0698

#### Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277-2656

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning

#### South Carolina

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734-0493

#### South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773-3212

#### Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741-1676

#### Texas

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463-1778

#### Utah

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538-1535

#### Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828-3326

#### West Virginia

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348-4010

#### Wisconsin

William C. Carey, Federal/State Relations, IGA Relations, 101 South Webster Street, P.O. Box 7864, Milwaukee, Wisconsin 53707, Telephone (608) 266-1741

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal/State Relations Office, Wisconsin Department of Administration, (608) 266-0267

#### Wyoming

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777-7574

#### Territories

##### Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agaña, Guam 96910, Telephone (671) 472-2285

##### Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

##### Puerto Rico

Patria Custodio/Israel Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-9985, Telephone (809) 727-4444

##### Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774-0750

BILLING CODE 4184-01-M

APPENDIX I

OMB Approval No. 0348-0043

**APPLICATION FOR FEDERAL ASSISTANCE**

<b>1. TYPE OF SUBMISSION:</b> <i>Application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED</b> Applicant Identifier	
<i>Preapplication</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>3. DATE RECEIVED BY STATE</b> State Application Identifier	
		<b>4. DATE RECEIVED BY FEDERAL AGENCY</b> Federal Identifier	
<b>5. APPLICANT INFORMATION</b>			
Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code):	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> [ ] [ ] - [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]		<b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> <input type="checkbox"/> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
<b>8. TYPE OF APPLICATION:</b> <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other (specify): _____			
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> [ ] [ ] [ ] [ ] a [ ] [ ] [ ] [ ] TITLE: _____		<b>9. NAME OF FEDERAL AGENCY:</b> _____ <b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> _____	
<b>12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):</b> _____			
<b>13. PROPOSED PROJECT:</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b>	
Start Date	Ending Date	a. Applicant	b. Project
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b> a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____ b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
a. Federal	\$ .00		
b. Applicant	\$ .00		
c. State	\$ .00		
d. Local	\$ .00		
e. Other	\$ .00		
f. Program Income	\$ .00		
g. TOTAL	\$ .00	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b> <input type="checkbox"/> Yes    If "Yes," attach an explanation. <input type="checkbox"/> No	
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED</b>			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed	

Previous Editions Not Usable

Standard Form 424 (REV 4-88)  
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**INSTRUCTIONS FOR THE SF 424**

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

**Item and Entry:**

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
  - "New" means a new assistance award.
  - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
  - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preappropriations, use a separate sheet to provide a summary description of this project.
12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

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OMB Approval No. 0348-0044

**BUDGET INFORMATION — Non-Construction Programs**

**SECTION A — BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

**SECTION B — BUDGET CATEGORIES**

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

Standard Form 424A (4 88)  
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**SECTION C - NON-FEDERAL RESOURCES**

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$

**SECTION D - FORECASTED CASH NEEDS**

	Total for 1st Year			
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$
14. NonFederal				
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

**SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT**

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 - 19)	\$	\$	\$	\$

**SECTION F - OTHER BUDGET INFORMATION**

(Attach additional sheets if necessary)

21. Direct Charges:	
22. Indirect Charges:	
23. Remarks	

SF 121A (4-88) Page 2  
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**Instructions for the SF-424A****General Instructions**

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B. Section A, Budget Summary Lines 1-4, Columns (a) and (b).

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line on Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

**Lines 1-4, Columns (c) Through (g).**

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in

Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

**Section B Budget Categories**

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6i in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

**Section C. Non-Federal-Resources**

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

**Section D. Forecasted Cash Needs**

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

**Section E. Budget Estimates of Federal Funds Needed for Balance of the Project**

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

**Section F. Other Budget Information**

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

**Assurances—Non-Construction Programs**

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to

certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, paper, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;

(e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and

Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et. seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO

11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official  
Title \_\_\_\_\_

Applicant Organization  
Date Submitted \_\_\_\_\_

**Certification Regarding Lobbying*****Certification for Contracts, Grants, Loans, and Cooperative Agreements***

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

***State for Loan Guarantee and Loan Insurance***

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or

attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Date \_\_\_\_\_

***Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions***

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions

(Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction," provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

***Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions***

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions." without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

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**U.S. Department of Health and Human Services**  
**Certification Regarding Drug-Free Workplace Requirements**  
**Grantees Other Than Individuals**

**By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.**

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

**"Controlled substance"** means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

**"Conviction"** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

**"Criminal drug statute"** means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

**"Employee"** means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**The grantee certifies that it will or will continue to provide a drug-free workplace by:**

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code) \_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

# Federal Register

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Tuesday  
May 18, 1993

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## Part III

### Department of the Interior

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Fish and Wildlife Service

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50 CFR Part 32  
Refuge-Specific Hunting and Fishing  
Regulations; Final Rule

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 32

RIN 1018-AA71

## Refuge-Specific Hunting and Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) amends certain regulations that pertain to migratory game bird hunting, upland game hunting, big game hunting and sport fishing on individual national wildlife refuges. Refuge hunting and fishing programs are reviewed annually to determine whether the individual refuge regulations governing these programs should be modified, deleted or have additions made to them. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitat may warrant modifications to insure the continued compatibility of hunting and fishing with the purposes for which the individual refuges were established. Modifications are designed, to the extent practical, to make refuge hunting and fishing programs consistent with State regulations. In addition, these refuge-specific regulations are consistent with the new format which reorganizes all hunting and fishing regulations under one part.

EFFECTIVE DATE: June 17, 1993.

**FOR FURTHER INFORMATION CONTACT:** Duncan L. Brown, Division of Refuges, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 670 ARLSQ, Washington, DC 20240; Telephone (703) 358-2043.

**SUPPLEMENTARY INFORMATION:** 50 CFR part 32 contains provisions governing hunting and fishing on national wildlife refuges. Hunting and fishing are regulated on refuges to (1) insure compatibility with refuge purposes, (2) properly manage the wildlife resource, (3) protect other refuge values, and (4) insure refuge user safety. On many refuges, the Service policy of adopting State hunting regulations is adequate in meeting these objectives. On other refuges, it is necessary to supplement State regulations with more restrictive Federal regulations to insure that the Service meets its management responsibilities, as outlined under the section entitled "Conformance with Statutory and Regulatory Authorities." Refuge-specific hunting and fishing

regulations may be issued only after a wildlife refuge is opened to migratory game bird hunting, upland game hunting, big game hunting or sport fishing through publication in the Federal Register. These regulations may list the wildlife species that may be hunted or are subject to sport fishing, seasons, bag limits, methods of hunting or fishing, descriptions of open areas, and other provisions as appropriate. Previously issued refuge-specific regulations for hunting and fishing are contained in 50 CFR part 32. Many of the amendments to these sections are being promulgated to standardize and clarify the existing language of these regulations.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process.

In the December 11, 1992, issue of the Federal Register (57 FR 58930) the Service published a proposed rulemaking to amend certain regulations in 50 CFR part 32 and invited public comment. The Service received no comments on these revisions.

## Conformance with Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the NWRSA authorizes the Secretary of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to, hunting, fishing and public recreation, accommodations and access, when he determines that such uses are compatible with the major purpose(s) for which the area was established.

The Refuge Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purpose(s) for which the areas were established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act. Hunting and sport fishing plans are developed for each refuge prior to opening it to hunting or fishing. In many cases, refuge-specific hunting and fishing regulations are included in the hunting and sport fishing plans to ensure the compatibility of the hunting and sport fishing programs with the purposes for which the refuge was established. Initial

compliance with the NWRSA and Refuge Recreation Act is ensured when hunting and sport fishing plans are developed, and the determinations required by these acts are made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR. Continued compliance is ensured by annual review of hunting and sport fishing programs and regulations.

## Economic Effect

Executive Order 12291 requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; or a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The proposed amendments to the codified refuge-specific hunting and fishing regulations make relatively minor adjustments to existing hunting programs. The regulations are not expected to have any gross economic effect and will not cause an increase in costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographic regions. The benefits accruing to the public are expected to exceed by a large margin the costs of administering this rule. Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of E.O. 12291 and would not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

## Paperwork Reduction Act

The information collection requirements for part 32 are found in 50 CFR part 25 and have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including



time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20503.

**Environmental Considerations**

Compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) is ensured when hunting and sport fishing plans are developed, and the determinations required by these acts are made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR. Refuge-specific hunting and fishing regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of a particular national wildlife refuge. The changes proposed in this rulemaking would not substantially alter the existing uses of the refuges involved. Information regarding hunting and fishing permits and the conditions that apply to individual refuge hunts, sport fishing activities and maps of the respective areas are available at refuge headquarters or can be obtained from the regional offices of the U.S. Fish and Wildlife Service at the addresses listed below:

Region 1—California, Hawaii, Idaho, Nevada, Oregon, and Washington. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Eastside Federal Complex, suite 1692, 911 NE. 11th Avenue, Portland, Oregon 97232-4181; Telephone (503) 231-6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas. Assistant Regional Director—Refuges and Wildlife U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; Telephone (505) 766-1829.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111; Telephone (612) 725-3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico and the Virgin Islands. Assistant Regional

Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303; Telephone (404) 331-0833.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 300 W. Gate Center Drive, Hadley, Massachusetts 01035; Telephone (413) 253-8200.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225; Telephone (303) 236-8145.

Region 7—Alaska (Hunting and fishing on Alaska refuges is in accordance with State regulations. There are no refuge-specific hunting and fishing regulations for these refuges). Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786-3538.

Duncan L. Brown, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC 20240, is the primary author of this rulemaking document.

**List of Subjects in 50 CFR Part 32**

Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Accordingly, part 32 of chapter I of title 50 of the Code of Federal Regulations are amended as set forth below:

**PART 32—[AMENDED]**

1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 7151.

**§ 32.7 [Amended]**

1a. Section 32.7 is amended by transferring "Rachel Carson National Wildlife Refuge" to its proper alphabetical order preceding "Sunkhaze Meadows National Wildlife Refuge" under Maine.

2. Section 32.20 *Alabama* is amended by revising paragraph C. of the Choctaw National Wildlife Refuge; by revising paragraphs A., B., and C. of Eufaula National Wildlife Refuge to read as follows:

**§ 32.20 Alabama.**

\* \* \* \* \*

**Choctaw National Wildlife Refuge**

\* \* \* \* \*

C. *Big Game Hunting.* Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.

\* \* \* \* \*

**Eufaula National Wildlife Refuge**

A. *Hunting of Migratory Game Birds.* Hunting of geese, ducks, coots, mourning doves, snipe and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. *Upland Game Hunting.* Hunting of quail and rabbit is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. *Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

\* \* \* \* \*

3. Section 32.22 *Arizona* is amended by revising paragraph C. of *Buenos Aires National Wildlife Refuge* to read as follows:

**§ 32.22 Arizona.**

\* \* \* \* \*

**Buenos Aires National Wildlife Refuge**

\* \* \* \* \*

C. *Big Game Hunting.* Hunting of mule deer and white-tailed deer, javelina and feral hogs is permitted on designated areas of the refuge.

\* \* \* \* \*

4. Section 32.23 *Arkansas* is amended by revising paragraph B. of *Big Lake National Wildlife Refuge* to read as follows:

**§ 32.23 Arkansas.**

\* \* \* \* \*

**Big Lake National Wildlife Refuge**

\* \* \* \* \*

B. *Upland Game Hunting.* Hunting of squirrel, rabbit, raccoon, beaver and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

\* \* \* \* \*

5. Section 32.24 *California* is amended by removing paragraph A.4. and revising paragraph A.3. of *Delevan National Wildlife Refuge*; by revising paragraphs A.3. and B.2. of *Lower Klamath National Wildlife Refuge*; by revising paragraph A.3., and removing paragraph A.4., and by redesignating paragraph A.5. as paragraph A.4. of *Sacramento National Wildlife Refuge*; and by revising paragraphs A.4. and B.2. of *Tule Lake National Wildlife Refuge* to read as follows:

**§ 32.24 California.**

\* \* \* \* \*

**Delevan National Wildlife Refuge**

**A. Hunting of Migratory Game Birds. \* \* \***

3. Hunters assigned to the spaced blind unit are restricted to within 100 feet of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the parking area.

**Lower Klamath National Wildlife Refuge**

**A. Hunting of Migratory Game Birds. \* \* \***

3. Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.

**B. Upland Game Hunting. \* \* \***

2. Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.

**Sacramento National Wildlife Refuge**

**A. Hunting of Migratory Game Birds. \* \* \***

3. Hunters assigned to the spaced blind unit are restricted to within 100 feet of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the parking area.

**Tule Lake National Wildlife Refuge**

**A. Hunting of Migratory Game Birds. \* \* \***

4. Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.

**B. Upland Game Hunting. \* \* \***

2. Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.

6. Section 32.27 *Delaware* is amended by removing paragraph A.8. and redesignating paragraph A.9. as paragraph A.8. of Bombay Hook National Wildlife Refuge; and by removing paragraph A.7. and redesignating paragraphs A.8. and A.9. as paragraphs A.7. and A.8., respectively, revising paragraphs C. introductory text, C.2., C.3., and C.4., and adding new paragraphs C.7. and C.8. of Prime Hook National Wildlife refuge to read as follows:

**§ 32.27 Delaware.**

**Prime Hook National Wildlife Refuge**

**C. Big Game Hunting.** Hunting of deer and turkey is permitted on designated areas of the refuge subject to the following conditions:

- 2. Deer hunting on Area A must be from designated stands only, unless actively tracking or retrieving wounded deer.
- 3. Hunting Areas A and B and the North Hunting Area are open to shotgun and muzzleloader deer hunting.
- 4. Archery deer hunting is permitted on the North Hunting Area only.

7. A shotgun only turkey hunt is permitted during the State spring season in Unit 1 north of Fowler's Beach Road and west of Slaughter Canal.

8. Hunters during firearms deer season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

7. Section 32.32 *Illinois* is amended by revising paragraph A.1., removing A.2. and redesignating paragraph A.3. as paragraph A.2., and adding a sentence at the end of the newly designated paragraph A.2., revising paragraphs B.1., B.2., and C.3., and adding a new paragraph C.4. to Crab Orchard National Wildlife Refuge to read as follows:

**§ 32.32 Illinois.**

**Crab Orchard National Wildlife Refuge**

**A. Hunting of Migratory Game Birds. \* \* \***

1. Waterfowl hunting is permitted on the controlled areas of Grassy Point, Carterville and Greenbrair land areas, plus Orchard, Turkey, and Sawmill and Grassy Islands, from sunrise to posted closing times each day during the goose season. Waterfowl hunting in these areas, including lake shorelines, is permitted only from existing refuge blinds. Hunters must comply with the special rules posted at the blind drawing site. Only waterfowl hunting is permitted in the controlled goose hunting areas during goose season.

2. No person may establish or use a goose blind or pit within 100 yards of roads, right-of-ways, easements, and refuge public use boundaries.

**B. Upland Game Hunting. \* \* \***

1. Upland game hunting is not permitted in the controlled goose hunting areas during goose season.

2. No rifles or pistols with ammunition larger than .22 caliber rim fire, except black powder firearms up to and including .40 caliber may be used.

**C. Big Game Hunting. \* \* \***

3. Deer hunting is not permitted in the controlled goose hunting areas during goose season.

4. Hunting stands must be removed at the end of each day's hunt.

8. Section 32.33 *Indiana* is amended by adding a new paragraph C.5. to

Muscatatuck National Wildlife Refuge to read as follows:

**§ 32.33 Indiana.**

**Muscatatuck National Wildlife Refuge**

**C. Big Game Hunting. \* \* \***

5. Non-hunters must stay in vehicles when entering the hunt area during the second state deer muzzleloader season.

9. Section 32.37 *Louisiana* is amended by revising paragraph B. for Atchafalaya National Wildlife Refuge; by revising paragraph B.2. and adding a new paragraph B.5., and by revising paragraph C. of D'Arbonne National Wildlife Refuge; by revising paragraphs A., B., and C. of Delta National Wildlife Refuge; by revising paragraphs B.2. and B.4., and adding a new paragraph B.5., and by revising paragraph C. for Upper Ouachita National Wildlife Refuge to read as follows:

**§ 32.37 Louisiana.**

**Atchafalaya National Wildlife Refuge**

**B. Upland Game Hunting.** Hunting of squirrel, rabbit, raccoon, opossum, nutria, muskrat, mink, fox, bobcat, beaver and otter is permitted on designated areas of the refuge subject to the following condition: Hunting shall be in accordance with Sherburne Wildlife Management Area regulations.

**D'Arbonne National Wildlife Refuge**

**B. Upland Game Hunting. \* \* \***

2. Feral hogs, coyotes and beaver may be taken during all refuge hunts.

5. Dogs are allowed for hunting squirrels, rabbits and raccoon only from the end of the last refuge gun deer hunt to the end of small game season.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Either-sex deer hunting with firearms is permitted during the second consecutive Saturday and Sunday and fourth consecutive Friday and Saturday in November only.

2. Feral hogs, coyotes, and beaver may be taken during all refuge hunts.

3. Only still hunting is permitted.

4. Deer stands may not be left unattended.

5. All deer must be checked at a designated check station.

**Delta National Wildlife Refuge**

**A. Hunting of Migratory Game Birds.** Hunting of migratory game birds is permitted

on designated areas of the refuge subject to the following condition: Permits are required.

**B. Upland Game Hunting.** Hunting of rabbit is permitted on designated areas of the refuge subject to the following condition: Permits are required.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

**Upper Ouachita National Wildlife Refuge**

**B. Upland Game Hunting.** \* \* \*

2. Feral hogs, coyotes and beaver may be taken during all refuge hunts.

4. Nontoxic shot is required while hunting upland game species.

5. Dogs are allowed for hunting squirrels, rabbits and raccoon only from the end of the last refuge gun deer hunt to the end of small game season.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Either-sex deer hunting with firearms is permitted during the second consecutive Saturday and Sunday and fourth consecutive Friday and Saturday in November only.

2. Feral hogs, coyotes, and beaver may be taken during all refuge hunts.

3. Firearms must be unloaded while being transported in a vehicle or boat.

4. Only still hunting is permitted.

5. Deer stands may not be left unattended.

10. Section 32.38 *Maine* is amended by revising paragraph C.2. for Moosehorn National Wildlife Refuge; by transferring "Rachel Carson National Wildlife Refuge" to its correct alphabetical order preceding "Sunhaze Meadows National Wildlife Refuge"; by adding new paragraphs B.1 and C.1. to Rachel Carson National Wildlife Refuge; and by revising paragraph C.1. of Sunhaze Meadows National Wildlife Refuge to read as follows:

**§ 32.38 Maine.**

**Moosehorn National Wildlife Refuge**

**C. Big Game Hunting.** \* \* \*

2. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

**Rachel Carson National Wildlife Refuge**

**B. Upland Game Hunting.** \* \* \*

1. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square

inches of solid-colored hunter orange clothing or material.

**C. Big Game Hunting.** \* \* \*

1. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

**Sunhaze Meadows National Wildlife Refuge**

**C. Big Game Hunting.** \* \* \*

1. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

11. Section 32.39 *Maryland* is amended by revising paragraph C.4. for Blackwater National Wildlife Refuge; and by revising paragraph C.5. for Eastern Neck National Wildlife Refuge to read as follows:

**§ 32.39 Maryland.**

**Blackwater National Wildlife Refuge**

**C. Big Game Hunting.** \* \* \*

4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

**Eastern Neck National Wildlife Refuge**

**C. Big Game Hunting.** \* \* \*

5. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

**§ 32.40 [Amended]**

12. Section 32.40 *Massachusetts* is amended by removing paragraph A.1. and redesignating paragraph A.2. as paragraph A.1., and removing paragraph B.3. of Oxbow National Wildlife Refuge; by removing paragraphs A.2. and A.5. and redesignating paragraphs A.3. and A.4. as paragraphs A.2. and A.3., respectively, and removing paragraph C.7. and redesignating paragraph C.8. as paragraph C.7. of Parker River National Wildlife Refuge.

13. Section 32.42 *Minnesota* is amended by revising paragraphs A. and C. of the Minnesota Valley National Wildlife Refuge; and by adding a new paragraph C.4. to Rice Lake National Wildlife Refuge to read as follows:

**§ 32.42 Minnesota.**

**Minnesota Valley National Wildlife Refuge**

**A. Hunting of Migratory Game Birds.**

Hunting of geese, ducks, and coots is permitted on designated areas of the refuge.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

- 1. Archery hunting is permitted.
- 2. All stands must be removed from the refuge at the end of each day's hunt.
- 3. Permits are required to participate in the shotgun Alternative Deer Control Program.

**Rice Lake National Wildlife Refuge**

**C. Big Game Hunting.** \* \* \*

4. Hunting of deer on the Rice Lake Unit is by firearm only; hunting on the Sandstone Unit is by firearm and archery.

14. Section 32.45 *Montana* is amended by removing paragraph A.3. and by revising paragraph B. for Benton Lake National Wildlife Refuge to read as follows:

**§ 32.45 Montana.**

**Benton Lake National Wildlife Refuge**

**B. Upland Game Hunting.** Hunting of upland game birds is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunters shall possess and use only nontoxic shot while in the field.
- 2. Hunting is permitted beginning on the opening day of Montana waterfowl hunting season and is closed at the end of the hunting day of November 30.

15. Section 32.49 *New Jersey* is amended by removing paragraphs A.1., A.3., A.4. and A.7. and redesignating paragraphs A.2., A.5. and A.6. as paragraphs A.1., A.2. and A.3., respectively, by adding new paragraphs A.4, A.5. and A.6., and revising paragraph C.3. for Edwin B. Forsythe National Wildlife Refuge; by revising paragraph C.3., removing paragraph C.4., and adding paragraph D. for Great Swamp National Wildlife Refuge; and by revising paragraph C.4. for Supawna Meadows National Wildlife Refuge to read as follows:

**§ 32.49 New Jersey.**

**Edwin B. Forsythe National Wildlife Refuge**

**A. Hunting of Migratory Game Birds.** \* \* \*

4. Hunters may not use or possess more than 25 shells per day in Hunting Areas A, B, and C in the Barnegat Division and in Hunting Unit 1 in the Brigantine Division.

5. In Hunting Area B of the Barnegat Division, hunting is restricted to designated sites, with each site limited to one party of hunters. A minimum of six decoys per site is required.

6. No sites or areas may be occupied before 4:00 a.m. Access is by boat only.

C. Big Game Hunting. \* \* \*

3. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

Great Swamp National Wildlife Refuge

C. Big Game Hunting. \* \* \*

3. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. [Reserved]

Sapawna Meadows National Wildlife Refuge

C. Big Game Hunting. \* \* \*

4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

16. Section 32.51 New York is amended by removing paragraph A.4. and redesignating paragraphs A.5., A.6., A.7. and A.8. as paragraphs A.4., A.5., A.6. and A.7., respectively, by adding a new paragraph B.3., and by revising paragraph C.1. for Iroquois National Wildlife Refuge; and by revising paragraph B., by removing paragraph C.1. and redesignating paragraphs C.2. and C.3. as paragraphs C.1. and C.2., respectively, and revising the newly designated C.2. of Montezuma National Wildlife Refuge to read as follows:

§32.51 New York.

Iroquois National Wildlife Refuge

B. Upland Game Hunting. \* \* \*

3. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

C. Big Game Hunting. \* \* \*

1. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square

inches of solid-colored hunter orange clothing or material.

Montezuma National Wildlife Refuge

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge.

C. Big Game Hunting. \* \* \*

2. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

17. Section 32.52 North Carolina is amended by revising paragraphs A., B., and C. of Alligator River National Wildlife Refuge to read as follows:

§32.52 North Carolina.

Alligator River National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of swans, geese, ducks, coots, snipe, mourning doves and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of squirrel, rabbit, quail, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

18. Section 32.56 Oregon is amended by revising paragraphs A.1. and B. for Lower Klamath National Wildlife Refuge to read as follows:

§32.56 Oregon.

Lower Klamath National Wildlife Refuge

A. Hunting of Migratory Game Birds. \* \* \* 1. Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following condition: Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.

19. Section 32.57 Pennsylvania is amended by removing paragraph A.2. and redesignating paragraph A.3. as paragraph A.2., and by revising paragraphs C. introductory text and C.1. for Erie National Wildlife Refuge to read as follows:

§32.57 Pennsylvania.

Erie National Wildlife Refuge

C. Big Game Hunting. Hunting of deer and turkey is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open to turkey hunting during the State spring turkey season.

20. Section 32.60 South Carolina is amended by revising paragraph A. for Cape Romain National Wildlife Refuge to read as follows:

§32.60 South Carolina.

Cape Romain National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of rails is permitted on designated areas of the refuge subject to the following condition: Permits are required.

21. Section 32.63 Texas is amended by revising paragraphs C.4. and C.7. for Aransas National Wildlife Refuge; by adding paragraph A.3. to Brazoria National Wildlife Refuge; by revising paragraph A.1., removing paragraph A.2., and redesignating paragraphs A.3. and A.4. as paragraphs A.2. and A.3., respectively, of San Bernard National Wildlife Refuge to read as follows:

§32.63 Texas.

Aransas National Wildlife Refuge

C. Big Game Hunting. \* \* \*

4. Archery hunting is permitted in October on specified days listed in the refuge hunt brochure.

7. Firearms hunting is permitted in November on specified days listed in the refuge hunt brochure.

Brazoria National Wildlife Refuge

A. Hunting of Migratory Game Birds. \* \* \*

3. Permits are required to hunt on certain portions of the hunting area.

San Bernard National Wildlife Refuge

A. Hunting of Migratory Game Birds. \* \* \*

1. Permits are required to hunt on certain portions of the hunting area.

22. Section 32.65 Vermont is amended by removing paragraph A.7. and by revising paragraph C.2. for Missisquoi National Wildlife Refuge to read as follows:

§32.65 Vermont.



**Missisquoi National Wildlife Refuge**

\* \* \* \* \*

*C. Big Game Hunting.* \* \* \*

\* \* \* \* \*

2. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

\* \* \* \* \*

23. Section 32.66 *Virginia* is amended by revising paragraph C.5. for Back Bay National Wildlife Refuge; by revising paragraphs A. introductory text, A.1., A.4., A.5., and A.6., and by revising paragraph C.3. for Chincoteague National Wildlife Refuge; and by revising paragraph C.4. for Great Dismal Swamp National Wildlife Refuge to read as follows:

**§ 32.66 Virginia.**

\* \* \* \* \*

**Back Bay National Wildlife Refuge**

\* \* \* \* \*

*C. Big Game Hunting.* \* \* \*

\* \* \* \* \*

5. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

\* \* \* \* \*

**Chincoteague National Wildlife Refuge**

*A. Hunting of Migratory Game Birds.*  
Hunting of waterfowl and rails is permitted on designated areas of the refuge subject to the following conditions:

1. Written permission is required to hunt on the non-guided public hunting areas.

\* \* \* \* \*

4. Permanent blinds are permitted in compartments 1-4 in Wildcat Marsh.

5. Hunting parties are limited to a maximum of 4 hunters.

6. Public hunting is permitted only on Thursdays, Fridays, and Saturdays during the State waterfowl and during the entire State rail season.

\* \* \* \* \*

*C. Big Game Hunting.* \* \* \*

\* \* \* \* \*

3. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

\* \* \* \* \*

**Great Dismal Swamp National Wildlife Refuge**

\* \* \* \* \*

*C. Big Game Hunting.* \* \* \*

\* \* \* \* \*

4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

\* \* \* \* \*

24. Section 32.67 *Washington* is amended by revising paragraph A. for Conboy Lake National Wildlife Refuge to read as follows:

**§ 32.67 Washington.**

\* \* \* \* \*

**Conboy Lake National Wildlife Refuge***A. Hunting of Migratory Game Birds.*

Hunting of doves, geese, coots, and common snipe is permitted on designated areas of the refuge.

\* \* \* \* \*

25. Section 32.69 *Wisconsin* is amended by revising paragraph A.2. for Horicon National Wildlife Refuge; and by revising paragraph C. of the Trempealeau National Wildlife Refuge to read as follows:

**§ 32.69 Wisconsin.**

\* \* \* \* \*

**Horicon National Wildlife Refuge**

*A. Hunting of Migratory Game Birds.* \* \* \*

\* \* \* \* \*

2. Only participants in the Young Wildfowlers and Special Programs are permitted to hunt.

\* \* \* \* \*

**Trempealeau National Wildlife Refuge**

\* \* \* \* \*

*C. Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the Refuge subject to the following condition: Permits are required.

\* \* \* \* \*

Dated: February 3, 1993.

**Richard N. Smith,**

*Deputy Director, U.S. Fish and Wildlife Service.*

[FR Doc. 93-11579 Filed 5-17-93; 8:45 am]

BILLING CODE 4310-65-P



# Federal Register

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Tuesday  
May 18, 1993

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## Part IV

### Department of the Interior

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#### Fish and Wildlife Service

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#### 50 CFR Part 32

**Addition of Ten National Wildlife Refuges  
to the List of Open Areas for Hunting;  
One to the List for Sport Fishing and  
Pertinent Refuge-Specific Regulations;  
Rule**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 32

RIN 1018-AB25

**Addition of Ten National Wildlife Refuges to the List of Open Areas for Hunting; One to the List for Sport Fishing and Pertinent Refuge-Specific Regulations**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) adds ten national wildlife refuges (NWR(s)) to the lists of open areas for migratory game bird hunting, upland game hunting, and/or big game hunting, one NWR to the list for sport fishing and pertinent refuge-specific regulations for those activities. The Service has determined that such uses will be compatible with and, in some cases, enhance the purposes for which each refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities of a renewable natural resource. In addition, these regulations are consistent with the new format which reorganizes all hunting and fishing regulations under one part.

**EFFECTIVE DATE:** June 17, 1993.

**FOR FURTHER INFORMATION CONTACT:**

Duncan L. Brown, U.S. Fish and Wildlife Service, Division of Refuges, MS 670 ARLSQ, 1849 C Street, NW, Washington, DC 20240; Telephone: 703-358-2043.

**SUPPLEMENTARY INFORMATION:** National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established, and that funds are available for development, operation, and maintenance of a hunting or fishing program. The action must also be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound wildlife management, and must otherwise be in the public interest. This rulemaking opens ten refuges to hunting and one to sport fishing. All of the

hunting and fishing programs included in this openings document have refuge-specific hunting or fishing regulations which are included in this rulemaking.

This rulemaking delists refuge-specific fishing regulations for Ottawa NWR, Ohio, as its fishing program has become defunct.

Department of the Interior policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. In the December 8, 1992, issue of the *Federal Register* (57 FR 58108) the Service published a proposed rulemaking to open certain refuge units and invited public comment. The Service received comments from The Humane Society of the United States and The Fund for Animals, Inc. The substantive comments and our responses are as indicated below.

**Comments Received and Service Responses**

From the Humane Society of the United States the following comments were received and are responded to as follows:

1. *Comment:* Hunting is a violation of refuge purposes and there is a lack of data to support a hunting program.

*Response:* Hunting is an allowable activity on refuge lands if, pursuant to the Refuge Administration Act, the activity is compatible with the primary purposes of the refuge unit. Hunting plans are developed to respond to the impacts of hunting on habitat, wildlife, and human environment. It is in these plans, which the Humane Society did not review, that justification for hunting programs are found.

2. *Comment:* The Service has failed to conduct ecological studies and, therefore, inaccurately found a "surplus" of certain wildlife existing on the refuge units.

*Response:* Environmental assessments, wildlife population impacts, and habitat degradation were reviewed before hunt plans were finalized and approved by the Regional Offices. Accordingly, hunting was found to be compatible with the purposes of the respective refuge units and "surplus" wildlife were identified where appropriate.

3. *Comment:* There is no evidence that compatibility determinations were made concerning the opening of refuge units to hunting.

*Response:* All of the hunt plans included a compatibility determination which concluded that hunting would be a compatible activity on the respective refuge units. These determinations were available for public review.

4. *Comment:* The Service has surrendered administrative authority to the States in allowing state regulations to govern all aspects of the hunting programs not covered by refuge-specific regulations.

*Response:* The Service has surrendered nothing and, indeed, takes full responsibility for the hunt programs on its refuge units. All of the refuge units involved in this rulemaking have refuge-specific regulations. Irrespective of this fact, refuge units that may utilize State regulations in a particular hunt program, nevertheless are under Federal jurisdiction and no regulations may be enforced if they are in conflict with Federal standards of wildlife conservation and accepted refuge management.

5. *Comment:* The comment period was inadequate to properly analyze changes in hunting programs and their regulations.

*Response:* Despite an abbreviated comment period, all comments are considered in any proposed rulemaking and the Humane Society was not prevented from submitting its comments in a timely fashion.

From the Fund for Animals, Inc., the following comments were received and are responded to as follows:

1. *Comment:* There should have been an Environmental Impact Statement done on the openings.

*Response:* There was a Finding Of No Significant Impact (FONSI) in all the environmental assessments. The provisions of NEPA were complied with and there has been no evidence that the assessments were not otherwise in order.

2. *Comment:* The Administration Act was not complied with as the compatibility criterion has been "relaxed".

*Response:* There has been no violation of the Administration Act as compatibility has been assured through the various hunt plans in the use of refuge purposes, unit objectives and the goals of the National Wildlife Refuge System as guidelines for compliance. Hunting can be and, in these specific cases, is compatible within the meaning of the Administration Act. There has been no relaxing of the compatibility standard.

3. *Comment:* The Refuge Recreation Act was violated because no independent finding of adequate funding to operate the hunts has been done and the public has not been allowed to review the refuge budgets and make recommendations on how refuge units should "better" spend their money.



**Response:** The adequacy of funding has been assured by the specific refuge unit opening to hunting, this has been verified by the Regional Office who has oversight responsibility of refuge unit budgets, and their representations have been concurred with by the Washington Office, Division of Refuges, as being within their budget allocations for the fiscal year. The Refuge Recreation Act does not require that the public be privy to development of individual refuge budgets, nor does the law require that the public dictate how refuge monies should be "better" spent. Indeed, it is the responsibility of refuge managers, Regional administrators and the Washington Office to ensure that refuge budgets are best utilized to meet the particular fiscal year operations. This determination is done with professional expertise gained from education, experience, and within the limits allowed by law in governing the refuge system. There has been no finding in any of the openings that the resource will be compromised in any manner.

4. **Comment:** The biological soundness and recreational opportunity criteria, as required for openings and as found in the Refuge Manual, have not been adequately shown.

**Response:** The hunt plans and the environmental assessments all speak to the biological soundness and recreational aspect of the opening of refuge units to hunting. The hunt plans were available for review by the public and are kept as a matter of record. Any suggestion to the contrary is inaccurate.

5. **Comment:** The abbreviated comment was without basis and highly suspicious.

**Response:** The abbreviated comment period was justified in that when the proposed regulations were first put forward (before going to the *Federal Register* for publication), their eventual publication would have been very near the beginning of the various hunting seasons. Because the proposed rule had been delayed in the Service and Department of the Interior review, the Office of Management and Budget review had been delayed and the final publication of the proposed rule in the *Federal Register* had been, therefore, necessarily delayed, the abbreviated comment period was even more critical to having the refuges open to hunting in time for the respective hunting seasons. The proposed rule had been prepared in June, 1992, and any claim that the publication of the proposed rule is "suspicious" because it comes before the advent of the new presidential administration is without merit. Furthermore, the Fund for Animals had every opportunity to make comments

beyond the fifteen day comment period. All substantive comments, regardless of when received, are taken into consideration whenever a rulemaking is proposed.

#### **Conformance With Statutory and Regulatory Authorities**

The National Wildlife Refuge System Administration Act of 1966, as amended (NWRSA) (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (RRA) (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary to permit the use of any areas within the National Wildlife Refuge System (Refuge System) for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when he determines that such uses are compatible with the purposes for which each refuge was established. The Service administers the Refuge System on behalf of the Secretary. The RRA gives the Secretary additional authority to administer refuge areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the refuges were established. In addition, prior to opening refuges to hunting or fishing under this Act, the Secretary is required to determine that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

In accordance with the NWRSA and the RRA, the Secretary has determined that these openings for hunting and fishing are compatible and consistent with the primary purposes for which each of the refuges listed below was established, and that funds are available to administer the programs. The hunting and fishing programs will be general within State and Federal (migratory game bird) regulatory frameworks. A brief description of the hunting and fishing programs follows:

**Modoc NWR**, located along the south fork of the Pit River in Modoc County, three miles south of the town of Alturas in extreme northeast California, was established in 1960 for the protection and management of migratory birds and other wildlife. The 6,283 acre refuge itself consists of irrigated meadows, natural flood plains, marsh communities, and sagebrush/juniper uplands. Waterfowl and snipe hunting have been permitted activities on the refuge since 1961. Utilization of the hunt area has averaged 1,513 visits annually for the last five years. Modoc

NWR will not allow a limited junior pheasant hunt. This hunt would conflict with no other natural resource and would provide a quality wildlife oriented experience for the young and foster greater appreciation for the natural environment while promoting an interest in hunting. The public hunting area consists of 2,130 acres of wet meadows, grainfields, natural and man-made ponds and marshes along with approximately 120 acres of sagebrush uplands. This represents 34% of the refuge, leaving 4,153 acres (66%) as an inviolate sanctuary. Further limiting of waterfowl and snipe hunting to three days per week allows waterfowl undisturbed access to the hunt area on non-hunt days. These three days of hunting will have no significant impact upon refuge resources, including endangered or threatened species, and will be compatible with the purposes for which the refuge was established, as so provided in an environmental assessment and a separate Section 7 evaluation under the Endangered Species Act. The refuge budget provides adequate funds to administer the proposed hunt, anticipating the expenditure of less than 1% of the refuge's budget, and is in compliance with the RRA.

**Walnut Creek NWR**, located southwest of Prairie City in Jasper County, Iowa, approximately 20 miles east of Des Moines, was recently established by Congress (1990) to restore native tallgrass prairie, wetland and woodland habitats for breeding and migratory waterfowl and resident wildlife; to serve as a major environmental education center providing opportunities for study; to provide outdoor recreation benefits to the public; and to provide assistance to local landowners to improve their lands for wildlife. Walnut Creek NWR will now implement an *interim hunting plan* that will guide hunting activities for the 1992-93 hunting season. Thereafter, a hunt plan will be developed along with the recommendations and findings of the Master Planning process which the refuge has recently undergone and a full review of the Draft Environmental Impact Statement. Hunting would be open only to upland game and big game and would include whitetail deer, ring-necked pheasants, cottontail rabbits, and squirrel. The hunting seasons within the refuge will correspond with Iowa state hunting seasons from October through January, 1993. An environmental assessment and a Section 7 evaluation under the Endangered Species Act found that the interim hunt plan would not adversely impact other

natural resources or affect any listed species. An interim hunting program will allow managers to protect individual species from over grazing and or predation and thereby increase the diversity of the habitat within the refuge. Hunting is a compatible use on this refuge. The cost of administering the interim hunt program would be less than 1% of the refuge's budget and is otherwise in compliance with the RRA.

*Chickasaw NWR*, is located just east of the Mississippi River in Lauderdale County, Tennessee. Chickasaw NWR consists of 21,938 acres and was established by the Migratory Bird Commission on August 5, 1985, for the primary purpose for use as an inviolate sanctuary, or for any other management purpose, for migratory birds. The area is historically noted for its excellent fishing opportunities for crappie, bluegill, catfish, white bass, largemouth bass, and assorted sunfishes. All indications are that fish populations are sufficient for fishing and other refuge objectives. The sport fishing program would open the refuge to fishing for black bass, white bass, crappie, sunfish, catfish, and rough fish species subject to permit. Public meetings have been held soliciting comments from anglers and from non-consumptive refuge users as well with no opposition raised to the fishing program. A Section 7 evaluation under the Endangered Species Act made a "not likely to adversely affect" finding, and an environmental assessment found no anticipated adverse impact to the quality of the human environment. The fishing program has been found compatible with the purposes for which the refuge was established and is in compliance with the NWRSA with sufficient funding and staff to meet the requirements of the RRA.

*ACE Basin NWR*, located in the counties of Charleston, Beaufort and Colleton, South Carolina, consists of 2,887 acres within the 350,000 acre Ashepoo, Combahee, Edisto (ACE) Rivers Basin. The refuge was established to assist in preserving a nationally significant wildlife ecosystem that will provide a complex of habitats for wintering waterfowl, other migratory and resident birds, mammals, reptiles, amphibians and plants. Its main emphasis is to increase and enhance waterfowl management, endangered species management, and maintenance of other important fish and wildlife values within the ACE Basin. The hunt program allows white-tailed deer hunting on the Grove Plantation Tract consisting of approximately 1,955 acres. The deer population is near or exceeding the carrying capacity of the

area and has the potential of degrading the habitat for use by not only deer, but also other resident wildlife such as turkey and migrating neo-tropical bird species. Seasons and bag limits will be within the guidelines jointly established by the South Carolina Wildlife and Marine Resources Department staff and Service personnel. The hunt(s) will be conducted by refuge staff within adequate budget parameters and has been found to be compatible with the purposes for which the refuge was established. A Section 7 evaluation indicates no adverse impact to a listed species, and an environmental assessment confirms a finding of no significant impact to other natural resources.

*Pocosin Lakes NWR*, located in northeastern North Carolina between Albemarle and Pamlico Sounds, consists of 111,474 acres and includes 12,350 acres that was formerly Pungo NWR and 6,000 acres adjacent to Frying Pan Lake that was a part of Alligator River NWR. The refuge was established for the development, advancement, management, conservation, and protection of fish and wildlife resources and (with respect to Pungo) for use as an inviolate sanctuary, or for any other management purpose, for migratory birds. The wildlands habitat consists of unmodified pocosin, bottomland hardwoods, and southeastern shrub bog vegetation. The hunt plan opens the refuge to migratory bird hunting, upland game and big game hunting (deer only). The area which was formerly Pungo NWR will be utilized only for deer hunting, as previously authorized. Hunts will be within state seasons and include the hunting of ducks, snow geese, swans, doves, woodcock, rails and snipe; quail, rabbit, squirrel, raccoon and opossum; and white-tailed deer. This hunting activity has been found not to have significant environmental effects as determined by an environmental assessment and finding of no significant impact. A Section 7 evaluation has determined that there will be no adverse impact to any listed species. The hunting program has been designed to contribute to and be compatible with refuge purposes and objectives and be in compliance with the NWRSA. The current refuge budget provides adequate funds to administer the proposed hunts and is in compliance with the RRA.

*Rice Lake NWR* is composed of two units. The Rice Lake Unit is located in Aitkin County, Minnesota, approximately 120 miles north of Minneapolis-St. Paul, encompassing 18,104 acres. The Sandstone Unit includes 2,045 acres located in Pine

County, Minnesota, approximately 40 miles southwest of the Rice Lake unit and 80 miles north of Minneapolis/St. Paul. The units of the refuge were established for use as a refuge and breeding ground for migratory birds and other wildlife, as well as an inviolate sanctuary, or for other management purposes, for migratory birds. The Rice Lake unit has abundant natural foods, particularly wild rice and wild celery, and this has attracted wildlife to the area for centuries. Several waterfowl species, including mallards, canvasbacks, blue winged teal and Canada geese, nest here during the summer months. The Sandstone Unit is outside of a major production area or migration route and has not supported a large waterfowl population. The primary habitat value of the unit has been for those species associated with the woodland or brushland biomes. The refuge will allow the hunting of migratory game birds, specifically woodcock and common snipe on designated areas. A Section 7 evaluation indicates no adverse impact to a listed species, and an environmental assessment confirms a finding of no significant impact to other natural resources. As there is already existing an upland game and big game hunting program which is adequately budgeted, the addition of migratory game bird hunting poses no unforeseen or undue constraints on the refuge budget.

*St. Catherine Creek NWR*, is located in the western section of Adams County (in southwest Mississippi), about 7 miles south of the City of Natchez. The western boundary is the Mississippi River with the eastern boundary basically following the bluffs. To date, 13,473 acres have been purchased for this refuge. Catahoula NWR lies 35 miles to the west and Yazoo NWR lies 120 miles north. The refuge was established to preserve wintering habitat for mallards, pintails, blue-winged teal, and wood ducks and production habitat for wood ducks to meet the habitat goals presented in the North American Waterfowl Management Plan. Habitat within the area consists of bottomland and upland hardwoods, cleared land, cypress swamps, accreted land, and fallow fields. Flooding from the Mississippi River is a frequent occurrence and topography varies from flats to depressional swales and larger basins which fill with water from rains or backwater flooding. Old St. Catherine Creek and Butler Lake are the two permanent water bodies on the refuge. The area has historically been noted for its excellent hunting opportunities for white-tailed deer, waterfowl, and small

game such as rabbits and squirrels. Based on the preliminary assessment on the refuge and the experience of the Mississippi Department of Wildlife biologists and conservation officers, all indications support the fact that relevant wildlife populations are sufficient for hunting and for other refuge objectives. The refuge will implement an initial hunting program that would involve only resident game including squirrels, rabbits, and white-tailed deer. No waterfowl hunting is foreseen at this time. The sport hunting program will be monitored by refuge personnel. The cost of the program includes personnel time, equipment, fuel, supplies, facility upgrading, etc., and is adequately provided for within the refuge budget and is in compliance with the RRA. The hunting program, seasons and bag limits fall within the framework established by the Mississippi Department of Wildlife, Fisheries, and Parks. As a management objective, hunting provides the public with an opportunity to utilize a renewable resource. The removal of surplus animals prevents overpopulation of deer, which can be detrimental to the herd's health and well being, and negatively impact the environment. Hunting of deer and other species is compatible with refuge purposes and objectives, sound wildlife management, in the public's interest and in compliance with the NWRSA. A Section 7 endangered species evaluation has been completed and resulted in a "will not affect" conclusion for the hunting seasons. The environmental assessment establishes that no adverse impact to other wildlife resources are anticipated.

*James River NWR*, is located in Prince George County, Virginia, and lies approximately 6 miles southeast of the City of Hopewell and thirty miles south of Richmond. The refuge is bordered by Powells Creek on the west, James River to the north, and the Flowerdew Hundred Plantation to the south. The refuge was established under the Endangered Species Act to conserve fish or wildlife which are listed as endangered species or threatened species or plants. Bald eagles have been prominent users of the James River area of Virginia since before colonial days. Eagles nest in the area, but the dominant activity has been roosting and foraging by migrating eagles. The area supports the largest summer juvenile eagle concentration east of the Mississippi River. The refuge consists of 3,538 acres of predominantly hardwood and cut over loblolly pine. The hunt plan calls for the hunting of white-tailed deer only

and is the only hunt program anticipated for the refuge. The objectives of the hunt are to maintain the population of white-tailed deer at a level commensurate with the biological carrying capacity of the available refuge habitat, and to provide high quality wildlife oriented recreation. The Service will continue forest management practices that favor the bald eagle and which are not, in any way, impacted by the harvest of white-tailed deer. Based on a computer model of deer herd population dynamics, without dedicated harvest methods of the deer population a dramatic increase in that population will occur. When this occurs (doubling in two years, increasing 10 fold in ten years), over-browsing leading to habitat degradation, disease, and starvation will occur. In accordance with the guidelines set forth in the 1985 National Wildlife Federation publication, *Bald Eagles in the Chesapeake: A Management Guide for Landowners*, hunting will not occur after December 14th. The closed area around each nest tree during the hunt will equal or exceed the required 200 yard radius, and will be posted prior to November 1st of each hunt year. This action will decrease eagle disturbance and increase the protection of the nesting bald eagles that inhabit the refuge. A Section 7 evaluation concluded that public shotgun hunting of white-tailed deer on James River NWR will not affect the bald eagle. A finding of no significant impact was made by the environmental assessment. The hunting program has been designed to contribute to and be compatible with refuge purposes and objectives and be in compliance with the NWRSA. There is sufficient funding and personnel to operate this program and, therefore, the hunt will be in compliance with the RRA.

*Sibley Lake NWR*, is a 1,077 acre refuge in Griggs County in east central North Dakota. The refuge was established in 1939 by Executive Order to serve "as a refuge and breeding ground for migratory birds and other wildlife." The refuge has a 587 acre Type IV wetland that provides excellent migratory bird habitat. The upland is comprised of 285 acres of cropland and 255 acres of pasture. Sibley Lake NWR is an island of wildlife habitat in an area of intense agriculture. Deer from the surrounding area are drawn to the refuge during the state firearms deer season for protection. Following the close of the deer season they do not redistribute back to the areas from which they came until the following spring. This intense winter

concentration, at times over 200 deer per square mile, is destructive to refuge habitat and leads to serious depredation problems on neighboring private lands particularly during severe winters. The refuge is the only closed-to-hunting area for many miles. The hunt plan allows for deer hunting only. The objectives of the hunt are to reduce the destruction of habitat on the refuge, reduce depredation problems to privately owned lands surrounding the refuge, redistribute deer back to their home range and provide a recreational opportunity to local hunters. The redistribution of the deer herd would result in lower winter mortality to the deer herd and a higher harvest by hunters. The refuge asserts that it would not cost any more to patrol the refuge and monitor permitted deer hunting than it would be to see that hunting is not occurring. The refuge budget, therefore, has adequate funds to administer the proposed program and is in compliance with the RRA. There has been a finding of no significant impact on the quality of the human environment whenever the hunt plan is implemented. A Section 7 evaluation under the Endangered Species Act found that the hunt program is not likely to adversely affect any listed species. A further determination was made that the hunt program was compatible with the purposes for which the refuge was established and is in compliance with the NWRSA.

*Audubon NWR* consists of 14,738 acres in west central North Dakota, McLean County. The refuge is superimposed on the Corps of Engineer's Garrison Dam and Reservoir Project and was established in 1955 as mitigation for wildlife habitat destroyed by the filling of Lake Sakakawea behind Garrison Dam. Audubon NWR contains about 10,780 acres of wetlands of which Lake Audubon accounts for 10,420 acres. The remaining wetlands consist of about 48 acres of temporary seasonals (Type I), 27 acres of subirrigated meadows (Type II), 150 acres of seasonal shallow marshes (Type III), and 135 acres of deeper, permanent cattail marshes (Type IV). The refuge has a large number of islands some of which are lost each year to erosion. Presently there are about 120 islands totalling about 440 acres of grassland within the refuge portion of Lake Audubon. The islands are used extensively by nesting ducks, Canada geese, shorebirds, California and ring-billed gulls, common terns and cormorants. The refuge will be open hunting to upland game, including gray partridge, sharp-tailed grouse and ring-necked pheasant. Use of this



particular refuge for upland game hunting is anticipated to be quite low due to four factors: (1) Approximately 37,000 acres of public lands of equal or greater value for pheasant hunting will be open to public hunting in the county; (2) vehicle access will be severely limited because access roads (except two) are not plowed and normally are snow blocked by December 1 (the beginning of the season); (3) average pheasant numbers are approximately 300-600 pheasants, only about half males; and (4) lack of heavy cover which will hold pheasants for hunters at this time of the year. The initial cost for this hunt is \$1,000 and includes extra labor for informing the public with signing, writing an information sheet, answering questions and extra law enforcement. Once established, the operating costs of the hunt are estimated at about \$700. The refuge, therefore, has adequate funds to operate this program and is in compliance with the RRA. Hunting upland birds (detailed above) has been found to be compatible with the purposes for which the refuge was established because it will occur in December after all wetlands have frozen and waterfowl have migrated south. The hunt will require use of steel shot so that lead is not deposited into wetlands. An environmental assessment has made a finding of no significant impact to the human environment and a Section 7 evaluation under the Endangered Species Act anticipates no impact to any listed species. The hunt program is in compliance with the NWRSA.

**Economic Effect**

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. It is estimated that opening these refuges to hunting and fishing will generate \$25,000,980 or substantially less than \$100 million.

With respect to small entities, this rule will have a positive aggregate

economic effect on small businesses, organizations, and governmental jurisdictions. The openings will provide recreational opportunities and generate economic benefits that may not now exist, and will impose no new costs on small entities. While the number of small entities likely to be affected is not known, the number is judged to be small. Moreover, the added cost to the Federal Government of law enforcement, posting, and other actions needed to implement activities under this rule will be considerably less than the income generated from the implementation of these hunting and sport fishing programs. Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

**Paperwork Reduction Act**

The information collection requirements for part 32 are found in 50 CFR part 25 and have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018-0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form to the Service Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, DC 20503.

**Environmental Considerations**

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), environmental assessments have been prepared for these openings. Based upon the Environmental Assessments, the Service issued Findings of No Significant Impact with respect to the openings. Section 7 evaluations were prepared

pursuant to the Endangered Species Act. These documents are available for public inspection and copying in Room 670, 4401 North Fairfax Drive, Arlington, Virginia, or by mail, at the address listed in the section "ADDRESSES" above.

Duncan L. Brown, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

**List of Subjects in 50 CFR Part 32**

Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Accordingly, part 32 of chapter I of Title 50 of the Code of Federal Regulations is amended as set forth below:

**PART 32—[AMENDED]**

1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

**§ 32.7 [Amended]**

2. Section 32.7 is amended by adding alphabetically "Walnut Creek National Wildlife Refuge" under Iowa; "Pocosin Lakes National Wildlife Refuge" under North Carolina; "Sibley Lake National Wildlife Refuge" under North Dakota; "ACE Basin National Wildlife Refuge" under South Carolina; and "James River National Wildlife Refuge" under Virginia.

3. Section 32.24 California is amended by adding text to paragraph B. of the Modoc National Wildlife Refuge to read as follows:

**§ 32.24 California.**

\* \* \* \* \*

**Modoc National Wildlife Refuge**

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B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.
2. Only persons possessing a California junior hunting license (resident or non-resident) may hunt pheasants.
3. Hunters shall possess and use, while in the field, only nontoxic shot.

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4. Section 32.34 Iowa is amended by adding Walnut Creek National Wildlife Refuge to the alphabetical listing of refuges to read as follows:

**§ 32.34 Iowa.**

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**Walnut Creek National Wildlife Refuge**

A. Hunting of Migratory Game Birds. [Reserved]



**B. Inland Game Hunting.** Hunting of ring-necked pheasants, grey partridge, bobwhite quail, cottontail rabbits, and squirrel is permitted on designated areas of the refuge subject to the following conditions:

- 1. All hunting stands must be removed from the refuge at the end of each day's hunt.
- 2. Hunting of ring-necked pheasants, grey partridge, bobwhite quail, and cottontail rabbits is permitted from the opening of the respective State seasons and will close at the conclusion of the State deer muzzleloader season.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: All hunting stands must be removed from the refuge at the end of each day's hunt.

**D. Sport Fishing.** [Reserved]

5. Section 32.42 *Minnesota* is amended by adding text to paragraph A. of Rice Lake National Wildlife Refuge to read as follows:

**§ 32.42 Minnesota.**  
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**Rice Lake National Wildlife Refuge**

**A. Hunting of Migratory Game Birds.** Hunting of woodcock and common snipe is permitted on designated areas of the refuge.  
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6. Section 32.43 *Mississippi* is amended by adding text to paragraphs B. and C. of St. Catherine Creek National Wildlife Refuge to read as follows:

**§ 32.43 Mississippi.**  
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**St. Catherine Creek National Wildlife Refuge**  
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**B. Upland Game Hunting.** Hunting of squirrel, rabbit, beaver, nutria, muskrat, bobcat, and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.  
\* \* \* \* \*

7. Section 32.52 *North Carolina* is amended by adding Pocosin Lakes National Wildlife Refuge to the alphabetical listing of refuges to read as follows:

**§ 32.52 North Carolina.**  
\* \* \* \* \*

**Pocosin Lakes National Wildlife Refuge**

**A. Hunting of Migratory Game Birds.** Hunting of ducks, snow geese, swans, doves, woodcock, rails and snipe is permitted on designated areas of the refuge subject to the following conditions:

- 1. Access permitted 1½ hours before and after legal shooting time.
- 2. Firearms must be unloaded while being transported by a vehicle or boat under power.

3. Only portable blinds and temporary blinds constructed of natural materials are permitted. Portable blinds must be removed following each day's hunt.

4. Hunting is permitted during State season.

**B. Upland Game Hunting.** Hunting of quail, squirrel, raccoon and opossum is permitted on designated areas of the refuge subject to the following conditions:

- 1. Permits are required for any night hunting.
- 2. Access permitted 1½ hours before and after legal shooting time.
- 3. Firearms must be unloaded while being transported by a vehicle or boat under power.
- 4. Hunting is permitted during State season except opossum and raccoon hunting will be closed during State bear season including 5 days before and after that season.

**C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

- 1. Each hunter must wear 500 square inches of fluorescent orange material above the waist visible from all directions during the muzzle loading and gun seasons.
- 2. Shotguns and primitive weapons only. Pistols and modern rifles are prohibited.
- 3. Firearms must be unloaded while being transported by a vehicle or boat under power.
- 4. Access permitted 1½ hours before and after legal shooting time.
- 5. Hunting permitted during State season.
- 6. Dogs are not permitted.
- 7. All stands must be removed from the refuge following each day's hunt. The construction or use of permanent stands, blinds, platforms, or ladders is prohibited.

**D. Sport Fishing.** [Reserved]  
\* \* \* \* \*

8. Section 32.53 *North Dakota* is amended by adding text to paragraph B. of Audubon National Wildlife Refuge and by adding Sibley Lake National Wildlife Refuge to the alphabetical listing to read as follows:

**§ 32.53 North Dakota.**  
\* \* \* \* \*

**Audubon National Wildlife Refuge**  
\* \* \* \* \*

**B. Upland Game Hunting.** Hunting of ring-necked pheasants, gray partridge and sharp-tailed grouse is permitted on designated areas of the refuge subject to the following condition: Permits are required.  
\* \* \* \* \*

**Sibley Lake National Wildlife Refuge**

- A. Hunting of Migratory Game Birds.** [Reserved]
- B. Upland Game Hunting.** [Reserved]
- C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.
- D. Sport Fishing.** [Reserved]  
\* \* \* \* \*

9. Section 32.60 *South Carolina* is amended by adding ACE Basin National

Wildlife Refuge to the alphabetical listing to read as follows:

**§ 32.60 South Carolina.**  
\* \* \* \* \*

**ACE Basin National Wildlife Refuge**

- A. Hunting of Migratory Game Birds.** [Reserved]
- B. Upland Game Hunting.** [Reserved]
- C. Big Game Hunting.** Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.
- D. Sport Fishing.** [Reserved]  
\* \* \* \* \*

10. Section 32.62 *Tennessee* is amended by adding text to paragraph D. of Chickasaw National Wildlife Refuge to read as follows:

**§ 32.62 Tennessee.**  
\* \* \* \* \*

**Chickasaw National Wildlife Refuge**  
\* \* \* \* \*

**D. Sport Fishing.** Sport fishing for black bass, white bass, crappie, sunfish, catfish, and rough fish species is permitted on designated areas of the refuge subject to the following condition: Refuge fishing permits are required.  
\* \* \* \* \*

11. Section 32.66 *Virginia* is amended by adding James River National Wildlife Refuge to the alphabetical listing to read as follows:

**§ 32.66 Virginia.**  
\* \* \* \* \*

**James River National Wildlife Refuge**

- A. Hunting of Migratory Game Birds.** [Reserved]
- B. Upland Game Hunting.** [Reserved]
- C. Big Game Hunting.** Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:
  - 1. Permits are required.
  - 2. Only shotguns, 20 gauge or larger, loaded with buckshot only are permitted.
  - 3. Dogs are not permitted.
  - 4. Only portable tree stands may be used and must be removed at the end of each hunt day.
  - 5. Hunters must wear in a conspicuous manner on head, chest, and back, a minimum of 400 square inches of solid-colored hunter orange clothing or material.
- D. Sport Fishing.** [Reserved]  
\* \* \* \* \*

Dated: March 19, 1993.  
Richard N. Smith,  
Deputy Director, U.S. Fish and Wildlife Service.  
[FR Doc. 93-11578 Filed 5-17-93; 8:45 am]  
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**Part V**

**Department of  
Transportation**

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**Federal Aviation Administration**

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**14 CFR Part 33  
Airworthiness Standards: Aircraft Engines  
Electrical and Electronic Engine Control  
Systems; Final Rule**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 33**

[Docket No. 24466; Amendment No. 33-15]

RIN NO. AB06

**Airworthiness Standards: Aircraft Engines Electrical and Electronic Engine Control Systems**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes requirements for the certification of electrical and electronic engine control (EEC) systems. Although these types of control systems have been certificated under existing regulations, those regulations do not address specific requirements related to electrical and electronic engine controls. This action does not mandate specific design requirements, but codifies and standardizes functional requirements pertaining to the certification of electrical and electronic engine control systems. Codification of these requirements will result in reduced design, testing, and administrative costs.

**EFFECTIVE DATE:** August 16, 1993.**FOR FURTHER INFORMATION CONTACT:**

Cosimo Bosco, Engine and Propeller Standards Staff, ANE-110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5229; (617) 270-2492; Fax (617) 270-2412.

**SUPPLEMENTARY INFORMATION:****Background***Statement of the Problem*

Advances in electronic technology have led to the development of more comprehensive and more automated control systems for aircraft engines. The need for these more complex systems was created by the demands of the aviation industry for more fuel efficient and higher performance engines. These engines require that some engine parameters be controlled more accurately than earlier engine control systems and that some engine functions be controlled that were not previously controlled directly. The need for more complex controls has led to a transformation in the design of engine controls from those based primarily upon hydromechanical technology to those based primarily upon electronic technology. The majority of new engine

certification projects make use of EEC systems, causing this segment of the engine certification activity to become large and specialized.

Currently, definitive regulations have not been established that provide the certification basis for these engine control systems. The FAA has, in recent years, relied upon generalized interpretations of the Federal Aviation Regulations (FAR), Advisory Circular (AC) information, and certain engineering professional society documentation to develop a certification basis for these systems on a case-by-case basis. Consequently, there is a need to amend 14 CFR part 33 to establish and standardize the certification basis for turbine and reciprocating engines controlled by electrical and electronic control systems.

Certification issues that are addressed in this regulation are power supply requirements, aircraft-supplied data, failure modes, environmental requirements including lightning and high intensity radiated electromagnetic fields (HIRF) and software design. The Society of Automotive Engineers (SAE) convened a special subcommittee, AE4R, Aircraft Radiated Fields, whose objective was to validate data on design, test, and analysis of equipment in the electromagnetic environment. The report of the SAE-AE4R Subcommittee will provide the technical data for an AC on radiated electromagnetic fields. It should be noted that at the SAE-AE4R meeting in June 1990, the term high energy radiated fields, HERF, was replaced by high intensity radiated fields, HIRF. Certification requirements also require information that information be included in the engine instruction manual to define the important aspects of the EEC.

*History*

With the advent of the gas turbine engine, more sophisticated fuel controls were needed to control an engine than the simple carburetor that was used to control reciprocating aircraft and automotive engines. The primary function of any engine fuel control is to maintain an efficient, combustible fuel-to-air ratio in response to any power input command. The gas turbine engine introduced additional requirements for engine fuel controls over those of the reciprocating engine because the engine compressor would stall and surge for certain combinations of pressure ratio across the compressor and the compressor rotor speed. Engine fuel controls have been designed to avoid this compressor stall region throughout the aircraft operating envelope and for all pilot power lever commands. In

addition, the engine fuel control was designed to protect the engine from exceeding its design limits for temperature, speed, and pressure. In the late 1940s and early 1950s, when the gas turbine engine and fuel control technology were being developed, a rudimentary analog computational technology was available to implement these controls either electronically or hydromechanically. Engine controls based on each approach were being developed. However, the analog electronic fuel control technology developed more quickly, and the initial gas turbine engines were controlled with full authority electronic controls, albeit using vacuum tubes. Early models of engines on the U.S. Air Force B-52 bomber were fitted with these electronic engine controls. However, the electronic controls were superseded by the hydromechanical controls because they demonstrated an improved reliability over the electronic engine controls.

From the 1950s to the late 1970s, semiconductor technology became available and advanced rapidly from transistors, through various levels of integration, and operational amplifiers, to solid state memories and microprocessors. Until the late 1970s, the electronic engine controls were used only to perform functions to protect the engine from exceeding design limits for temperature, speed, pressure, or torque. The full authority analog electronic engine control on the Concorde aircraft and a few engines with limited authority controls were the exceptions to this generalization. The 1973 oil crisis created an urgent need in the commercial aviation industry for more fuel efficient engines. In the mid-1970s, research and development programs to develop full authority digital engine controls (FADEC) were initiated by various commercial and military engineering groups. Two FADEC systems developed under one of the commercial demonstration programs were test flown in 1980 on an experimental Boeing 747 aircraft. In the late 1970s, supervisory controls were used on large transport engines certificated by General Electric (GE), Pratt & Whitney (PW), and Rolls Royce (RR). These controls enhanced engine performance and functioned similar to a FADEC, but were limited to less than 50 percent authority of thrust and did not control the engine start. Subsequently, in 1983, the PWA PW2037 became the first U.S. commercial engine to be certificated with a FADEC system.

In June 1977, the FAA issued Notice No. 77-6, Aircraft Regulatory Review Program, Invitation to Submit Proposals for Consideration (42 FR 29687, June 9,



1977). This notice was issued in response to the need to update and modernize technical requirements, and for clarification and elimination of redundancies in test and design requirements. The FAA solicited rule change proposals from the aviation community and the general public, and held a week-long Regulatory Review Conference in January 1978, attended by over 100 industry and public representatives.

As part of the Aircraft Engine Regulatory Review Program, a rule change was proposed to add a new Section 33.64 to be titled Engine Power Control Systems. This proposal defined a "full authority electronic fuel control system" and addressed requirements for this system. Requirements were defined for power supply, system redundancy, environmental characteristics, and loss of inputs supplied from outside of the control system. This proposal was developed in anticipation of the wide-scale introduction of electronic engine controls for commercial aircraft engines. It was subsequently determined that the addition of special standards applicable to engine power or control systems that require electrical or electronic inputs would be more appropriate under § 33.67. Therefore, the proposal for the addition of § 33.64 was withdrawn and included in § 33.67.

Based on information received during the review program and conference, the FAA issued Notice of Proposed Rulemaking (NPRM) 60-21, Aircraft Engine Regulatory Review Program; Aircraft Engine and Related Powerplant Installation Proposals (45 FR 76872, November 20, 1980), which proposed to upgrade the airworthiness standards applicable to the type certification of aircraft engines and of aircraft with respect to engine installations.

The NPRM included the provisions of the previously proposed § 33.64 as new § 33.67(d). The new § 33.67(d) also added a paragraph that required that the overall reliability level for systems requiring electrical or electronic inputs be at least equivalent to that provided in a comparable hydromechanical control for that engine type. The public comments upon proposed Section 33.67(d) were extensive and raised several valid points and suggestions. Due to the extent of the comments, the FAA believed a major modification to this proposed change was required. Therefore, the proposed § 33.67(d) was withdrawn and another NPRM was considered necessary.

In June 1984, the FAA invited interested parties to an Electronic Engine Control Conference in Burlington, Massachusetts. The FAA

objective was to provide a forum that would encourage the participation of the attendees from industry and government agencies in discussion of the technical aspects of the proposed regulations. The meeting was attended by more than 100 industry and public representatives. Five presentations were made, one of which was an FAA presentation entitled "Technical Approach to Regulation." In its presentation, the FAA addressed the following matters that it believed should be included in the forthcoming rule change that addressed EEC systems:

1. Degree of Authority—Full vs Partial
2. Software Design
3. Backup and Alternative Control Systems
4. Power Sources—Independent vs Aircraft Supplied
5. Environmental Limits—Lightning Protection
6. Aircraft Supplied Data and Crew Alerting

The major portion of the time was devoted to panel discussions of these subjects, in the context of establishing certification requirements for electronic engine controls. A number of points were made that influenced the regulation proposed.

In 1985, the FAA issued NPRM 85-6, Aircraft Engines, Engine Control Systems (50 FR 6186, February 14, 1985). Comments were invited until May 20, 1985. Subsequently, the comment period was extended until July 29, 1985, at the request of commenters. Due consideration has been given to all comments received. Substantive changes, and changes of an editorial and clarifying nature, have been made to the rule based upon comments received and further review within the FAA.

#### *Related Activity*

In recent years there has been considerable activity within the FAA and industry to define the lightning and HIRF environment and the protection requirements for electrical and electronic systems. Aircraft certification requirements for lightning and HIRF for critical fly-by-wire systems, including those for FADEC systems, have been defined or are being defined. Section 33.28 specifically identifies lightning as an environment to be considered in the certification of EEC systems. Although HIRF is not specifically named in the rule, it is one of the environments, along with temperature, vibration, and others that must be considered during certification of EEC systems.

The Society of Automotive Engineers (SAE) -AE4L Lightning Subcommittee

published, "Recommended Draft Advisory Circular, Protection of Aircraft Electrical/Electronic Systems Against the Indirect Effects of Lightning," (SAE publication AE4L-87-3, "Orange Book") in February 1987. This draft AC was prepared at the request of the FAA. The FAA has issued this document as AC 20-136, "Protection of Aircraft Electrical/Electronic Systems Against the Indirect Effects of Lightning," after it was modified to address public comments. This AC defines the synthesized test waveforms for lightning and the suggested Equipment Transient Design Levels (ETDL) for voltage and current for various types of equipment installations. In addition, the AC defines a procedure for developing a lightning test plan for submittal to the FAA. A companion users manual (Report Number DOT/FAA/CT-88/1) for AC 20-136 is scheduled to be completed in 1993. That document will provide guidance material that will define procedures for conducting the lightning tests. Also, the SAE-AE4L Subcommittee is currently preparing a revision to Section 22, "Lightning Induced Transient Susceptibility," of Radio Technical Commission for Aeronautics (RTCA) document DO-160, "Environmental Conditions and Test Procedure for Airborne Equipment," to include some of the guidelines of AC 20-136.

Notice 89-15, Electrical and Electronic Systems Lightning Protection, which proposes FAR Section 25.1316, System Lightning Protection, is in the rulemaking process at this time. During the interim period, the FAA has issued special conditions for individual aircraft models to define the lightning requirements for critical fly-by-wire systems including FADECs. Two examples of these special conditions are: (1) Notice No. SC-87-5-NM, "Special Conditions: Airbus Industries Model A320 Series Airplane"; and (2) Notice No. SC-88-6-NM, "Special Conditions: Boeing 747-400 Lightning and Radio Frequency (RF) Energy Protection.

The regulations that address lightning protection for critical systems are contained in Parts 23, 27, and 29. FAA engine certification programs have used the guidelines provided in SAE-AE4L-87-3 to verify that the EEC systems have been designed with adequate protection against the hazards caused by the lightning environment. Applicants have used experimental lightning test data and analysis to determine the anticipated induced voltage and current levels for the EEC system. A lightning test program is conducted by an applicant to demonstrate that there is no

adverse effect on the performance of the EEC system when exposed to the anticipated lightning-induced voltage and current levels.

To address certification concerns regarding the electromagnetic environment, the FAA initiated, in 1986, a high priority program to determine and define the electromagnetic environment for aircraft; to develop and describe guidance material for design, test, and analysis of equipment in the electromagnetic environment; and to prescribe and promulgate regulatory standards. The FAA requested and received the participation of international airworthiness authorities and industry in developing internationally recognized standards for certification. The British Civil Aviation Authority (CAA), the French Direction General de l'Aviation Civile (DGAC), the German Luftfahrt Bundesamt (LBA), and the International Civil Aviation Organization (ICAO) have participated in the definition of the electromagnetic environment and development of design and qualification standards with the FAA. The SAE convened a special subcommittee, AE4R, with the objective of validating data on design, test, and analysis of equipment in the electromagnetic environment. The report of the SAE-AE4R Subcommittee will provide the technical material for the AC on radiated electromagnetic fields. The RTCA, through a special committee, has developed environmental test standards for equipment intended for aircraft application. The test standards are included in Section 20 of the RTCA document DO-160C, "Radio Frequency Susceptibility (Radiated and Conducted)."

The FAA has initiated a separate regulatory project to propose standards for the protection of aircraft electrical and electronic systems from the effects of the HIRF environment. An associated AC and a user's manual are being prepared coincident with the HIRF rulemaking.

On December 5, 1989, the FAA issued a memorandum to its aircraft certification directorates and aircraft certification offices stating the policy guidelines to be used in special conditions to assure uniformity of HIRF requirements for certification projects until a final rule could be issued.

In addition, RTCA Special Committee SC-167 has been chartered to review and revise, as necessary, RTCA document DO-178A, "Software Considerations in Airborne Systems and Equipment Certification." RTCA document DO-178A was issued by the

FAA as AC 20-115A. The European Organization for Civil Aviation Electronics (EUROCAE), Working Group WG-12, is directed to work together with SC-167 to ensure that a common software AC is maintained for both the FAA and the European Joint Aviation Authorities (JAA).

The FAA submitted over twenty software certification issues to SC-167 to be considered for inclusion in the "Terms of Reference" (TOR) that have been generated by SC-167. The TOR will be addressed within the appropriate working groups of SC-167. RTCA document DO-178, Revision B, may not address all of the FAA issues. The FAA may issue additional guidance material to the extent necessary to address issues not covered by the TOR.

#### Discussion of Comments

Sixteen commenters from domestic and foreign industry, public organizations, and from foreign airworthiness authorities responded to the NPRM. The comments from these letters are grouped according to the applicable NPRM paragraph and are discussed below.

Before proceeding with the discussion of comments for each subsection of § 33.28, general comments regarding advisory material are discussed here. One commenter requests that advisory material for subsections (b) through (e) of the rule be provided, and a second commenter requests that advisory material for subsections (a) and (d) be provided for specific issues. Advisory material for protection of aircraft electrical and electronic systems from the effects of lightning and HIRF was previously discussed in the "Related Activity" section above. While the existing and future advisory material that was discussed above is directed toward aircraft certification, it also addresses certification of critical systems, including FADEC systems. The FAA believes that this advisory material will respond to the requests for advisory material for subparagraph (d). The FAA has determined that new issues raised by subsections (a) through (c), and (e) can be handled on a case-by-case basis without advisory material. However, the FAA will continue to review the need for advisory material and will issue it as the need arises.

#### Section 33.28 (Title and Introductory Text)

Three commenters recommend that the term "Electronic," as used in the title and introductory text of the new section, be changed to "electrical and (or and/or) electronic" to be more definitive of these systems. The FAA

agrees. The paragraph heading "Electronic engine control systems" now reads "Electrical and electronic engine control systems" and the phrase in the introductory text of the new section "electrical or electronic" reads "electrical and electronic."

One commenter recommends that the scope of the rule be expanded to include "engine electronic computers" since the functions performed by EECs now are not limited to engine control functions. The FAA recognizes that EEC systems perform functions associated with the engine, in addition to the basic engine control function, and that all of these functions are usually controlled by a computer. However, the term electronic engine controls has become a generic classification that has been generally accepted by the FAA and industry to apply to a control that controls the engine functions. Therefore, this comment was not incorporated.

One commenter states that the scope of the regulation would bring aircraft-related safety concepts into FAR Part 33 without precedent. The commenter concludes that this could result in a requirement to recertify an engine for each aircraft application.

The FAA believes that the integration of engine and aircraft control systems will continue to progress as the state of the art in electronic controls advances. The need for this regulation is, to a certain extent, the result of this increased integration, and one of the primary purposes of this regulation is to ensure that the integration results in a safe engine/aircraft product. It should be noted that engine/aircraft integration before the advent of EEC resulted in a number of applications in which engine hydromechanical control settings were changed from the original certificated specifications. While these changes occasionally required different engine model designations, a complete recertification program generally has not been required. It is not the intent of the FAA to change the rules that determine when an engine needs to be recertificated. However, the FAA has determined that this regulation is needed because of technological advances in engine controls.

One commenter suggests that the phrase "relies on" in the first sentence of the rule implies that the rule would apply only to FADEC type systems. The commenter believes that this phrase could be interpreted as being inapplicable to a system that could continue to function by hydromechanical means, without electrical or electronic means.

Even though a control system can continue to function in a backup

(hydromechanical) mode without the electronic portions, the normal mode of operation for these systems is with the electrical and electronic control portions functional. The wording of the rule is modified to insert the word "normal" before the word "operation" to clarify this point.

#### Section 33.28(a)

Three commenters state that the proposed terms "primary" and "secondary control systems" are not defined in the proposed rule, and that the terms would be subject to interpretation and possible misunderstanding. Four commenters recommend that the paragraph be modified to consider all control functions, not only the degree of authority of power or thrust. Since other controlled functions, such as control of surge margin, rotor overspeed, reverser sequencing, etc., are defined in terms of range of control rather than in percentage authority, the degree of authority should be expressed in terms other than percent of power or thrust so as to include other functions.

The FAA agrees with both comments. Section 33.28(a) is modified to remove the reference to primary and secondary controls, and the reference to the degree of authority that is applicable to the control of power or thrust is clarified. The regulation is also modified to require that control system data be included in the instruction manual. The new requirement addresses other controlled functions, such as overspeed and reverser sequencing as well as power or thrust. This section requires that the range of control of these additional controlled functions be specified. In addition, the control system description, required to be included in the instruction manual, must specify the unique EEC and aircraft interface requirements that can affect safe engine operation.

Two commenters recommend that the degree of authority should be specified in terms of a nominal degree of authority in normal operation. A third commenter recommends that, in determining the degree of authority, consideration should be given to anticipated flight and environmental conditions to assure a realistic worst-case analysis, and that the authority be specified relative to maximum power for uniformity.

The FAA agrees that the degree of authority be based on a worst-case analysis. FAA experience with past certification programs has disclosed that controls that were understood to provide only minor trimming of power or thrust, under some flight conditions,

were found to control more than 50 percent of the maximum engine thrust. It is necessary that the full range of the control functions, under all conditions, be clearly specified. This information is also needed by the FAA in order to make determinations on the airworthiness of the system design, including power supply, redundancy, and software design.

One commenter recommends adding a statement that "full engine power shall be available \* \* \* in the event of a go-around under normal and failure conditions." While full engine power for a go-around is desirable, it may not be necessary in all cases. Also, the requirement for go-around power would need to be applied to all engine controls, not only those with EEC. Therefore, the FAA believes that this is actually a subject for coordination between engine and aircraft manufacturers, and the FAA during subsequent aircraft certification programs. Adoption of this requirement would be beyond the scope of this rule.

#### Section 33.28(b)

Three commenters state that partial loss of power or thrust is not an unsafe condition. They suggest that tests and/or analyses be used to establish the change in power or thrust level resulting from failure of aircraft-supplied power or data. The commenters imply that the engine certification process should only establish the change in power or thrust level resulting from failure of aircraft-supplied power or data during the engine certification process.

The FAA is not in complete agreement with these comments. The FAA agrees that not all partial losses of power or thrust are unsafe. However, the level, frequency, and duration of power or thrust loss resulting from failure of aircraft-supplied power or data are among factors considered during evaluation for engine certification. Evaluation of partial loss of power or thrust during the engine certification process is coordinated with the cognizant aircraft certification office. Therefore, the FAA has determined that this requirement is needed.

Two commenters suggest changing the phrase "significant change of power" to "unacceptable change of power." One commenter notes that in some installations, such as in helicopters, it may not be desirable to have a "fail-fixed" condition (one in which the operating condition immediately prior to failure is continued), as a result of a loss of aircraft power. The FAA agrees that some clarification is necessary and has revised paragraph (b) to read

"unacceptable change of power or thrust."

Three commenters state that the phrase "continued safe operation" was not defined and could lead to misinterpretation.

The intent of this phrase is to require that failure of aircraft-supplied power or data not result in an unsafe engine condition in an operating engine. The FAA has determined that there is sufficient historical experience with the phrase "continued safe operation" that its use in this context will not result in confusion.

Two commenters state that the term, "any failure" can cover "the state of abnormal, incorrect functioning of the aircraft-supplied power and data which will inevitably vary the engine response" and that this failure will generally be beyond the control of the engine manufacturer. However, they state, the engine manufacturer would be expected to ensure that the engine would "continue to function in a sensibly unchanged manner" after the loss of aircraft-supplied power or data. Commenters seek to have the rule distinguish between "failure" and "loss" of aircraft power or data.

The FAA has determined that the word "failure" in paragraph (b) includes loss, as well as abnormal or incorrect functioning of the aircraft-supplied power or data. The control system is expected to accommodate these faults. However, cases will be considered on an individual basis where abnormal or incorrect functioning of the aircraft-supplied data cannot be accommodated by the EEC. Accordingly, the wording of the requirement is retained as proposed.

Two of the commenters state that § 33.28(b) introduces the concept that the loss of thrust is an unsafe condition, and that such a concept would be contrary to accepted practice in the certification of engines. The FAA engine certification process is based on the principle that a loss of power or thrust in a single engine is not necessarily an unsafe condition for multiple engine aircraft. However, the FAA engine certification practice has been to evaluate partial and complete loss of power or thrust during the certification process, particularly where such a loss is caused by a common mode event. There is regulatory precedent for rules to limit partial loss of power or thrust. For example, § 33.77, Foreign object ingestion, states that sustained loss of more than 25 percent of power or thrust is unacceptable. Therefore, the FAA disagrees with the comment that a new concept is being introduced.

Three commenters indicate a need to describe unsafe engine conditions and



how these conditions relate to those in § 33.75, Safety analysis.

This proposal would incorporate more comprehensive safety considerations than currently required by § 33.75. Additional failure modes are introduced by EEC systems because more engine functions are controlled, and there is more integration with the aircraft, such as autothrottle and thrust management systems. Examples of these additional failure modes are included in the discussion of comments to paragraph (c) below. It would be beyond the scope of this rulemaking, however, to list additional unsafe conditions in § 33.75, since no change to that section was proposed.

One commenter expresses concern that relating continued safe operation to a significant change in power or thrust may not consider corrective action by the crew that permits a controlled return to a selected power setting.

The FAA has certificated systems that allow pilot action to recover the lost power or thrust by simply resetting the power lever. Consideration of flight crew action is reviewed on an individual application basis at the power plant installation level. For example, a system would not be acceptable if excessive pilot action were required to maintain power or thrust after the reversion to a backup system.

One commenter recommends deletion of proposed paragraph (b) because it addresses engine isolation, which is an airframe certification issue. The commenter states that it would be inconsistent to treat the loss of electrical data or supply differently from the loss of fuel supply, and that such treatment would impose significant cost penalties for design, and manufacture, and maintenance.

The FAA disagrees with the commenter because the ability of the engine to operate without power supply or data from the aircraft, i.e., engine self-sufficiency, has been an engine certification requirement for many years. An early example of this requirement is the magneto requirement for reciprocating engines. With regard to aircraft-supplied data, the FAA does not mandate separate air data sensors for the engine, but rather requires that the loss of aircraft-supplied data should not cause an adverse effect on engine operation. Fault accommodation techniques can be used to comply with the requirement.

One commenter recommends that the second section of this paragraph read, "any failures not shown to be extremely improbable will [not] prevent continued safe operation of the engine." Two commenters state that the inverse

relationship between probability and consequence of failure should be considered in this paragraph. Another commenter states that the paragraph presupposes that aircraft power systems are not reliable.

The FAA recognizes that aircraft electrical power systems are reliable, and that it may be shown during aircraft certification that the likelihood of a total electrical power loss is extremely improbable. However, the FAA also recognizes that most types of aircraft power systems have suffered such a loss at some time in their fleet-service history. In addition, aircraft-supplied power to the engine can be lost because of cable damage due to events, such as fire or structural damage. Systems with hydromechanical backup to the EEC that use aircraft power have been certificated because the engine can be operated safely despite loss of aircraft power to the EEC. Other EEC systems have been certificated that use aircraft power for powering noncritical functions, while the critical control functions are powered from a dedicated engine power source. For systems that depend on electrical power for continued safe operation, this paragraph would require the use of an engine-mounted, dedicated power supply. Therefore, the FAA concludes that a requirement to ensure engine independence from aircraft power systems is necessary and that the requirement as written must be retained.

One commenter states that an aircraft power system could supply electrical power with greater reliability than could a dedicated single engine-mounted alternator. A second commenter states that paragraph (b) encourages the use of a single engine-mounted generator which may not be as reliable as multiple sources of a suitably designed aircraft electrical power system. In response to the comments regarding single engine-mounted generators, the single fault tolerance requirement stated in paragraph (c) would need to be considered in order to determine acceptability. For example, the FAA has approved systems with a single alternator, with redundant alternator windings, that supply power independently to redundant channels of a FADEC.

#### Section 33.28(c)

Four commenters recommend that this paragraph be deleted since the requirements are presently contained in § 33.75. The FAA has determined that these requirements differ from, and are necessary in addition to, the requirements contained in § 33.75. Electrical and electronic controls

introduce potential failures that can result in unsafe conditions that are not addressed by the requirements contained in § 33.75. These types of failures include, but are not limited to:

- (a) Loss of control of the engine;
- (b) Instability in the control of a critical function;
- (c) Unwanted change in magnitude or direction of power or thrust for some aircraft operating conditions; and
- (d) Unwanted action of a critical control function, such as deployment of reversers.

Therefore, it is necessary that these types of control system failures also be considered.

One commenter finds the proposed paragraph acceptable, provided that mechanical or electronic control backup systems are recognized as acceptable. The FAA certifies engine control systems, with either mechanical or electronic control backup systems, provided that continued safe operation of the engine is maintained following a single failure of electrical or electronic component.

Four commenters express concern with the phrase "loss of ability to control the engine over an approved range of power or thrust." They are concerned that the FAA may consider the partial loss of power or thrust an unsafe condition, which they consider a change from past practice. The FAA practice has been to certify engines that have failure modes resulting in partial loss of thrust, provided that the failures do not result in an unsafe condition. However, in these cases, acceptance of partial loss of power or thrust is coordinated with the cognizant aircraft certification office. Each engine certification application is reviewed on an individual basis.

Because of the concerns expressed with the phrase, "loss of ability to control the engine over an approved range of power or thrust," the FAA is deleting this phrase and revising the paragraph to be more general. When this phrase is removed, the language of the paragraph becomes similar to that of § 25.901(c) that addresses single failures in power plants. Section 25.901(c) contains the phrase "no single failure or malfunction or probable combination of failures," while the NPRM contains the phrase "any probable failure or malfunction." The NPRM wording was derived from § 33.75 that states "any probable malfunction or any probable single or multiple failure." The FAA's intent in using the phrase "any probable failure or malfunction" in the NPRM was to include "any" failure or malfunction that could occur, including any single failure or malfunction. It has



been FAA practice to apply this same interpretation to the phrase "any probable malfunction or any probable single or multiple failure" in § 33.75. In addition, the revised § 33.28(c) includes the phrase, "or probable combination of failures," which is identical to that of § 25.901(c), and similar to the phrase "or multiple failure" in § 33.75. Probable combination of failures was also the intent of the phrase "any probable failure or malfunction" in the NPRM. In the NPRM, the phrase, "any probable failure or malfunction," was intended to include any probable combination of failures as provided in the revised paragraph. Accordingly, the paragraph has been revised to address the concerns of commenters, to clarify the FAA intent, and provide a rule with phrasing that has a precedent in FAA regulations.

Two commenters suggest the use of the inverse relationship that relates the frequency of the failure to the consequence of the failure. The FAA recognizes that this relationship is addressed in AC 25.1309-1A. This relationship is one of the considerations used when evaluating the applicant's fault analysis and the acceptability of the failures discussed in the analysis. However, a quantitative acceptance criterion for the various EEC failures is not intended at this time. Also, there are considerations other than failure rates that are used in the engine certification process. The FAA will continue to evaluate the need for including inverse relationships in the requirements.

#### Section 33.28(d)

One commenter recommends that this paragraph be replaced with a simple requirement for compliance with the component test requirements of § 33.91(a). The existing component certification requirements, including § 33.91(a), must be met by electrical and electronic controls. The FAA has determined that the limits for induced voltage transients, including lightning strikes and high energy radiated fields, must be specified since this is a consideration which is of concern only to engines with electrical and electronic controls.

Two commenters recommend that specific standards for lightning testing be given or that an AC be written on the subject. A third commenter recommends that SAE Committee Report AE4L-81-2 be used as an industry standard.

Lightning test waveforms and testing may be based on SAE Committee Reports AE4L-81-2, AE4L-87-3, or other methods found acceptable by the FAA. It is not the intent of this

paragraph to set a specific tolerance for lightning strikes, but simply to require that the tolerance level, to which the EEC system is designed, be specified, so that adequate shielding can be provided by the aircraft manufacturer to ensure that this tolerance level is not exceeded in the aircraft installation. However, the guidelines set forth in AC 20-136 (SAE publication, AE4L-87-3, "Orange Book") state that in the preparation of the lightning test plan, the applicant should determine the lightning environment for the equipment to be certificated, add a margin of safety, and then test to these levels. Test levels will differ for different engines. For example, on a large transport engine, 1,000 ampere shield currents have been used for the multiple stroke tests during certification. For a commuter aircraft engine, an applicant determined that a 3,000 ampere shield current was an appropriate level for the multiple stroke test.

There were no comments received concerning the HIRF environmental levels. In the section on "Related Activity" above, the activities related to HIRF were addressed. While these activities are directed toward aircraft certification for critical electrical and electronic systems, they also place requirements of the HIRF test levels for equipment certification.

Specification of design limitations for lightning and HIRF in an engine's instruction manual is consistent with the current FAA practice with regard to the level of lightning and HIRF likely to be encountered in the normal operating environment of the engine. The aircraft manufacturer and the engine manufacturer coordinate the proper levels for the particular installation that are necessary to meet the aircraft airworthiness requirements. The engine manufacturer tests and certifies the engine to a given environmental level, and these levels are specified in the instruction manual. This level is then considered to be a design limitation that the aircraft installation must accommodate. In the case of lightning and HIRF, the aircraft manufacturer is required by special conditions to provide an aircraft that meets the specified aircraft lightning and HIRF threat levels. By various design techniques, such as wire routing, cable shielding, and grounding, the aircraft installation provides the level of lightning and HIRF protection to accommodate the specified threat levels for the engine installation.

One commenter recommends that the phrase "environmental limits, including transients due to lightning strikes" be restricted to operating conditions lest

they be interpreted as a matter of long-term durability. The FAA has determined that the term "environmental limits" is a commonly used and accepted term that does include transient conditions, as well as long-term durability for conditions which may exist in steady-state. Therefore, the phrase is retained as proposed.

#### Section 33.28(e)

Five commenters recommend that the method used to design and implement the software be approved by the Administrator, rather than be "specified" and "suitable," since these terms are not defined. The FAA concurs with this recommendation, and the paragraph has been revised accordingly. It should be noted that RTCA document DO-178A, "Software Considerations in Airborne Systems and Equipment Certification," is accepted by the FAA as a guideline for software design and development. This guideline defines the software certification test plan that is prepared by the applicant and submitted to the regulatory authority for approval.

Three commenters made recommendations that the phrase " \* \* \* would result in an excessive loss of power or thrust \* \* \*" is unnecessarily restrictive and subject to problems of interpretation. Two of these commenters note that a loss of power or thrust is not an unsafe condition.

The FAA disagrees with these commenters. It should be recognized that this paragraph addresses undetected errors in software rather than control hardware failures, and that it is possible that all engines on a multi-engine aircraft could be affected. This could lead to the loss of power or thrust that is greater than that experienced after the loss of a single engine. The word "excessive" is changed to "unacceptable" in accordance with comments discussed under the discussion of comments to § 33.28(b); otherwise, the phrase is retained as written.

Two commenters express concern over the release of proprietary data to satisfy the requirements of this paragraph. A complete and detailed review of the control software will be required to establish compliance with this paragraph. The review will include proprietary data, if it is used. The FAA already reviews proprietary data submitted for other aspects of aircraft and aircraft engine certification. Furthermore, proprietary data is protected from disclosure under the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552).

One commenter recommends that § 33.28(e) be replaced with the statement, "compliance with engine component test as specified in 33.91(a) is required." The FAA concludes that a regulation that specifically addresses software is necessary and, therefore, this paragraph is retained as part of the rule.

Two commenters state that complete prevention of errors in software would be impractical and that the word "prevent" should be changed to "minimize," or the requirement should be deleted. The FAA understands these concerns, however, the word "prevent," as used in this context, means that the software is to be designed and implemented to the highest standards that the state of the art allows, such as Level 1 "Critical," as defined in RTCA document DO-178A. By taking all steps toward error prevention required of software engineering practice for critical levels, and completing any additional testing required by the FAA, an applicant will satisfy the requirement to "prevent" the software errors.

One commenter states that methods used by its control suppliers to prevent software errors in design and implementation can be specified for this purpose. The FAA interprets this comment to be in agreement with the rule.

One commenter recommends that a paragraph (f) be added with a requirement that control and instrumentation systems be segregated mechanically and electrically. The FAA has determined that such a requirement would be overly restrictive. Experience has shown that such systems can be safely integrated with appropriate hardware and software safeguards.

#### Regulatory Evaluation Summary

There is no known cost impact associated with this rule. The rule codifies and standardizes existing FAA practice with regard to the certification of engine control systems, particularly with those systems that are electrical and electronic in nature, and more recently with the FADEC systems. These systems have been marketed to the aircraft industry as a means of reducing costs and improving performance, reliability, and maintainability over the existing hydromechanical controls. In order for this new technology to gain acceptance by the aircraft industry, it was necessary for the engine/control suppliers to provide systems that would achieve the same level of airworthiness as the existing hydromechanical technology. In order to accomplish this objective, these systems were introduced into service with dedicated power systems, fault-accommodated

and fault-tolerant (including redundant) designs, lightning and electromagnetic interference (EMI) protection, and critical software design methodology. Because these systems are state of the art, and there are presently no specialized regulations that provide for their certification, the FAA has relied upon generalized interpretations of the regulations, AC information, and engineering professional society documentation to establish type certification special conditions on a case-by-case basis. Current regulations that are generally applied to the certification of electrical and electronic engine control systems include, but are not limited to, § 33.5, Instruction manual; § 33.75, Safety analysis; and § 33.91, Engine components tests. None of these rules, however, provides explicit requirements with regard to electronic engine controls. In consonance with existing FAA practice, this final rule reflects the FAA's intent to promulgate a regulation which institutes functional objective requirements, rather than mandating design requirements, in order to accomplish the certification of engine control systems.

Section 33.28(a) requires that control systems that rely on electrical and electronic means for operation be defined in the installation manual with regard to the controlled functions and the degree of authority, in percentages, exerted over power or thrust for both normal and failure modes. In addition, this paragraph specifies that the unique engine and airplane interface requirements, with regard to the control system, be included in the manual as part of this definition. This paragraph does not require manufacturers to perform any additional testing or activities beyond current certification practices.

Section 33.28(b) requires that electrical and electronic engine control systems be designed and constructed so that any failure of aircraft-supplied power or data will not result in an unacceptable change in power or thrust, or prevent continued safe operation of the engine. This section provides the engine manufacturer with alternatives it may use to meet this requirement. For example, the manufacturer may meet the requirement through an independent power supply, such as a generator, or through a secondary power supply, such as batteries. Satisfying the certification requirement through the latter may be difficult given present technology. However, the FAA has strictly interpreted this certification issue in the existing regulations as requiring design for engine isolation.

Section 33.28(c) requires that electrical and electronic engine control systems be designed and constructed so that any failure or malfunction of electronic components will not prevent continued safe operation of the engine. All manufacturers have chosen, in the past, to design and construct a hydromechanical or electronic control backup system that accomplishes this objective, and the FAA has approved these methods. Therefore, this requirement codifies present practices.

Section 33.28(d) requires that electrical and electronic engine control system environmental limits, including transients due to lightning strikes and high energy radiated electromagnetic fields, be specified. As with current certification practice, the requirement remains that the aircraft withstand lightning transients and exposure to high energy radiated fields and continue to operate. These are requirements that would be imposed upon any electrical and electronic system that performs a critical function and, therefore, is not a new requirement, or cost directly attributable to this rule.

Section 33.28(e) requires that electrical and electronic engine control systems have all associated software designed and implemented to prevent errors that would result in an unacceptable loss of power or thrust, or other unsafe condition, and have the method used to design and implement the software approved for the application. In current practice, the FAA requires that electronic engine control software be designed to the critical level, Level 1, as defined in RTCA document DO-178A, or a standard found equivalent by the Administrator.

Therefore, this rulemaking establishes clearer functional objective requirements that provide the basis for the type certification of electrical and electronic engine control systems. Furthermore, codifying these functional requirements provides unquantified benefits to manufacturers and the federal government by allowing both to standardize their certification efforts, resulting in reduced design, testing, and administrative costs.

This regulatory action codifies and standardizes in part 33, subpart B, functional requirements (objectives) pertaining to the certification of electrical and electronic engine control systems. This amendment is in consonance with present certification requirements as they pertain to engine control systems, and does not mandate specific design requirements. Because this amendment would not impose type certification standards (objectives)

beyond those currently applied in practice by the FAA, there is no cost impact associated with it. Furthermore, as described above, this amendment provides benefits to manufacturers and the federal government through standardization of certification efforts.

#### International Trade Impact Statement

This amendment would have no significant impact on trade for U.S. firms doing business in foreign countries or foreign firms doing business in the U.S. The rule codifies and standardizes existing FAA practices with regard to the certification of engine control systems, particularly those systems that are electrical and electronic in nature, as well as the more recent FADEC systems. These systems have been marketed to the aircraft industry as a means of reducing costs and improving performance, reliability, and maintainability as compared to the existing hydromechanical controls. In order for this new technology to gain acceptance by the aircraft industry, it was necessary for both foreign and domestic engine/control suppliers to provide systems that would achieve the same level of airworthiness as the existing hydromechanical technology. Therefore, neither domestic nor foreign manufacturers are affected by different standards.

#### Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure, among other things, that small entities are not disproportionately affected by government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities." The FAA definition of a substantial number of small entities is a number which is not less than 11, and which is not more than one-third of the small entities subject to a proposed or existing rule. The FAA size threshold for a determination of a small entity for US manufacturers of airplanes and airplane parts is 75 employees. The threshold for aircraft engine and engine parts manufacturers is 375 employees. There are no known engine manufacturers, airframe

manufacturers, or manufacturers of electrical or electronic engine control systems that are considered to be "small entities" under the definition. In addition, as discussed above, the regulatory evaluation indicates that there are no costs associated with the amendment.

Therefore, FAA has determined that the amendment will not have a significant economic impact, positive or negative, on a substantial number of small entities.

#### Federalism Implications

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

#### Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation and the International Trade Impact Analysis, the FAA has determined that this rule is not major under Executive Order 12291. In addition, the FAA certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A final regulatory evaluation of the rule, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

#### List of Subjects in 14 CFR Part 33

Aircraft, Aviation safety.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration

amends part 33 of the Federal Aviation Regulations (14 CFR part 33) as follows:

#### PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

1. The authority citation for part 33 continues to read as follows:

**Authority:** 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425; 49 U.S.C. 106(g).

2. Part 33 is amended by adding a new § 33.28 to read as follows:

#### § 33.28 Electrical and electronic engine control systems.

Each control system which relies on electrical and electronic means for normal operation must:

(a) Have the control system description, the percent of available power or trust controlled in both normal operation and failure conditions, and the range of control of other controlled functions, specified in the instruction manual required by § 33.5 for the engine;

(b) Be designed and constructed so that any failure of aircraft-supplied power or data will not result in an unacceptable change in power or thrust, or prevent continued safe operation of the engine;

(c) Be designed and constructed so that no single failure or malfunction, or probable combination of failures of electrical or electronic components of the control system, results in an unsafe condition;

(d) Have environmental limits, including transients caused by lightning strikes, specified in the instruction manual; and

(e) Have all associated software designed and implemented to prevent errors that would result in an unacceptable loss of power or thrust, or other unsafe condition, and have the method used to design and implement the software approved by the Administrator.

Issued in Washington, DC, on May 11, 1993.

**Joseph Del Balzo,**

*Acting Administrator.*

[FR Doc. 93-11721 Filed 5-17-93; 8:45 am]

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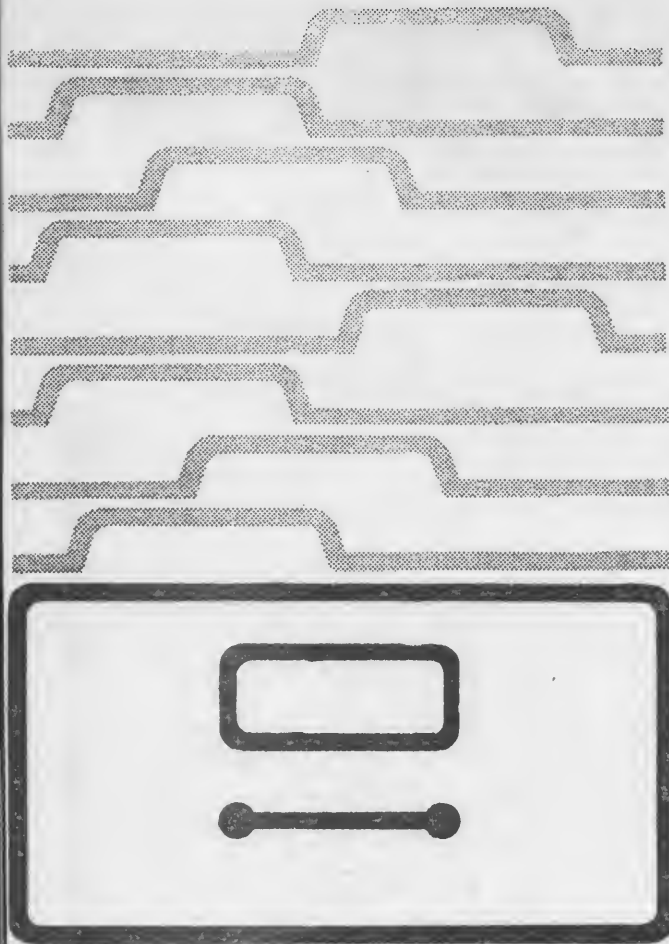
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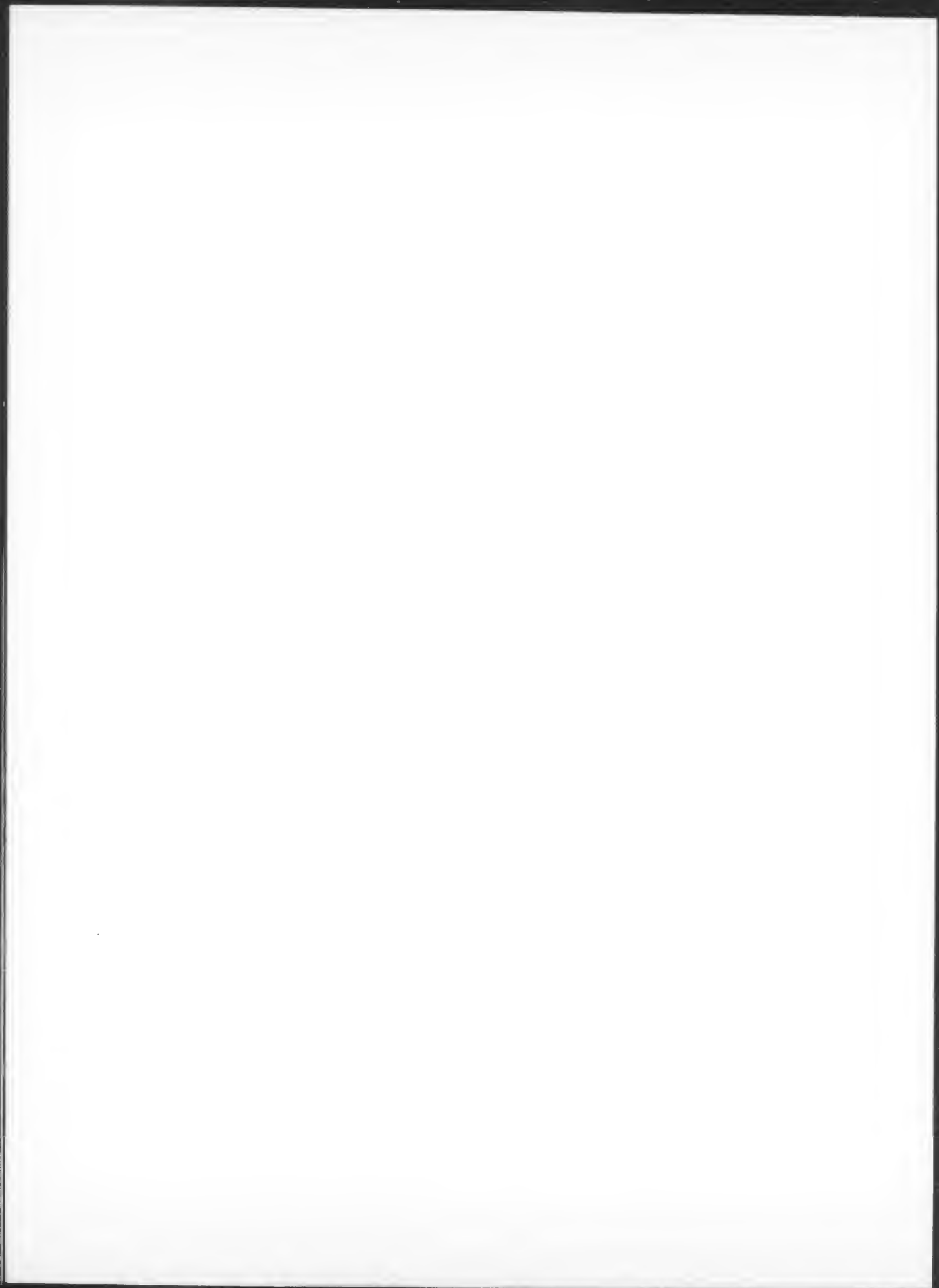
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