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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 6565 of May 25, 1993

Older Americans Month, 1993

By the President of the United States of America

A Proclamation

This year marks the 30th anniversary of Older Americans Month—a time when we, as a Nation, honor our elder citizens and recognize the many contributions they have made to our country.

Older Americans, having witnessed many of our Nation's historic milestones, are embodiments of 20th century American history. Many lived through the trying times of the Great War, the Depression, and the Second World War. With younger generations, older Americans shared the anguish of the Cold War and helped their more youthful countrymen get through this difficult period.

Older Americans provide us with the experience, knowledge, and leadership that are needed to help our Nation ply the difficult waters of the present. Through their experience with adversity, older Americans understand the critical need for shared sacrifice in meeting the challenges we face. Their wisdom provides us with a valuable perspective on how we must reorient our society toward investment in the future. Working in a variety of roles, as volunteers and employees, millions of older Americans continue to give their communities the fruits of their labor.

Today's older Americans are the best educated, most well-informed generation of elders our Nation has ever produced. The challenges they have met—and met successfully—have enabled them to make a continuing contribution with wisdom and understanding. We can see this not only in our families, as a new wave of responsible grandparenting helps ensure the future of our children, but also in our communities, which benefit from the experience and leadership of older Americans who volunteer their talent and time in fields ranging from business management to the arts.

While we salute the continuing contribution of older Americans, we also acknowledge our debt and responsibility to them. We renew our commitment to preserving for them the quality of life they deserve. We will safeguard their economic security not only through preserving the Social Security system but also by strengthening our Nation's overall economic performance. We will provide the leadership that will help our elders remain independent members of the community for as long as possible. We will supply that help in the neighborhoods where they live—through the kinds of social and supportive services made possible through the Older Americans Act and other programs. And we can help ease the suffering and worry caused by increased medical expenses through enacting a national program of health care reform.

By helping to preserve the security and independence of older Americans, we are also ensuring that our own futures will be ones of dignity with independence.

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 month of May 1993 as Older Americans Month. I call upon the people of the United States

to observe this month with appropriate ceremonies and activities in honor of our Nation's senior citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth 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.

William J. Clinton

[FR Doc. 93–12872
Filed 5–26–93; 3:14 pm]
Billing code 3195–01–P

Editorial note: For the President's remarks on signing this proclamation, see the *Weekly Compilation of Presidential Documents* (vol. 29, issue 21).

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1755

RIN 0572-AA58

REA General Specification for Digital, Stored Program Controlled Central Office Equipment (Form 522)

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Rural Electrification Administration (REA) General Specification for Digital, Stored Program Controlled Central Office Equipment by permitting greater latitude in the provisioning of power converters and ringing sources where such units are integrated within the system designs. REA allows this latitude due to the substantial improvement in recent years in electronic component reliability. This amendment does not diminish public telephone service integrity.

EFFECTIVE DATE: June 28, 1993. The incorporation by reference contained in this final rule was approved by the Director of the Federal Register on March 12, 1993 to be effective June 28, 1993.

FOR FURTHER INFORMATION CONTACT: John J. Schell, Chief, Central Office Equipment Branch, Telecommunications Standards Division, Rural Electrification Administration, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone (202) 720–0671.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation as established by the Order.

Regulatory Flexibility Act Certification

The Administrator of REA has determined that this proposed rule will not have a significant impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule involves standards and specifications, which may increase the direct short-term costs to the REA borrower. However, the long-term direct economic costs are reduced through greater durability and lower maintenance cost over time.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulation (5 CFR part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and section 3504 of that Act, information collection and recordkeeping requirements contained in this final rule have been approved by OMB under control number 0572–0077, which expires on January 31, 1994. Comments concerning these requirements should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USDA, room 3201, NEOB, Washington, DC 20503.

National Environmental Policy Act Certification

The Administrator has determined that this action will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.851, Rural Telephone Loans and Loan Guarantees; and No. 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final Rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA and RTB loans and loan guarantees, and RTB bank loans, to governmental and nongovernmental entities from coverage under this Order.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule:

(1) Will not preempt any State or local laws, regulations, or policies;

(2) Will not have any retroactive effect; and

(3) Will not require administrative proceedings before parties may file suit challenging the provisions of this rule.

Background

REA has issued a series of publications entitled "Bulletin" which serve to implement the policy, procedures, and requirements for administering its loans and loan guarantee programs, and the security instruments which provide for and secure REA financing.

REA issues standards and specifications in the bulletin series for the construction of telephone facilities financed with REA loan funds. On March 14, 1991, REA published a proposed rule (56 FR 10835) to rescind REA Bulletin 345–165, REA General Specification for Digital, Stored Program Controlled Central Office Equipment, Form 522, and to incorporate by reference the new Bulletin 1753E-001(522). Specification Form No. 522 has become a part of this new REA Bulletin.

The proposed rule contained an error which was corrected by the Office of the Federal Register on April 24, 1991 (56 FR 18878). Consequently, REA published a notice in the Federal Register on June 27, 1991, (56 FR 29447), to extend the comment period to July 29, 1991.

Substantial improvement in recent years of electronic component reliability permits an alternative to the February 1989 specification requirements that makes it always necessary to provide redundant ringing equipment and duplicated power converters. The

proposed revision of the specification permits greater latitude in the provisioning of power converters and ringing equipment where such units are of sufficient proven reliability and integrated in the switching system as not to diminish public telephone service integrity.

Major central office manufacturers have the ability to support the original or alternative requirements of the proposal. Therefore, manufacturers should be able to comply with these requirements with little impact on their operations.

Comments

Comments on the proposed rule were received from three commenters.

One commenter stated that paragraph (s)(4)(ii)(D) of this section [paragraph 15.4.2.2 d in Bulletin 1753E-001(522)] should read, "***in central office switching systems of less than 400 equipped lines." REA recognizes the typographical omission and is appreciative of the comment. A notice of correction was published by the Office of the Federal Register on April 24, 1991, (56 FR 18878). This same commenter also stated that paragraph (w)(6)(iii) [paragraph 19.6.3 in Bulletin 1753E-001(522)] should read,

> The failure of any single nonduplicated power converter shall not cause a complete loss of service to more than 100 equipped lines or 30 equipped trunks (regardless of the office size).

A second commenter stated that current design technology allows both power and ringing equipment to be resident on a single printed circuit board. Two of these boards may be configured to supply redundant power and ringing to a large number of lines. This technology means that system redundancy costs should be marginally higher than partial system redundancy. It was unclear to the commenter why a telephone company would be willing to accept this compromise. This commenter also questioned whether a relaxation in redundancy requirements should be confined to power and ringing. If it were acceptable to allow 100 lines, 25 percent of a 400 line office, to be unserviceable due to a ringing system failure, would the same criteria be applied to any component in the system? For example, should any single printed circuit board failure in a small 250 line system result in loss of 25 percent, or 62 lines? The commenter's position is that any compromise in redundancy of a switching system above the level of a line card should be an optional choice made by the telephone company.

A third commenter applauded REA's efforts to enhance the language in the **Federal Register** to permit greater latitude in the provisioning of power converters and ringing sources.

REA's position is that substantial improvement in recent years in electronic component reliability and key unit operation backup architectures permits the introduction of an alternative to the present stringent specification requirements that make it always necessary to provide redundant ringing equipment and duplicated power converters. There may be other electronic components that fall into this same category. The alternative introduced is confined to ringing equipment and power converters.

REA has not compromised rural telecommunications switching systems service reliability or integrity. Serious consideration was given to:

(1) Historic and current supplier predicted and borrower experienced mean time between failures of power and ringing units;

(2) Industry power and ringing units spares provisioning requirements and practices;

(3) Historic and current experienced mean time to repair or replace failed power and ringing units;

(4) Industry reported trouble frequency trends relative to switching;

(5) Reported sizing of borrower host and remote switching units equipped;

(6) The possibility of the need for access line, access trunk, and other COE facilities assignment balancing and usable capacity reductions to meet the alternative requirements; and

(7) The understanding that ringing units do not include those units which provide ring back tone.

The maximum limits of subscriber service impact have been defined and are considered to be in the best cost effective interest of REA borrowers offerings to rural telecommunications service subscribers.

Subsequent to receipt of these comments, REA determined that public interest is better served by codifying the revised specification rather than incorporation by reference.

List of Subjects in 7 CFR Part 1755

Incorporation by reference, Loan programs—communications, Reporting and recordkeeping requirements, Rural areas, Telephone.

For reasons set out in the preamble, chapter XVII of title 7 of the Code of Federal Regulations is amended as follows:

PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

1. The authority citation for 7 CFR part 1755 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*

§ 1755.97 [Amended]

2. Section 1755.97 is amended by removing the entry REA Bulletin 345–165 from the table.

3. Section 1755.522 is added to read as follows:

§ 1755.522 REA general specification for digital, stored program controlled central office equipment.

(a) *General.* (1) This section covers general requirements for a digital telephone central office switching system, which is fully electronic and controlled by stored program processors. A digital switching system transfers information which is digitally encoded from any input port to a temporarily addressed exit port. The information may enter the system in either analog or digital form and may or may not be converted to analog at the exit port depending on the facility beyond. The switching system shall operate properly as an integral part of the telephone network when connected to physical and carrier derived circuits meeting REA specifications and other generally accepted telecommunications practices.

(2) The output of a digital-to-digital port shall be Pulse Code Modulation (PCM), encoded in eight-bit words using the mu-255 encoding law and D3 encoding format, and arranged to interface with a T1 span line.

(3) American National Standards Institute (ANSI) Standard S1.4–1983, Specification for Sound Level Meters, is incorporated by reference by REA. This includes S1.4A-1985 that is also incorporated by reference. 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 ANSI Inc., 11 West 42nd Street, 13th Floor, New York, NY 10036, telephone 212–642–4900. Copies may be inspected during normal business hours at REA, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(4) American Society for Testing Materials (ASTM) Specification B 33–91, Standard Specification for Tinned Soft or Annealed Copper Wire for

Electrical Purposes, is incorporated by reference by REA. 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 ASTM, 1916 Race Street, Philadelphia, PA, telephone 215–299–5400. Copies may be inspected during normal business hours at REA, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(5) Bell Communications Research (Bellcore) document SR-TSV-002275, BOC Notes on the LEC Networks—1990, March 1991, is incorporated by reference by REA. 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 Bellcore Customer Service, 60 New England Avenue, Piscataway, NJ 08854, telephone 1–800–521–2673. Copies may be inspected during normal business hours at REA, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(6) Bellcore TR-TSY-000508, Automatic Message Accounting, July 1987, is incorporated by reference by REA. 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 Bellcore Customer Service, 60 New England Avenue, Piscataway, NJ 08854, telephone 1–800–521–2673. Copies may be inspected during normal business hours at REA, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(7) Federal Standard H28, Screw-Thread Standards for Federal Services, March 31, 1978, is incorporated by reference by REA. This includes: Change Notice 1, Federal Standard, Screw-Thread Standards for Federal Services, May 28, 1986; Change Notice 2, Federal Standard, Screw-Thread Standards for Federal Services, January 20, 1989; and Change Notice 3, Federal Standard, Screw-Thread Standards for Federal Services, March 12, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the General Services Administration, Specification Section, 490 East L'Enfant Plaza SW, Washington, DC 20407, telephone 202–755–0325. Copies may be inspected during normal business hours at REA, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(8) Institute of Electrical and Electronics Engineers (IEEE) Std 455–1985, IEEE Standard Test Procedure for Measuring Longitudinal Balance of Telephone Equipment Operating in the Voice Band, is incorporated by reference by REA. 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 IEEE Service Center, 445 Hoes Lane, P. O. Box 1331, Piscataway, NJ 08854, telephone (201) 981–0060. Copies may be inspected during normal business hours at REA, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(9) Institute of Electrical and Electronics Engineers (IEEE) Std 730–1989, IEEE Standard for Software Quality Assurance Plans, is incorporated by reference by REA. 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 IEEE Service Center, 445 Hoes Lane, P. O. Box 1331, Piscataway, NJ 08854, telephone (201) 981–0060. Copies may be inspected during normal business hours at REA, room 2838-S, U.S. Department of Agriculture, Washington, DC 20250 or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(10) REA Bulletin 345–50, PE-60, REA Specification for Trunk Carrier Systems, September 1979, is incorporated by reference by REA. 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 the Rural Electrification Administration, Administrative Services Division, room 0175-S, Washington, DC 20250. The bulletin may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(11) REA Bulletin 345–55, PE-61, Central Office Loop Extenders and Loop Extender Voice Frequency Repeater Combinations, December 1973, is incorporated by reference by REA. 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 the Rural Electrification Administration, Administrative Services Division, room 0175-S, Washington, DC 20250. The bulletin may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(12) REA Bulletin 345–87, PE-87, REA Specification for Terminating (TIP) Cable, December 1983, is incorporated by reference REA. 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 the Rural Electrification Administration, Administrative Services Division, room 0175-S, Washington, DC 20250. The bulletin may be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) *Reliability.* (1) Quality control and burn-in procedures shall be sufficient so the failure rate of printed circuit boards does not exceed an average of 1.0 percent per month of all equipped cards in the central office during the first three months after cutover, and an average of 0.5 percent per month of all equipped cards in the central office during any 6-month period thereafter. A failure is considered to be the failure of a component on the PC board which requires it to be repaired or replaced.

(2) The central office switching system shall be designed such that the expected individual line downtime does not exceed 30 minutes per year. This is the interval that the customer is out of service as a result of all failure types, excluding dispatch and travel time, i.e., hardware, software, and procedural errors.

(3) The central office switching system shall be designed such that there will be no more than 1 hour of total outages in 20 years, excluding dispatch and travel time for unattended offices.

(c) *System type acceptance tests.* (1) System type acceptance tests (general acceptance tests) are performed for the purpose of determining whether or not a type of switching system should be added or retained as an REA accepted system. While general acceptance tests will be required on each system type, they will not be expected to cover every requirement in this section. However, any installation of a system provided in accordance with this section shall be capable of meeting any requirement in this section on a spot-check basis.

(2) A "completed call" test shall be made part of these system type acceptance tests. There shall be no more than two in 10,000 locally originating and incoming calls misdirected,

unsuccessfully terminated, prematurely disconnected or otherwise failing as a result of equipment malfunction and/or equipment failures, or as a result of transients, noise or design deficiencies. This test shall be made with a load box with no less than 10 lines access and 10 subscriber numbers for completion, or equivalent, with no other traffic in the system. If there is a failure in the equipment during this test, the cause shall be repaired and the test restarted at zero calls.

(3) System type acceptance testing applies basically to factory type testing, and not to owner acceptance testing for individual installations. The overall installed and operating system shall also meet these requirements, except for unusual circumstances or where specifically excluded by this or other REA requirements.

(d) *Types of requirements.* (1) Unless otherwise indicated, the requirements listed in this section are fixed requirements.

(2) Optional requirements are those which may not be needed for every office and are identifiable by a phrase such as, "when specified by the owner," or, "as specified by the owner."

(3) In some cases where an optional feature specified in paragraph (e) of this section will not be required by an owner, either now or in the future, a system which does not provide this feature will be considered to be in compliance with this section for the specific installation under consideration, but not in compliance with the entire section.

(4) The owner may request bids from any REA accepted supplier whose system provides all the features which will be required for a specific installation.

(5) The Application Guide, REA TE&CM 322, provides information about the economic and service factors involved in all optional features, as well as instructions for the completion of appendices A and B of this section.

(e) *General requirements.* (1) The equipment shall provide for terminating and automatically interconnecting subscriber lines and trunks in response to dial pulses (or pushbutton dialing signals, if specified) without the aid of an operator.

(2) Complete flexibility shall be provided for assigning any subscriber directory number to any central office line equipment by the use of internal programmed memory. Thus, any subscriber line and/or directory number may be moved to another terminal to distribute traffic loads, if the line equipment hardware is compatible with the service provided.

(3) The system shall be arranged to interface with interexchange carrier trunks and networks using single digit or multi-digit access codes. The system shall be equipped to handle at least 20-digit subscriber dialed numbers. All subscriber directory numbers in the office shall be seven-digit numbers.

(4) The network and the control equipment shall be comprised of solid-state and integrated circuitry components. Peripheral equipment shall be comprised of solid-state and integrated circuitry components as far as practical and consistent with the state-of-the-art and economics of the subject system.

(5) The basic switching system shall include the provision of software programming and necessary hardware, including memory, for optional custom calling services such as call waiting, call forwarding, three-way calling, and abbreviated dialing. It shall be possible to provide these services to any individual line (single-party) subscriber, and consideration should be given to supplying at least some of these services to two-party lines, when specified by the owner (except during revertive call), where each party is identifiable to the equipment for this purpose. The addition of these services shall not reduce the anticipated ultimate engineered line, trunk, and traffic capacity of the switching system as specified in appendix A of this section.

(6) The number of parties per line is intended to be no more than four. The type of ringing shall be as specified in appendix A of this section.

(7) Provision shall be made for local automatic message accounting (LAMA), and for traffic service position system (TSPS) trunks, or equivalent, to the operator's office when required either initially or in the future. Operator identification will be satisfactory for lines with more than two parties unless otherwise specified in Item 16 of appendix A of this section.

(8) Tandem switching features shall be provided if specified in appendix A of this section.

(9) The system shall be arranged to serve a minimum of eight All Number Calling (ANC) office codes per office, with discrimination on terminating calls by trunk group, numbering plan, or programmed memory and class mark, if specified in appendix A of this section.

(10) Busy hour load handling capacity is an important feature when an office approaches capacity. The delays which may occur in call completion during busy hour periods may prove to be excessive in some system designs. Accordingly, each bidder shall provide, in appendix C of this section, data satisfactory to REA regarding the busy hour load handling capacity and traffic delays of the system.

(11) Provision shall be made for hotel-motel arrangements, as required by the owner, to permit the operation of message registers at the subscriber's premises to record local outdial calls by guests (see Item 10.6, appendix A of this section).

(12) Provision shall be made to identify the calling line or incoming trunk on nuisance calls (see paragraph (g)(10) of this section for details).

(13) Full access from every subscriber line to every interoffice trunk shall be provided.

(14) Facilities shall be provided to implement service orders, make traffic studies, and perform switching and transmission tests by means of remote control devices if such operations are specified in Items 11.2 and 11.3 of appendix A of this section.

(15) Provision shall be made for the addition of facilities to record all subscriber originated calls based on dialed directory number, time of day, and duration of conversation. They shall be such that the additional equipment (if any is required) may be added to an in-service system without interruption of service and a minimum of equipment, wiring and software modifications.

(16) The system shall be capable of distributed switching operation where groups of subscriber lines can be remotely located from the central office. The remotely situated units are known as "Remote Switching Terminals" (RST's) (see paragraph (w) of this section). This does not eliminate the use of pair gain devices such as direct digitally connected concentrators, regular concentrators or subscriber carrier equipment, where specifically ordered by the owner and its engineer.

(17) The switching system shall have means to synchronize its clock with switches above it in the network hierarchy, when specified by the owner in item 3, appendix A of this section (see paragraph (j) of this section).

(18) Consistent with system arrangements and ease of maintenance, space shall be provided on the floor plan for an orderly layout of future equipment bays that will be required for anticipated traffic when the office reaches its ultimate size. Readily accessible terminals shall be provided for connection to interbay and frame cables to future bays. All cables, interbay and intrabay (excluding power), if technically feasible, shall be terminated at both ends by use of connectors.

(19) When specified in appendix A of this section, the system shall be capable

of processing emergency calls to a 911 service bureau connected either by a group of one-way 911 lines or a trunk group.

(i) It shall be possible to reach the service bureau by dialing 911, 1+911, or a 7-digit number.

(ii) The system shall select an idle 911 line or trunk.

(iii) The system shall provide usual ringing and ringback signal until the called 911 line answers.

(iv) If the calling line goes on-hook first, the system shall hold the connection from the called 911 line and return steady low tone to the service bureau. The system shall then begin a 45-minute timeout, after which the calling line is disconnected and an alarm message is printed on a TTY. If the calling line goes off-hook before timeout, the system shall reestablish the conversation path.

(v) If the calling line does not disconnect, the service bureau attendant shall have the ability to force a disconnect of the established connection with the calling party.

(vi) When the 911 call is answered, the equipment shall be arranged so that coin lines are not charged for the call. Similarly, if some form of local call charging is used, there shall be no charge for the 911 call.

(vii) If the 911 service bureau is holding a calling line, it shall be possible for the 911 line to cause the equipment to ring back the calling line. This is done by providing a flash of on-hook signal from the 911 line lasting from 200 to 1,100 milliseconds. The signal to the calling line shall be ringing current if the line is on-hook, or receiver off-hook (ROH) tone if the line is off-hook. Ringback tone shall be provided to all parties of a multiparty line if multiparty automatic number identification (ANI) is not available.

(viii) Calls shall not be originated from the service bureau via the dedicated 911 lines. If an attempt is made to originate a call, it shall receive reorder tone. After 6 minutes, the system shall print an alarm message.

(ix) If 911 calls pass through intermediate switching, the forced-hold control, emergency ringback, and calling line status monitoring capabilities are lost.

(f) *Line circuit requirements*—(1) *General.* (i) The range of direct current (dc) resistances of subscriber loops, measured from the main frame in the central office and including the telephone set shall be at least 0–1900 ohms without loop extension and 1900–3600 ohms with loop extenders, or equivalent. The range when using extension equipment may be significantly reduced for straight line ringers. These limits apply under maximum adverse environmental and manufacturing variation tolerance conditions. Central office voltage shall be stabilized at a value necessary to provide at least a nominal 21 milliamperes current with a nontreated loop of at least 1900 ohms. Minimum loop insulation resistance without loop extenders shall be 25,000 ohms between conductors or from either conductor or both conductors in parallel to ground. Loop insulation resistance for loop extension devices may be 100,000 ohms minimum between conductors or from either conductor or both conductors in parallel to ground.

(ii) Subscribers on the same party line shall have the ability to call each other. Requirements for revertive call operation are provided in paragraph (g)(8) of this section.

(iii) In addition to operating on nonloaded cable pairs and subscriber carrier, the equipment shall function properly with D-66 and H-88 loaded cable pairs, including any provisions the equipment must control for the purposes of proper transmission.

(2) *Dialing*—(i) *Subscriber dial speed.* The line equipment and central office equipment (COE) in tandem shall operate satisfactorily when used with subscriber dials having a speed of operation between eight and twelve impulses per second and a break period of 55 to 65 percent of the total impulse period.

(ii) *Subscriber dial interdigital time.* The line equipment and central office equipment shall operate satisfactorily with subscriber rotary dial interdigital times of 200 milliseconds minimum, and with pushbutton dialing interdigital times of 50 milliseconds minimum.

(iii) *Subscriber line pushbutton dialing frequencies.* (A) The frequency pairs assigned for pushbutton dialing shall be as follows, with an allowable variation of ± 1.5 percent:

Low Group Frequencies (Hz)	High Group Frequencies (Hz)			
	1209	1336	1477	1633
697	1	2	3	Spare
770	4	5	6	Spare
852	7	8	9	Spare
941	*	0	#	Spare

(B) The receiver shall comply with the operating parameters of the dual-tone multifrequency (DTMF) central office receiver as described in section 6 of Bell Communications Research (Bellcore) document SR-TSV-002275, BOC Notes on the LEC Networks—1990.

(3) *Impedance.* For the purpose of this section, the input impedance of all subscriber loops served by the equipment is arbitrarily considered to be 900 ohms at voice frequencies.

(4) *Lockout.* (i) All line circuits shall be arranged for line lockout. When a permanent condition occurs prior to placing a line into lockout, a timed low level warning followed by a timed high level receiver off-hook (ROH) tone (see paragraph (i)(2)(xi) of this section) or a howler circuit (see paragraph (o)(2)(iii)(C) of this section) shall be applied to the line.

(ii) The line on lockout shall be reconnected automatically to the central office when the permanent off-hook condition is cleared.

(5) *Pay stations.* Pay stations may be prepay, or semi-postpay, as specified by the owner.

(6) *Loop extension.* (i) The number of lines which exceed 1900 ohms will be specified by the owner. When requested by the owner, the bidder shall furnish equipment to guarantee satisfactory operation of all lines.

(ii) Working limits for subscriber lines with loop extenders are covered in REA Bulletin 345–55, PE-61, Central Office Loop Extenders and Loop Extender Voice Frequency Repeater Combinations.

(iii) Ringing from REA accepted loop extenders, or their equivalent, shall be cut off from the called line when the handset at the called station is removed during the ringing or the silent interval.

(7) *Private branch exchange (PBX) lines.* PBX trunk hunting shall be available. It will not be necessary to segregate PBX lines to certain line groups.

(8) *Quantity.* A sufficient number of terminations shall be provided, in addition to the quantity specified by the owner for subscriber line service, to meet the requirements of the system for equipment testing, alarm checking, tone transfer, loop around test and other features.

(9) *Types.* There shall be provisions for types of lines such as ground start, loop start, regular subscriber, pay stations, etc.

(g) *Intraoffice switching requirements.* (1) The switching system shall:

(i) Provide dial tone in response to origination of a call by a subscriber, except on special lines where the application of dial tone is not applicable, such as manual and hot lines;

(ii) Remove dial tone immediately after the first digit has been dialed;

(iii) Recognize the class of service of the calling subscriber;

(iv) Register the digits dialed by the calling subscriber where the rotary dial or pushbutton dialing characteristics and the minimum interdigital times are as specified;

(v) Perform the necessary translation functions when the required number of digits have been registered, and select a channel to a proper outgoing trunk, if one is available, to the designated interexchange carrier;

(vi) Provide a transmission path from the calling subscriber line to the selected trunk, if an idle one is found;

(vii) Provide for more than one alternate route to the desired destination when specified by the owner, select an idle outgoing trunk in the first or second choice alternate route trunk group, if all trunks in the higher choice groups are busy, and provide a reorder signal (see paragraph (i)(2)(iv) of this section) to the subscriber if no trunks are available in the last choice alternate route;

(viii) Translate the proper part of the registered incoming routing data on tandem calls into an identification of an outgoing trunk group, select an idle trunk in that group, initiate the connection of the incoming trunk to the outgoing trunk, set the trunks in the proper configuration for tandem operation, and transmit information as required to permit completion to the desired destination in the distant office;

(ix) Transmit the proper stored information over the selected trunk to permit completion of outgoing calls to the desired destination by the distant office or offices, and provide multifrequency (MF) outpulsing when specified;

(x) Register all the digital information on calls incoming from a distant office, when dial or MF pulsing characteristics and interdigital times are as specified;

(xi) Translate internally a registered directory number into line equipment location, ringing code and terminating class (such as "PBX hunting") on incoming or intraoffice calls;

(xii) Test the called line for a busy condition;

(xiii) Connect the incoming trunk or locally originated call to the called line if the called line is idle;

(xiv) Permit any type of ringing voltage available in the central office to be associated with any Subscriber Directory Number (SDN), cause the proper type of ringing voltage to be connected to the called line, and remove ringing from the line upon answer whether in the ringing or silent period; and

(xv) Test and monitor the switching system continually during periods of low traffic using the maintenance and diagnostic subsystem.

(2) The switching system shall offer at least the following originating and terminating class-of-service indications on a per-line basis to subscribers, as specified by the owner:

(i) Flat rate individual line, bridged ringing;

(ii) Flat rate two-party, full selective ringing;

(iii) Flat rate four-party, full selective ringing;

(iv) Flat rate PBX and trunk hunting numbers, bridged ringing;

(v) Pay station;

(vi) Message rate subscriber line;

(vii) Wide Area Telephone Service (WATS);

(viii) Extended Area Service (EAS);

(ix) Data service;

(x) Hotel-Motel capability;

(xi) Denied originating;

(xii) Denied terminating;

(xiii) Custom calling features;

(xiv) Special interexchange carrier accesses; and

(xv) Presubscription to designated interexchange carrier.

(3) The switching system shall provide PBX hunting.

(i) At least one trunk hunting group in each 100 SDN's equipped shall be provided. More may be provided as specified by the owner.

(ii) PBX groups shall be of a reasonable size commensurate with the ultimate size of the switching system.

(iii) Any available SDN may be used for PBX trunk hunting.

(iv) Each PBX group shall have the capability of being assigned one or more nonhunting SDN's for night service.

(v) If the called line is a PBX hunting line, the switching system shall test all assigned lines in the hunting group for a busy condition.

(vi) If the called PBX group is busy, line busy tone, as specified in paragraph (i)(2)(iii) of this section, shall be returned to the originating end of the connection.

(4) The switching system shall provide pay stations which may be prepay or semi-postpay. The system shall be arranged so that an operator and emergency service (911) may be reached from prepay or semi-postpay coin lines without the use of a coin, when the proper pay station equipment is provided.

(5) To meet dialing requirements, the switching system shall:

(i) Initiate the line lockout function after a delay, as specified in paragraph (r)(3) of this section, if dial or pushbutton dialing pulses are not received after initiation of a call, preferably routing the subscriber line to a holding circuit for tones and then automatically to lockout;

(ii) Connect 120 interruptions per minute (IPM) paths busy tone, recorded message, or other distinctive tone to the calling subscriber if an interval longer than that specified in paragraph (r)(4) of this section elapses between dialed digits;

(iii) Register the standard tone calling signals received from a subscriber station arranged for pushbutton dialing if specified by the owner, provide arrangements to function properly with 12-button pushbutton dialing sets, and return a reorder signal to the subscriber upon receipt of signal from the 11th or 12th buttons if neither of these buttons is assigned functions; and

(iv) Connect the incoming trunk to the digit register equipment within 120 milliseconds after seizure where direct dialing is received on calls from a distant office, cancel the bid for a register, and return reorder tone to the calling end if dial pulses are received before a register is attached.

(6) The switching system shall provide for appropriate circuit usage.

(i) To avoid inefficient utilization of the switching network, that portion of the common equipment that establishes the connection on intramachine calls shall not require more than 500 milliseconds, exclusive of ringing and ring trip, to complete its function under no-delay conditions.

(ii) The switching system shall provide for duplication in a load sharing or redundant configuration any circuit elements or components, the failure of which would reduce the grade of service of 100 or more lines by more than 25 percent of the traffic carrying capacity.

(iii) The switching system shall ensure that failure of access to a high choice circuit will not prevent subsequent calls from being served by lower choice circuits, wherever possible.

(iv) Where only two circuits of a type are provided, circuits shall be designed so that failure of one circuit will not permanently block any portion of the system for the duration of the failure.

(v) Where more than two circuits of a type are provided, successive usages should be on a rotational or random basis rather than the step-up selection with the possible exception of a last choice trunk.

(vi) The system shall be designed so that, in the event of a network failure, the system shall immediately or simultaneously use a redundant portion of the network to complete the call.

(7) The switching system shall provide busy verification facilities with the method of access specified by the owner.

(i) Only an operator or a switchman shall be able to override a busy line condition.

(ii) If the called line is busy, off-hook supervision shall be given the operator or switchman.

(iii) The responsibility of restricting subscribers in distant offices from having access to busy verification shall be on the distant office personnel when the toll trunks are used for both toll connecting and verification traffic.

(iv) When a verification code is used, all digits of the code must be dialed before cut-through to the called line can be accomplished.

(8) The switching system shall provide revertive call by directory number to permit subscribers on the same party line to call each other.

(i) A "don't answer" disconnect feature shall be provided, which shall operate after an elapsed timing interval as specified in paragraph (r)(6) of this section.

(ii) The equipment shall be designed to provide a recorded announcement to the calling party when they dial a party on the same line and provide an announcement or a distinctive tone as specified by the owner, in appendix A of this section, to the called party when the called party answers.

(9) The switching system shall provide intercept facilities.

(i) All unused numbering plan area codes, home numbering plan area office codes, service codes and subscriber directory numbers (SDN's) shall be routed to intercept. All intercept administration shall be by changes in memory administrable by telephone company personnel. Maximum machine time to place a subscriber on intercept shall be 15 seconds.

(ii) Unequipped SDN's intercept shall be effective if the processor memory does not have information concerning the SDN in question.

(iii) The intercept equipment shall be arranged so that specific SDN's can be routed to a separate intercept circuit for changed numbers.

(iv) When an intercept call is answered, either by an operator or by a recorded announcement, an off-hook or charge supervision signal shall not be returned, even momentarily, to the originating end.

(v) When intercepting service is to be handled over the regular interoffice toll trunks, a distinctive identifying tone shall be transmitted when the operator answers. This tone shall be of the frequency and duration specified in paragraph (i)(2)(x) of this section.

(10) The switching system shall provide nuisance call trap facilities which, when activated, provide a permanent record of the calling and called numbers complete with date and time of day. Where the call originates over an interoffice trunk, the actual trunk number shall be recorded. There shall be provision for the called subscriber to hold the connection and for the positive trace of the call from origination to termination within the office.

(11) The switching system shall follow appropriate release procedures.

(i) The office shall be arranged so a connection to a terminating channel other than assistance operator shall be released under control of the calling party so that the channel can be reseized, unless the call is to emergency 911 service or other termination arranged for called party control.

(ii) If the called party disconnects first, the channel used in the originally established connection shall be held until the calling party disconnects or until the timing interval specified in paragraph (r)(7) of this section has elapsed. This feature shall not interfere with the normal operation of calls to intercept, fire alarm, or other special services.

(12) The switching system shall provide line load control facilities, when specified by the owner, to give preference for originating service to a limited group of subscribers during emergencies.

(i) These facilities may be activated manually by input-output (I/O) device or automatically after a manual setting of a key (or equivalent) to put line load control into effect, as determined by the bidder. The automatic procedure is preferable.

(ii) Procedures shall be established to avoid the unauthorized use of the line load control facilities.

(iii) Where automatic activation is provided, service may be provided to small groups of nonemergency subscribers on limited grade of service whenever the office load becomes low enough to permit this to be done safely.

(h) *Interoffice trunk circuit requirements*—(1) *General.* (i) The bidder shall supply, as requested by the owner, solid-state technology type trunk and signaling circuits of any of the types described in REA TE&CM 319, Interoffice Trunking and Signaling, or, with the approval of REA, any other more recent and desirable types not as yet covered in the manual. For dc signaling, the duplex (DX) and loop types of signaling are preferred.

(ii) Trunks shall not be directly driven from the subscriber's dial on outward calls.

(iii) In order to reduce the spares inventory and minimize incidence of improper maintenance replacement of circuit assemblies, the types of trunk circuits shall be kept to a minimum. Variation in assemblies should be mainly limited to variation in signaling modes.

(iv) Trunk circuits which connect with carrier or 4-wire transmission facilities shall be arranged for 4-wire transmission to avoid an intermediate 2-wire interface between a 4-wire switching system and trunk facilities.

(2) *Quantity.* Trunk quantities shall be as specified in appendix A of this section. Sufficient space shall be provided for an orderly layout of trunks. Trunks of a certain type going to the same destination may be grouped together on the original installation.

(3) *Requirements for interoffice connections.* (i) When operator trunks are used in common for both coin and noncoin lines, they shall be arranged to provide an indication to the operator by means of a visual signal or tone when calls are from pay stations. When a tone is used, it shall be of the type specified in paragraph (i)(2)(v) of this section and shall be connected to be heard only by the operator upon answer. It shall be possible to repeat the tone signal.

(ii) There are no requirements for trunks arranged for manual re-ring by a toll operator, either with the receiver on or off the hook, except to coin stations with the receiver on the hook.

(iii) On calls from subscribers to the assistance operator, the release of the connection shall be under control of the last party to disconnect. An exception is operator control of disconnect that is used on outgoing trunks to a TSP/TSPS system.

(iv) On calls originated by an operator, the release of the connection shall be under control of the operator.

(v) Where trunks with E and M lead signaling are used, the trunk circuits for Type I signaling shall be arranged to place ground on the M lead during the on-hook condition and battery on the M lead in the off-hook condition. For E and M Type II, only a make contact between the MA and MB lead will be required. In either type, current limiting shall be provided in the E lead of the trunk circuit itself, as required for proper operation. It shall be assumed that connection equipment in the form of trunk carrier, multiplex, or associated signaling apparatus furnishes only a contact closure to ground (Type I) or to a signal ground lead (Type II) for an off-hook condition on the E lead.

(vi) Where answer supervision is used to determine the initiation of the charging interval for a call, such answer supervision shall not be effective for charging until after the elapse of the

timing interval listed in paragraph (r)(5) of this section.

(vii) When necessary, provision shall be made for reception of start and stop dial signals on toll trunk equipment.

(viii) When trunks arranged for automatic message accounting (AMA), toll ticketing, or centralized automatic message accounting (CAMA) are specified by the owner, these trunks shall provide the pertinent features described in paragraph (k) of this section applicable to such functions.

(4) *Requirements for direct digital connections.* (i) Interface units which will permit direct digital connection to other digital switches, channel banks and remote line and/or trunk circuits over digital facilities shall be provided when specified by the owner. The digital transmission system shall be compatible with T1 type span lines using a DS1 interface and other digital interfaces that may be specified by the owner. The REA specification for the span line equipment is Bulletin 345–50, PE-60, REA Specification for Trunk Carrier Systems.

(ii) Each interface circuit shall connect 24 voice channels to the switching system from a 1.544 megabit per second DS1 bit stream. The DS1 bit stream entering or exiting the system shall be in the D3 format and the voice signals shall be encoded in 8 bit mu-255 PCM. The format and processing of the bit stream must be compatible with characteristics of the D3 channel bank such as alarm and maintenance characteristics. Loss of receive signal (DS1) shall be detected and the equivalent of a carrier group alarm shall be executed in 2.5 ± 0.5 seconds. Loss of synchronization shall be detected by slips, timing jitter, and wander in accordance with industry standards.

(iii) Signaling shall be by means of MF or dial pulse (DP) and the system which is inherent in the A and B bits of the D3 format. In the case where they are not used for signaling, the A and B bits shall be used only for normal voice and data transmission.

(i) *Tone requirements*—(1) *General.* Tones shall be provided to indicate the progress of a call through the office. Tone generators should be an integral part of the switching systems. The tones should be introduced digitally by the application of the appropriate bit stream to the line or trunk circuit via the digital switching network. The necessary precautions shall be made to ensure tone sources automatically if the primary sources fail.

(2) *Tone specifications.* (i) Dial tone shall consist of 350 Hz plus 440 Hz at a composite level of −10 dBm0 which equates to −13 dBm0 per frequency. This is the precise tone suitable for use with pushbutton dialing.

(ii) Low tone shall consist of 480 Hz plus 620 Hz at a composite level of −21 dBm0 which equates to −24 dBm0 per frequency.

(iii) Line busy tone shall be low tone interrupted at 60 IPM, with tone on 0.5 seconds and off 0.5 seconds.

(iv) Reorder, all paths busy, and no circuit tone shall be low tone interrupted at 120 IPM, with tone on 0.25 seconds and off 0.25 seconds.

(v) Identifying tone on calls from coin lines shall be uninterrupted low tone.

(vi) High tone shall consist of 480 Hz at −17 dBm0.

(vii) Audible ringback tone shall consist of 440 plus 480 Hz at a composite level of −16 dBm0 which equates to −19 dBm0 per frequency.

(viii) The call progress tones listed in this section are described in Bellcore document SR-TSV-002275, BOC Notes on the LEC Networks—1990, section 6. The 350, 440, 480, and 620 Hz tones shall be held at ± 0.5 percent frequency tolerance and ± 3 dB amplitude variation. The amplitude levels specified are to be measured at the main distributing frame, excluding cable loss.

(ix) Distinctive tone, when required for revertive calls, alarm calls, or other features, shall consist of high tone interrupted at 200 IPM with tone on 150 ms and off 150 ms.

(x) Identifying tone on intercepted calls shall consist of uninterrupted high tone impressed on the trunk circuit 300 to 600 milliseconds following the operator's answer of intercepted calls.

(xi) An ROH circuit shall have output tones which do not interfere with the pushbutton or multifrequency signaling tones. The ROH tone may be introduced digitally internal to the system near the overload level of +3 dBm0. No power adjustment will be required. The frequency of the output shall be distinctive and urgent in order to attract the subscriber's attention to an off-hook situation. (Warning: In order to determine the signal level, a frequency selective voltmeter must be used to determine the level of each signal component and mathematical power addition used to combine these measurements into a single level value.)

(xii) During application of tones, office longitudinal balance shall be maintained within 15 dB of that specified in paragraph (q)(8) of this section.

(j) *System clock.* (1) The central office clock and network synchronization system shall have the ability to be synchronized with external clocks for network synchronization, including detection of slips, timing, jitter and wander, in a digital-to-digital environment or operate initially in an independent network (refer to Bellcore document SR-TSV-002275, BOC Notes on the LEC Networks—1990, section 11).

(2) The end office central office system clock shall be a Stratum 3 clock with:

(i) A minimum long-term accuracy of $\pm 4.6 \times 10^{-6}$ (±7 Hz @ 1.544 MHz);

(ii) A minimum stability of 3.7×10^{-7}/day upon loss of all frequency references; and

(iii) A "Pull-In Range" for the capability of synchronizing to a clock with accuracy of $\pm 4.6 \times 10^{-6}$.

(3) The access tandem central office system clock shall be a Stratum 2 clock with:

(i) A minimum long-term accuracy of $\pm 1.6 \times 10^{-8}$ (±0.025 Hz @ 1.544 MHz);

(ii) A minimum stability of 1×10^{-10}/day upon loss of all frequency references; and

(iii) A "Pull-In Range" for the capability of synchronization to a clock with accuracy of $\pm 1.6 \times 10^{-8}$.

(k) *Switched access service arrangements*—(1) *General.* The equipment shall be capable of providing Feature Group A, Feature Group B, Feature Group C, and Feature Group D switched access service arrangements, as described in Bellcore document SR-TSV-002275, BOC Notes on the LEC Networks—1990, section 6 and section 15, including arrangements for automatic number identification (ANI).

(2) *Operation.* (i) All equipment shall be arranged for Feature Group A (Line Side Connection).

(ii) All equipment shall be arranged for Feature Group B given that appendix A of this section requires the equipment of the necessary trunks (Trunk Side Connection).

(iii) The equipment shall be arranged for Feature Group C on the trunk groups specified in appendix A of this section. Even though appendix A of this section specifies Feature Group D or some other trunk group, it shall be possible through software commands available to the owner to use Feature Group C signaling protocols on a trunk group basis until such time that the trunk group in question converts to Feature Group D signaling protocols.

(iv) The equipment shall be arranged for Feature Group D on the trunk groups specified in appendix A of this section.

(v) Calls originating from coin lines toward switched access service shall be arranged either to provide signaling protocols for TSPS, or in the absence of TSPS-type service, such calls shall be blocked.

(vi) The equipment shall be arranged for forwarding routing information, calling party identification, and called party numbers in the proper feature group protocols, by trunk group as specified in appendix A of this section.

(vii) The equipment shall be arranged for AMA data collection as specified in appendix A of this section by trunk group. Unless otherwise specified by the owner, the equipment shall be arranged to collect the billing data in the Bellcore AMA format as described in Bellcore document TR-TSY-000508, Automatic Message Accounting.

(viii) If specified in Item 9.4, appendix A of this section, the equipment shall be arranged to store the billing data in a pollable system. If specified in Item 9.5, appendix A of this section, equipment shall be furnished to poll the pollable systems associated with the contract.

(l) *Fusing and protection requirements*—(1) *General.* (i) The equipment shall be completely wired and equipped with fuses, trouble signals, and arranged for printout of fault conditions, with all associated equipment for the wired capacity of the frames or cabinets provided.

(ii) Design precautions shall be taken to prevent the possibility of equipment damage arising from the insertion of an electronic package into the wrong connector, the removal of a package from any connector, or the improper insertion of the correct card in its connector.

(2) *Fuses.* Fuses and circuit breakers shall be of an alarm and indicator type, except where the fuses or breaker location is indicated on the alarm printout. Their rating shall be designated by numerals or color code on the fuse panel, where feasible.

(3) *Components.* (i) Insofar as possible, all components shall be capable of being continuously energized at rated voltage without injurious results. Insofar as possible, design precautions shall be taken to prevent damage to other equipment and components when a particular component fails.

(ii) Printed circuit boards or similar equipment employing electronic components shall be self-protecting against external grounds applied to the connector terminals, where feasible. Board components and coatings applied to finished products shall be of such material or treated so they will not support combustion.

(iii) Every precaution shall be taken to protect electrostatically sensitive components from damage during handling. This shall include written instructions and recommendations (see Item 6.1,h of appendix C of this section).

(m) *Switching network requirements*—(1) *The network.* (i) All networks shall be comprised of solid-state components.

(ii) The switching network shall employ time division digital switching and be compatible for connection to D3 type PCM channel banks without conversion to analog.

(iii) Equipment shall be available as required to connect analog lines and trunks, analog or digital service circuits, digital carriers to RST's, D3 channel banks or other digital switching units.

(2) *Network quantity.* Where the number of stages in the switching network and their control varies with the capacity of the system, sufficient equipment and wiring shall be supplied initially in order that there will be no service interruptions when additions are made up to the ultimate capacity as specified in appendix A of this section. This does not imply the necessity of supplying empty cabinets unless this is the only way the necessary wiring can be accomplished.

(n) *Stored program control (SPC) equipment requirements.* (1) The system shall provide redundancy in call processing such that the failure of a call processing unit does not degrade the call processing capabilities of the switching system nor result in the loss of established calls.

(2) Programs shall be modular, flexible and structured. In the interest of more dependable and more easily read programs, it is desirable to use a language which is more person-oriented leaving the detailed machine-oriented problems to a compiler program. Quality assurance of all software programs shall be in accordance with IEEE Std 730–1989, IEEE Standard for Software Quality Assurance Plans, or equivalent.

(3) The office administration program shall have checks within it to prevent failure due to erroneous or inconsistent input data. It shall safeguard against the possibility of upsetting machine performance with improper instructions or information. In addition, modular structure shall allow the use of a variety of human-engineered service order formats. Service changes may be performed remotely if so desired. Average machine time for service change shall be 15 seconds or less. Service changes shall not be registered in permanent memory until verified. The access to the service change shall not have access to generic program.

(4) The switching system shall be able to offer, by request, at least the following printouts of its routine stored data for administrative purposes:

(i) A list of all assigned directory numbers, in numerical order, with their assigned class of service and line terminal numbers;

(ii) A list of all directory numbers, in numerical order, associated with a class of service;

(iii) A list of all unassigned line terminals;

(iv) Traffic data in proper form for separation studies in accordance with the revenue separations procedures current at the time of the contract;

(v) All lines on lockout;

(vi) All lines assigned to intercept;

(vii) All available (unassigned) directory numbers in the working thousands group; and

(viii) A list of equipment busied-out for maintenance.

(5) The printouts in paragraph (n)(4) of this section may be delayed to times of light traffic.

(6) Maintenance diagnostics shall be performed by a fault recognition system utilizing both software and hardware, each being used where they are most effective for maintenance and reliability. In the economic interests of providing early and efficient fault detection and accurate pinpointing of faulty areas, it is desirable to have a comprehensive person-machine interface supported by extensive automatic fault detection and analysis, involving diagnostic software for fault resolution and automatic recovery mechanisms to maintain continuous service. Maintenance messages may be channeled to a remote maintenance center if so desired.

(7) Information in memory, having no requirement for changes to be introduced in the maintenance or operation of the system, may be stored in memory devices such as programmable read-only memory (PROM) or other devices that cannot be reprogrammed in the field.

(o) *Maintenance facilities*—(1) *Alarm features, including alarm sending.* (i) The equipment shall be arranged to provide audible and visual alarms indicating fuse operation or other circuit malfunctions resulting from component failure, crosses or open wiring, or any other conditions affecting service which can be detected economically.

(ii) The alarms shall be classified in accordance with their effect on the system.

(A) Catastrophic alarms demand immediate attention and require notification of the highest level of supervisory personnel. Conditions such as loss of service, loss of one or more remote line switches or line concentrators connected through Direct Digital Interface, loss of network control, and loss of computer program

in all processors shall produce catastrophic alarms.

(B) Major alarms demand rapid action. Conditions such as loss of one or more groups of subscribers or trunk ports, blown fuses for common groups of channels, loss of control to groups of channels, failure of one or both redundant units, and total loss of battery charging current for more than 15 minutes shall produce major alarms.

(C) Minor alarms indicate nonemergency conditions which cause degraded service or fault conditions which causes the system to operate within less-than-optimum performance. Conditions discovered in automatic routining which have not shown in the operation of the equipment but require attention and cumulative line lockout (level adjustable) are examples of minor alarm conditions.

(iii) When the office is arranged for unattended operation, facilities shall be provided for extending the alarm indications to an attended point.

(iv) When the use of a separate outside plant facility for alarm sending is specified, the nature of the alarm may be indicated to the distant point by machine printout or other display device.

(v) When alarm sending is accomplished over a regular operator office trunk, the operator shall be apprised that the call is an alarm indication by a distinctive tone, as specified by the owner in appendix A of this section. It shall be possible for the operator to determine at any time the presence of a trouble condition by dialing a number set aside for that purpose. This number shall also be accessible from lines classmarked for this feature.

(vi) When the alarm sending circuit seizes an interoffice operator trunk, the operator must dial the alarm checking code over another trunk before the first trunk can be released except where the alarm condition has disappeared first.

(vii) The alarm sending circuit shall have access to two or more trunks if the trunks are used for subscriber traffic.

(viii) An alarm indication of higher priority shall supersede an original alarm indication and reseize an interoffice operator trunk.

(ix) In any group of offices purchased under one contract, the same codes shall be used in each office for alarm checking and test.

(x) When the alarm checking number is dialed, the alarm indications received shall be as follows:

(A) Catastrophic alarm—No tone.

(B) Major alarm—Continuous busy tone 60 IPM, unless alarm is overridden.

(C) Minor alarm—Continuous 1-ring code ringback tone, unless alarm is overridden.

(D) No trouble—Continuous 2-ring code ringback tone, unless alarm is overridden.

(xi) Audible and visual local alarms and transmitted alarms shall be provided as follows:

Classification	Delay Interval	
	Local Alarms	Alarms Transmitted
Catastrophic	0	0
Major	0	0[1]
Minor	0	0–30 Min.

[1]Except no charge alarm delayed 15 minutes.

(xii) The central office alarm circuits shall be arranged to provide optional wiring to transmit either a minor alarm or a major alarm and a printout to accommodate various types of trunk and subscriber carrier systems, microwave, mobile radio, other transmission systems, and environmental protection systems with different priorities when a set of contacts is closed in the equipment of such systems and the alarm checking code is dialed. The alarm relay shall be furnished by the supplier of the carrier multiplex and/or mobile radio equipment. The option or options shall be specified by the owner.

(2) *Trouble location and test.* (i) *Equipment.* (A) A maintenance center shall be provided with a fault recorder (printer and/or display) for troubles. Here, system and sub-system visual trouble indications are shown for maintenance aid.

(B) The fault recorder shall provide a permanent or semi-permanent record of the circuit elements involved whenever a trouble is encountered. It shall be arranged to recognize an existing fault condition and not cause multiple printouts of the same fault, except during test routine.

(ii) *Maintenance system.* (A) The maintenance system shall monitor and maintain the system operation without interruption of call processing, except for major failures.

(B) The maintenance system shall provide both specialized maintenance hardware circuits and an extensive software package to enable maintenance to determine trouble to an individual card or functional group of cards.

(C) Maintenance programs may be both on-line and off-line. On-line maintenance programs are activated by system errors and shall be scheduled to execute call tests during low traffic periods and periodic hardware tests at specific time intervals. Programs shall provide diagnostic tools for the maintenance personnel and be initiated by them.

(D) Scheduled periodic hardware tests shall automatically detect faults and alert maintenance personnel via alarm or appropriate input/output device(s) at local and/or remote locations.

(E) Facilities shall be provided so that test calls can be set up using pre-selected items of switching equipment.

(F) The maintenance personnel shall be able to make tests to determine if every trunk and every item of switching equipment are functioning properly. Also, it shall be possible to make each trunk and each SPC equipment, or part thereof, busy to service calls. Where possible, equipment which is made busy to service calls shall still be accessible for test calls.

(iii) *Outside plant and subscriber stations.* (A) A subscriber loop test set or equivalent shall be provided either as a separate set or as a part of the maintenance center, as specified in item 11.2 of appendix A of this section. This circuit shall include a high resistance volt-ohm meter, wiring to tip and ring terminals to permit a portable wheatstone bridge to be used, an operator's telephone circuit, a dial circuit (and pushbutton dialing keys, if specified), outgoing trunks to dial equipment for access to lines under test without use of the main distributing frame (MDF) test shoe and the necessary test keys. No dry cell batteries shall be accepted for test potentials. Circuits shall be designed so that alternating current (ac) induction on the line will

have no effect on dc measurements. All functions shall be under control of lever or pushbutton keys. As a minimum the test system shall:

(*1*) Test for bridged foreign electromotive force (EMF);

(*2*) Test for regular line battery;

(*3*) Test for booster battery voltage and polarity using the test shoe;

(*4*) Test for open circuits, short, tip ground, and ring ground;

(*5*) Test for tip or ring negative potential;

(*6*) Test for capacitance of a subscriber's line;

(*7*) Supply talking battery to the line with and without booster battery;

(*8*) Ring the subscriber through the test access circuit or through a test shoe;

(*9*) Test in and out of the central office; and

(*10*) Supply a reverse polarity key for voltage readings, except when positive or negative values are displayed directly.

(B) An acceptable arrangement for making the tests shown in paragraph (o)(2)(iii)(A) of this section is to have them under software control with results displayed at one of the system's I/O ports.

(C) A howler circuit for maintenance purposes, if ordered by the owner, shall have output tones which do not interfere with the pushbutton or multifrequency signaling tones. The harmonics of the output tones shall be attenuated at least 26 dB below the fundamental frequency for all load conditions. The frequency stability shall be 2 percent or less for all output tones when the unit is operated in the specified load and environmental range. It shall be possible to vary the output voltage (power) of the howler circuit. It shall remove tone and restore the line to service when the telephone instrument receiver is placed on-hook. The frequency of the output shall be chosen to be distinctive and urgent in order to attract the subscriber's attention to an off-hook situation.

(D) When a dial speed test facility is specified by the owner, it shall be accessed by dialing a special code and shall return to the calling station readily identifiable signals to indicate that the dial speed is slow, normal, or fast.

(E) When the office is arranged for pushbutton dialing, optional facilities shall be provided for testing the pushbutton dialing equipment at the subscriber station.

(F) When a system for testing subscriber lines in remote offices from a test position in a centrally located office is specified by the owner, it shall be capable of working with all the central offices and RST's in the remote areas. This testing equipment shall preferably be solid-state with a minimum of electromechanical devices and shall operate from central office battery. It shall be capable of working over any voice grade telephone circuit and shall not require a dedicated trunk. There shall be no interference to or from "in-band" voice channel tones. When used over a network, the verification or access shall be guarded to prevent unauthorized access by subscribers. Access to this system shall only be available to the test operator in all cases.

(3) *Transmission testing.* (i) When transmission test circuits are specified in Item 11.3 of appendix A of this section, they shall permit testing of trunks by a distant office without any assistance in the local dial office. Analog test ports shall meet appropriate trunk requirements. If Centralized Automatic Reporting on Trunks (CAROT), or equivalent, is to be used, the equipment at the end office shall comply with Bellcore document SR-TSV-002275, BOC Notes on the LEC Networks—1990, section 8, Item 2.

(ii) Transmission test circuits are available with a variety of options. These include single frequency and multifrequency tone generators with one or more generator output terminals, quiet terminations, and loop around test arrangements for both one-way and two-way trunks.

(iii) Where multifrequency generators are used, they are usually arranged to provide a minimum of three frequencies. With some equipment, up to seven additional frequencies may be provided if needed. No industry standardization of test frequencies is as yet provided. Therefore, it is important that the selection of frequencies, the order in which they are applied and the time interval for application of each frequency be agreed upon by the connecting company and the REA borrower and listed in appendix A of this section in those situations where connecting companies request the installation of multifrequency generators in borrowers' central offices.

(iv) The milliwatt generator shall be solid-state and generate the analog or digital equivalent of 1004 Hz. The milliwatt generator shall be assigned to a 4-wire analog test port or be digitally generated. All 2-wire and 4-wire voice frequency ports are at a nominal 0 dBm0 level. The level of the 1004 Hz tone generator shall appear at outgoing 2-wire and 4-wire ports at 0 dBm ± 0.5 dB. For direct digital connections, the encoded output shall be the digital equivalent of a 0 dBm0 ± 0.5 dB signal.

(v) Reference tone generators can be used individually or they can be part of a loop around test arrangement. If both single frequency and multifrequency reference tone generators are to be provided, only one can be arranged as part of a loop around test. Where a loop around arrangement is provided, the generator output can be obtained by dialing singly one of the two line terminals. By dialing the other line terminal singly, usually a 900 ohm resistor in series with a 2.16 microfarad capacitor is connected to the circuit under test to act as a "quiet termination" for noise measurements and other tests. Whenever both line terminals are held simultaneously, both the milliwatt supply and the quiet termination shall be lifted off and a "loop around" condition established. This permits the overall loss to be determined from the distant office by going out over one trunk, looping around in the end office and returning over the other trunk. The insertion loss of this test arrangement when used in a loop around configuration should not exceed 0.1 dB at the frequencies specified for the milliwatt supply. Unless otherwise specified, continuous off-hook supervision is to be provided on both line terminals to prevent collusive calling without charge. It will be permissible to accomplish the quiet termination by opening the 4-wire path internally and to accomplish the loop around by digital switching.

(vi) Provision shall be made so that the milliwatt supply can be manually patched to circuits.

(vii) Test jack access shall be provided for all interoffice trunks of the voice frequency type. The jack access shall be properly designated for line, drop, monitor, and signaling leads plus any other jacks as requested by the owner. This may be accomplished by a set of jacks located at the maintenance center which have access to each trunk on a switching basis.

(p) *Traffic*—(1) *General engineering guidelines.* (i) The Traffic Table, based on the Erlang Lost-Calls-Cleared Formula, shall be used for determining the quantity of intraoffice paths, registers, and senders where full availability conditions apply. The following table shows the traffic capacity in CCS for 1 to 200 trunks at nine grades of service.

TRAFFIC TABLE

Full Availability for Random Traffic
LOST-CALLS-CLEARED
Offered Traffic Expressed in CCS

Number of Trunks	B-.001	.002	.005	.01	.02	.05	.1	.2	.5	Number of Trunks
1	0	0	0	0	1	2	4	9	36	1
2	2	3	4	5	8	14	22	36	98	2
3	7	9	13	17	22	32	46	69	165	3
4	16	19	25	31	39	55	74	106	234	4
5	27	32	41	49	60	80	104	144	304	5
6	41	48	58	69	82	107	135	184	374	6
7	57	65	78	90	106	135	168	224	445	7
8	74	83	98	113	131	163	202	265	516	8
9	92	103	120	136	156	193	236	307	586	9
10	111	123	143	161	183	224	270	348	656	10
11	131	145	166	186	210	255	306	391	729	11
12	152	167	190	212	238	286	341	433	801	12
13	174	190	215	238	266	318	377	476	872	13
14	196	213	240	265	295	350	413	519	944	14
15	219	237	266	292	324	383	449	562	1015	15
16	242	261	292	320	354	415	486	605	1087	16
17	266	286	318	347	384	449	523	648	1158	17
18	290	311	345	376	414	482	560	692	1230	18
19	314	337	372	404	444	515	597	735	1302	19
20	339	363	399	433	474	549	634	779	1374	20
21	364	388	427	462	505	583	671	823	1445	21
22	389	415	455	491	536	617	709	866	1517	22
23	415	441	483	521	567	651	747	910	1589	23
24	441	468	511	551	599	685	784	954	1661	24
25	467	495	540	580	630	720	822	998	1733	25
26	493	523	568	611	662	754	860	1042	1805	26
27	520	550	598	641	693	788	898	1086	1876	27
28	546	578	627	671	725	823	936	1130	1948	28
29	573	606	656	702	757	858	974	1174	2020	29
30	600	634	685	732	789	893	1012	1218	2092	30
31	628	662	715	763	822	928	1050	1263	2164	31
32	655	690	744	794	854	963	1089	1307	2236	32
33	683	719	774	825	887	998	1127	1351	2308	33
34	711	747	804	856	919	1033	1165	1395	2380	34
35	739	776	834	887	951	1068	1203	1439	2452	35
36	767	805	864	918	984	1104	1242	1484	2524	36
37	795	834	895	950	1017	1139	1281	1528	2595	37
38	823	863	925	981	1050	1174	1319	1572	2667	38
39	851	892	955	1013	1083	1210	1358	1617	2739	39
40	880	922	986	1044	1116	1246	1396	1661	2811	40
41	909	951	1016	1076	1149	1281	1435	1706	2883	41
42	937	980	1047	1108	1182	1317	1474	1750	2955	42
43	966	1010	1078	1140	1215	1352	1512	1795	3027	43
44	995	1040	1109	1171	1248	1388	1551	1839	3099	44
45	1024	1070	1140	1203	1282	1424	1590	1884	3171	45
46	1053	1099	1171	1236	1315	1459	1629	1928	3243	46
47	1083	1129	1202	1268	1349	1495	1668	1973	3315	47
48	1112	1159	1233	1300	1382	1531	1706	2017	3387	48
49	1141	1189	1264	1332	1416	1567	1745	2062	3459	49
50	1170	1220	1295	1364	1449	1603	1784	2106	3531	50
51	1200	1250	1327	1397	1483	1639	1823	2151	3603	51
52	1229	1280	1358	1429	1516	1675	1862	2195	3675	52
53	1259	1310	1390	1462	1550	1711	1901	2240	3747	53
54	1289	1341	1421	1494	1584	1747	1940	2285	3819	54
55	1319	1371	1453	1527	1618	1783	1979	2329	3891	55
56	1349	1402	1484	1559	1652	1819	2018	2374	3962	56
57	1378	1432	1516	1592	1686	1856	2057	2418	4034	57
58	1408	1463	1548	1625	1719	1892	2096	2463	4106	58
59	1439	1494	1579	1657	1753	1928	2136	2508	4178	59
60	1468	1525	1611	1690	1787	1965	2174	2552	4250	60
61	1499	1556	1643	1723	1821	2001	2214	2597	4322	61
62	1529	1587	1675	1756	1855	2037	2253	2642	4394	62

TRAFFIC TABLE—Continued

Full Availability for Random Traffic
LOST-CALLS-CLEARED
Offered Traffic Expressed in CCS

Number of Trunks	B-.001	.002	.005	.01	.02	.05	.1	.2	.5	Number of Trunks
63	1559	1617	1707	1789	1889	2073	2292	2687	4466	63
64	1590	1648	1739	1822	1923	2110	2331	2731	4538	64
65	1620	1679	1771	1855	1958	2146	2370	2776	4610	65
66	1650	1710	1803	1888	1992	2182	2409	2821	4682	66
67	1681	1742	1835	1921	2026	2219	2449	2865	4754	67
68	1711	1773	1867	1954	2060	2255	2488	2910	4826	68
69	1742	1804	1900	1987	2094	2291	2527	2955	4898	69
70	1773	1835	1932	2020	2129	2328	2566	3000	4970	70
71	1803	1867	1964	2053	2163	2364	2606	3044	5042	71
72	1834	1898	1997	2087	2197	2401	2645	3089	5114	72
73	1865	1929	2029	2120	2232	2438	2684	3134	5186	73
74	1895	1961	2061	2153	2266	2474	2723	3178	5258	74
75	1926	1992	2093	2186	2300	2511	2763	3223	5330	75
76	1957	2024	2126	2219	2335	2547	2802	3268	5402	76
77	1988	2055	2159	2253	2369	2584	2841	3313	5474	77
78	2019	2087	2191	2286	2404	2620	2881	3357	5546	78
79	2050	2118	2223	2319	2438	2657	2920	3402	5618	79
80	2081	2150	2256	2353	2473	2694	2959	3447	5690	80
81	2112	2182	2289	2386	2507	2730	2999	3492	5762	81
82	2143	2213	2321	2420	2542	2767	3038	3537	5834	82
83	2174	2245	2354	2453	2577	2803	3077	3581	5906	83
84	2206	2277	2386	2487	2611	2840	3117	3626	5977	84
85	2237	2309	2419	2521	2646	2877	3156	3671	6049	85
86	2268	2340	2452	2554	2680	2913	3196	3716	6121	86
87	2299	2372	2485	2588	2715	2950	3235	3761	6193	87
88	2331	2404	2517	2621	2750	2987	3275	3805	6265	88
89	2362	2436	2550	2655	2784	3024	3314	3850	6337	89
90	2393	2468	2583	2688	2819	3060	3353	3895	6409	90
91	2425	2500	2616	2722	2854	3097	3393	3940	6481	91
92	2456	2532	2649	2756	2889	3134	3432	3984	6553	92
93	2488	2564	2682	2790	2923	3171	3471	4029	6625	93
94	2519	2596	2715	2823	2958	3208	3511	4074	6697	94
95	2551	2628	2748	2857	2993	3244	3551	4119	6769	95
96	2582	2660	2781	2891	3028	3281	3590	4164	6841	96
97	2614	2692	2814	2925	3063	3318	3630	4209	6913	97
98	2645	2724	2847	2958	3097	3355	3669	4253	6985	98
99	2677	2757	2880	2992	3132	3392	3708	4298	7057	99
100	2709	2789	2913	3026	3167	3429	3748	4343	7129	100
105	2867	2950	3078	3196	3342	3613	3946	4567	7489	105
110	3027	3112	3244	3366	3516	3798	4143	4792	7849	110
115	3186	3275	3411	3536	3691	3983	4341	5016	8209	115
120	3347	3437	3578	3707	3867	4168	4539	5241	8569	120
125	3507	3601	3745	3878	4043	4353	4737	5465	8929	125
130	3669	3765	3912	4049	4219	4539	4935	5689	9289	130
135	3830	3929	4081	4221	4395	4724	5133	5914	9649	135
140	3992	4093	4249	4392	4571	4910	5332	6138	10009	140
145	4155	4258	4418	4564	4748	5095	5530	6363	10369	145
150	4318	4423	4586	4737	4925	5282	5728	6587	10729	150
155	4481	4589	4755	4909	5102	5467	5927	6812	11089	155
160	4644	4755	4925	5082	5279	5654	6125	7037	11449	160
165	4808	4920	5094	5255	5457	5840	6324	7261	11809	165
170	4972	5087	5264	5428	5634	6026	6523	7486	12169	170
175	5137	5253	5434	5602	5811	6213	6722	7710	12529	175
180	5301	5420	5604	5775	5989	6399	6920	7935	12889	180
185	5466	5587	5775	5949	6167	6586	7119	8160	13249	185
190	5631	5754	5945	6123	6345	6773	7318	8384	13609	190
195	5797	5922	6116	6296	6524	6960	7517	8609	13969	195
200	5962	6089	6287	6471	6702	7146	7716	8834	14329	200

(ii) The traffic capacity for all interoffice trunks shall be based on full availability, even though the distant office itself is not engineered to provide full availability access.

(iii) The Traffic Table may also be used to determine the approximate traffic capacity of high-usage intertoll trunks. The traffic offered to high-usage groups may be read at B.10, signifying that 10 percent of the traffic overflows to the alternate route. This approximates the HU12 table used by AT&T.

(iv) In reading the trunk quantity from the table, the higher quantity shall be used when the CCS load is three or more CCS over the lower quantity. For example, the number of trunks justified for 294 CCS at B.005 is 16, but for 295 CCS 17 trunks are justified.

(v) Limited availability is not permitted.

(vi) The traffic capacity in the following table should be used for small trunk groups such as pay station, special service trunks, revertive circuits, intercept and PBX trunks, unless otherwise specified in appendix A of this section.

Number of Circuits	Permissible CCS
1	10
2	20
3	30
4	40

(vii) The percentage of lines equipped for pushbutton dialing is to be used to determine the number of tone receivers. Local registers, if required, shall be supplied on the basis of all dial pulse.

(2) *Grade of service.* (i) Grade of service specifies the expected performance when there are adequate service facilities for an assumed volume of traffic. It is expressed as a portion of the total traffic during a busy hour that cannot be terminated immediately or within a predetermined time period due to congestion. This places responsibility on the traffic engineers to specify facilities which will be entirely satisfactory to the users and which can be equipped at a price which will be accepted as reasonable.

(ii) The number of calls encountering dial tone delay in excess of 3 seconds, measured over the busy hour of the four high-consecutive week (4HW) period, shall not be more than 1.5 percent.

(iii) The average post dialing delay objective for an intraoffice call shall not exceed 1 second. This includes all connect, operate, and translation time.

(iv) The line to line (intraoffice) network matching loss objective shall be 0.02 or less.

(v) The blocking probabilities related to trunks include both "mismatch" probability and probability of "all trunks busy." It is likely that the "mismatch" will be negligible in that many digital central offices have essentially nonblocking switching characteristics. The objectives for trunk connections are as follows:

(A) Subscriber to outgoing trunk objective 0.01 or less;

(B) Incoming trunk to subscriber objective 0.02 or less; and

(C) Local trunk tandem objective 0.01 or less.

(vi) Groups of common service circuits are to be engineered utilizing the full availability traffic tables that appear in paragraph (p)(1)(i) of this section at the following stipulated probabilities:

(A) Outgoing trunks to 2/6 MF or dial pulse senders at B.001;

(B) Incoming trunks to 2/6 MF receivers at B.001;

(C) Incoming nondelay dial trunks to receivers at B.001; and

(D) Incoming trunks with start dial at B.01.

(vii) Remote Switching Terminals (RST's) shall meet the same grade of service objectives as the host.

(3) *Holding times.* For the purpose of estimating the quantity of common control circuits, the following average holding times may be used. These holding times are conservative and represent the average effective and ineffective call. If these holding times are to be used, it must be so stated in appendix A of this section.

(i) The following average call holding times (HT) may be used.

Type of Call	HT—Seconds
Intraoffice	120
Revertive	150
EAS	150
Special Service, Intercept, Verification	60
Toll, CLR	300
Toll, S-S	240
Toll, PPCS	270

(ii) The following average subscriber dialing holding times may be used (times used to dial digits do not include machine time).

	Digits Dialed	DP Sec.	Push-button Sec.
Operator, Non-Pay Station	1	4.7	3.4
Special Service	3	7.7	5.0
Local	7	13.7	8.2
EAS	7	13.7	8.2
DDD: 1/0+7	8	15.2	9.0
DDD: 1/0+10	11	19.7	11.4
Dialing Time Per Digit	-	1.5	0.8
Dial Tone Response	-	3.2	2.6

(iii) The following average incoming register holding times may be used (times for digit registrations do not include machine time).

	Basic		Additional Per Digit
	Holding Time (Sec.)	Digits	
MF Receiver from:			
No. 5 Crossbar—Non-LAMA	1.4	4	0.14
No. 5 Crossbar—LAMA	2.3	4	0.14
Crossbar Tandem & 4A Toll	3.1	4	0.14
No. 1 ESS	1.4	4	0.14
Key Pulsing Switchboard	5.2	4	0.60
DP Receivers—10 PPS from:			
SxS	6.0	4	1.5
Dialing Switchboard	6.6	4	1.3
4A Toll	5.6	5[1]	-
Crossbar Tandem	4.9	4	1.2

[1]No reduction for fewer digits.

(iv) The following average sender holding times may be used (does not include machine setup and release time).

	Basic		Additional Per Digit
	Holding Time (Sec.)	Digits	
MF Senders:			
No. 5 Crossbar	1.5	4	0.14
Crossbar Tandem & 4A Toll[1]	2.0	4	0.14
TSP/TSPS	2.4	7	0.14
SxS—CAMA, Called Number	3.7	7	0.14
SxS—CAMA, Calling Number	1.3	7	-
DP Senders—10 PPS:			
With Overlap Pulsing[2]	9.1	Up to 6	1.8

	Basic		Additional Per Digit
	Holding Time (Sec.)	Digits	
Without Overlap Pulsing ..	4.6	4	1.2

[1]Add 1.3 seconds for ANI outpulsing on special toll (0+) calls and on DDD calls if AMA is not provided.

[2]Assumes overlap outpulsing starting on receiving of third digit; applies only to calls handled on direct trunk groups.

(4) *Traffic data requirements.* (i) Traffic measurements are composed of primarily two types—counts and usage. The following types of traffic data recording are required:

(A) *Peg count* registers shall be incremented when a successful network connection is established to a particular circuit group such as trunks, senders, digital receivers, etc.

(B) *Overflow count* registers shall be incremented when access to a particular circuit group is denied due to all resource busy condition.

(C) *Network blockage count* registers shall be incremented due to an unavailability of a path in an access or switching matrix network.

(D) *Usage* measurements of the length of time associated with a particular setup event or network connection shall be made. Usage data measurements are normally collected by scanning circuit groups resources every 10 or 100 seconds to determine busy/idle states. Measurements are accumulated and read directly in CCS (hundred call seconds).

(E) *Service delay* measurements shall provide percentage counts of the calls for a particular service that are delayed beyond a specified interval of time, e.g., calls not receiving dial tone within 3 seconds after call origination.

(ii) Traffic data shall be stored in electronic storage registers or block of memory consisting of one or more traffic counters for each item to be measured. The registers listed in paragraph (p)(4)(i) of this section shall be associated with the interoffice trunks, switching network and central control equipment in such a manner that the register readings can be used to determine the traffic load and flow to, from and within the system. Two-way trunks shall be metered to indicate inward and outward seizures. The bidder shall indicate what registers are to be supplied and their purpose.

(iii) The measured data shall be shown on a printout. It should be possible to have local or remote printout, or both. Arrangement shall be made for automatic data printout on command for 15-, 30-, or 60-minute intervals as required, and be arranged for automatic start-stop and in accordance with revenue separation procedures current at the time of contract.

(iv) All traffic records shall have dates and times and office identification.

(q) *Transmission*—(1) *General.* The transmission characteristics will be governed by the fact that the switching matrix will be based on digital operation. Unless otherwise stated, the requirements are in terms of analog measurements made from Main Distributing Frame (MDF) to MDF terminals, excluding cabling loss.

(2) *Impedance.* For the purpose of this section, the nominal input impedance of analog ports in an end office shall be 900 ohms for 2-wire ports and 600 ohms for 4-wire ports. Where the connecting facility or equipment is other than this impedance, suitable impedance matching shall be provided by the bidder when specified by the owner.

(3) *Insertion loss.* The insertion loss in both directions of transmission at 1004 Hz shall meet the following requirements when measured with a 0 dBm input signal at 900 ohms (or 600 ohms, when required) at a temperature of 77°F ± 9°F (25°C ± 5°C).

(i) *Trunk-to-trunk or trunk-to-line.* The loss shall be set between 0 and 0.5 dB for 2-wire to 2-wire, 2-wire to 4-wire, or 4-wire to 4-wire voice frequency connections.

(ii) *Line-to-line.* The loss shall be set between 0 and 2 dB.

(iii) *Direct digital interface.* On a direct digital interface, the loss through the office shall be adjusted to the proper level in the receive side.

(iv) *Stability.* The long-term allowable variation in loss through the office shall be ± 0.5 dB from the loss specified by the bidder.

(4) *Frequency response (loss relative to 1004 hz)* shall meet the following requirements.

(i) *Trunk-to-trunk.*

	Loss at 0 dBm0 Input[1]	
Frequency (Hz)	2-Wire to 2-Wire	4-Wire to 4-Wire
60	20 dB Min.[2]	16 dB Min.[2]
200	0 to 5 dB	0 to 3 dB
300–3000	−0.5 dB to 1 dB	−0.3 to +0.3 dB
3300	1.5 dB Max.	1.5 dB Max.
3400	0 to 3 dB	0 to 3 dB

[1](−) means less loss and (+) means more loss.

[2]Transmit End

(ii) *Line-to-line.*

Frequency (Hz)	Loss at 0 dBm0 Input[1]
60	20 dB Min.[2]
300	−1 to +3 dB
600–2400	±1 dB
3200	−1 to +3 dB

[1](−) means less loss and (+) means more loss.

[2]Transmit End

(iii) *Trunk-to-line.* The trunk-to-line frequency response requirements shall be a compromise between those values specified in paragraphs (q)(4)(i) and (q)(4)(ii) of this section.

(5) *Overload level.* The overload level at 900 ohm impedance shall be +3 dBm0.

(6) *Gain tracking (linearity)* shall meet the following requirements.

Input Signal Level[1]	Maximum Gain Deviation
+3 to −37 dBm0	±0.5 dB
−37 to −50 dBm0	±1 dB

[1]1004 Hz reference at 0 dBm0.

(7) *Return loss.* (i) The specified return loss values are determined by the service and type of port at the measuring (near) end. Two-wire ports are measured (near end) at 900 ohms in series with 2.16 microfarads and 4-wire ports are measured at 600 ohms resistive.

(ii) Far end test terminations shall be as follows:

(A) Loaded line circuit—1650 ohms in parallel with the series combination of .005 microfarads and 100 ohms;

(B) Nonloaded line circuit—800 ohms in parallel with the series combination of .05 microfarads and 100 ohms;

(C) Special service line circuit including electronic lines and carrier lines—900 ohms in series with 2.16 microfarads;

(D) Two-wire trunk—900 ohms in series with 2.16 microfarads; and

(E) Four-wire trunk—600 ohms.

(iii) For trunk-to-trunk (2-wire or 4-wire) connections the echo return loss (ERL) shall be 27 dB, minimum and the singing return loss (SRL) shall be 20 dB, minimum low and 23 dB, minimum high.

(iv) For trunk-to-line (2-wire or 4-wire) connections the ERL shall be 24 dB, minimum and the SRL shall be 17 dB, minimum low and 20 dB, minimum high.

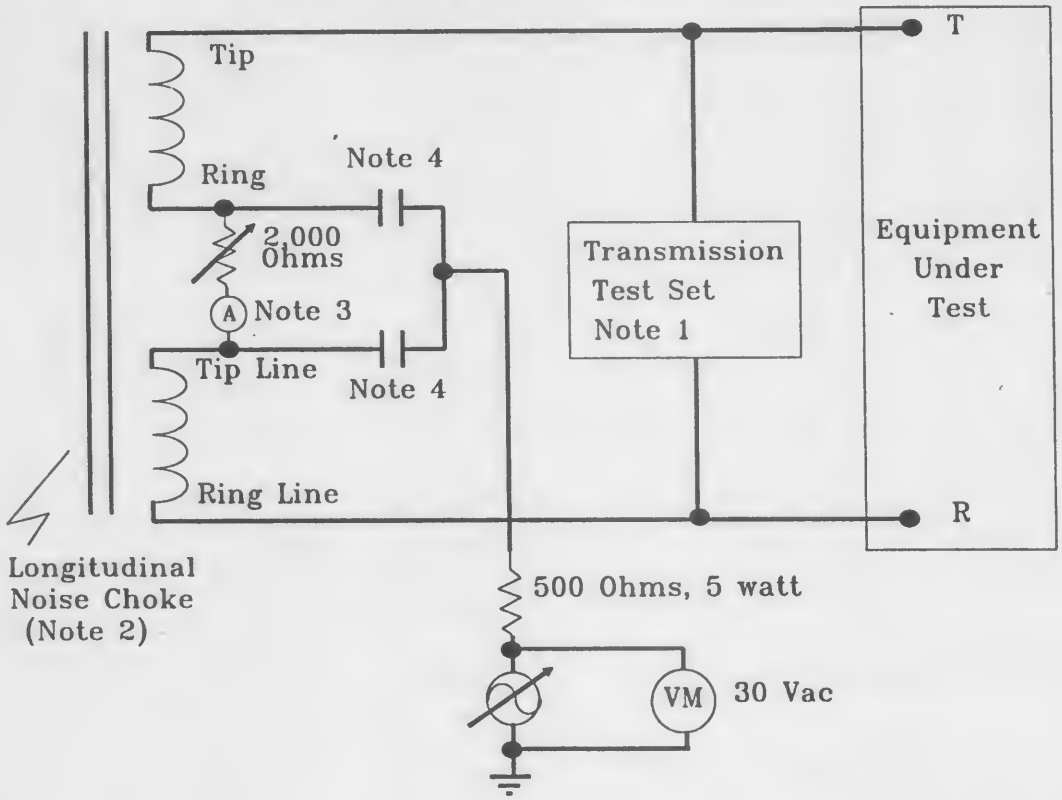
(v) For line-to-line or line-to-trunk (2-wire or 4-wire) connections the ERL shall be 18 dB, minimum and the SRL shall be 12 dB, minimum low and 15 dB, minimum high.

(8) *Longitudinal balance.* The minimum longitudinal balance, with dc loop currents of 20 to 70 mA, shall be

60 dB at all frequencies between 60 and 2000 Hz, 55 dB at 2700 Hz and 50 dB at 3400 Hz. The method of measurement shall be as specified in the IEEE Std 455–1985, IEEE Standard Test Procedure for Measuring Longitudinal Balance of Telephone Equipment Operating in the Voice Band. Source voltage level shall be 10 volts root-mean-square (rms).

(9) *60 hz longitudinal current immunity.* Under test conditions with 60 Hz, the system noise shall be no greater than 23 dBrnC0 as measured using the configuration in Figure 1.

Figure 1—Measuring the Effects of Low Frequency Induction



Notes:
1. 900 ohm termination, C-message weighting, hold coil off
2. SNC Noise Choke 35 W, or equivalent
3. Test at 0.020 Adc and 0.070 Adc
4. 2 ± 0.001 microfarad, 150 Vdc

(10) *Steady noise* (idle channel at 900 ohms impedance) measured on a terminated call shall be 23 dBrnC0 maximum and average 18 dBrnC0 or less. The 3K Hz Flat noise should be less than 35 dBrnC0 as an objective.

(11) *Impulse noise.* The central office switching equipment shall be capable of meeting an impulse noise limit of not more than five counts exceeding 54 dBrnC0 voice band weighted in a 5-minute period on six such measurements made during the busy hour. A Northeast Electronics Company TTS 4002 Impulse Noise Counter, Wilcom T194C, Hewlett Packard 4945, or equivalent, should be used for the measurements. The measurement shall be made by establishing a normal connection from the noise counter through the switching equipment in its off-hook condition to a quiet termination of 900 ohms impedance. Office battery and signaling circuit wiring shall be suitably segregated from voice and carrier circuit wiring, and frame talking battery filters provided, if and as required, in order to meet these impulse noise limits.

(12) *Crosstalk coupling.* Worst case equal level crosstalk is to be 75 dB minimum in the range 200–3400 Hz. This is to be measured between any two paths through the system connecting a 0 dBm0 level tone to the disturbing pair.

(13) *Quantizing distortion.* (i) The switching system shall meet the following requirements.

Input Level (dBm0) 1004 or 1020 Hz	Minimum Signal to Distortion with C-Message Weighting
0 to −30	33 dB
−30 to −40	27 dB
−40 to −45	22 dB

(ii) Due to the possible loss of the least significant bit on direct digital connections, a signal to distortion degradation of up to 2 dB may be allowed where adequately justified by the bidder.

(14) *Absolute delay.* The absolute one-way delay through the switching system, excluding delays associated with RST switching, shall not exceed 1000 microseconds analog-to-analog measured at 1800 Hz.

(15) *Envelope delay distortion.* On any properly established connection, the envelope delay distortion shall not exceed the following limits.

Frequency Range (Hz)	Microseconds
1000 to 2600	190
800 to 2800	350
600 to 3000	500
400 to 3200	700

(16) *Digital error rate.* The digital switching system shall not introduce an error into digital connections which is worse than one error in 10^8 bits averaged over a 5-minute period.

(17) *Battery noise.* Noise across battery at power board distribution bus terminals shall not exceed 35 dBrnC during the busy hour.

(18) Radio and television interference. The central office switching equipment shall be designed and installed so that radiation of high frequency noise will be limited so as not to interfere with radio and television receivers.

(r) *Timing intervals*—(1) *Type of equipment required.* The equipment for providing the specified timing intervals shall be solid-state.

(2) *Tolerance.* Where a range of time is specified as minimum and maximum, the lower limits shall be considered as controlling and the variation between this minimum and the actual maximum shall be kept as small as practicable. In no case shall the quoted upper limit be exceeded.

(3) *Permanent signal timing.* Lockout shall occur after an interval of 20 to 30 seconds after receipt of dial tone if a "permanent" condition occurs prior to the transmission of dial pulses or pushbutton dialing signals. This interval may be reduced appreciably during periods of heavy traffic.

(4) *Partial dial timing.* Partial dial timing shall be within 15 to 37 seconds. This timing may be reduced appreciably during periods of heavy traffic.

(5) *Charge delay timing.* Charge delay timing shall be within 2 seconds.

(6) *"Don't answer" disconnect timing.* On revertive calls, a "don't answer" disconnect feature shall be provided which shall operate within a period of 2 to 4 minutes should the called party not answer.

(7) *Called party disconnect timing.* Timed disconnect of a terminating path under control of the called party shall be 10 to 32 seconds.

(8) *Timing intervals for signals involved in distance dialing.* Timing intervals shall be provided to meet the requirements for distance dialing equipment, which have been established in Bellcore document SR-TSV-002275, BOC Notes on the LEC Networks—1990. Some of the more important times which this document specifies are for:

(i) Disconnect signal;
(ii) Wink signal;
(iii) Start dialing signal;
(iv) Pulse delay signal;
(v) Go signal;
(vi) Digit timing; and
(vii) Sender, register, and link attachment timing.

(s) *Power requirements and equipment*—(1) *Operating voltage.* The nominal operating voltage of the central office shall be 48 volts dc, provided by a battery with the positive side tied to system ground.

(2) *Batteries.* (i) When battery cells of the lead antimony type are specified, the pasted plate type shall be considered adequate.

(ii) When lead calcium cells are specified, no cell shall differ from the average voltage of the string of fully charged cells by more than ±0.03 volt when measured at a charging rate in amperes equivalent to 10 percent of the ampere hour capacity of the cells. Similarly, when cells are fully charged and floating between 2.30 and 2.33 volts per cell, the cell voltage of any cell in a given string shall not differ more than ±0.03 volt from the average. These requirements are for test purposes only and do not apply to operating conditions.

(iii) Voltage readings shall be corrected by a temperature coefficient of 0.0033 volt per degree F (0.006 per degree C), whenever temperature variations exist between cells in a given string. This correction factor shall also be applied when comparing cell voltages taken at different times and at different temperatures. The correction factor shall be added to the measured voltage when the temperature is above 77°F (25°C) and subtracted when the temperature is below 77°F (25°C).

(iv) The specific gravity readings of lead antimony cells at full charge shall be 1.210 ± .010 at 77°F (25°C) at maximum electrolyte height.

(v) When counter cells are supplied by the bidder, they shall be the dry counter electromotive force (CEMF) type.

(vi) When lead antimony batteries are specified, they shall be designed to last a minimum of 10 years when maintained on a full float operation between 2.15 and 2.17 volts per cell. When lead calcium batteries are specified, they shall be designed to last a minimum of 20 years when maintained on full float operation between 2.17 and 2.25 volts per cell. The battery shall be clearly designated as "antimony" or "calcium" by means of stencils, decals or other devices.

(vii) Each battery cell shall be equipped with an explosion control device.

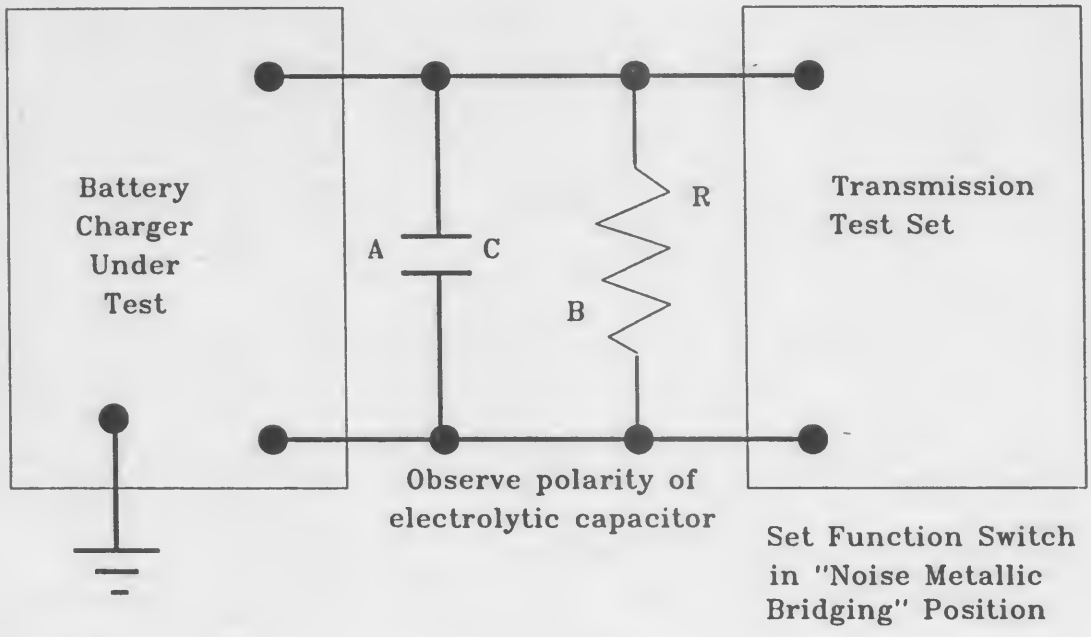
(viii) The battery size shall be calculated in accordance with standard procedures. The battery in no case shall have a reserve capacity in ampere hours less than four times the current capacity of the largest charger.

(3) *Charging equipment.* (i) Charging shall be on a full float basis. The rectifiers shall be of the full wave, self-regulating, constant voltage, solid-state type and shall be capable of being turned on and off manually.

(ii) When charging batteries, the voltage at the battery terminals shall be adjustable and shall be set at the value recommended for the particular battery being charged, providing it is not above the maximum operating voltage of the switching system equipment. The voltage shall not vary more than plus or minus 0.02 volt per cell between 10 percent load and 100 percent load. Between 3 percent and 10 percent load, the output voltage shall not vary more than plus or minus 0.04 volt per cell. Beyond full load current, the output voltage shall drop sharply. The output voltage shall be maintained with the line voltage variations of plus or minus 10 percent. Provision shall be made to change the output voltage of the rectifier manually to 2.25 volts per cell to provide an equalization charge on the battery.

(iii) The charger noise shall not exceed 22 dBrnC when measured with a suitable noise measuring set and under the rated battery capacitance and load conditions as determined in Figure 2.

Figure 2—Charger Noise Test



The manufacturer may elect to eliminate the capacitor C from the measurement.

A. Capacitance in μF = 30,000 μF per ampere-hour per cell. For example, 25 cells at 100 ampere-hour would be equivalent to a capacitance of:

$(30,000 \times 100)/25 = 120,000$ μF

B. The value of the resistive load R is determined by the nominal battery voltage in volts divided by the full load rating in amperes. For example, for a 48 volt battery and a full load current of 24 amperes, the load resistance R is 48/24 = 2 ohms of appropriate power handling capacity.

(iv) The charging equipment shall indicate a failure of charging current, whether due to ac power failure, an internal failure in the charger, or to other circumstances which might cause the output voltage of the charger to drop below the battery voltage. Where a supplementary constant current charger is used, an alarm shall be provided to indicate a failure of the charger.

(v) Audible noise developed by the charging equipment shall be kept to a minimum. Acoustic noise resulting from operation of the rectifier shall be expressed in terms of dB indicated on a sound level meter conforming to ANSI S1.4–1983, Specification for Sound Level Meters, and shall not exceed 65 dB (A-weighting) measured at any point 5 feet (152.4 cm) from any vertical surface of the rectifier.

(vi) The charging equipment shall be designed so that neither the charger nor the central office switching equipment is subject to damage in case the battery circuit is opened for any value of load within the normal limits.

(vii) The charging equipment shall have a capacity to meet the requirements of central office size and special requirements of the owner in appendix A of this section.

(viii) Minimum equipment requirement for chargers is one of the following:

(A) Two chargers either capable of carrying the full office load as specified in Item 12 of appendix A of this section; or

(B) Three chargers each capable of carrying half the office load as specified in Item 12 of appendix A of this section.

(4) *Miscellaneous voltage supplies.* (i) Any power supply required for voltages other than the primary battery voltage shall be provided by either a solid-state dc-to-dc converter or dc-to-ac inverter, operating from the central office battery or from a separate battery and charger. These power supplies shall meet the noise limit specified for chargers in paragraph (s)(3)(iii) of this section, except the capacitor "C" shall be eliminated and the resistive load "R" shall be determined by the nominal output voltage in volts divided by the full load current rating in amperes. This requirement does not preclude the use of commercial ac power to operate input/output devices.

(ii) Power converters required for the purpose of providing various operating voltages to printed circuit boards or similar equipment employing electronic components shall be provided in duplicate with each unit capable of immediately assuming the full operating load upon failure of a unit. An exception to the duplicate power converter requirement permits

nonduplicated power converter(s) to be utilized where there is full compliance with the following criteria.

(A) The failure of any single nonduplicated power converter shall not reduce the grade of service of common control and service circuits to any individual line or trunk by more than 50 percent.

(B) The failure of any single nonduplicated power converter shall not reduce the traffic carrying capacity of any interoffice trunk group by more than 50 percent.

(C) In central office switching systems of 400 or more equipped lines, any single nonduplicated power converter failure shall not cause a complete loss of service to more than 100 equipped lines.

(D) In central office switching systems of less than 400 equipped lines, any single nonduplicated power converter failure shall not cause a complete loss of service to more than 25 percent of the total equipped lines.

(5) *Ringing generators.* Ringing generators supplied on an ancillary basis shall be selected from REA Bulletin 1755I-100, List of Materials Acceptable for Use on Telephone Systems of REA Borrowers. Regardless of whether the ringing is generated on an ancillary basis or is generated integrally to the switching system, the ringing equipment shall meet the requirements of this section.

(i) *Ringing equipment provisioning.* (A) Redundant ringing equipment shall be provided. There shall be automatic transfer to the redundant equipment within the period of one ringing cycle, in case of failure of the equipment in use (either regular or standby). Automatic transfer shall not take place under any other conditions. Manual transfer in each direction shall be provided.

(B) An exception to the redundant ringing equipment requirement permits nonredundant ringing equipment to be utilized where there is full compliance with the following service criteria.

(*1*) In a central office switching system of 400 or more equipped lines, a single nonduplicated ringing source failure shall not cause the complete loss of ringing capability to more than 100 lines.

(*2*) In a central office switching system of less than 400 equipped lines, a single nonredundant ringing source failure shall not cause the complete loss of ringing capability to more than 25 percent of the total equipped lines.

(ii) *Output voltage.* (A) The ringing generators shall have an output voltage which approximates a sine wave and shall be suitable for ringing decimonic, synchromonic, harmonic or straight-line ringers, as specified in appendix A of this section.

(B) The ringing generator shall obtain its energy from the nominal 48-volt office battery.

(C) The output of each generator shall have three or more voltage taps or a single tap with associated variable control. Taps or control shall be easily accessible as installed in the field. Software control of ringing generator outputs via I/O devices may be provided in lieu of taps. The taps, or equivalent, shall be designated L, M, and H. The variable control shall have a locking device to prevent accidental readjustment. The outputs at the terminals of the generators with a voltage input of 52.1 volts and rated full resistive load shall be as follows.

Frequency Range (Hz)	Output Volts rms (Tolerance 3 Volts)		
	L	M	H
16 2/3 through 20 ..	90	105	120
21 through 30	95	110	120
31 through 42	100	115	130
43 through 54	110	125	140

(D) No voltages in excess of the values in column H of the table in paragraph (s)(5)(ii)(C) of this section shall be provided at the output taps. Additional intermediate and/or lower taps may be provided without restriction.

(iii) *Voltage regulation.* (A) The output voltage for resistive, capacitive power factor of 0.8, and inductive power factor of 0.5 loads from no load to full rated output with 52.1 volts input battery shall not vary more than ±3 percent from the output voltage measured at 1/2 rated output, 1.0 power factor with 52.1 volts dc input applied.

(B) The output voltage for resistive, capacitive power factor of 0.8, and inductive power factor of 0.5 from no load to full rated output with input battery variations between 48–56 volts dc shall not vary more than ± 10 percent from the output voltage measured at 1/2 rated output and 1.0 power factor with 52.1 volts dc input applied.

(C) The output voltage for resistive, capacitive power factor of 0.8, and inductive power factor of 0.5 loads from no load to full rated output and with input battery variations between 44–56 volts dc shall not vary more than +10/−15 percent from the output voltage measured at 1/2 rated output and 1.0 power factor with 52.1 volts dc input applied.

(iv) *Cross ringing.* Unwanted voltage caused by harmonic distortion or intermodulation distortion shall not exceed 15 volts rms when measured within ±5 Hz of any other assigned ringing frequency under any condition of load or input battery specified by paragraph (s)(5)(iii) of this section.

(v) *Frequency stability.* At ambient temperature of 70° ±5°F (21° ±0.3°C), for any combination of capacitive power factor of 0.8, inductive power factor of 0.5, and resistive loads with variations in input battery ranging from 44 to 56 volts, the output frequency shall not vary more than ±1/3 Hz or ±1 percent, whichever is less stringent. At temperatures between 15°F (4°C) to 130°F (54°C), and for any combination of resistive load and variations in input battery ranging from 44–56 volts, the output frequency shall not vary more than ±1/3 Hz or ±1 percent, whichever is less stringent.

(vi) *Self-protection on overloads.* The ringing generator equipment shall be capable of withstanding a short circuit across any pair of output terminals for a period of 5 minutes without fuse operation or damage.

(6) *Interrupter equipment.* (i) The interrupter shall be an integral part of the switching system and shall be controlled by any call processor or equivalent.

(ii) The ringing cycle provided by the interrupter equipment shall not exceed 6 seconds in length. The ringing period should be 2 seconds, except in cases where offices with four-party multifrequency ringing cannot be arranged to provide a 2-second ring. In such cases, arrangements for providing four ringing periods of 1.25–1.40 seconds each in a 6-second ringing cycle will be satisfactory.

(7) *Power panels.* (i) Battery and charger control switches, dc voltmeters, dc ammeters, fuses and circuit breakers, supervisory and timer circuits shall be provided as required. Voltmeters shall be provided as specified by the owner.

(ii) Portable or panel mounted frequency meters shall be provided as specified by the owner unless the system is equipped to measure actual ringing generator voltage and frequency outputs internally. If the system is equipped to make such measurements and print the results, the bidder is not required to provide a frequency meter.

(iii) Power panels, cabinets and shelves, and associated wiring shall be designed initially to handle the exchange when it reaches its ultimate capacity as specified by the owner.

(iv) The power panel shall be of the "dead front" type.

(t) *Main distributing frames.* (1) The main distributing frame shall provide terminals for terminating all incoming cable pairs. Arresters shall be provided for all incoming cable pairs, or for a

smaller number of pairs if specified, provided an acceptable means of temporarily grounding all terminated pairs which are not equipped with arresters is furnished.

(2) The current carrying capacity of each arrester and its associated mounting shall coordinate with a #22 gauge copper conductor without causing a self-sustaining fire or permanently damaging other arrester positions. Where all cable pairs entering the central office are #24 gauge or finer, the arresters and mountings need only coordinate with #24 gauge cable conductors. Item 13 of appendix A of this section designates the gauge of the cable conductors serving the host office. Item 7 of appendix B of this section designates the gauge of the cable conductors serving the RST(s).

(3) Central office protectors shall be mounted and arranged so that outside cable pairs may be terminated on the left side of protectors (when facing the vertical side of the MDF) or on the back surface of the protectors. Means for easy identification of pairs shall be provided.

(4) Protectors shall have a "dead front" (either insulated or grounded) whereby live metal parts are not readily accessible.

(5) Protectors shall be provided with an accessible terminal of each incoming conductor which is suitable for the attachment of a temporary test lead. They shall also be constructed so that auxiliary test fixtures may be applied to open and test the subscriber's circuit in either direction. Terminals shall be tinned or plated and shall be suitable for wire wrapped, insulation displacement or connectorized connections.

(6) If specified in appendix A of this section, each protector group shall be furnished with a factory assembled tip cable for splicing to the entrance cable; the tip cable to be 20 feet (610 cm) in length unless otherwise specified. Factory assembled tip cable shall be #22 gauge and selected from REA Bulletin 1755I-100, List of Materials Acceptable for Use on Telephone Systems of REA Borrowers. Tip cable requirements are provided in REA Bulletin 345–87, PE-87, REA Specification for Terminating (TIP) Cable. Cables having other kinds of insulation and jackets which have equivalent resistance to fire and which produce less smoke and toxic fumes may be used if specifically approved by REA.

(7) Protectors shall be mounted on vertical supports, with centers not exceeding 9 inches (22.9 cm). The space between protector units shall be adequate for terminating conductors.

(8) Cable supporting framework shall be provided between the cable entrance and the MDF when overhead cable entrance is specified in Item 14.3.3 of appendix A of this section.

(9) The main distributing frame shall be equipped with a copper ground bus bar having the conductivity of a #6 American Wire Gauge (AWG) copper conductor or a greater conductivity, or may consist of another metal if specifically approved, provided it has adequate cross-sectional area to provide conductivity equivalent to, or better than, bare copper. A guardrail or equivalent shall also be furnished.

(10) Other features not specified in paragraph (t) of this section may be required at the option of the owner, if checked in Item 13.4 of appendix A of this section.

(11) Main frame protector makes and types shall be selected only from REA Bulletin 1755I-100, List of Materials Acceptable for Use on Telephone Systems of REA Borrowers. Protectors shall be capable of easy removal.

(u) *Electrical protection*—(1) *Surge protection.* (i) Adequate electrical protection of central office switching equipment shall be included in the design of the system. The characteristics and application of protection devices shall be such that they enable the central office switching equipment to withstand, without damage or excessive protector maintenance, the dielectric stresses and currents that are produced in line-to-ground and tip-to-ring circuits through the equipment as a result of induced or conducted lightning or power system fault-related surges. All wire terminals connected to outside plant wire or cable pairs shall be protected from voltage and current surges.

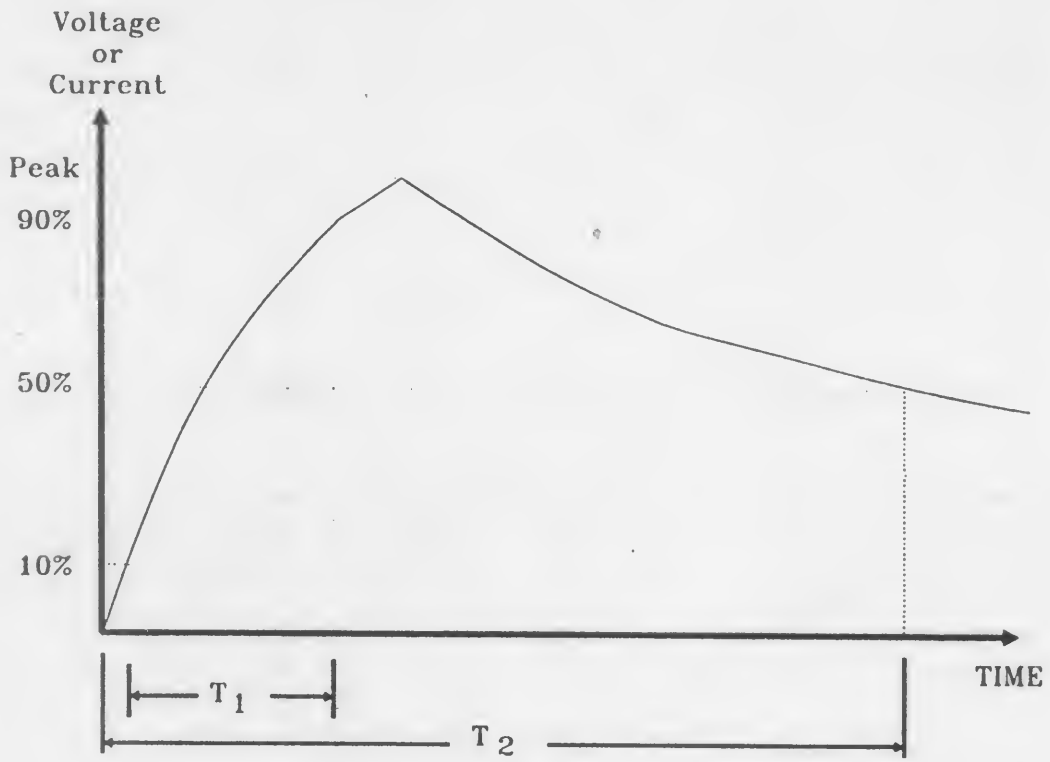
(ii) Central office switching equipment shall pass laboratory tests, simulating the hostile electrical environment, before being placed in the field for the purpose of obtaining field experience. There are five basic types of laboratory tests which shall be applied to exposed terminals in an effort to determine if the equipment will survive. Figure 3 summarizes these tests and the minimum acceptable levels of protection for equipment to pass them.

FIGURE 3—SUMMARY OF ELECTRICAL REQUIREMENTS AND TESTS

Test	Application Criteria	Peak Voltage or Current	Surge Waveshape	No. of Applications & Max. Time Between	Comments
Current Surge	Low Impedance Paths Exposed to Surges	500A or Lesser Current (See Fig. 5)	10x1000 μs	5 each Polarity at 1 minute intervals	
60 Hz Current Carrying	High or Low impedance paths Exposed to Surges	10A rms or Lesser Current (See Fig. 6)	11 Cycles of 60 Hz (0.183 Sec.)	3 each Polarity at 1 minute Intervals	
AC Power Service Surge Voltage	AC Power Service Connection	2500V or +3 σ clamping V of arrester employed at 10kV/μs	1.2x50 μs	5 each Polarity at 1 minute intervals	AC arrester, if used, must be removed. Communications line arresters, if used, remain in place.
Voltage Surge	High Impedance Paths Exposed to Surges	1000V or +3 σ dc breakdown of arrester employed	10x1000 μs	Same	All primary arresters, if used, must be removed.
Arrester Response Delay	Paths protected by arresters, such as gas tubes, with breakdown dependent on V. rate of rise.	+3 σ breakdown of arrester employed at 100V/μs of rise	100V/μs rise decay to 1/2 V. in tube's delay time	Same	Same

(iii) *Two categories of surge tests.* (A) Current surge tests simulate the stress to which a relatively low impedance path may be subjected before main frame protectors break down. Paths with a 100 Hz impedance of 50 ohms or less shall be subjected to current surges, employing a 10 × 1000 microseconds waveshape as defined in Figure 4. For the purpose of determining this impedance, arresters which are mounted within the equipment are to be considered zero impedance. The crest current shall not exceed 500A; however, depending on the impedance of the test specimen this value of current may be lower. The crest current through the sample, multiplied by the sample's 100 Hz impedance, shall not exceed 1000 volts (V). Where sample impedance is less than two ohms, crest current shall be limited to 500A as shown in Figure 5.

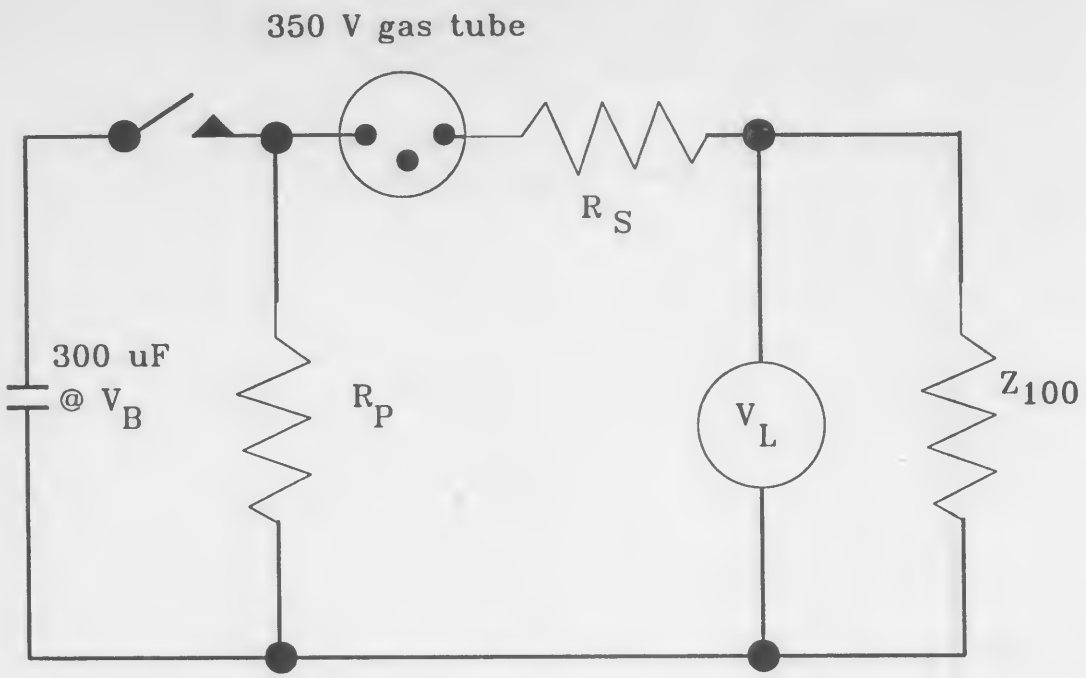
Figure 4—Explanation of Surge Waveshape



Surge Waveshape is defined as follows:
Rise Time × Time to Decay to Half Crest Value
(For example, 10 × 1000 μs)

Notes:
T_1 = Time to determine the rate of rise. The rate of rise is determined as the slope between 10% and 90% of peak voltage or current.
T_2 = Time to 50% of peak voltage (decay to half value).

Figure 5—Explanation of Surge Waveshape

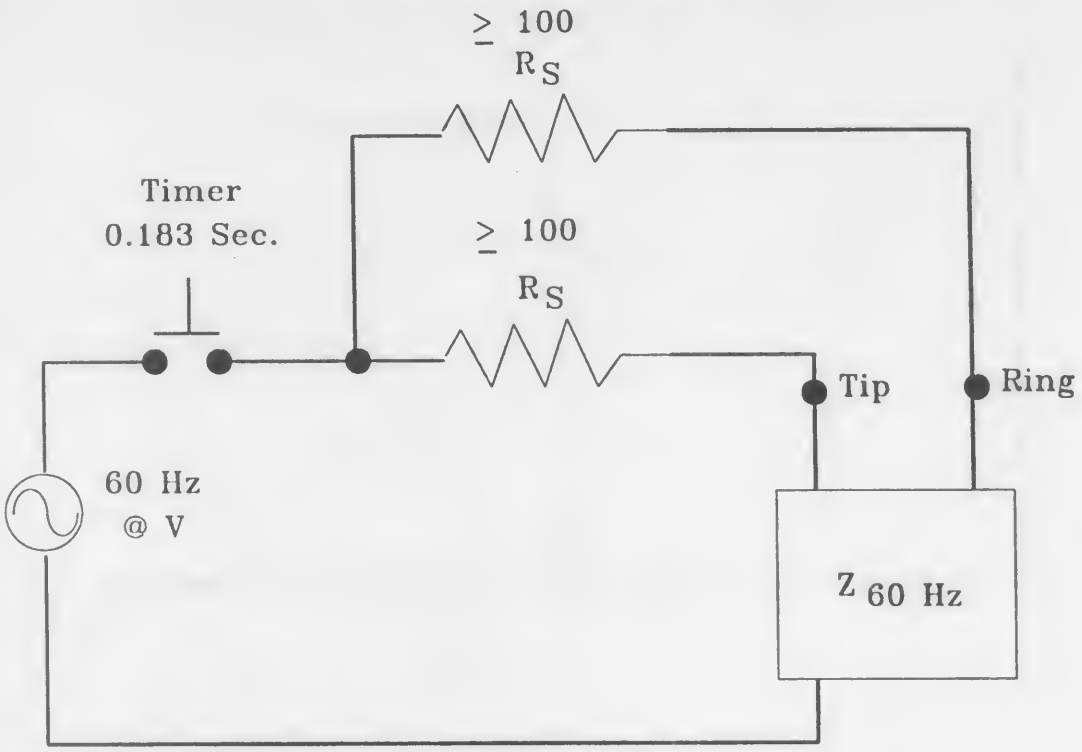


V_L = Not to exceed 1000V
V_B = Charging Voltage
Z_{100} = Test Specimen Impedance to be measured at 100 Hz.
R_P = Parallel Resistance (Waveshape)
R_S = Series Resistance (Current Limiting)

Z_{100}	R_S	R_P	V_B
0	5	∞	2500
1	4	∞	2500
2	3	∞	2500
3	2	∞	1670
4	1	∞	1250
5	0	∞	1000
7.5	0	15	1000
10	0	10	1000
15	0	7.5	1000
20	0	6.7	1000
25	0	6.25	1000
30	0	6	1000
40	0	5.7	1000
50	0	5.5	1000

(B) Sixty Hertz (60 Hz) current-carrying tests should be applied to simulate an ac power fault which is conducted to the unit over the cable pairs. The test should be limited to 10 amperes rms at 60 Hz for a period of 11 cycles (0.1835 seconds) and should be applied longitudinally from line to ground (see Figures 3 and 6 of this section).

Figure 6—60 Hz Current Surge Test



V—700 Volts RMS (Approximately 1000V Peak).

Z_{60}—Test specimen impedance to be measured at 60 Hz.

R_S—Series Resistance (current limiting) in each side of line. (Source impedance never less than 50 Ω longitudinal.)

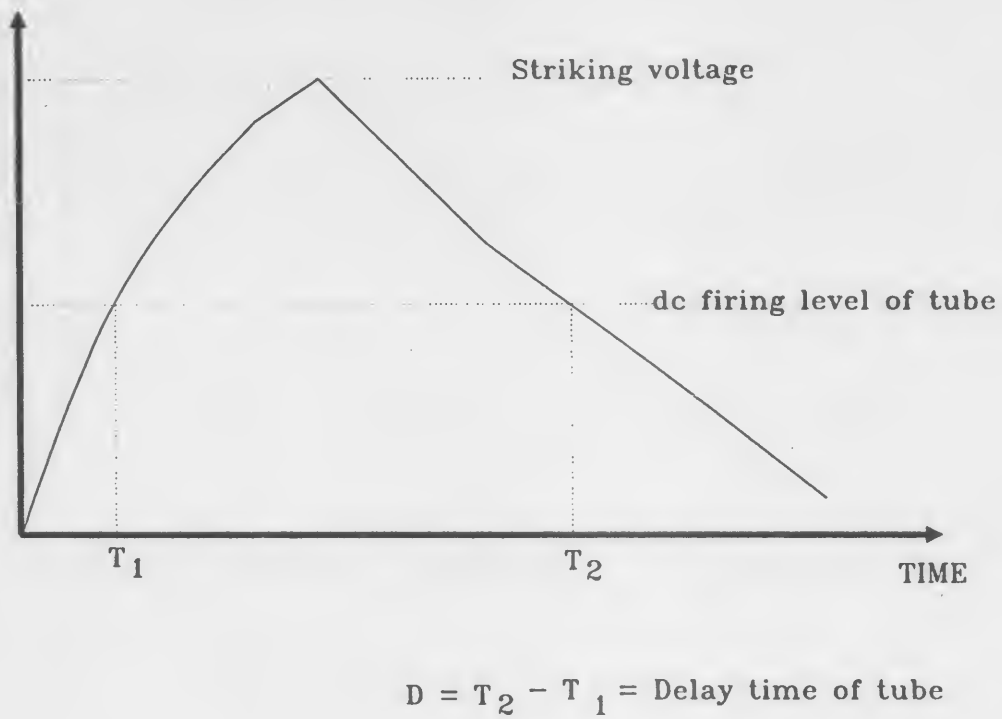
Z_{60} Hz	R_S
0	140
10	120
20	100
50	100
Over 50	100

(C) AC power service surge voltage tests should be applied to the power input terminals of ac powered devices to simulate switching surges or lightning-induced transients on the ac power system. The test shall employ a 1.2 × 50 microseconds waveshape with a crest voltage of 2500V. Communications line protectors may be left in place for this test. Borrowers are urged to install commercially available surge protectors at the ac service entrance as part of their COE building program.

(D) Voltage surge tests simulate the voltage stress to which a relatively high impedance path may be subjected before primary protectors break down and protect the circuit. To assure coordination with the primary protection while reducing testing to the minimum, voltage surge tests should be conducted at a 1000 volts with primary arresters removed for devices protected by carbon blocks, or the +3 sigma dc breakdown of other primary arresters. Surge waveshape should be 10 × 1000 microseconds.

(E) Arrester response delay tests are designed to stress the equipment in a manner similar to that caused by the delayed breakdown of gap type arresters when subjected to rapidly rising voltages. Arresters shall be removed for these tests, the peak surge voltage should be the +3 sigma breakdown of the arrester in question on a voltage rising at 100V per microsecond and the time for the surge to decay to half voltage shall equal at least the delay time of the tube, as explained in Figure 7.

Figure 7—Explanation of Arrester Response Delay Time



The delay time is that period of time when the potential across an arrester exceeds its dc firing level.

(iv) Five applications of each polarity for the surge tests and three for the 60 Hz Current Carrying Test are the minimum required. All tests should be conducted with not more than 1 minute between consecutive applications in each series of three or five to a specific configuration so that heating effects will be cumulative. As not all tests are required in every application, nonapplicable tests should be omitted. Tests should be conducted in the following sequence.

(A) Current Impulse Test.

(B) Sixty Hertz (60 Hz) Current Carrying Test.

(C) AC Power Service Impulse Voltage Test.

(D) Voltage Impulse Test.

(E) Arrester Response Delay Test.

(v) Tests should be applied between each of the following terminal combinations for all line operating conditions.

(A) Line tip to ring.

(B) Line ring to ground.

(C) Line tip to ground.

(D) Line tip to ring tied together to ground.

(2) *Extraordinary surge protection.* A central office or RST may be located in an area where ground conditions prevent the reasonable economic achievement of a low resistance to ground and/or there exists a greater than average probability of surge damage. Such an unusually hostile operating environment shall be recognized and taken into consideration by the bidder in the engineering and specification of the central office switching system and line protection. This subject of operating environment, ground conditions, etc., should be discussed at the time of technical presentation to assure the owner that adequate system protection will be provided by the bidder.

(3) *Dielectric strength.* Arresters shall be removed for all dielectric strength tests. The duration of all dielectric strength tests shall be at least 1 second. The applied potential shall equal or exceed the +3 sigma dc breakdown voltage of the arrester, provided by the COE manufacturer. Direct current potentials shall be applied between all line terminals and equipment chassis and between these terminals and grounded equipment housings in all instances where the circuitry is dc open circuit from the chassis, or connected to the chassis through a capacitor.

(4) *Insulation resistance.* Following the dielectric tests, the insulation resistance of the installed electrical circuits between wires and ground, with the normal equipment grounds removed, shall not be less than 10 megohms at 500 volts dc at approximately room temperature (68°F (20°C)) and at a relative humidity of approximately 50 percent. The measurement shall be made after the meter stabilizes, unless the requirement is met sooner. Arresters shall be removed for these tests.

(5) *Self-protection.* (i) All components shall be of the self-protecting type, capable of being continuously energized at rated voltage without injurious results.

(ii) The unit equipment shall not be permanently damaged by accidental short circuits of any duration across either the central office side tip and ring or the line side tip and ring. A test is to be made with the unit energized at the highest recommended voltages.

(6) *Static discharge.* Assemblies subject to damage by static discharge shall be identified and special handling instructions shall be supplied.

(v) *Miscellaneous*—(1) *Office wire.* All office wire shall be of soft annealed tinned copper wire meeting the requirements of ASTM Specification B 33–91, Standard Specification for Tinned Soft or Annealed Copper Wire for Electrical Purposes, and of suitable cross-section to provide safe current carrying capacity and mechanical strength. The insulation of installed wire, connected to its equipment and frames, shall be capable of withstanding the same insulation resistance and dielectric strength requirements as given in paragraphs (u)(3) and (u)(4) of this section at a temperature of 120°F (49°C) and a relative humidity of 90 percent.

(2) *Wire wrapped terminals.* These terminals are preferred and where used shall be of a material suitable for wire wrapping. The connections to them shall be made with a wire wrapping tool with the following minimum number of successive nonoverlapping turns of bare tinned copper wire in contact with each terminal.

(i) 6 Turns of 30 Gauge.
(ii) 6 Turns of 26 Gauge.
(iii) 6 Turns of 24 Gauge.
(iv) 5 Turns of 22 Gauge.

(3) *Protection against corrosion.* All metal parts of equipment frames, distributing frames, cable supporting framework, and other exposed metal parts shall be constructed of corrosion resistant materials or materials plated or painted to render them adequately corrosion resistant.

(4) *Screws and bolts.* Screw threads for all threaded securing devices shall be of American National Standard form in accordance with Federal Standard H28, Screw-Thread Standards for Federal Services, unless exceptions are granted to the manufacturer of the switching equipment. All bolts, nuts, screws, and washers shall be of nickel-copper alloy, steel, brass or bronze.

(5) *Temperature and humidity range.* The supplier shall furnish the operating temperature and humidity ranges of the equipment being provided in order that adequate heating and cooling may be supplied (see Items 5.2.1 and 5.2.2 of appendix C of this section).

(6) *Stenciling.* Equipment units and terminal jacks shall be adequately designated and numbered. They shall be stenciled so that identification of equipment units and leads for testing or traffic analysis can be made without unnecessary reference to prints or descriptive literature.

(7) *Equipment frame design.* For newly designed systems, consideration should be given to the desirability of providing frames which can be installed in rooms of normal ceiling height [up to 10 feet (305 cm)]. Where feasible, frames and equipment units shall be designed for ready portability and high salvage value.

(8) *Quantity of equipment bays.* Consistent with system arrangements and ease of maintenance, space shall be provided on the floor plan for an orderly layout of future equipment bays that will be required for anticipated traffic when the office reaches its ultimate size. Readily accessible terminals shall be provided for connection to interbay and frame cables to future bays. All cables, interbay and intrabay (excluding power), if technically feasible, shall be terminated at both ends by use of connectors.

(w) *Remote switching terminal (RST)*—(1) *General.* The RST is a remotely located digital switching terminal which is placed at a subordinate wire center for subscriber lines and is a part of the host central office from a switching standpoint, and has hardware interchangeable with the host office, except for items that are applicable only to RST control and associated peripheral equipment. This does not preclude the use of existing in-service remote units on a new or upgraded host central office of the latest series generic or release.

(2) *Span line.* The RST is to be connected to the host central office via a means compatible with T1 type span lines using a DS-1 interface. This connection will be for control supervision and subscriber communication. The REA equipment specification for a span line is PE-60.

(3) *Switching.* (i) The RST may have its switching functions controlled either by the host central office stored program control processors or by local subordinate processors which communicate with the host office processors.

(ii) As long as the connecting span line is intact, the subscribers served by the RST shall have all features, traffic capacity, and services including busy verification, available to all other subscribers in the system.

(iii) The RST shall have available an emergency call processing option which permits calling among all subscribers and from subscribers to emergency numbers within the RST if control link connections to the host central office are severed or otherwise disabled. The RST shall be capable of rerouting normally used emergency numbers, such as 911, to predetermined line terminations in this emergency stand-alone operating condition. This RST emergency call processing option shall be provided only when specified by the owner in Item 6.1 of appendix B of this section.

(4) *Subscriber line test.* (i) Means shall be available on an optional basis to the maintenance personnel to make subscriber line tests from a common location for all subscriber lines including the RST.

(ii) If tests in paragraph (w)(4)(i) of this section are not requested by the owner for a particular installation, a subscriber loop test set (see paragraph (o)(2)(iii)(A) of this section) shall be supplied at the RST with a means to access all lines.

(5) *Housing.* When housed in a building supplied by the owner, a complete floor plan including ceiling height, power outlets, cable entrances, equipment entry and travel, type of construction, and other pertinent dimensions shall be supplied with this section.

(6) *Power*—(i) *Chargers.* A single charger meeting the requirements of paragraph (s)(3) of this section (with the exception of paragraph (s)(3)(viii) of this section) is required. An additional charger capable of carrying the full load or a combination of three chargers each capable of carrying half the load shall be supplied if redundant chargers are specified in appendix B of this section.

(ii) *Ringing equipment provisioning.* (A) Ringing sources shall be supplied in duplicate.

(B) An exception to the duplicated ringing source requirement permits nonduplicated ringing source(s) to be utilized where there is full compliance with the following service criteria.

(*1*) In a remote switching terminal (RST) of 400 or more equipped lines, a single nonduplicated ringing source failure shall not cause the complete loss of ringing capability to more than 100 lines.

(*2*) In a remote switching terminal (RST) of less than 400 equipped lines, a single nonredundant ringing source failure shall not cause the complete loss of ringing capability to more than 25 percent of the total equipped lines.

(iii) *Power converter.* (A) Power converters required for the purpose of providing various operating voltages to printed circuit boards or similar equipment employing electronic components shall be provided in duplicate with each unit capable of

immediately assuming the full operating load upon failure of a unit.

(B) An exception to the duplicate power converter requirement permits nonduplicated power converter(s) to be utilized where there is full compliance with the following criteria.

(*1*) The failure of any single nonduplicated power converter shall not reduce the grade of service of common control and service circuits to any individual line or trunk by more than 50 percent.

(*2*) The failure of any single nonduplicated power converter shall not reduce the traffic carrying capacity of any trunk group or service links to a host office by more than 50 percent.

(*3*) In a remote switching terminal (RST) of 400 or more equipped lines, any single nonduplicated power converter failure shall not cause a complete loss of service to more than 100 equipped lines.

(*4*) In a remote switching terminal (RST) of less than 400 equipped lines, any single nonduplicated power converter failure shall not cause a complete loss of service to more than 25 percent of the total equipped lines.

(*7*) *Alarm.* Sufficient system alarm points shall be provided from the RST to report conditions to the host alarm system.

(x) *Responsibilities of the bidder*—(1) *Central office layout.* (i) The successful bidder shall furnish tentative floor plan layout drawings showing the arrangement of the equipment and the dimensions of major equipment units. These drawings shall include minimum door dimensions and ceiling heights required for installation, maintenance and ventilation. If requested by the owner, the floor plan shall be such that the battery, charger, power board, main distributing frame and wire chief's test equipment are isolated from the other equipment by a partition.

(ii) The layout drawings shall also show provision for the ultimate capacity of the central office as specified by the owner.

(iii) After approval by the owner of the tentative floor plan, and within 10 calendar days after approval of the contract by the Administrator, the owner shall furnish the bidder the necessary data on the actual floor plan. Within 20 calendar days after receiving the necessary building data, the bidder shall then supply floor plan drawings showing exact locations of all equipment, both initial and ultimate, including points where connection to commercial power are required, with voltage and wattage indicated at each point. Within 20 calendar days after receiving the floor plan drawings from the bidder, the owner shall approve these drawings or take the necessary steps to have the drawings changed to meet his approval. The layout planning must be so coordinated between the owner and the bidder as not to delay the scheduled equipment installation date.

(2) *Shipment of main distributing frame (MDF).* The bidder shall ship the MDF equipment, with all necessary instructions to permit its installation by the owner, at the time requested by the owner in writing, provided such time is not earlier than 90 days prior to the date specified for the shipment of the rest of the central office equipment. If the owner or the owner's agent installs the main distributing frame, the owner shall assume the responsibility and the expense of proper installation according to information furnished by the bidder.

(3) *Drawings and printed material.* (i) The bidder shall supply instructional material for each exchange involved at the time of delivery of the equipment. It is not the intent of this section to require system documentation necessary for the repair of individual circuit boards. The bidder shall supply three complete sets of legible drawings, each set to include all of the following drawings and documentation:

(A) A floor plan showing exact dimensions and location of each equipment frame or item to a convenient scale;

(B) A block schematic drawing showing the various equipment components in the system, and their identifying circuit number (e.g., MDF, line circuits, memory, trunks, etc.);

(C) Drawings of major equipment items such as frames, with the location of major component items of equipment shown;

(D) Individual functional drawings for electrical circuits in the system;

(E) A detailed description of the operation of each circuit down to a circuit package level;

(F) Wiring diagrams indicating the specific method of wiring used on each item of equipment and interconnection wiring between items of equipment;

(G) Sufficient software documentation to maintain and service the system, including drawings showing principal aspects of the software architecture;

(H) Individual maintenance drawings covering each equipment item that contains replaceable parts, appropriately identifying each part by name and part number, or, complete ordering instructions for all replaceable parts if individual item drawings are not provided; and

(I) Job drawings including all drawings that are individual to the particular office involved, such as main frame, power panel, test board, etc.

(ii) The following information shall also be furnished:

(A) Complete index of the required drawings;

(B) Explanation of electrical principles of operation of the overall switching system;

(C) List of tests which can be performed with each piece of test equipment furnished, and explanation of the method of performing each test;

(D) Sample of each form recommended for use in keeping records of tests;

(E) Criteria for analyzing results of tests and determining appropriate corrective action;

(F) General notes on the methods of isolating equipment faults to specific printed circuit cards in the equipment;

(G) List of typical troubles which might be encountered, together with general indications as to the probable location of each trouble;

(H) Special office grounding requirements;

(I) A site specific central office ground system acceptance checklist that is consistent with industry practice; and

(J) A site specific layout of the master ground bar (MGB) showing assignment of P, A, N, and I equipment areas.

(4) *Distributing frame wire.* The bidder shall provide sufficient tinned copper conductor distributing frame wire for the initial installation. The insulation of this wire shall be such that it will not support combustion. The insulation shall have good abrasion resistance and cut-through properties, exhibit good solder heat resistance, and be suitable for wire wrap connections or insulation displacement connections.

(5) *Technical assistance service.* A technical assistance service shall be made available to assist the owner and its maintenance personnel on a 24-hour, 7 days a week basis. There is to be assistance available for both hardware and software problems. The necessary interface devices shall be supplied by the bidder.

(6) *Spare parts.* (i) The spare parts bid price shall be based upon the required quantities of spares shown in Item 6.2 of appendix C of this section, and shall be added to the base bid for comparison purposes in awarding the bid. It is the supplier's responsibility to provide all spares required by this section. If the supplier neglects to list certain spare parts in Item 6.2 of appendix C of this section, but they are necessary to comply with this section, they shall be provided by the supplier at no additional cost to the owner.

(A) "Units" are defined as user replaceable components used in the central office equipment. "Spare Parts" are direct replacements for units. Spare parts are necessary for the maintenance and diagnostic operations where the suspected faulty unit may be removed and a spare part substituted in anticipation that the trouble will be cleared.

(B) Examples of units for which spare parts should be furnished are printed circuit cards; circuit pack assemblies; fuses; and power supplies.

(C) Spare parts are not required as part of this addendum for items such as connectorized cables, nuts, bolts, and similar hardware; nor for items which can be obtained from sources other than the bidder such as battery cells, chargers, powerboards, magnetic tape transport assemblies, disk drives, ringing machines, recorded announcement machines, loop extenders and voice frequency repeaters, fire bars, teletypewriters, and video monitors.

(D) When 100 or more like units are used in the hosts and RST's to be bid, the quantity of spares to be furnished is determined by multiplying the total number of like units in the contract by .05 or .03, as applicable, and rounding off to the next lowest integer. For example, 119 Class 1 units require five spares; 120 require six.

(E) When alternates are required, the price of the spare parts for the alternates shall be included with the price of the alternate.

(F) For equipment in which the line cards consist of a number of plug-in "daughter" boards on a "mother" board, the line card is defined as the "daughter" board unit. In a similar manner for those designs which have line cards backed up by a "control card," the "control card" is not, by definition, a line card.

(G) The quantities of spare parts determined in paragraph (x)(6)(vi) of this section are a minimum quantity. The bidder may add quantities of spare parts to bring the number of spare parts up to the bidder's list of spare parts necessary for proper operation in the field.

(ii) A Class 1 unit does not have automatic transfer to a redundant or standby pool of identical units, and provides any function for 24 or more lines or trunks or for all trunks in a group. Nonredundant digital trunk interfaces are included in this category.

(iii) A Class 2 unit has automatic transfer to a redundant or standby pool of identical units, and provides any function for 24 or more lines or trunks or for all trunks in a group. Redundant digital trunk interfaces and units of a redundant stored program processor are included in this category.

(iv) A Class 3 unit does not have automatic transfer to a redundant or standby pool of identical units and provides any function for no more than 23 lines or trunks or for less than all trunks in a group. Nonredundant analog trunks are included in this category. Excluded from this category are line cards, which are in Class 4.

(v) A Class 4 unit has automatic transfer to a redundant or standby pool of identical units and provides any function for no more than 23 lines or trunks or for less than all trunks in a group. Also, any line cards are in Class 4.

(vi) The spare parts for all of the hosts and the RST's included in this contract shall be provided as follows:

Quantity of Units used in the CO's & RST's To Be Bid	Required Quantity of Spares By Class of Unit			
Class ⟶	1	2	3	4
1 through 9	1	1	0	0
10 through 24	2	2	1	0
25 through 49	3	2	2	0
50 through 99	4	3	2	0
100 or More	5%	3%	3%	0

(vii) As a part of the response to the bid, the supplier shall furnish a list of units used by class and a list of spare parts to be furnished with this contract. This list shall be placed in Item 6.2 of appendix C of this section for only one of the host specifications included in the entire contract.

(7) *Environmental requirements.* The bidder shall specify the environmental conditions necessary for safe storage and satisfactory operation of the equipment being bid. If requested, the bidder shall assist the owner in planning how to provide the necessary environment for the equipment.

(8) *Unit costs for cost separation purposes.* The successful bidder shall present a cost breakdown of the central office equipment on a discrete element basis 90 days after installation completion. This shall include the various frames, switching and transmission components, and software.

(9) *Single-point grounding system acceptance.* Qualified representatives of the central office system supplier and the owner are to conduct a thorough joint acceptance audit of the grounding system prior to the central office being placed into service. A grounding system acceptance checklist provided by REA, which is consistent with standard industry practice, will be used in conducting this audit. All required grounding system corrections are to be made prior to placing the central office system into full service operation. The successful completion of this grounding system audit will constitute an acceptance on the part of both parties, the owner and the central office supplier (refer to paragraph (y)(5) of this section, and appendix D of this section).

(y) *Installation.* The following responsibilities apply to the central office equipment installation and Remote Switching Terminal (RST) installations, unless otherwise noted.

(1) *Responsibilities of owner.* The owner shall:

(i) Allow the bidder and its employees free access to the premises and facilities at all hours during the progress of the installation;

(ii) Take such action as necessary to ensure that the premises are dry and free from dust and in such condition as not to be hazardous to the installation personnel or the material to be installed (not required for an RST installed in a self-contained environmentally controlled cabinet);

(iii) Provide heat or air conditioning when required and general illumination in rooms in which work is to be performed or materials stored (not required for an RST installed in a self-contained environmentally controlled cabinet);

(iv) Provide suitable openings in buildings to allow material to be placed in position (not required for an RST installed in a self-contained environmentally controlled cabinet);

(v) Provide the necessary conduit and commercial and dc-ac inverter output power to the locations shown on the approved floor plan drawings; provide 120 volts, 60 Hz commercial power equipped with a secondary arrester and a reasonable number of outlets for test, maintenance and installation equipment; provide suitable openings or channels and ducts for cables and conductors, from floor to floor and from room to room; provide an acceptable central office grounding system and at a ground resistance level that is reasonable for office site conditions (not required for an RST installed in a self-contained environmentally controlled cabinet);

(vi) Provide the necessary wiring, central office grade ground and commercial power service, with a secondary arrester, to the location of an exterior RST installation based on the voltage and load requirements furnished by the bidder;

(vii) Test at the owner's own expense all lines and trunks for continuity, leakage and loop resistance and ensure that all lines and trunks are suitable for

operation with the central office equipment specified;

(viii) Make alterations and repairs to buildings necessary for proper installation of material, except to repair damage for which the bidder or its employees are responsible;

(ix) Connect outside cable pairs on the distributing frame and run all line and trunk jumpers (those connected to protectors);

(x) Furnish all trunk, line, and party assignment information to permit the bidder to program the data base memory within a reasonable time prior to final testing;

(xi) Release for the bidder's use such portions of the existing plant as are necessary for the proper completion of such tests as require coordination with existing facilities including facilities for T1 span lines with properly installed repeaters between the central office and the RST installations;

(xii) Make prompt inspections as it deems necessary when notified by the bidder that the equipment, or any part of the equipment, is ready for acceptance;

(xiii) Provide and install adequate fire protection apparatus, including one or more fire extinguishers or fire extinguishing systems of the gaseous type that has low toxicity and effect on equipment; and

(xiv) Provide necessary access ports for cable, if underfloor cable is selected.

(2) *Responsibilities of bidder.* The bidder shall:

(i) Allow the owner and its representatives access to all parts of the buildings at all times during the installation;

(ii) Obtain the owner's permission before cutting into or through any part of the building structure such as girders, beams, concrete or tile floors, partitions or ceilings (not applicable to the installation of lag screws, expansion bolts, and similar devices used for fastening equipment to floors, columns, walls and ceilings);

(iii) Be responsible for reporting to the owner any damage to the building which may exist or may occur during its occupancy of the building, repairing all damage to the building due to carelessness of the bidder's workforce, and exercising reasonable care to avoid any damage to the owner's property;

(iv) Consult with the owner before cutting into or through any part of the building structure where the fireproofing or moisture proofing may be impaired;

(v) Take necessary steps to ensure that all fire fighting apparatus is accessible at all times and all flammable materials are kept in suitable places outside the building;

(vi) Not use gasoline, benzene, alcohol, naphtha, carbon tetrachloride or turpentine for cleaning any part of the equipment;

(vii) Install the equipment in accordance with the specifications for the office;

(viii) Run all jumpers, except line and trunk jumpers (those connected to protectors);

(ix) Establish and update all data base memories with subscriber and trunk information as supplied by the owner until an agreed turnover time;

(x) Give the owner notice of completion of the installation at least 1 week prior to completion;

(xi) Permit the owner or its representative to conduct tests and inspections after installation has been completed in order that the owner may be assured that the requirements for installation are met;

(xii) Allow access, before turnover, by the owner or its representative, upon request, to the test equipment which is to be turned over as a part of the office equipment, to permit the checking of the circuit features which are being tested and to permit the checking of the amount of connected equipment to which the test circuits have access;

(xiii) Make final charger adjustments using the manufacturer's recommended procedure;

(xiv) Notify the owner promptly of the completion of work of the central office, or such portions as are ready for inspection;

(xv) Correct promptly all defects for which the bidder is responsible;

(xvi) Provide the owner with one set of marked prints, or strapping prints, showing which of the various options and figures are in use on each switching system as specified in paragraph (x)(3)(i) of this section;

(xvii) Place the battery in service in compliance with the recommendations of the battery manufacturer; and

(xviii) Furnish the owner with a record of the cell voltages and specific gravity readings made at the completion of the installation of the switching system and before it is placed in commercial service.

(3) *Installation requirements.* (i) All work shall be done in a neat, workmanlike manner. Equipment frames or cabinets shall be correctly located, carefully aligned, anchored and firmly braced. Cables shall be carefully laid with sufficient radius of curvature and protected at corners and bends to ensure against damage from handling or vibration. Exterior cabinet installations for RST's shall be made in a permanent, eye-pleasing manner.

(ii) All multiple and associated wiring shall be continuous, free from crosses, reverses and grounds and shall be correctly wired at all points.

(iii) An inspection shall be made by the owner or its representatives prior to performing operational and performance tests on the equipment. However, this inspection shall be made after all installing operations which might disturb apparatus adjustments have been completed. The inspection shall be of such character and extent as to disclose with reasonable certainty any unsatisfactory condition of apparatus or equipment. During these inspections, or inspections for apparatus adjustments, or soldering, or in testing of equipment, a sufficiently detailed examination shall be made throughout the portion of the equipment within which such condition is observed, or is likely to occur, to disclose the full extent of its existence, where any of the following conditions are observed:

(A) Apparatus or equipment units failing to compare in quantity and code with that specified for the installation;

(B) Apparatus or equipment units damaged or incomplete;

(C) Apparatus or equipment affected by rust, corrosion or marred finish; or

(D) Other adverse conditions resulting from failure to meet generally accepted standards of good workmanship.

(4) *Operational test requirements.* (i) Operational tests shall be performed on all circuits and circuit components to ensure their proper functioning in accordance with appropriate applicable documents supplied by the bidder.

(ii) A sufficient quantity of overall tests shall be made to ensure proper operation of all specified features.

(iii) A sufficient quantity of locally originating and incoming calls shall be made to prove the switching system can accept and process calls to completion.

(5) *Grounding system audit.* (i) A grounding system audit shall be performed to ensure that a viable single-point grounding system is in place prior to the time the switching system is placed into full service operation. It is suggested that such an audit be conducted at the time the switching system is ready for turnover to the owner.

(ii) This single-point grounding system audit is to be conducted by authorized representatives of the supplier and owner, and with the REA general field representative participating at his discretion.

(iii) The single-point grounding system audit is to be conducted using

the checklist contained in appendix D of this section.

(iv) Appendix D of this section shall be the principal single-point grounding system audit guideline document. A supplemental checklist may be prepared and provided by the switching system supplier which recognizes unique grounding requirements related to their particular switching system. The scope of this supplier checklist is to be confined to unique and specific switching system requirements only. Acceptable supplier supplemental grounding checklist must have prior approval of and be on file with the Central Office Equipment Branch of the Telecommunications Standards Division of REA.

(v) It is the responsibility of the central office supplier to ensure that the grounding system evaluation criteria contained in the combination of the appendix D checklist of this section and their optional supplemental checklist adequately fulfill requirements for warranty coverage.

(vi) All deficiencies in the single-point grounding system are to be corrected prior to the switching system being placed into full service operation. Exceptions are permitted only by mutual agreement of the owner and supplier and with written approval of the REA general field representative.

(vii) The acceptance statement facesheet of the audit checklist in appendix D of this section shall be signed by authorized representatives of the supplier and owner to indicate mutual approval of the single-point grounding system. Copies of all completed grounding system audit documents are to be provided to the supplier, owner and appropriate REA telephone program regional offices.

(The information and recordkeeping requirements of this section have been approved by the Office of Management and Budget (OMB) under the Control Number 0572–0077.)

BILLING CODE 3410–15–F

Appendix A to 7 CFR 1755.522—Specification for Digital, Stored Program Controlled Central Office Equipment Detailed Requirements (Host)

(Information To Be Supplied by Owner)

Telephone Company Name _____

Location _____

Central Office Name (By Location)

Town _____

County _____

State _____

_____Attended

_____Unattended

_____Remotes

1. General

1.1 Notwithstanding the bidder's equipment lists, the equipment and materials furnished by the bidder must meet the requirements of paragraphs (a) through (x), Appendix A and Appendix B of § 1755.522.

1.2 Paragraphs (a) through (x) of § 1755.522 cover the minimum general requirements for digital, stored program controlled central office switching equipment.

1.3 Paragraph (y) of § 1755.522 covers requirements for installation, inspection, and testing when such service is included as part of the contract.

1.4 Appendices A and B of § 1755.522 cover the technical data for application engineering and detailed equipment requirements insofar as they can be established by the owner. These appendices are to be filled in by the owner.

1.5 Appendix C of § 1755.522 covers detailed information on the switching network equipment and the common control equipment, and information as to system reliability and heavy traffic delays as proposed by the bidder. This appendix is to be filled in by the bidder and must be presented with the bid.

1.6 Appendix D of § 1755.522 is the single-point grounding system audit checklist.

2. Numbering Scheme

2.1 This office shall be arranged to serve the following area and office code(s):

_____

_____

_____

_____

If more than one code is to be served, discrimination shall be determined by the following:

Number Translation ____

Separate Trunk Groups ____

Both (Explain in Item 16, Appendix A) ____

2.2 This office shall be arranged to provide EAS service to the following:

Connecting office	Code	Connecting office	Code

2.2.1 Seven digits shall be dialed for all local and EAS calls.

2.3 Additional dialing procedures to be provided include the following:

Feature	Required
Station Paid Toll (including Coin):	
Home Numbering Plan Area (HNPA):	
"1" + 7 Digits	_____
"1" + 10 Digits	_____
Other (Explain in Item 16, Appendix A)	_____
Foreign Numbering Plan Area (FNPA):	
"1" + 10 Digits	_____
Other (Explain in Item 16, Appendix A)	_____

10XXX Dialing to Interexchange Carriers:

Name	Access code

Feature	Required
Person, Special (including Coin):	
HNPA—"0" + 7 Digits	
"0" + 10 Digits	
FNPA "0" + 10 Digits	
Other (Explain in Item 16, Appendix A)	
Directory Assistance:	
HNPA Local—411	
"1" + 411	
HNPA Toll "1" + 555–1212	
FNPA Toll "1" + NPA + 555–1212	
IDDD:	
Operator Serviced 01	
Station-Station 011	

Other service codes	No. to be dialed
Wire Chief	
Repair Service	
Business Office	
Emergency Calls to 911 Lines	
Emergency Calls to 911 Trunks	
Time	
Weather	
100 Test Line	
102 Test Line	
105 Test Line	
Other (Explain in Item 16, Appendix A)	

2.4 Assistance calls are answered: (Check appropriate items)

2.4.1 At the operator office in _____

2.4.1.1 By means of the regular interoffice toll trunks _____

2.4.1.2 By means of the regular interoffice EAS trunks _____

2.4.1.3 By means of a separate special service trunk group _____

2.4.1.4 Locally _____

Explain:

3. Office Clock

3.1 This office is to be slave clock synchronized with another office:

_____Yes _____No

(Explain details in Appendix A, Item 16 if "Yes".)

3.2 This office is to be a master clock office to provide synchronization timing for other offices:

_____Yes _____No

(Explain details in Appendix A, Item 16 if "Yes".)

4. Interoffice Trunking Diagram

4.1 A sketch showing relative location of exchanges, RST's, and number of circuits shall be included, also the office and area codes of the direct trunk points. The diagram should indicate whether toll or EAS trunk groups are "High Usage" or "Final." Alternate routes should be included. Indicate whether the trunk termination is direct digital or analog.

5. Translator Function Chart

Called point	Subscriber dials	First route			Alternate routes		
		Translator action	Send		Translator action	Send	
		Deletes	Prefixes		Deletes	Prefixes	

6. Line Circuit Requirements

(Includes all lines associated with RST's.)

6.1 Types of Lines

	No. of Lines		No. of EAS areas	Total No. of lines required
	Local service only	Both local & EAS service		
6.1.1 Individual—Flat Rate				
6.1.2 Individual—Message Rate				
6.1.3 Two-Party—Flat Rate				
6.1.4 Two-Party—Message Rate				
6.1.5 Four-Party				
6.1.6 Pay Station				
6.1.7 Telephone Company Official Lines				
6.1.8 Wire Chief				
6.1.9 911 Emergency Service Bureau Lines				
6.1.10 Number Hunting PBX Groups				

Number of lines in group	No. of groups	Direct In dial*	Restricted service at COE	Type					
				Ground Start	start				

*Furnish translation information under item 5.

6.1.11 WATS Lines (Give details in Appendix A, Item 16).

Number of Inward WATS Lines _____.

Number of Outward WATS Lines _____.

6.1.12 Special Lines Required _____ (Explain in Appendix A, Item 16).

6.1.13 Total Number of Lines Required.

Host _____(Incl. DDI Concentrator Lines).

RST 1 _____.

RST 2 _____.

RST 3 _____.

TOTAL _____.

6.1.14 Total Directory Numbers Required _____. (Including RST's) (see Item 7.1, Appendix A).

6.1.15 Pay Station.

Type _____.

New ____.

Reused ____.

(Describe in Item 16, Appendix A).

6.1.16 Line Concentrator.

6.1.16.1 Supplied by Owner (see Item 16, Appendix A, for details).

Yes ____.

No ____.

6.1.16.2 Supplied by Bidder (If "Yes", attach REA Form 397g, Performance Specification for Line Concentrators).

Yes ____.

No ____.

6.2 Data on Lines Requiring Range Extension.

6.2.1 Number of non-pay station lines having a loop resistance, including the telephone set, as follows:

No. of Lines

1901–3200 ohms _____.

3201–3600 ohms _____.

6.2.2 Number of pay station lines having loop resistance, excluding the telephone set, greater than:

No. of Lines

1200 ohms (For Prepay) _____.

1000 ohms (For Semi-Postpay Operation) _____.

6.2.3 Range extension equipment is to be provided:

6.2.3.1 Loop Extenders: Total Quantity _____.

By Bidder—Quantity _____.

By Owner—Quantity _____.

(Explain in Item 16, Appendix A).

6.2.3.2 VF Repeaters: Total Quantity _____.

By Bidder—Quantity _____.

(Bidder must have information on loading and cable size.)

By Owner—Quantity _____(Explain in Item 16, Appendix A).

6.2.3.3 Range extension may be furnished as an extended range line circuit at the option of the supplier. If this option is used, the quantities of loop extenders and VF repeaters will be different from the quantities listed above (see Item 6.1,a, Appendix C).

Yes ____.

No ____.

7. Traffic Data—Line Originating and Terminating Traffic

7.1 Originating Line Traffic—Estimated per Busy Hour (Includes all lines associated with RST's)

	(a) CCS per main station	(b) No. of main stations	(axb) Total CCS	No. of lines required [1]
Ind.—Res				
Two-Party—Res				
Ind.—Bus				
Two-Party Bus				
Four-Party				
Special Lines				
Pay Station				
Telco Official				
Wire Chief				
No. Htg. or PBX		[2]	[3]	
WATS				
Data Service				
911 Emerg. Service				
Total [4].				
		(c)	(d)	(e)

[1] See Appendix A, Item 6.1.

[2] This figure is the CCS per PBX trunk.

[3] This figure is the number of PBX trunks.

[4] This is the total number of line equipments required. The number to be provided will be determined by the equipment design of the system of the selected bidder. See Appendix C, Item 3.1.1.2.

7.2 Average Originating CCS per Line per Busy Hour

(d)/(e) =____/____=____ CCS/Line

This office shall be engineered to handle an initial average originating busy hour traffic of ____ CCS per line. It is anticipated that the average originating busy hour traffic will increase to ____ CCS per line.

Originating Traffic Attributed to Host Only ____ CCS/Line

7.3 Terminating Traffic—Estimated CCS per Busy Hour

It is assumed that the total CCS for terminating traffic is the same as for originating traffic. Since digital switch networks are on a terminal per line basis, the terminating CCS per line will be the same as the originating CCS per line as shown in Item 7.2, Appendix A.

Terminating Traffic Attributed to Host Only ____ CCS/Line

7.4 Percent of Pushbutton Lines ____

7.5 Anticipated Ultimate Capacity (20 years)

7.5.1 Subscriber Lines

Host ____ (Incl. DDI Concentrator Lines)

RST 1 ____

RST 2 ____

RST 3 ____

Total ____

8. Trunk Circuit Requirements

8.1 *Interoffice Trunking*

8.1.1 Trunking Requirements

1. Connecting Office				
2. Use of Trunk				
3. Trk. Grp. Ntwk. Connection [1]				
4. Quantity Equipped				
5. Ultimate % Growth				
6. CCS Capacity				
7. Direction				
8. No. Digits Dialed				
9. No. Digits Outpulsed				
10. No. Digits Inpulsed				
11. Type Signaling				
12. Type Pulsing				
13. Carrier Type (2-Wire)				
14. Carrier Type (4-Wire)				
15. Physical				
16. Repeat Coils [2]				
17. DX Signaling Set				
18. Other Type Signaling				
19. Delay Dial				
20. Direct Digital Interface				

21. a. Feature Group B					
b. Feature Group C					
c. Feature Group D					

[1] Designation of trunk group network connection involves the following categories:
IC—Direct Inter-LATA Connecting Trunk=(IC/POP)
TC—Tandem Connecting Trunks
IT—Intertandem Connecting Trunks
IL—Intra-LATA Connecting Trunks
TIC—Tandem Inter-LATA Connecting Trunks
Misc.—Intercept, Busy Verification, etc.
[2] Omit repeating coils for carrier derived trunks.

8.1.2 Pads for 4-Wire Carrier (7dB and 16dB)

Total Quantity _____
By Bidder Quantity _____
By Owner Quantity _____

Refer to the attached information regarding connecting company trunk circuit drawing numbers and name of manufacturer.

8.2 *Switched Traffic Data*

8.2.1 Originating Traffic

Type	CCS	H.T. secs.	BHC	No. of digits out-pulsed	Sender sig. mode	Remarks
Toll "0"−[1]						
Toll "0"+7[1 2]						
Toll "0"+10[1 2]						
Toll S–S "1"+7[2]						
Toll S–S "1"+10[2]						
Toll Other						
Special Service						
Intercept						
Intraoffice				XXXXXXX	XXXXXXX	
EAS						
EAS						
EAS						
Tandem						
Tandem						
Tandem						
911 Emerg. Service						
Total						

[1] PPCS traffic assumed to be divided 20 percent "0"− and 80 percent "0"+ if unknown.
[2] Toll calls assumed to be divided two-thirds 7 digits and one-third 10 digits.

Busy Hour Attempts=BHC Total × 1.4=____

8.2.2 Terminating Traffic

Type	CCS	H.T. secs.	BHC	No. of digits inpulsed	Receiver sig. mode	Remarks
Toll Compl.						
Test & Ver.						
Intraoffice						
EAS						
EAS						
EAS						
Tandem						
Tandem						
Tandem						
Total						

9. Checklist of Features Required
9.1 *Alternate Routing* ..... (Explain in Item 16, Appendix A)
9.2 *Data Service* ..... (Explain in Item 16, Appendix A)
9.3 This office shall be:
9.3.1 End Office Only .....
9.3.2 End Office and Intermediate Tandem .....

(Explain in Item 16, Appendix A)

9.3.3 End Office and Access Tandem ....

(Explain in Item 16, Appendix A)

9.4 Billing Data

	Trunk group	Send ANI feature group			Store billing data	
		B	C	D	AMA system	Pollable system
9.4.1 This office only	.....	.....	.....	.....	.....	.....
9.4.2 Trunks from Tributaries	.....	.....	.....	.....	.....	.....
9.4.3 Local Message Detail Recording:						

9.5 *Pollable Systems*

9.5.1 Polling device to be provided on this contract

____Required
____Not Required
(Provide details in Item 16, Appendix A)

9.5.2 Pollable system to be backed up by tape or disc standby

____Required
____Not Required

9.6 *AMA Format*

9.6.1 Bellcore Format

____Required
____Not Required
(Provide details in Item 16, Appendix A)

10. Miscellaneous Operating Features

10.1 *Busy Verification*

10.1.1 By dedicated trunk from toll operator:

10.1.1.1 One-Way, Inward ....
10.1.1.2 Two-Way (Busy verification inward, intercept outward) ....
10.1.2 By prefix digit over intertoll trunk (Indicate digit(s) dialed) _____ ....
10.1.3 Access by Switchman
10.1.3.1 Dedicated Trunk ....
10.1.3.2 Multiple of Operator Trunk . .....

10.2 *Revertive Calls—Directory Number Only*

10.2.1 Signal to Called Party

10.2.1.1 Recorded Announcement ....
10.2.1.2 Distinctive Tone ....
(see (i)(2)(ix) of § 1755.522) ....
10.2.1.3 Other ....

Explain in Detail: _____

10.3 *Intercept Facilities*

10.3.1 Vacant code, disconnected number, and unassigned number intercept shall be: (Check One)

By recorded announcement:
Without cut-through to operator ....
With cut-through to operator ....
By operator ....

10.3.2 Changed number intercept shall be: (Check One)

By recorded announcement:
Without cut-through to operator ....
With cut-through to operator ....
By operator ....
By automatic intercept system (AIS) in distant office ....

10.3.3 Method of Reaching Operator, if required:

Separate trunk group ....
Regular interoffice toll trunks with idle trunk selecting over at least three trunks when three or more toll trunks are equipped ....

10.3.4 Number of separate intercept trunk circuits _____

10.4 *Line Load Control*

10.4.1 Line load control facilities are:

____Required
____Not Required
(Explain in Item 16, Appendix A)

10.5 *Service Observing Facilities*

10.5.1 Service observing facilities are:

____Required
____Not Required
(Explain in Item 16, Appendix A)

10.6 *Hotel-Motel Arrangements*

10.6.1 Hotel-motel arrangements for operation of message registers at the subscriber's premises are:

____Required
____Not Required
(Explain in Item 16, Appendix A)

10.6.1.1 How are message registers to be activated?

Line Reversal _____
Third Wire _____
Other _____
(Explain in Item 16, Appendix A)

10.7 *Nailed-Up Connections*

_____Required
_____Not Required
(Explain in Item 16, Appendix A)

10.8 *Vertical Services* (RST Lines are Included)

		Initially	Ultimate
10.8.1 Call Waiting	No. of Lines	.....	.....
10.8.2 Call Forwarding	No. of Lines	.....	.....

____Local
____Remote
(Explain in Item 16, Appendix A)

10.8.3 Abbreviated Dialing	No. of Lines	.....	.....

No. of Codes per Line ____for ____Lines
No. of Codes per Line ____for ____Lines

10.8.4 Three-Way Calling	No. of Lines	.....	.....
	CCS Per Line	.....	.....
10.8.5 Other	.....	.....	.....

(Explain in Item 16, Appendix A)

11. Maintenance Facility Requirements

11.1 *Alarm Signals*

11.1.1 Handled locally ____
Explain in Detail: _____

11.1.2 Transmitted to attended point
11.1.2.1 Via operator office trunks ____
11.1.2.2 Via printout or other display service ____
Explain in Detail: _____

11.1.2.3 Type of tone to operator
11.1.2.3.1 Distinctive tone (see (i)(2)(ix) of § 1755.522) ____
11.1.2.3.2 Other
Explain in Detail: _____

11.1.3 Alarm checking signals for carrier and mobile radio systems

11.1.3.1 Minor Alarm ....
11.1.3.2 Major Alarm ....
11.1.3.3 Terminals for both ....

11.2 *Trouble Location and Test*

11.2.1 Outside plant and stations (check desired items)
11.2.1.1 Subscriber's loop test circuit:
11.2.1.1.1 As part of the maintenance center ....
11.2.1.1.2 Separately ....
11.2.1.2 Remote test set (Explain in Item 16, Appendix A) ....
11.2.1.3 Dial speed test circuit (Explain in Item 16, Appendix A) ....
11.2.1.4 Pushbutton dialing test circuit ....
11.2.1.5 Howler (per (o)(2)(iii)(C) of § 1755.522) ....
11.2.1.6 Hand test sets, number required ____(Explain in Item 16, Appendix A).

11.3 *Transmission Tests*

11.3.1 Furnish reference tone
Yes ____
No ____

Frequencies and order in which applied	Time interval for application of each frequency
____Hz	____Seconds
____Hz	____Seconds
____Hz	____Seconds
____Hz	____Seconds

11.3.2 Test Lines

11.3.2.1 Test Line 100 ____

11.3.2.2 Test Line 102 ____

11.3.2.3 Test Line 104 ____

11.3.2.4 Test Line 105 ____
(Explain in Item 16, Appendix A)

11.3.2.5 Test Line 107 ____

11.3.2.6 Remote Office Test Line ____
(Explain in Item 16, Appendix A)

11.4 *Line Testing*

11.4.1 Automatic line insulation testing
Yes ____
No ____

11.4.2 Owner supplied equipment
Yes ____
No ____

11.4.2.1 Vendor supplied interface only
Yes ____
No ____
If supplied by owner, explain in Item 16, Appendix A, including manufacturer, model, location.

11.5 *Remote Control*

11.5.1 Remote control of the system shall be provided.
Yes ____
No ____
If required, explain in Item 16, Appendix A, including number, type and location.

12. Power Equipment Requirements (Host Office Only)

12.1 *Central Office Battery*

12.1.1 A battery reserve of ____busy hours shall be provided for this office when it reaches ____lines at the ultimate anticipated traffic rates specified in Item 7.2, Appendix A.

12.1.1.1 The owner will furnish a standby generator, permanently installed in this office, with capacity sufficient to power air conditioning equipment required for cooling of the central office equipment and to maintain an adequate dc supply in the event of a failure of the commercial ac supply.
Yes ____
No ____

12.1.2 *Type of battery:* (Check One)
Lead Calcium ____
Lead Antimony ____

12.1.3 Voltmeter (portable 3–60–150 volt scale, 1% accuracy) shall be furnished.
Yes ____
No ____

12.1.4 Hydrometer in a hydrometer holder with glass or plastic drop cup shall be furnished.
Yes ____
No ____

12.1.5 Type of battery rack required: (Check One)
Two Tier ____
Other ____
Explain:

12.1.6 Special equipment power requirements (carrier, voice frequency repeaters, etc.). Drain in amperes ____

12.1.6.1 Supply all necessary equipment to provide the following 48-volt battery taps:

Number of circuits	Fuse (or circuit breaker) size
.....	
.....	
.....	
.....	

12.2 *Charging Equipment*

12.2.1 Charging equipment shall be provided capable of charging the office battery on a full float basis when the office reaches ____lines at the ultimate anticipated traffic rates specified in Item 7.2, Appendix A.

12.2.2 Charger input rating shall be:

	3-Phase Connection:
Voltage ____	3–Wire ____
Phase ____	4–Wire ____
Frequency ____	Delta ____
.....	Y ____

12.3 *Ringing Equipment*

12.3.1 Solid-state ringing equipment in accordance with paragraph (s)(5)(i) of § 1755.522 shall be provided for generating the frequencies specified by check marks in the following table. Ringing generator sets serving the entire office shall each be sized to carry the full office ringing load when the office size reaches ____lines at the ultimate anticipated traffic rates specified in Item 7.2, Appendix A.

12.3.2 Ringing frequencies to be supplied:

	Frequency in Hz		Maximum No. of telephones
Single Frequency	20	.....	.....
Decimonic	20	.....	.....
	30	.....	.....
	40	.....	.....
	50	.....	.....
Harmonic	16⅔	.....	.....
	25	.....	.....
	33⅓	.....	.....
	50	.....	.....
Synchromonic	20	.....	.....
	30	.....	.....
	42	.....	.....
	54	.....	.....

12.3.3 Furnish frequency meter (accurate within 1.3 Hz) and voltmeter (5% accuracy) for ringing measurements (see paragraph (s)(7)(ii) of § 1755.522). Check One:
Panel Mounted ____
Portable ____
Not Required ____

12.4 *Power Board*

The power panel and associated wiring shall be of ample size to meet the load requirements when this office reaches ____ lines at the ultimate anticipated traffic rates specified in Item 7.2, Appendix A.

13. Distributing Frame Requirements (Host Office Only)

13.1 Total number of outside plant cable pairs to be terminated ....
13.1.1 Gauge of outside plant cable pairs ....
13.2 Number of outside plant cable pairs to be protected ....
13.3 Number of additional protector pair units to be provided on MDF ... .
Explain:

13.4 *Main Frame Details*

Is present MDF to be reused?
Yes ____
No ____
If "Yes," Type ____
Reused protectors are:
____(Mfgr.)

____(Type)
13.4.1 Number of pairs of arrester units (switching equipment) ____
13.4.2 Number of pairs of gas tube arrester units (special equipment) ____
13.4.2.1 Gas tubes to be:
____light,
____medium,
____heavy,
____max. duty units
13.4.2.2 Fail shorted/low breakdown failure mode required
Yes ____
No ____
13.4.2.3 Breakdown voltage of gas tube arresters ____
13.4.3 Number of terminated pairs to be grounded ____
13.4.4 Factory assembled tip cable
Yes ____
No ____
13.4.4.1 Tip cable length [if other than 20 feet (610 cm)]
____
13.4.4.2 Tip cable formed
Up ____
Down ____
13.4.5 Pairs per vertical ____
13.4.6 Height of vertical ____feet ____ inches

14. Building and Floor Plan Information (Host Office Only)

14.1 Equipment is to be installed in an existing building (Attach detailed plan.) ____
14.2 A new building is planned ____
14.2.1 Tentative plan (*Note to Engineer:* Show sketch without dimensions.)
14.3 *Detailed Arrangements*
14.3.1 Partition required (to isolate space containing battery, charger, power board, test panel, main distributing frame and subscriber's loop test circuit (wire chief's test desk) from that of the remaining equipment).
Yes ____
No ____
14.3.2 Vestibule required
Yes ____
No ____
14.3.3 Cable entrance
Overhead____
Underground ____
14.3.4 Additional floor space will be required for the following equipment which is being furnished by the owner or by the connecting company:
_____
_____
_____

14.3.5 The office will be arranged for
Overhead Interbay Cabling ____
Underfloor (Computer Room Type) Interbay Cabling ____
14.3.6 Is earthquake bracing required?
Yes ____
No ____
(If "Yes," explain zone and criteria used for zone in Item 16, Appendix A.)
14.3.7 Office ground will be ____ohms or less (Refer to Item 4.6.3 of REA TE&CM 810.)
14.3.8 The office is considered to be in the following category for lightning damage probability based on the Figure 1 map of REA TE&CM 823 (see paragraph (u)(2) of 1755.522).
____Very High
____Higher than Average
____Average
____Lower than Average
____Very Low
14.3.9 The following is additional information regarding operating environment conditions which should be considered in determining system protection requirements (tower in vicinity, high exposure, etc.):

15. Alternate Requests

16. Explanatory Notes (Include a detailed description of any equipment to be reused, or otherwise supplied by the owner, loop extenders, subscriber carrier, VF repeaters, etc.)

Appendix B to 7 CFR 1755.522—Detailed Information on Remote Switching Terminals (RST's)

(Complete One Form For Each RST)

1. Number of Subscriber Lines (These lines included in totals in Item 6, Appendix A).

1.1 Single-Party: _____Flat Rate _____Message Rate.
1.2 Two-Party: _____Flat Rate _____Message Rate.
1.3 Four-Party: _____Flat Rate.
1.4 Semi-Postpay Pay Station _____.
1.5 Prepay Pay Station _____.
1.6 PABX Lines _____Loop Start_____Ground Start _____ Restricted at Office _____Other _____ (Describe in Item 12, Appendix B)
1.7 Number of lines to be pushbutton _____
1.8 911 Emergency Lines _____
1.9 Anticipated ultimate capacity (20–Year) _____

2. Traffic

2.1 Originating traffic per line—CCS/BH: _____Initial _____Ultimate.
2.2 Terminating traffic per line—CCS/BH: _____Initial _____Ultimate
2.2.1 Terminating will be made equal to originating if it is not known to be different.

3. Subscriber Loop Resistance

3.1 Number of subscriber lines having loop resistance, including the telephone set of:
No. of Lines
1501–1900 Ohms _____
1901–3200 Ohms _____
3.2 Number of pay station lines having loop resistance, excluding the telephone set, greater than:
No. of Lines
1200 Ohms (For Prepay) _____
1000 Ohms (For Semi-Post Pay Operation) _____.

4. Range Extension

4.1 If no standby power is available at the site, loop extenders may be required on 1501 to 1900 ohms loops.
4.2 *Loop extenders:* Total Quantity _____By Bidder—Quantity _____By Owner—Quantity
(Explain in Item 12, Appendix B)
4.3 *VF repeaters:* Total Quantity _____ By Bidder—Quantity _____By Owner—Quantity _____.
(Explain in Item 12, Appendix B)

5. Power Supply

5.1 Power Board.
5.1.1 The power board and associated wiring shall be of ample size to meet the load requirements when this RST reaches _____lines at the ultimate anticipated traffic rates specified in Item 2, Appendix B.
5.2 *Charger input rating shall be:* Voltage _____Phase _____Frequency _____
3-Phase Connection:
3-Wire _____
4-Wire _____
Delta _____
Y_____
5.2.1 Charger shall be capable of charging the RST battery on a full float basis when the RST reaches _____ lines at ultimate traffic rate specified in Item 2, Appendix B.
5.2.2 Charger shall be redundant _____.
5.3 Battery reserve shall be _____ busy hours when the RST reaches _____ lines at the ultimate anticipated traffic specified in Item 2, Appendix B.
5.4 Standby power is available. Yes _____ No _____.
5.5 Special equipment power requirements _____ amps.
5.6 *Ringing.*
5.6.1 Type of Ringing.
5.6.2 Frequency No. 1. 2. 3. 4.
Frequency HZ ....
Max. No. Phones/ Frequency ....
5.6.3 Wattage to be sized for _____ lines.
5.6.4 Frequency Meter (see Item 12.3.3, Appendix A). Panel Mounted _____ Not Required _____.

6. Emergency Operation

6.1 If path to central office is opened, the RST shall be able to complete calls between subscribers in its own system: Yes _____ No _____
Further requirements should be listed under Item 12, Appendix B.

7. RST Distribution Frame Requirements

7.1 Total number of outside plant cable pairs to be terminated _____.
7.1.1 Gauge of outside plant cable pairs _____.
7.2 Number of outside plant cable pairs to be protected _____.
7.3 Number of additional protector pair units to be provided on MDF _____.
Explain:
7.4 *Main Frame Details*
7.4.1 Present MDF to be reused Yes_____No _____.
If "Yes", Type _____.
Reused protectors are: _____ (Mfr.) _____ (Type).
7.4.2 Number of pairs of arrester units (switching equipment) _____.
7.4.3 Number of pairs of gas tube arrester units (special equipment) _____.
7.4.3.1 Gas tubes to be: _____ light, _____ medium, _____ heavy, _____ maximum duty units.

7.4.3.2 Fail shorted/low breakdown failure mode required Yes _____ No _____.

7.4.3.3 Breakdown voltage of gas tube arresters _____.

7.4.4 Number of terminated pairs to be grounded _____.

7.4.5 Factory assembled tip cable Yes _____ No _____.

7.4.5.1 Tip cable length [if other than 20 feet (610 cm)] _____.

7.4.5.2 Tip cable formed Up _____ Down _____.

7.4.6 Pairs per vertical _____.

7.4.7 Height of vertical _____ feet _____ inches.

8. Building and Floor Plan Information

8.1 RST to be mounted in building _____.

8.1.1 Earthquake bracing required Yes _____No _____(see Item 14.3.6, Appendix A).

8.1.2 Supply building floor plan.

8.2 RST to be mounted in cabinet out of doors _____.

8.2.1 Cabinet to be mounted _____on pole _____on ground.

9. Subscriber Line Test

9.1 Remote testing of subscriber lines is required Yes _____No _____.

9.2 Subscriber loop test set _____.

10. Span Lines to Host Central Office

10.1 To be supplied by Owner _____.

10.2 To be supplied by Bidder _____.

10.2.1 When the bidder is to supply the span lines, an REA Form 397b, Trunk Carrier Systems, with the applicable parts completed must be attached with a physical layout of the span line.

11. Grounding Considerations

11.1 The RST ground will be _____ohms or less. (Refer to Item 4.6.3 of REA TE&CM 810.)

11.2 This RST is considered to be in the following category for lightning damage probability based on the Figure 1 map of REA TE&CM 823._____Very High _____ Higher than Average _____Average _____Lower than Average _____Very Low

11.3 The following is additional information regarding operating environment conditions which should be considered in determining system protection requirements (tower in vicinity, high exposure, etc.):

12. Explanatory Notes

Appendix C to 7 CFR 1755.522—Specifications for Digital, Stored Program Controlled Central Office Equipment Detailed Requirements—Bidder Supplied Information

Telephone Company Name _____
Location _____
_____

Central Office Name (By Location)
Town _____
County _____State _____

Attended _____ Unattended _____

1. General

1.1 The equipment and materials furnished by the bidder must meet the requirements of paragraphs (a) through (x), Appendix A, and Appendix B of § 1755.522.

1.2 Paragraphs (a) through (x) of § 1755.522 cover the minimum general requirements for digital, stored program controlled central office switching equipment.

1.3 Paragraph (y) of § 1755.522 covers requirements for installation, inspection, and testing when such service is included as part of the contract.

1.4 Appendices A and B of § 1755.522 cover the technical data for application engineering and detailed equipment requirements insofar as they can be established by the owner. These appendices are to be filled in by the owner.

1.5 Appendix C of § 1755.522 covers detailed information on the switching network equipment and the stored program controlled equipment, and information as to system reliability and heavy traffic delays as proposed by the bidder. This appendix is to be filled in by the bidder and must be presented with the bid.

1.6 Appendix D of § 1755.522 is the single-point grounding system audit checklist.

2. Performance Objectives

2.1 *Reliability* (see paragraph (b) of § 1755.522).
_____
_____
_____
_____

2.2 *Busy Hour Load Capacity and Traffic Delay* (see paragraph (e)(10) of § 1755.522. Describe basis for traffic analysis).
_____
_____
_____
_____

3. Equipment Quantities Dependent on System Design

3.1 *Switch Frames and Circuits.*

3.1.1 Number of Lines.

3.1.1.1 The number of lines to be provided shall include the number required for the termination of subscriber lines, Item 7, Appendix A, plus the number required for routine testing plus any additional to meet the minimum switch increment of the selected system.

3.1.1.2 The number of lines provided for this office will be _____

3.1.2 Number of Ports Used for Trunks

3.1.2.1 The number of trunk ports to be provided shall be based on the trunk quantities required (Item 8, Appendix A) as modified by the minimum increment of the selected system. Provision shall be made for at least 5 percent additional inlet and outlet ports over those required initially. The additional ports shall be used for connecting additional trunks that may be required in the future.

3.1.2.2 The number of trunk ports provided for this office will be _____

3.1.3 Number of Subscriber Directory Numbers

3.1.3.1 The number of directory numbers provided shall be based on the total directory numbers required (Item 6.1.14, Appendix A), as modified by the memory increment of the proposed system.

3.1.3.2 The number of subscriber directory numbers provided for this office will be _____

4. RST

4.1 Information for RST's must be supplied for each RST to be furnished.

4.2 Number of line terminals for this RST will be _____.

4.3 Number of span line terminations to the central office being supplied _____.

4.4 If the emergency operation option is required, it will provide the following service when connection to the main office is severed:
_____
_____
_____

4.5 The ac power drain at the remote end will be:
Initial _____ Ultimate _____
Voltage: Single-Phase _____ Three-Phase _____

4.6 Special environmental requirements for the remote end:
_____
_____
_____

5. Power

5.1 *AC Power Drain Watts*
Initial _____ Ultimate _____

5.2 *Heat Dissipation Watts*
Provide the initial and ultimate equipment dissipation for each equipment room.

5.2.1 Operating Temperature Range
Minimum _____ Maximum _____

5.2.2 Operating Humidity Range
Minimum _____ Maximum _____

6. Additional Information to be Furnished by Bidder

6.1 The bidder shall accompany its bid with the following information:

a. Two copies of the equipment list and the calculations from which the quantities in the equipment list are determined;

b. Two copies of the traffic tables from which the quantities are determined, other than the full availability tables shown in paragraph (p)(1)(i) of § 1755.522;

c. Two copies of detailed switching diagram showing the traffic on each route, the grade of service, the quantity of circuits, and main distributing frames;

d. Block diagram of stored program control and associated maintenance equipment;

e. A prescribed method and criteria for acceptance of the completed central office, which is subject to review;

f. Location of technical assistance service with 24-hour maintenance, and conditions when owner will be charged for access to the service;

g. Calculations showing the method by which ringing machine sizes were derived;

h. Precautions to be taken against static discharge;

i. Details of central office grounding requirements, recognizing local grounding conditions;

j. Details concerning traffic measurement capabilities and formats; and

k. Details concerning AMA features and formats to be provided.

6.2 As a part of the response to the bid, the bidder must also list information concerning the types and quantities of spare parts to be furnished. All units, excluding those units described in paragraph (x)(6)(i)(C) of § 1755.522, must fall into one of the four classes. The information must be in the following format:

Unit No.	Unit name	Quantity of units in the CO's and RST's which are bid				Quantity of spare parts furnished with this bid			
		Class 1	Class 2	Class 3	Class 4	Class 1	Class 2	Class 3	Class 4

7. Explanatory Notes

Appendix D to 7 CFR 1755.522—Acceptance Checklist—Single-point Grounding System

1. Approval Statement

Telephone Company: _____
REA Borrower Designation: _____
REA Contract Number: _____
N/A _____
Name:
Central Office: _____
Remote: _____
Date of Inspection: _____
Names of Inspectors:
Owner Representative _____
Central Office Supplier _____
Consulting Engineer _____
Mutually Approved Exceptions:
_____
_____
_____
_____

Grounding System Approval:
Name (Owner Representative) _____
Signature _____
Title _____
Date _____
Name (Supplier Representative) _____
Signature _____
Title _____
Date _____

2. General Survey

2.1 This office is considered to be in the following category for probability of lightning damage based on the Figure 1 map in REA TE&CM 823 (also refer to paragraph (u)(2) of § 1755.522)

____Very High ____Higher than Average
____Average ____Lower than Average
____Very low

2.2 Central office ground field (COGF) to be inspected for proper bonding of conductors to ground rods, etc. COGF to earth grounding reading is _____ohms. (Refer to REA TE&CM 802, Appendices C and D, Measurement Techniques.) Is this resistance reading acceptable? (Refer to REA TE&CM 810, Items 1.6, 4.6.2 and 4.6.3 for protection considerations.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.3 Ground connection to be inspected from the master ground bar (MGB) to the central office ground field (COGF) to ensure it is properly sized and installed by most direct route with no sharp bends. (Refer to REA TE&CM 810, Item 4.3.2 and section 8.1.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.4 Building structure grounds (steel rebar in footings, ironwork, etc.) are to be properly bonded and connected to the MGB. (Refer to REA TE&CM 810, Item 4.3.4.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.5 Metallic central office door(s) are to be painted with metallic paint with doorknobs left bare. Door(s) and frames are to be grounded to the building structural ground or the MGB.

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.6 Metallic fences within 6 feet (183 cm) of the exchange building, storage facilities ground field, etc. are to be properly bonded to the COGF outside of the central office building. Handhole enclosure is to be used for the COGF connection to permit inspection and disconnect for earth resistance testing. (Refer to REA TE&CM 810, Appendix C, Item 4.6.1.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.7 Lightning rod systems are to be grounded by a separate dedicated ground field. A bond should be provided between the COGF and the lightning rod ground field. Handhole enclosure is to be used for the COGF connection to permit inspection and disconnect for earth resistance testing. (Refer to REA TE&CM 810, Item 4.3.2.1.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.8 Radio/microwave tower ground grid is to be properly bonded to the COGF by a direct outside connection. Handhole enclosure is to be used for the COGF connection to permit inspection and disconnect for earth resistance testing. (Refer to REA TE&CM 810, Item 4.3.2 and section 10.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.9 If a qualified metallic water system is present, inspect the MGB connecting conductor to ensure that it is properly sized and installed by the most direct route with no sharp bends and that it is clamped solidly on the water pipes. (Refer to REA TE&CM 810, Item 4.3.3 for details on metallic water system grounding.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.10 All power and grounding conductors are to be continuous, end to end, with no splices, size discontinuity or intermediate terminations. If an exception is necessary, unusual care must be taken to assure proper bonding between the two sections. (Refer to REA TE&CM 810, Appendix C, section 5.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.11 All ground conductors should be void of sharp bends along their entire lengths. (Refer to REA TE&CM 810, Item 8.2.2.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.12 Ground conductors should only be placed in nonmetallic conduit. Those routed through metallic conduit require that both ends of the conduit be bonded to the ground conductor. (Refer to REA TE&CM 810, Item 8.2.4.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.13 Ground conductors should not be encircled by metallic clamp. Metallic straps are to be removed and replaced with nonmetallic clamps. (Refer to REA TE&CM 810, Item 8.2.4.)

Acceptable: ____Yes ____No
Comments: _____
_____
_____

2.14 If metallic conduit is used, it is to be insulated from all ironwork.
Acceptable: ____Yes ____No
Comments: _____

2.15 Inspect to determine if the required central office supplier electrostatic discharge plates, wrist wraps, antistatic floor mats, etc. are available and properly installed. (Refer to REA TE&CM 810, Item 12.3.)
Acceptable: ____Yes ____No
Comments: _____

2.16 Ground conductors, except green wires, should not be routed close and parallel to other conductors so as to minimize induction on surges into equipment wiring. It is also better not to route these ground conductors through cable racks or troughs, or within the confines of any iron work. (Refer to REA TE&CM 810, Item 8.2.3.)
Acceptable: ____Yes ____No
Comments: _____

3. Master Ground Bar (MGB)

3.1 The designated P, A, N, and I segments of the master ground bar (MGB) should be clearly identified. (Refer to REA TE&CM 810, Figure 1 for MGB segmentation arrangement.)
Acceptable: ____Yes ____No
Comments: _____

3.2 Check for appearance and proper location of following on MGB:
(a) R—Interior radio equipment [1]
(b) C—Cable entrance ground bar [1]
(c) M—MDF ground bar [1]
(d) G—Standby power equipment frame ground [1]
(e) N—Commercial power MGN [2]
(f) B—Building structure ground [2]
(g) L—Central office ground field [2]
(h) W—Water pipe system [2]
(i) N^1—Battery Return [3]
(j) N^2—Outside IGZ: _____ [3]
(k) N^3—Outside IGZ: _____ [3]
(l) I^1—Ground window bar [4]
(m) I^2—Ground window bar [4]
Acceptable: ____Yes ____No
Comments: _____

3.3 All connections to MGB are to be two-hole bolted down copper crimped or compression type terminal lugs. (NOTE: No solder connections are permitted.)
Acceptable: ____Yes ____No
Comments: _____

3.4 MGB is to be properly insulated from the mounting surface.
Acceptable: ____Yes ____No
Comments: _____

3.5 All connections are to be tight.
Acceptable: ____Yes ____No
Comments: _____

3.6 The MGB is to have an anticorrosion coating of the type which enhances conductivity.
Acceptable: ____Yes ____No
Comments: _____

3.7 Bar is to be clearly stenciled or legibly labeled "MGB."
Acceptable: ____Yes ____No
Comments: _____

3.8 All ground leads are to be properly sized and labeled as to point of origin. (Refer to REA TE&CM 810, Item 8.3.1 and section 8.1.)
Acceptable: ____Yes ____No
Comments: _____

4. Ground Window Bar (GWB)

4.1 All equipment grounds that originate inside of an Isolated Ground Zone (IGZ) are to be terminated on the GWB which is preferably located physically inside the IGZ and insulated from its support. (Refer to REA TE&CM 810, Item 5.1.)
Acceptable: ____Yes ____No
Comments: _____

4.2 Each GWB is to be connected to the MGB by the most direct route with a conductor of 2/0-gauge or coarser, or resistance of less than 0.005 ohms. Parallel conductors for redundancy if required by the supplier. (Refer to REA TE&CM 810, Item 8.1.2.)
Acceptable: ____Yes ____No
Comments: _____

4.3 The metal framework grounds of only that switching equipment and associated electrical equipment located inside of the IGZ should be connected to the GWB as required by the central office equipment supplier. (Refer to REA TE&CM 810, Item 5.5.)
Acceptable: ____Yes ____No
Comments: _____

4.4 GWB is to be clearly stenciled or labeled "GWB."
Acceptable: ____Yes ____No
Comments: _____

4.5 All connections are to be tight.
Acceptable: ____Yes ____No
Comments: _____

5. Isolated Ground Zone (IGZ)

5.1 IGZ areas are to be clearly marked on the floor or in some other easily recognizable manner. (Refer to REA TE&CM 810, Item 6.1.1)
Acceptable: ____Yes ____No
Comments: _____

5.2 Confirm that all framework, cabinets, etc., within the IGZ are ground connected only to the GWB. (Refer to REA TE&CM 810, Item 5.5.)
Acceptable: ____Yes ____No
Comments: _____

5.3 All cable racks, ground mats, switching and transmisslon equipment within the IGZ are to have ground leads *only* to the GWB. (Refer to REA TE&CM 810, Item 5.5.2.)
Acceptable: ____Yes ____No
Comments: _____

5.4 Review ac power feed arrangement within the IGZ for acceptable receptacle type and confirm that all green wires are properly connected. (Refer to REA TE&CM 810, Item 5.5.4.)
Acceptable: ____1AYes ____No
Comments: _____

5.5 All ironwork, metallic conduit, and other equipment associated with the switch are to be properly insulated at the IGZ boundary as stipulated by the supplier. (Refer to REA TE&CM 810, Item 6.2.)
Acceptable: ____1AYes ____No
Comments: _____

5.6 With the GWB disconnected from the MGB, the resistance reading of _____ohms between the GWB and the MGB indicates adequate isolation. (CAUTION: Test is to be conducted only with the approval and under the direction of the central office supplier.)
Acceptable: ____1AYes ____No
Comments _____

6. Entrance and Tip Cables

6.1 When neither a cable vault nor a splicing trough exists, the outside plant cable should be brought into the central office and spliced to tip cables with a PVC outer jacket (ALVYN®) or equivalent as close as practical to the cable entrance. (Refer to REA TE&CM 810, Item 7.3.4.)
Acceptable: ____1AYes ____No
Comments: _____

[1] Surge Producer—(P)
[2] Surge Absorber—(A)
[3] Grounds to non-IGZ Equipment—(N)
[4] Grounds to IGZ Equipment (GWB's)—(I)

6.2 All outside entrance cables and all tip cable shields are to be separated by at least a 3-inch (7.6 cm) gap between shield ends.
Acceptable: ___1AYes ___No
Comments: ___

6.3 All entrance cable shields are to be bonded separately to #6 AWG or larger insulated wire or bonding ribbon and connected to the Cable Entrance Ground Bar (CEGB) by most direct route with minimum bends
Acceptable: ___1AYes ___No
Comments: ___

6.4 Outside plant cable shields are to be connected only to the CEGB, and the tip cable shields are to be connected only to the Main Distributing Frame Bar (MDFB).
Acceptable: ___1AYes ___No
Comments: ___

7. Cable Entrance Ground Bar (CEGB)

7.1 The CEGB is to be properly insulated from the mounting surface. (Refer to TE&CM 810, Item 4.2.1.)
Acceptable: ___1AYes ___No
Comments: ___

7.2 The CEGB is to be located as close as possible to the physical ends of the entrance cable shields.
Acceptable: ___1AYes ___No
Comments: ___

7.3 All connections are to use two-hole bolted down copper crimped or compression type terminal lugs. (NOTE: No solder connections are permitted.)
Acceptable: ___1AYes ___1ANo
Comments: ___

7.4 All connections are to be tight.
Acceptable: ___1AYes ___1ANo
Comments: ___

7.5 Bar is to be clearly stenciled or legibly labeled "CEGB."
Acceptable: ___1AYes ___1ANo
Comments: ___

7.6 All ground leads are to be properly sized and labeled.
Acceptable: ___1AYes ___1ANo
Comments: ___

7.7 The CEGB is to have an anticorrosion coating of the type which enhances conductivity.
Acceptable: ___1AYes ___1ANo
Comments: ___

7.8 The CEGB is to be connected to the MGB by a properly sized conductor and by the most direct route. (Refer to REA TE&CM 810, section 8.1.)
Acceptable: ___1AYes ___1ANo
Comments: ___

8. Main Distributing Frame (MDF)

8.1 REA strongly recommends that MDF protectors be furnished without heat coils. (Refer to REA TE&CM 810, section 7.6.)
Acceptable: ___1AYes ___1ANo
Comments: ___

8.2 Incoming cable pairs terminated on MDF protector assemblies should be protected with protector modules. These modules should contain white coded carbon blocks or orange coded gas tube arrestors that are included in the REA List of Materials. (Refer to REA TE&CM 810, Item 7.4)
Acceptable: ___1AYes ___1ANo
Comments: ___

8.3 All incoming subscriber cable pairs are to be properly terminated at either a protector equipped terminal or connected to ground.
Acceptable: ___1AYes ___1ANo
Comments ___

8.4 MDF protector assemblies may be mounted directly on the vertical frame ironwork. Protector assemblies on each vertical are interconnected with each other and the Main Distributing Frame Bar (MDFB) with a #6 copper grounding conductor. Alternative means of connecting to the MDFB are also acceptable which do not rely on the frame ironwork for conducting surge currents to ground. (Refer to REA TE&CM 810, section 7.)
Acceptable: ___1AYes ___1ANo
Comments ___

8.5 Protective "ground connections" should be provided between the MDFB and the frame ironwork for personnel protection regardless of the type of protector assembly used. Protective ground leads should be 14-gauge, less than 12 inches (30.5 cm) in length with paint thoroughly removed at point of connection to the ironwork. (Refer to REA TE&CM 810, Item 7.1.3.)
Acceptable: ___1AYes ___1ANo
Comments ___

8.6 The MDFB should be insulated from the frame ironwork in all cases where it is used as a Master Ground Bar (MGB). (Refer to REA TE&CM 810, Item 7.1.2.)
Acceptable: ___1AYes ___1ANo
Comments ___

8.7 Where the MDFB is used as the MGB in very small offices the protective "ground connections" should be connected on the N section of the bar. The MDF line protector assembly grounds should be connected to the P section of the bar. (Refer to REA TE&CM 810, Item 7.1.4.)
Acceptable: ___1AYes ___1ANo
Comments ___

8.8 The MDFB is to be connected to the MGB by the most direct path with minimum bends and proper conductor size. (Refer to REA TE&CM 810, Item 8.1.4.)
Acceptable: ___1AYes ___1ANo
Comments ___

8.9 The MDFB should be free of all other ground leads when not used as an MGB.
Acceptable: ___1AYes ___1ANo
Comments ___

8.10 Alternative arrangements which insulate the line protector assemblies and MDFB from the frame ironwork may require a direct ground connection of the frame ironwork to the MGB for personnel protection. Conductor is properly sized and tightened with paint removal on main frame ironwork at point of connection.
Acceptable: ___1AYes ___1ANo
Comments ___

9. Power Service Protection and Grounding

9.1 The ground conductor between the ac power system multigrounded neutral (MGN) at the main ac disconnect panel and the master ground bar (MGB) is to be properly sized and connected. (Refer to REA TE&CM 810, Items 2.19, 4.3.1 and 8.1.3.)
Acceptable: ___Yes ___No
Comments: ___

9.2 If there is a non-MGN ac power system, there is to be a properly sized and connected insulated conductor bond between the power service ground electrode and the MGB. (Refer to REA TE&CM 810, Item 4.3.1.1.)
Acceptable: ___Yes ___No
Comments: ___

9.3 AC conductors including ground conductors serving 120-volt ac electric convenience receptacles and all direct wire peripheral equipment, located in the IGZ,

should be sized in accordance with normal "green wire" criteria. (Refer to REA TE&CM 810, Items 5.5.4, 5.5.5, and 5.5.6.)

Acceptable: ___Yes ___No
Comments: _____

9.4 Minimum protection for ac power serving the central office buildings should consist of an REA accepted secondary arrestor at the service entrance. (Refer to REA TE&CM 810, section 9.)

Acceptable: ___Yes ___No
Comments: _____

9.5 A properly sized conductor for ground bonding between the standby power plant framework (not separately derived) and the MGB is to be provided to equalize framework voltages for personnel safety reasons. (Refer to REA TE&CM 810, Item 4.2.4.)

Acceptable: ___Yes ___No
Comments: _____

10. Miscellaneous

10.1 All non-IGZ equipment frames, relay racks, cable racks and other ironwork are to be properly connected to the MGB. (Refer to TE&CM 810, Item 4.4.)

Acceptable: ___Yes ___No
Comments: _____

10.2 Shields on high frequency intra-office cables are to be properly isolated and connected only to an isolation ground bar in the relay rack. All shielded cables entering the IGZ should only be referenced at the IGZ termination point as given by the manufacturer. (Refer to REA TE&CM 810, Item 7.2.1.2.)

Acceptable: ___Yes ___No
Comments: _____

10.3 Isolation ground bars in the relay racks are to be properly connected to the MGB with appropriate sized conductor with no sharp bends.

Acceptable: ___Yes ___1ANo
Comments: _____

10.4 All radio equipment cabinet(s) are to be at least 10 feet (305 cm) from the IGZ.

Acceptable: ___1AYes ___1ANo
Comments: _____

10.5 The metal spare parts cabinet is to be grounded with a #6 AWG or larger insulated wire to non-IGZ cable rack, etc. or directly to the MGB.

Acceptable: ___1AYes ___1ANo
Comments: _____

Dated: May 7, 1993.

Robert Peters,

Acting Under Secretary, Small Community and Rural Development.

[FR Doc. 93–12531 Filed 5–27–93; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 27300; Amdt. No. 1548]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

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

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

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

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

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T

NOTAMs have been cancelled. The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

Approaches, Standard Instrument, Incorporation by reference.

Issued in Washington, DC on May 21, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
05/07/93	CO	Denver	Stapleton Intl	FDC 3/2427	ILS Rwy 26L Amdt 47.
05/07/93	MA	Worcester	Worcester Muni	FDC 3/2432	NDB Rwy 11 Amdt 17B.
05/07/93	MA	Worcester	Worcester Muni	FDC 3/2433	DEP PROC/TKOF Mins Amdt 5.
05/07/93	MA	Worcester	Worcester Muni	FDC 3/2435	NDB Rwy 29 Amdt 9A.
05/07/93	MA	Worcester	Worcester Muni	FDC 3/2437	ILS Rwy 11 Amdt 18A.
05/07/93	MA	Worcester	Worcester Muni	FDC 3/2439	LOC Rwy 29 Orig-A.
05/07/93	PA	Washington	Washington County	FDC 3/2443	NDB Rwy 27 Orig.
05/12/93	NJ	Lakewood	Lakewood	FDC 3/2520	VOR Rwy 6 Amdt 3.
05/13/93	ID	Boise	Boise Air Terminal (Gowen Field)	FDC 3/2538	VOR/DME or TACAN Rwy 28L, Amdt 1.
05/13/93	NC	Ahoskie	Tri-County	FDC 3/2541	NDB Rwy 36 Amdt 1A.
05/13/93	NC	Ahoskie	Tri-County	FDC 3/2542	VOR/DME–A Amdt 4.
05/13/93	VA	Roanoke	Roanoke Regional/Woodrum Field	FDC 3/2530	LDA Rwy 6 Amdt 7.
05/14/93	CA	Santa Barbara	Santa Barbara Muni	FDC 3/2534	ILS Rwy 7 Amdt 2.
05/17/93	ME	Rockland	Knox County Regional	FDC 3/2572	NDB Rwy 3 Amdt 7A.
05/18/93	NJ	Atlantic City	Atlantic City Intl	FDC 3/2585	Radar-1 Amdt 13.
05/18/93	VA	Gordonsville	Gordonsville Muni	FDC 3/2586	VOR–A Amdt 2.
05/19/93	ME	Rockland	Knox County Regional	FDC 3/2629	LOC Rwy 3 Amdt 8A.
05/19/93	NY	Buffalo	Buffalo Airfield	FDC 3/2617	VOR Rwy 24 Amdt 6A.
05/19/93	NY	Dansville	Dansville Muni	FDC 3/2614	VOR/DME Rwy 18 Amdt 2.
05/19/93	NY	Hornell	Hornell Muni	FDC 3/2613	VOR/DME–A Amdt 3.
05/19/93	NY	Sidney	Sidney Muni	FDC 3/2615	VOR/DME–B Amdt 2A.
05/19/93	NY	Skaneateles	Skaneateles Aerodrome	FDC 3/2637	VOR–A Orig.

[FR Doc. 93–12700 Filed 5–27–93; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 27299; Amdt. No. 1547]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

For Purchase—

Individual SIAP copies may be obtained from:

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

By Subscription—

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

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

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

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

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

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

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC on May 21, 1993.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

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

** * * Effective July 22, 1993*

Winfield/Arkansas City, KS, Strother Field, VOR/DME RNAV RWY 35, Amdt. 4
Cadillac, MI, Wexford County, NDB RWY 7, Amdt. 1
Cadillac, MI, Wexford County, NDB RWY 25, Amdt. 1
Cadillac, MI, Wexford County, MLS RWY 25, Amdt. 5
Cadillac, MI, Wexford County, VOR/DME RNAV RWY 7, Amdt. 8
Cadillac, MI, Wexford County, VOR/DME RNAV RWY 25, Amdt. 7
Detroit Lakes, MN, Detroit Lakes, VOR RWY 13, Amdt. 6
Detroit Lakes, MN, Detroit Lakes, VOR RWY 31, Amdt. 4
Motley, MN, Morey's, NDB RWY 9, Amdt. 1
Park Rapids, MN, Park Rapids Muni, VOR/DME RWY 13, Amdt. 8
Park Rapids, MN, Park Rapids Muni, VOR RWY 31, Amdt. 13
Park Rapids, MN, Park Rapids Muni, NDB RWY 31, Amdt. 1
Park Rapids, MN, Park Rapids Muni, ILS RWY 31, Amdt. 1
Staples, MN, Staples Muni, NDB RWY 14, Amdt. 2
Plattsburgh, NY, Clinton Co, VOR RWY 19, Amdt. 1
Tarboro, NC, Tarboro-Edgecombe, VOR/DME RWY 27, Orig.
Aguadilla, PR, Rafael Hernandez, VOR/DME RWY 8, Amdt. 1
Aguadilla, PR, Rafael Hernandez, VOR RWY 8, Amdt. 5
North Kingstown, RI, Quonset State, VOR/DME RNAV RWY 34, Amdt. 1
Houston, TX, Andrau Airpark, NDB RWY 16, Amdt. 16
Neillsville, WI, Neillsville Muni, NDB RWY 27, Amdt. 5

** * * Effective June 24, 1993*

Willimantic, CT, Windham, VOR–A, Amdt. 7
Willimantic, CT, Windham, LOC RWY 27, Amdt. 1
Audubon, IA, Audubon County, NDB RWY 32, Amdt. 4
Clarinda, IA, Schenck Field, NDB–A, Amdt. 4
Council Bluffs, IA, Council Bluffs Muni, VOR–A, Amdt. 4
Orange City, IA, Orange City Muni, NDB RWY 34, Amdt. 3
Portland, ME, Portland Intl Jetport, RADAR–1, Amdt. 3
Kalamazoo, MI, Kalamazoo/Battle Creek Intl, ILS RWY 35, Amdt. 21
Muskegon, MI, Muskegon County, RADAR–1, Amdt. 14
Raleigh/Durham, NC, Raleigh-Durham International, ILS RWY 5L, Amdt. 3
Raleigh/Durham, NC, Raleigh-Durham International, ILS RWY 5R, Amdt. 25
Raleigh/Durham, NC, Raleigh-Durham International, ILS RWY 23L, Amdt. 5
Raleigh/Durham, NC, Raleigh-Durham International, ILS RWY 23R, Amdt. 8
Hilton Head Island, SC, Hilton Head, LOC/DME RWY 21, Orig.

** * * Effective April 30, 1992*

Ogden, UT, Ogden-Hinckley, ILS RWY 3, Amdt. 1

[FR Doc. 93–12701 Filed 5–27–93; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 24, 113, and 142

[T.D. 93–37]

RIN 1515–AB15

Assessment of Liquidated Damages for Failure To Deposit Estimated Duties, Taxes and Charges or To Remit Passenger Processing Fees to Customs

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide for the assessment of liquidated damages for failure to deposit estimated duties, taxes and charges timely on imported merchandise entered for consumption. Such charges would include certain ad valorem fees, fees relating to dutiable mail and harbor maintenance fees provided by regulation. The Regulations are also amended to allow the appropriate district director the discretion to require presentation of entry summary documentation and payment of applicable duties, taxes and charges on imported merchandise at the time of entry (and before the release of the merchandise from Customs custody), if the importer has not taken prompt action to settle a prior claim for liquidated damages for failure to deposit estimated duties, taxes and charges in a timely manner. The document further amends the Customs Regulations to provide for liquidated damages against international carriers who collect passenger processing fees as required by law, but who fail to remit those fees to Customs in a timely manner.

EFFECTIVE DATE: June 28, 1993.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch (202–482–6950).

SUPPLEMENTARY INFORMATION:

Background

In a notice of proposed rulemaking published in the **Federal Register** on February 6, 1992 (57 FR 4589), Customs announced its intention to amend §§ 24.24(h), 113.62(k), 113.64(a), 142.13 and 142.25, Customs Regulations (19 CFR 24.24(h), 113.62(k), 113.64(a), 142.13 and 142.25) to provide for a specific measure of liquidated damages against a bond principal and surety when a bond principal fails to deposit estimated duties, taxes and charges with Customs in a timely manner, to permit sanctioning of any principal who fails to take prompt action in settlement of any claim for liquidated damages arising from the failure to deposit estimated duties, taxes and charges with Customs in a timely manner, and to permit the assessment of liquidated damages against a passenger-transporting carrier who is responsible for the remittance of collected passenger processing fees to Customs.

As stated in the notice of proposed rulemaking, the filing of Customs entry and entry summary documents, and the deposit of estimated duties, taxes and charges, constitute separate obligations under the importer's bond. Specifically, under the provisions of § 113.62(b), Customs Regulations (19 CFR 113.62(b)), the principal on the bond (importer) agrees to timely file such documentation (*i.e.*, entry and entry summary documentation) as is necessary to enable Customs to release the imported merchandise from Customs custody, properly assess duties, collect accurate statistics and ascertain whether applicable requirements of law and regulation are met. As provided in § 113.62(a)(1)(i), Customs Regulations (19 CFR 113.62(a)(1)(i)), the principal and the surety on the bond are responsible, jointly and severally, for the timely deposit of any duties, taxes and charges imposed or estimated to be due at the time the merchandise is released or withdrawn from Customs custody.

Under the provisions of § 113.62(k), Customs Regulations (19 CFR 113.62(k)), if the bond principal defaults with regard to the timely presentation of entry and entry summary documentation as set forth in § 113.62(b), the obligors on the bond, both principal and surety, jointly and severally, agree to pay liquidated damages in the amount of the value of the merchandise involved in the default.

However, as noted in the notice of proposed rulemaking, in contrast with the foregoing, any default regarding the timely payment of estimated duties, taxes and charges required by § 113.62(a)(1)(i) does not result in the assessment of damages. When a default arises from either a failure to deposit estimated duties, taxes and charges at

the time of presentation of the entry summary, or from a return of a duty check by a financial institution because of insufficient funds or any other negotiability problem, or from an untimely electronic transfer of funds under the Automated Clearinghouse (ACH), or an ACH payment which is voided because of insufficient funds, Customs remedy involves assertion of a claim for duties, taxes and charges against the principal and surety for breach of the bond condition stated in § 113.62(a)(1)(i).

The notice of proposed rulemaking proposed to amend § 113.62 to provide specifically for the assessment of liquidated damages when a bond principal defaults in respect to the timely payment of estimated duties, taxes and charges. In this connection, "duties, taxes and charges" would include any applicable ad valorem fees described in § 24.23, Customs Regulations (19 CFR 24.23), fees for dutiable mail described in § 24.22(f), Customs Regulations (19 CFR 24.22(f)), or harbor maintenance fees described in § 24.24(e)(3) (i) and (ii), Customs Regulations (19 CFR 24.24(e)(3) (i) and (ii)).

When neither the entry summary documentation is provided, nor estimated duties, taxes and charges provided in a timely manner (a non-file), the proposed amendment would make it clear that liquidated damages would be assessed in an amount equal to the value of the merchandise consistent with the bond provision applicable for failure to timely present the entry summary documentation. Multiple claims would not be assessed when both the documentation and estimated duties are not submitted.

Under § 142.13, Customs Regulations (19 CFR 142.13), the district director is empowered to require that entry summary documentation be filed and that estimated duties, taxes and charges be deposited at the time of entry if the importer has repeatedly failed to file entry summary documentation timely, has not taken prompt action to settle claims for liquidated damages for failure to file timely, or has repeatedly delivered entry summary documentation which is incomplete or which contains erroneous information. Additionally, § 142.25, Customs Regulations (19 CFR 142.25), permits the district director to discontinue immediate delivery privileges for these same reasons. Consequently, the notice of proposed rulemaking further proposed to amend §§ 142.13 and 142.25 to permit the district director to require presentation of entry summary as well as payment of estimated duties, taxes and charges at the time of entry (and thus before the release of the merchandise), or to suspend immediate delivery privileges, if the importer has not taken prompt action to settle a prior claim for liquidated damages issued for failing to deposit estimated duties, taxes and charges in a timely manner in violation of § 113.62(a)(1)(i).

Inasmuch as the proposed amendment of § 113.62 would provide for specific liquidated damages against importers who fail to pay the harbor maintenance fee, it was also proposed to amend § 24.24(h)(1), Customs Regulations (19 CFR 24.24(h)(1)), to state specifically that importers who fail to pay the harbor maintenance fee thereunder shall incur liquidated damages consistent with the provisions of § 113.62. In concert with this, § 24.24 (h)(2) and (h)(3), Customs Regulations (19 CFR 24.24 (h)(2) and (h)(3)), were proposed to be amended to indicate, respectively, that importers against whom liquidated damages claims have been assessed may petition for relief in accordance with the procedures set forth in part 172, Customs Regulations (19 CFR part 172), and that mitigation shall be afforded from such claims consistent with guidelines published for cancellation of claims for the untimely payment of estimated duties, taxes and charges.

The notice of proposed rulemaking also proposed the amendment of § 113.64, Customs Regulations (19 CFR 113.64), concerning International Carrier Bonds, in order to allow assessment of liquidated damages against carriers who fail to pay passenger processing fees over to Customs no later than 31 days after the close of the calendar quarter in which they were collected pursuant to § 24.22(g), Customs Regulations (19 CFR 24.22(g)). The proposed amendment would provide for liquidated damages equal to two times the collected passenger processing fees which are not remitted to Customs as prescribed by regulation. The amendment provides for the payment of fees to Customs which have been paid to the carriers by passengers but which have not been timely remitted to Customs.

Eighteen comments were received in response to the notice of proposed rulemaking. Seven of the comments addressed the proposed liquidated damages for failure to remit the passenger processing fee. The remaining comments addressed the proposed amendment to provide for liquidated damages for late payment of estimated duties, fees and taxes. A discussion of the comments submitted, followed by Customs response thereto, is set forth below.

Failure to Remit Passenger Processing Fees

Comment: All seven comments which addressed the issue of late remittance of the passenger processing fees were opposed to the amendment on the grounds that imposing a liquidated damages amount of double the collected but unremitted fee bears no reasonable relationship to the amount of damages which might accrue to the Customs Service as a result of late remittance of the collected user fees. Some commenters alleged that the proposed liquidated damages amount would constitute a grossly disproportionate and totally unjustified penalty for an inadvertent and possibly unavoidable remittance delay. The commenters also suggested that a liquidated damages provision that does not constitute a reasonable forecast of the damages likely to actually result from the breach is not enforceable. One commenter stated that Customs lacks the legal authority to assess liquidated damages because the provisions of 19 U.S.C. 66 only authorize the Secretary of the Treasury to require the posting of bonds to protect against loss of revenue from imports. The commenter noted that no authority exists in the Tariff Act of 1930 which would permit Customs to authorize bonds for the purpose of collecting user fees. Finally, that same commenter noted that Customs has adequate remedies in existing statute, specifically the Debt Collection Act of 1982, and that the proposed liquidated damages would dramatically and unnecessarily raise a carrier's contingent liabilities and its surety costs based upon no showing of need or authority.

Response: Customs does not agree with these comments. Initially, it should be noted that the provisions of 19 U.S.C. 1623 permit the Secretary of the Treasury to require, or authorize Customs officers to require, such bonds or other security as may be deemed necessary for the protection of the revenue or to assure compliance with any provision of law. The Secretary is also empowered to fix the amount of liquidated damages thereunder. Accordingly, Customs is of the view that sufficient legal authority exists for the Secretary to require bonds to guarantee the remittance to Customs of collected passenger processing fees and to fix the liquidated damages.

The commenters suggest that the amount of liquidated damages proposed to be assessed does not bear a reasonable relationship to the harm

suffered by the Government for the failure to remit the collected fees as required by law. Customs does not agree. Customs has set the amount of liquidated damages at two times the amount of the collected but unremitted fees because the harm suffered by the Government is difficult to quantify in every case. If a party responsible for the collection of the fees fails to remit them to Customs, the Government suffers the damage of non-collection of the fee plus loss of the use of the funds. Granted, if the fee is late by only one day, the Government's loss does not approach two times the amount of the fee. However, if the fee is never paid, the Government sustains the loss of the collected but unremitted fees plus loss of use of the money for all time, a measure of damage that cannot be quantified easily. Accordingly, Customs is of the view that liquidated damages equal to two times the collected but unremitted fees provides a reasonable calculation of potential harm from the breach.

Under the provisions of 19 U.S.C. 1623(c), the Secretary of the Treasury may authorize the cancellation of any bond charge, in the event of a breach of any condition of the bond, upon the payment of such lesser amount as he may deem sufficient. Provisions for filing petitions for relief from liquidated damages appear in part 172 of the Customs Regulations (19 CFR part 172). Guidelines for the cancellation of these bond charges for late remittance of collected fees will be published at a future date.

Customs is further of the view that issuance of liquidated damages is the most procedurally efficient method of encouraging compliance with laws and regulations governing the payment to Customs of collected passenger processing fees as opposed to relying on other remedies outside of the bond structure. Customs is also of the view that the possibility of swift action under the terms of the bond will provide a deterrent effect to negligent behavior. Accordingly, the amendment to the Regulations permitting the assessment of liquidated damages for failing to remit collected passenger processing fees in a timely manner is being promulgated unchanged from the proposed regulation.

Late Payment of Estimated Duties, Taxes and Charges

Comment: Eleven comments were received on this proposed amendment. Two of the commenters were in favor of the proposed amendment, one commenter offered only technical comments and neither favored nor opposed the proposed amendment and the remaining commenters either opposed the proposed amendment or claimed that it was unnecessary.

One commenter believed it to be unnecessary to establish liquidated damages for the failure to deposit estimated duties, taxes, and other charges in a timely fashion because there is another more effective procedure which should be utilized, *i.e.*, the suspension of immediate delivery privileges. It was averred that Customs already has the authority to sanction delinquent importers who repeatedly fail to file entry documentation, who have not taken prompt action to settle non-file liquidated damages claims, or who repeatedly submit erroneous entry documentation. The commenter suggested that this sanctioning authority should be expanded to provide for immediate sanctioning of any importer who fails to timely pay estimated duties, taxes and charges because liquidated damages assessments are not a strong inducement to pay nor a deterrent to future violations. The commenter believed that placing an importer on a cash basis before the importer can obtain release of goods is the most efficient enforcement method to ensure timely payment of estimated duties, taxes and charges. The commenter opined that the proposed amendment will only frustrate Customs collection efforts and increase the likelihood of non-payment because it would authorize immediate delivery suspension only after exhaustion of the liquidated damages process.

Response: As the commenter noted, Customs has the authority to sanction delinquent importers who repeatedly fail to file entry documentation, who have not taken prompt action to settle non-file liquidated damages claims, or who repeatedly submit erroneous entry documentation. However, an importer who presents accurate entry summary documentation in a timely fashion but who fails to deposit estimated duties, waits for Customs demand for payment and then immediately satisfies the demand, currently cannot be the subject of a sanction action. Under the proposed regulatory amendment, that importer will not be able to avoid liquidated damages liability, as the bond breach occurs when the monies are not deposited by the tenth working day after entry is made or release of the goods is effected. Customs is also of the view that the possibility of incurring a claim for liquidated damages for non-payment will provide sufficient inducement to an importer to pay on time. In fact, Customs believes that the threat of imposition of liquidated damages will enhance collection efforts because the necessity for billing will be reduced.

Liquidated Damages Against Bond Principal

Comment: One commenter inquired as to whether the "Option 1" mitigation standards articulated in T.D. 89–48 for late filing of entry summary liquidated damaged claims will be available for late payment of estimated duties, taxes and charges should Customs decide to promulgate the amendments as proposed. Additionally, the commenter inquired as to whether harbor maintenance fees would be added to the calculation for duties in those situations where an importer fails to file any duties, taxes or charges.

Response: Any unpaid harbor maintenance fees will be included in arriving at the amount of estimated duties, taxes and charges for purposes of calculating liquidated damages to be assessed. Non-payment of the harbor maintenance fee will result in the assessment of liquidated damages at twice the unpaid revenue or $1000, whichever is greater, and not in an amount equal to the value of the merchandise upon which the fee is calculated.

The cancellation of bond claims is a matter of administrative discretion and is not the subject of public comment and review.

Comment: Two commenters expressed concern about the assessment of liquidated damages in a statement entry situation, where a Customs broker files numerous entry summaries in a single statement and includes one check for payment of all estimated duties, taxes and charges or transmits the payment through the Automated Clearinghouse. The commenters believe that the untimely filed check or the untimely transmitted ACH payment authorization should be treated as a single late payment against the filing Customs broker without regard to the number of entries which may be covered by that statement.

Response: Unless the broker is the importer of record on all the bonds which were obligated for the estimated duty payments on the statement, Customs cannot, as a matter of law, proceed with liquidated damages against the broker, because the broker is acting only as an agent of the bond principals and is not a party to the bond contract. The commenters' concern can be addressed in standards for the cancellation of bond charges, but cannot be changed in the regulations themselves. New bond cancellation standards addressing this issue are

being formulated and will be published soon.

Comment: One commenter suggested that specific language be incorporated into the proposed regulation which would require the use of the "Option 1" parking ticket approach to cancel these claims for liquidated damages.

Response: Customs does not agree. The cancellation of claims is a matter of administrative discretion which is not the subject of comment and review. For this reason, Customs does not believe mitigation guidelines belong within the body of the Regulations.

Comment: Three commenters noted that Customs should refrain from assessing liquidated damages when a computer "glitch" results in the untimely transmittal of funds via ACH. The party generally responsible for the ACH transmittal is the Customs broker handling the statement transaction. One of those three commenters suggested that Customs inform the broker, who would then be responsible for correcting the situation. If the broker fails to correct the situation, the commenter suggested that the broker should be the subject of a penalty for violation of the provisions of 19 U.S.C. 1641.

Response: The subject proposed amendments relate only to claims for liquidated damages for nonpayment of estimated duties, taxes and charges. They do not address section 1641 penalties for broker malfeasance. As a matter of policy, Customs always retains the enforcement discretion to refrain from assessing claims for liquidated damages and penalties, however, rulemaking is not the appropriate forum for articulating enforcement policy.

Comment: One commenting surety objected to the proposed amendments, noting that the imposition of liquidated damages for late payment of estimated duties would penalize the surety for acts of the principal which are not under the direct control or directions of the surety.

Response: Customs disagrees with this statement. Bond principals do not seek the concurrence of the surety in their actions. Rather, the surety steps in to make the Government whole when a principal breaches and fails to pay obligations required of him by the bond. Control over the principal by the surety is not an issue which can be treated in amendments to the Customs Regulations.

Comment: One commenter asserted that Customs should permit 30 days for the payment of estimated duties, taxes and charges before the payment is considered late and liquidated damages assessed.

Response: The length of time that the importer of record has to pay estimated duties, taxes and charges is not the subject of this proposed amendment and will not be addressed here.

Comment: Another commenter noted that the proposed liquidated damages provision will not deter the typical violator from the improper payment of duties. The commenter states that the typical scenario involves an importer or broker deliberately and fraudulently denying Customs the revenue which is due and owing. As such, the obligations fall on the surety and the proposed amendment will add yet another obligation. This commenter also suggested the use of current sanctioning actions against recalcitrant importers or other board principals who fail to deposit estimated duties in a timely manner.

Response: Customs does not agree with the commenter's description of the typical scenario for a late payment of estimated duties, taxes and charges. Very few of these instances result from an overt fraudulent act. Further, principal sanctioning does not serve to make the Government whole from the loss suffered, it merely serves to limit future liabilities. Customs is of the view that the changes provide for the most effective method of gaining swift compliance with regard to the payment of estimated duties.

Comment: That same commenter suggested that Customs assess penalties under 19 U.S.C. 1592, against importers who fail to pay estimated duties timely, or under 19 U.S.C. 1641, against Customs brokers who fail to properly remit duties. The commenter believed that a finding of culpability is a more equitable means of assessing liability in these cases.

Response: Customs does not agree. Many cases arise because duty checks are dishonored by financial institutions or payments are either electronically transferred late or have insufficient funds in the electronic account. To assess monetary penalties against importers who fail to deposit estimated duties, taxes and charges timely in these cases would result in overly harsh assessments of up to eight times the loss of revenue. Many non-payment violations are not based on fraud or gross negligence and do not warrant section 1592 penalties. Additionally, cases brought under sections 1592 and 1641 are the most labor-intensive of all penalty cases to process. Customs processes thousands of late filing cases each year. Compared to the number of entries filed with Customs each year, the number which are filed late comprises an extremely low percentage of entries. Still, the administrative burden of keeping up with these cases is substantial. It would not be administratively efficient to establish sections 1592 and 1641 penalty cases each time an estimated duty payment was filed late.

Comment: One commenter, a surety, noted that the proposed regulatory amendments provide no procedural safeguards to a surety. Under current procedures, when an estimated duty payment is not made to Customs timely, a debit voucher is processed by Customs and a demand for duties is made on surety. The surety noted that many times the demand is not made until months after the failure to deposit estimated duties has occurred (often in the form of a check for estimated duties, taxes and charges which is returned by the financial institution for insufficient funds) and the bond principal cannot be found. The surety believed that under the proposed regulations, the surety would be responsible for liquidated damages as well as payment of the estimated duties when in many cases it is never notified of the liability in a timely manner. The commenting surety suggested that, in order to achieve fairness, Customs must be required to give notice to the surety within a reasonable period of time after discovery of the non-payment. The surety suggested that language be added to § 113.62(k)(4), which would make the surety jointly and severally liable for liquidated damages if within 30 days of notification of the principal's default, the principal or surety has not paid the unpaid duties, taxes and charges (or petitioned Customs for relief of such payment). In no case should Customs seek liquidated damages from surety if written notice has not been given to the surety within 30 days after the date of default or the date of return of the dishonored check, or within 90 days after the end of a reporting quarter.

Response: Pursuant to the provisions of § 172.1(a), Customs Regulations (19 CFR 172.1(a)), when Customs issues a demand for payment of liquidated damages from the bond principal, a copy of that demand is issued to the surety. Although not a formal demand on the surety, this courtesy copy provides the surety with notice that a claim has been made against the principal and affords the surety the opportunity to contact the principal and assist him in settlement of the claim. Pursuant to § 172.12(b)(2), Customs Regulations (19 CFR 172.12(b)(2)), if the principal does not pay or does not petition the claim, Customs is required to notify the surety within 10 days after the expiration of the petitioning period. The surety is then afforded 60 days to file a petition for relief. Customs is of

the view that the procedural safeguards which the commenting surety seeks already exist in the provisions of the Customs Regulations. Accordingly, Customs concludes that the proposed language provided by surety is not necessary.

Comment: The same commenter noted that it was not afforded an opportunity to assess this proposed risk in writing its current bonds, and, therefore, a delayed effective date must be imposed. The surety took the view that this potential liability should only apply to future bonds which are written.

Response: The bond conditions are being amended to encourage payment of estimated duties, taxes and charges by principals in a timely manner. Under the current regulatory scheme, bond principals who fail to deposit estimated duties in a timely manner and their sureties are subject to demands for payment of those duties. The amendment would thus not change the surety's obligation for payment of those unpaid duties, taxes and charges. Also, if sureties believe the risk incurred by the new liquidated damages potential is too great, they are always at liberty to terminate bonds pursuant to the provisions of § 113.27, Customs Regulations (19 CFR 113.27).

Comment: One commenter stated that the proposed amendments were unnecessary because the current regulations in § 141.0a(d) defines "filing" of an entry as the delivery of entry documentation along with estimated duties. Accordingly, it was the commenter's view that the failure to deposit estimated duties, taxes and charges constituted a late filing of an entry summary.

Response: The deposit of estimated duties and the filing of entry documents may constitute a "filing" for purposes of part 141 of the Regulations, but the terms of the current basic importation bond (19 CFR 113.62) provide for liquidated damages for failure to file documentation in violation of the provisions of § 113.62(b), and do not provide for liquidated damages for failing to deposit estimated duties (19 CFR 113.62(a)). Through these amendments, Customs is changing the terms of the bond to provide for liquidated damages for the failure to deposit estimated duties.

Conclusion

After careful consideration of the comments received and further review of the matter, Customs has concluded that the amendments should be adopted without modification. However, for editorial purposes, the specific references to part 113 have been omitted from §§ 24.24(h)(1), 142.13(a)(2) and 142.25(a)(2). Guidelines for the cancellation of bond charges involving the failure to deposit estimated duties, taxes and charges or the failure to remit collected passenger processing fees to Customs in a timely manner will be published shortly.

Regulatory Flexibility Act

Inasmuch as the amendments will encourage the lawful and timely payment of estimated duties, taxes and charges and will discourage and deter their negligent non-payment, it is hereby certified, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that the amendments set forth in this document should not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Paperwork Reduction Act

The collection of information contained in this final regulation is in §§ 24.24, 113.62 and 113.64. In the event liquidated damages were to be assessed by Customs for failure to timely deposit estimated duties, taxes or charges due on imported merchandise entered for consumption, it would be necessary for the party to file a petition for relief with Customs in order to mitigate or cancel the claim for liquidated damages. The likely respondents would be businesses. The collection of information contained in this final regulation has been approved by the Office of Management and Budget (OMB) under 1515–0187. The estimated average annual burden associated with this collection of information is one hour per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the U.S. Customs Service at the address previously specified.

Drafting Information

The principal author of this document was Russell Berger, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Imports, Taxes, Wages.

19 CFR Part 113

Customs bonds.

19 CFR Part 142

Customs duties and inspection, Imports.

Amendments to the Regulations

Accordingly, parts 24, 113 and 142, Customs Regulations (19 CFR parts 24, 113 and 142) are amended as set forth below.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The general authority citiation for part 24 continues to read as follows, as does the specific sectional authority for § 24.24, while the specific sectional authorities for §§ 24.12 and 24.32 are amended to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 58a–58c, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States (HTSUS)), 1624, 31 U.S.C. 9701, unless otherwise noted.

* * * * *

Section 24.12 also issued under 19 U.S.C. 1524, 46 U.S.C. 31302;

* * * * *

Section 24.24 also issued under 26 U.S.C. 4461, 4462;

* * * * *

Section 24.32 also issued under 5 U.S.C. 5582, 5583;

* * * * *

2. Section 24.24 is amended by revising the headings of paragraphs (h) and (h)(1), and by adding a sentence to the ends of paragraph (h)(1), paragraph (h)(2) and paragraph (h)(3), to read as follows:

§ 24.24 Harbor maintenance fee.

* * * * *

(h) *Penalties/liquidated damages for failure to pay harbor maintenance fee and file summary sheet.* (1) *Amount of penalty or damages.* * * * An importer shall be liable for payment of liquidated damages under the basic importation and entry bond, for failure to pay the harbor maintenance fee, as provided in such bond.

(2) * * * Any application to cancel liquidated damages incurred shall be

made in accordance with part 172 of this chapter.

(3) * * * Any liquidated damages assessed under this provision shall be mitigated in a manner consistent with guidelines published by the authority of the Commissioner of Customs for cancellation of claims for untimely payment of estimated duties, taxes and charges.

* * * * *

PART 113—CUSTOMS BONDS

1. The authority citation for part 113 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624. Subpart E also issued under 19 U.S.C. 1484, 1551, 1565.

2. Section 113.62 is amended by adding a new paragraph (k)(4) to read as follows:

§ 113.62 Basic importation and entry bond conditions.

* * * * *

(k) * * *

(4) If the principal defaults on agreements in the condition set forth in paragraph (a)(1)(i) of this section only, the obligors (principal and surety, jointly and severally) agree to pay liquidated damages equal to two times the unpaid duties, taxes and charges estimated to be due or $1,000, whichever is greater. A default on the condition set forth in paragraph (a)(1)(i) of this section shall be presumed if any monetary instrument authorized for the payment of estimated duties, taxes and charges by § 24.1(a) of this chapter is returned unpaid by a financial institution, or if a payment authorized under Automated Clearinghouse (see § 24.25 of this chapter) is not transmitted electronically to Customs in a timely manner. If the principal defaults on agreements in both of the conditions as set forth in paragraphs (a)(1)(i) and (b) of this section, the measure of liquidated damages assessed shall be as provided in paragraph (k)(1) of this section for a default of the agreements in the condition set forth in paragraph (b) of this section. For purposes of this paragraph, the phrase "unpaid duties, taxes and charges" shall include any appropriate ad valorem fees described in § 24.23 of this chapter, fees relating to dutiable mail described in § 24.22(f) of this chapter, and harbor maintenance fees described in § 24.24(e)(3) (i) and (ii) of this chapter.

3. Section 113.64 is amended by adding a new sentence to the end of paragraph (a) to read as follows:

§ 113.64 International carrier bond conditions.

(a) * * * If the principal (carrier) fails to pay passenger processing fees to Customs no later than 31 days after the close of the calendar quarter in which they were collected pursuant to § 24.22(g) of this chapter, the obligors (principal and surety, jointly and severally) agree to pay liquidated damages equal to two times the passenger processing fees which have been collected but not timely paid to Customs as prescribed by regulation.

* * * * *

PART 142—ENTRY PROCESS

1. The authority citation for part 142 continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

2. Section 142.13 is amended by revising the first sentence of paragraph (a)(2) to read as follows:

§ 142.13 When entry summary must be filed at time of entry.

(a) * * *

(2) Has not taken prompt action to settle a claim for liquidated damages issued under § 142.15 for failure to file entry summary documentation timely, or a claim for liquidated damages issued under the basic importation and entry bond for failure to deposit estimated duties, taxes and charges timely, as provided in such bond. * * *

* * * * *

2. Section 142.25 is amended by revising the first sentence of paragraph (a)(2) to read as follows:

§ 142.25 Discontinuance of immediate delivery privileges.

(a) * * *

(2) Has not taken prompt action to settle a claim for liquidated damages issued under § 142.27 for failure to file the applicable Customs documentation set forth in § 142.22(b) timely, or a claim for liquidated damages issued under the basic importation and entry bond for failure to deposit estimated duties, taxes and charges timely, as provided in such bond.* * *

* * * * *

Michael H. Lane,

Acting Commissioner of Customs.

Approved: May 10, 1993.

Ronald K. Noble,

Assistant Secretary of the Treasury.

[FR Doc. 93–12592 Filed 5–27–93; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–93–22]

Special Local Regulations for Marine Events; World's Playground Grand Prix; Atlantic Ocean, Atlantic City, NJ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the World's Playground Grand Prix to be held in the Atlantic Ocean off Atlantic City, New Jersey between Absecon Inlet and Longport, New Jersey on June 5, 1993. This special local regulation is necessary to control vessel traffic in the immediate vicinity of this event. The effect will be to restrict general navigation in the regulated area for the safety of spectators and participants.

EFFECTIVE DATES: This regulation is effective from 9 a.m. to 4 p.m. on June 5, 1993 with a rain date of June 6, 1993.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, (804) 398–6204, or Commander, Coast Guard Group Cape May (Operations), (609) 898–6981.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Adherence to normal rulemaking procedures would not have been possible. Specifically, the sponsor's application to hold the event was not received until May 10, 1993, leaving insufficient time to publish a notice of proposed rulemaking in advance of the event.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and LCDR Keith B. Letourneau, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

The Atlantic City Offshore Racing Association submitted an application to hold the "World's Playground Offshore Grand Prix". The race will consist of approximately 70 powerboats, from 21 to 50 feet in length, racing over a closed course off the beachfront at Atlantic City and Longport, New Jersey. As part of the

application, the Atlantic City Offshore Racing Association requested that the Coast Guard provide control of spectator and commercial traffic along the beachfront and Absecon Inlet areas.

Discussion of Regulations

This regulation will regulate the area surrounding the World's Playground Offshore Grand Prix. The race course is triangular in shape, approximately 15 miles in length, and is located between Absecon Inlet and Longport, New Jersey. Farley State Marina will include the wet pits and staging area for the race participants. Absecon Inlet will be closed one-half hour before the start of the race and remain closed until one half-hour after the finish of the race. To provide for the safety of participants, spectators, and vessels transiting the area, the Coast Guard will restrict vessel movement in the regulated area and has established a temporary spectator anchorage for what is expected to be a large spectator fleet. Coast Guard patrol vessels will be positioned at Absecon Inlet to direct vessels to the temporary spectator anchorage. The sponsor will provide a minimum of 30 vessels, ten of which will carry emergency medical personnel onboard to assist the Coast Guard and local government agencies in patrolling this event. All vessels will display Official Regatta Patrol signs and identity numbers.

Representatives of the sponsors and members of the Coast Guard will be present in the vicinity of the race site to inform vessel operators of this regulation and other applicable laws.

Regulatory Evaluation

This temporary final rule is not considered major under Executive Order 12291 and not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for nine hours, and the impact on routine navigation is expected to be minimal as Absecon Inlet will only close for short periods of time as the racers transit to and from the actual race area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation 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 the impact of this rule on non-participating small entities will be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

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

Environmental Assessment

This final temporary rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c. of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket.

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. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–0522 is added to read as follows:

§ 100.35–0522 Atlantic Ocean, Absecon Inlet, Clam Creek, Atlantic City, New Jersey.

(a) *Definitions.* (1) *Regulated area.* The waters of the Atlantic Ocean north of a line bearing 100° true from the southernmost point at Longport, New Jersey, at latitude 39°18.25" North, east-southeast to the 3 nautical mile line at latitude 39°17.45" North, longitude 74°26.9" West; and south of a line bearing 100° true from the end of Absecon Inlet North Jetty at latitude 396°22.25" North, longitude 74°24.2" West, east-southeast to the 3 nautical mile line at latitude 39°21.7" North, longitude 74°19.75" West; and the waters of Absecon Inlet and Clam Creek to Farley State Marina.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Cape May.

(3) *Spectator anchorage area.* The waters in the Atlantic Ocean off Atlantic City bounded by a line connecting the following four points: (1) Latitude 39°20.4" N., Longitude 74°25.0" W.; (2) Latitude 39°29.1" N., Longitude 74°26.0" W.; (3) Latitude 39°20.0" N., Longitude 74°24.8" W.; (4) Latitude 39°19.8" N., Longitude 74°25.8" W.

(b) *Special local regulations.* (1) Except for participants in the World's Playground Offshore Grand Prix and 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) The operator of any vessel which enters or operates within this regulated area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Spectator vessels may anchor in the spectator anchorage area specified in paragraph (a)(3) of this section.

(4) The Coast Guard Patrol Commander may allow vessels to transit the regulated area whenever a race heat is not being run.

(5) Vessel operators are advised to remain clear of the regulated area during the effective periods of this regulation.

(c) *Effective periods.* This regulation is effective from 9 a.m. to 4 p.m. on June 5, 1993 with a rain date of June 6, 1993.

Dated: May 17, 1993.

W.T. Leland,

Rearl Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 93–12728 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 05–93–21]

Special Local Regulations for Marine Events; Norfolk Harborfest 1993; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of special local regulations.

SUMMARY: This notice implements special local regulations for Norfolk Harborfest 1993, an annual event to be

held in the Waterside area of the Elizabeth River between Norfolk and Portsmouth, Virginia. These special local regulations are needed to control vessel traffic within the immediate vicinity of Waterside due to the confined nature of the waterway and the expected vessel congestion during the Norfolk Harborfest 1993 activities. The effect will be to restrict general navigation in the regulated area for the safety of participants and spectators.

EFFECTIVE DATE: The regulations in 33 CFR 100.501 are effective for the following periods:

10 a.m. to 11 p.m., June 4, 1993.
8 a.m. to 11 p.m., June 5, 1993.
8:30 a.m. to 5:30 p.m., June 6, 1993.

If inclement weather causes the postponement of the fireworks display on June 5, 1993, the regulations will be in effect until 11 p.m., June 6, 1993.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District 431 Crawford Street, Portsmouth, Virginia 23705 (804) 398–6204, or Commander, Coast Guard Group Hampton Roads (804) 483–8559.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LCDR Keith B. Letourneau, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation

Norfolk Harborfest, Inc. has submitted an application to hold Norfolk Harborfest 1993 on June 4, 5, and 6, 1993, in the Waterside area of the Elizabeth River. This area is covered by 33 CFR 100.501 and generally includes the waters of the Elizabeth River between Town Point Park, Norfolk, Virginia, the mouth of the Eastern Branch of the Elizabeth River, and Hospital Point, Portsmouth, Virginia. Since this event is of the type contemplated by this regulation and the safety of the participants and spectators viewing this event will be enhanced by the implementation of special local regulations for the Elizabeth River, 33 CFR 100.501 will be in effect during Norfolk Harborfest 1993. Norfolk Harborfest 1993 will consist of aerobatic demonstrations, an air/sea rescue demonstration, fireworks, lighted boat parade, and numerous other water events, to include a parade of sailboats and several boat and raft races. Because commercial vessels will be permitted to transit the regulated area between events, commercial traffic should not be severely disrupted. In addition to regulating the area for the safety of life and property, this notice of implementation also authorizes the Patrol Commander to regulate the operation of the Berkley drawbridge in accordance with 33 CFR 117.1007, and authorizes spectators to anchor in the special anchorage areas described in 33 CFR 110.72aa.

Dated: May 17, 1993.

W.T. Leland,

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

[FR Doc. 93–12731 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD2 93–07]

Special Local Regulations: Hendersonville Noon Sertoma Drag Boat Races (Cumberland River 221.5–222.3)

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Hendersonville Noon Sertoma Drag Boat Races. This event will be held on the Cumberland River from mile 221.5 to mile 222.3 on June 20, 1993, at approximately 9 a.m., local time. These regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations will become effective at 9 a.m. local time on June 20, 1993, and terminate at 6 p.m. local time on June 20, 1993.

FOR FURTHER INFORMATION CONTACT: Ensign D.R. Dean, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103–2832. The telephone number is (314) 539–3971, Fax (314) 539–2685.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking 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. 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 drafter of these regulations is Ensign D.R. Dean, Project Officer, Second Coast Guard District Boating Safety Division and Commander Walt Brawand, Project Attorney for the Second Coast Guard Legal Office.

Discussion of Regulations

The Hendersonville Noon Sertoma Drag Boat Race is a ¼ mile drag boat race consisting of boats with outboard motors only. The Hendersonville Noon Sertoma Drag Boat Race is being held on Sunday, June 20, 1993, 9 a.m. until 6 p.m. These regulations are required to protect the boating public from possible dangers and hazards associated with the event. In order to provide for the safety of spectators and participants, the Coast Guard will restrict vessel movement in the regatta area. The river will be closed during portions of the effective period to all vessel traffic except participants, official regatta vessels, and patrol craft. Actual river closures will not exceed three hours in duration. Mariners will be afforded enough time between closure periods to transit the area. These regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR part 100.35.

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. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35–T0207 is added, to read as follows:

§ 100.35–T0207 Special local regulations: Hendersonville Noon Sertoma Drag Boat Races.

(a) *Regulated area.* Cumberland River from mile 221.5 to mile 222.3.

(b) *Special local regulations.* (1) The U.S. Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander". Vessels desiring to transit the regulated area may do so only with the prior approval and direction of the Patrol Commander.

(2) The Patrol Commander may direct the anchoring, mooring or movement of any vessel within the regulated area. A succession of sharp, short blasts by whistle or horn from a designated patrol vessel shall be the signal to stop. Failure or refusal to stop or comply with orders of the Patrol Commander may result in expulsion from the area, citation for failure or refusal 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 and property.

(6) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective dates.* These regulations are effective beginning at 9 a.m. local time on June 20, 1993, and will terminate at 6 p.m. on June 20, 1993.

Dated: May 14, 1993.

J.J. Lantry,

Captain, U.S. Coast Guard, Acting Commander, Second Coast Guard District.

[FR Doc. 93–12730 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD1 93–019]

Safety Zone Regulations: Kill Van Kull, New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the waters near Bergen Point West Reach in the Kill Van Kull of New York and New Jersey. This zone imposes requirements in addition to the Regulated Navigation Area (RNA) already in existence for these waters. This zone is divided into two sections. The first is the southern portion of the channel which contains a work area where concentrated drilling and blasting will be conducted and no vessel is permitted to transit. The second section includes the remainder of the safety zone which surrounds the work area. Vessel passage in this section is permitted under the criteria set forth in these regulations. This action is necessary to protect the maritime community from the possible dangers and hazards to navigation associated with the extensive blasting and dredging operations which are being conducted in the work area of the channel and with the restrictions in channel width.

EFFECTIVE DATES: These regulations become effective at 8 a.m., May 17, 1993 and terminate at 8 a.m., December 1, 1993, unless terminated sooner by Captain of the Port (COTP), NY.

FOR FURTHER INFORMATION CONTACT: LTJG L.D. Johnson of Captain of the Port, New York, (212) 668–7934.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LTJG L.D. Johnson, Project Manager, Captain of the Port, New York, and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM would delay this project's effective date and would be contrary to the public interest since immediate action is needed to protect the public from the dangers associated with this channel deepening project.

On April 7, 1992 a final rule was published as § 165.165 of this title, which imposed a Regulated Navigation Area (RNA) over the entire Kill Van Kull (KVK) for the duration of a three year deepening project. The Coast Guard COTP New York now deems it necessary to establish this safety zone based on daily experiences and studies compiled since the establishment of this RNA and the safety zone currently established for the eastern portion of the Bergen Point West Reach KVK dredging project, 58 FR 15089, March 19, 1993. By so doing, the users of this waterway and the immediate waterfront communities will be safeguarded from the hazards associated with this ongoing project. This safety zone establishes additional temporary restrictions within its boundaries, the most significant of which requires the employment of assist vessels (dependent upon the length of a vessel) during this most difficult phase of the dredging project.

Background and Purpose

In August 1991, the Army Corps of Engineers (ACOE) and the Port Authority of New York and New Jersey commenced on extensive channel deepening project in the Kill Van Kull and Constable Hook area. The Coast Guard published a Regulated Navigation Area on April 7, 1992 to ensure the safety of vessels in the areas of blasting and dredging. On May 1, 1993, the ACOE notified the Coast Guard that they were prepared to begin operations in the western portion of Bergen Point West Reach (Phase V of the RNA) on May 17; 1993.

In May 1992, after publication of the RNA, the National Marine Research Center submitted a study to the U.S. Coast Guard COTP, New York. This study used the Marine Safety International's Computer Aided Operations Research Facility (MSI/CAORF) full-mission, real-time ship-handling simulator. During the study, New York Harbor pilots conned simulated vessels of various characteristics around the southern tip of Bergen Point, New Jersey, between Newark Bay and Bergen Point West Reach of the KVK. Currents, wind conditions, bank forces, tug assistance, vessels aerodynamics and hydrodynamics and other variables were represented. Representatives of the Port of New York, the Corps of Engineers and Coast Guard Vessel Traffic System (VTS) New York participated in the design of the tests and in formulating the conclusions and recommendations. The MSI/CAORF study revealed that vessels with a smaller Length Over All (LOA) could transit this area safely under the maximum credible adverse conditions. The study recommended that any operational restrictions take into account the LOA of vessels and that restrictions be placed on vessels under certain wind conditions. The Port Authority of New York and New Jersey gathered local pilots, vessel operators, and Coast Guard VTS New York to review the results of the MSI/CAORF study. This group reached a consensus that expanded upon the study recommendations, incorporating currents, winds, vessel size and local hands-on experience.

Based on the MSI/CAORF study, lessons learned from vessel groundings and collisions, and experience gained during the previous two years of the project, the Captain of the Port believes it is necessary to impose restrictions in the western portion of Bergen Point West Reach in addition to the requirements of the existing RNA. These restrictions are similar to but less extensive than those imposed on the eastern portion of Bergen Point West Reach by the Safety Zone 58 FR 15089, March 19, 1993. The area included within this safety zone is now regulated by regulations (1) through (7) of the RNA and the additional regulations implemented in this rulemaking. These safety zone regulations, in conjunction with the existing RNA regulations, are designed to allow vessels to transit safely and to protect the port and maritime community.

Regulatory Evaluation

These regulations are not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and

Procedures (44 FR 11040; February 26, 1979). In light of the regulations limited scope, the small size of the affected area, and the advance notice available to the community, the Coast Guard expects the economic impact of this rulemaking to be so minimal that a Regulatory Evaluation is unnecessary. The channel will not be completely closed therefor allowing vessels to still make their destination with minor restrictions. Vessel operators who do not wish to comply with the safety zone restrictions in this area of the KVK have the option of choosing the south route by taking the Arthur Kill to or from Newark Bay.

Small Entities

Because it expects the impact of these regulations to be minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule 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 action in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that these regulations do not raise 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 Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

Regulations:

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations, is amended as follows:

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

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

2. A temporary § 165.T 01–019 is added to read as follows:

§ 165.T 01–019 Safety Zone: Kill Van Kull, Bergen Point West Reach (Western Portion)—New York and New Jersey.

(a) *Location.* (1) The following area has been declared a Safety Zone: All waters of the Kill Van Kull West of the 074°08'00" W line of longitude, East of the 074°09'36" W line of longitude and South of the 40°39'06" N line of latitude.

(2) Within this safety zone exists a "Work Area" where concentrated drilling and blasting is being conducted. The "Work Area" includes all waters bounded by the following points:

Latitude	*Longitude*
40°38'24" N	074°08'32" W
40°38'24" N	074°08'03" W
40°38'31" N	074°08'15" W
40°38'37" N	074°08'06" W
40°38'31" N	074°08'54" W

thence to the point of the beginning.

The eastern and western edges of this "Work Area" are marked by lighted buoys set by the Coast Guard.

(b) *Effective date.* These regulations become effective at 8 a.m., e.s.t. on May 17, 1993 and terminate at 8 a.m., December 1, 1993, unless terminated sooner by Captain of the Port, New York.

(c) *Regulations.* (1) "Work Area": In accordance with the general regulations in § 165.23 of this part, entry into or movement within the "Work Area" of the safety zone is prohibited unless authorized by the Captain of the Port.

(2) For all other waters of the safety zone described in paragraph (a)(1) of this section the COTP has included the following requirement in addition to paragraphs d (1) through (6) of § 165.165:

(i) Prior to entering this safety zone, the master, pilot, or operator of each vessel, 300 gross tons or greater and tugs with tows, shall notify Vessel Traffic Center (VTS) New York regarding the employment of assist vessels and intentions while transiting the safety zone.

(ii) Tug requirements: All vessels 350 feet to 700 feet require one assist vessel and all vessels greater than 700 feet require two assist vessels when transiting from Kill Van Kull to the Arthur Kill (or vice versa) or from Newark Bay to the Arthur Kill (or vice versa) by way of the work area.

(iii) Astern tows: Hawser tows are not permitted unless the tow is accompanied by an assist vessel.

(iv) Transit between Bergen Point West Reach and South of Shooters Island Reach is prohibited.

(3) *Waiver.* The Captain of the Port New York may, upon request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 4 hours before the intended operation(s) and must state the need and describe the proposal.

Dated: May 14, 1993.

R. M. Larrabee,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 93–12729 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[COTP St. Louis Regulation 93–20]

Safety Zone Regulations; Upper Mississippi River Between Mile 579.4–580.4

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the Upper Mississippi River between mile 579.4 and 580.4. This action is required to protect the public and the environment from potential hazards to single-skinned tank barges due to a protrusion from the Illinois Central Railroad Bridge. No tows with single-skinned tank barges may transit the left descending span without prior approval from the Captain of the Port, St. Louis, unless the tank barges are surrounded by dry cargo barges.

EFFECTIVE DATES: This regulation is effective from May 14, 1993 until July 14, 1993, unless sooner terminated by the Captain of The Port.

FOR FURTHER INFORMATION CONTACT: Commander Scott P. Cooper, Captain of the Port, St. Louis, Missouri at 314–539–3823.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying the effective date would be contrary to the public interest since immediate action is necessary to protect the public and the environment from potential hazards to single-skinned tank barges operating in the regulated area.

Drafting Information

The drafter of this regulation is MK2 Curtiss Diehl, project officer for the Captain of the Port.

Discussion of Regulation

This regulation is required to protect the public and the environment from

potential hazards to single-skinned tank barges due to a protrusion from the Illinois Central Railroad Bridge, left descending span at Mile 579.9 of the Upper Mississippi River. No tows with single skin tank barges may transit the left descending span without prior approval from the Captain of the Port, St. Louis, unless the tank barges are surrounded by dry cargo barges. This regulation continues the safety zone established by COTP St. Louis docket No. 93–12, 33 CFR 165.10224, since correction of the hazardous condition is taking more time than expected. This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of 33 CFR part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

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

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

2. A new temporary § 165.T0233 is added to read as follows:

§ 165.T0233 Safety zone: Upper Mississippi River.

(a) *Location.* The following area is a safety zone: Upper Mississippi River between mile 579.4–580.4.

(b) *Effective Date:* This regulation is effective from May 14, 1993 until July 14, 1993, unless sooner terminated by the Captain of the Port.

(c) *Regulations.* Single-skinned tank barges may not transit under the Illinois Central Railroad Bridge left descending span without the prior approval of the Captain of the Port unless the single-skinned tank barges are surrounded by dry cargo barges.

Dated: May 13, 1993.

Scott P. Cooper,

Commander, U.S. Coast Guard, Captain of the Port, St. Louis, Missouri.

[FR Doc. 93–12732 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL 4658–3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Suffern Village Wellfield Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Suffern Village Wellfield Site from the NPL. The NPL is appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that no further cleanup by responsible parties is appropriate under CERCLA. Moreover, EPA and the State have determined that CERCLA activities conducted at the Site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: May 28, 1993.

ADDRESSES: For further information contact; Mr. Richard Kaplan, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, room 2930, New York, New York 10278, (212) 264–3819.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is:

Suffern Village Wellfield Site, Suffern, New York. The closing date for comments on the Notice of Intent to Delete (57 FR 44545, 09/28/92) was October 30, 1992. EPA did not receive any comments on the proposed deletion.

Based upon a review of monitoring and other data for the Site, EPA in consultation with the State of New York has determined that the Site does not pose a significant risk to human health or the environment. Furthermore, the granular activated carbon adsorption unit and the manganese filtration unit which the Village of Suffern installed in its existing water treatment system in 1990, has reduced levels of contamination in the treated water entering the public water supply distribution system to below State drinking water limits. The Site shall continue to be monitored by the New York State Department of Environmental Conservation (NYSDEC) in accordance with the Long-Term Monitoring Plan dated October 9, 1991 with which EPA concurs.

Future reviews of monitoring data will be conducted in conjunction with NYSDEC, at a minimum of every five years, or until such time when no hazardous substances, pollutants or contaminants remain at the Site above levels that allow for unrestricted use and unlimited exposure.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment, and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site "Suffern Village Wellfield, Village of Suffern, New York" and by revising the total number of sites from 1079 to read 1078.

Dated: March 23, 1993.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 93–12644 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Parts 766 and 799

[OPPTS–40025; FRL–4187–3]

Technical Amendments to Test Rules and Consent Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to 40 CFR 790.55 and 790.68, EPA has approved by letter certain modifications to test standards and schedules for chemical testing programs under section 4 of the Toxic Substances Control Act (TSCA). These modifications, requested by test sponsors, will be incorporated and codified in the respective test regulation or consent order. Because these modifications do not significantly alter the scope of a test or significantly change the schedule for its completion, EPA approved these requests without seeking notice and comment. EPA will annually publish a notice describing all of the modifications granted by letter for the previous year.

EFFECTIVE DATE: This rule is effective on May 28, 1993.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: EPA issued an interim final rule published in the **Federal Register** of September 1, 1989 (54 FR 36311), amending procedures for modifying test standards and schedules for test rules and testing consent orders under section 4 of TSCA. The amended procedures allow EPA to approve requested modifications which do not alter the scope of a test or significantly change the schedule for its completion. These modifications are approved by letter without public comment. The rule also requires immediate placement of these letters in EPA's public files and publication of these modifications in the **Federal Register**. This document includes modifications approved from January 1, 1992, through December 31, 1992. For a detailed description of the rationale for these modifications, refer to the submitters' letters and EPA's responses in the public record for this rulemaking.

I. Discussion of Modifications

Each chemical discussed in this rule is identified by a specific CAS number and docket number. Copies of correspondence relating to specific chemical modifications may be found in docket number (OPPTS–40025) or the chemical-specific docket established for this rule. The following table lists all chemical-specific modifications approved from January 1, 1992, through December 31, 1992.

Modifications to Test Standards and Consent Orders January 1, 1992 Through December 31, 1992

Chemical/CAS No.	40 CFR Cite	Test	Modifications	Docket No.
Final Rule Chemicals:.				
tetrabromobisphenol-A (79–94–7)	766.35	Analytical testing	5	40025/83002M
decabromodiphenyloxide (1163–19–5)	766.35	Analytical testing	5	40025/83002M
allyl ether of tetrabromobisphenol-A (25327–89–3).	766.35	Analytical testing	5	40025/83002M
pentabromodiphenyloxide (32534–81–9)	766.35	Analytical testing	5	40025/83002M
octabromodiphenyloxide (32536–52–0)	766.35	Analytical testing	5	40025/83002M
1,2-bis(tribromophenoxy)ethane (37853–59–1).	766.35	Analytical testing	5	40025/83002M
tributyl phosphate (126–73–8)	799.4360	oral/dermal pharmacokinetics, oncogenicity testing,.	5,9	40025/42100E
unsubstituted phenylenediamines (95–54–5; 106–50–3).	799.3300	invertebrate life-cycle flow-through toxicity test in *Daphnia magna* with *o*-pda and *p*-pda.	5	40025/42008J
Fluoroalkenes:.				
vinyl fluoride (75–02–5)	799.1700	oncogenicity testing (mice & rats)	5	40025/42002O
Consent Order:.				
4-nonylphenol (84852–15–3)	799.5000	midge bioassay test	5	40025/42104E
1,1,1-trichloroethane (71–55–6)	799.5000	developmental neurotoxicity	5	40025/42059G

Modifications

1. Modify sampling schedule.
2. Change to test substance (form/purity).
3. Change in non-critical test procedure or condition.
4. Add satellite group for further testing.
5. Extend test or protocol deadline, delete test initiation date.
6. Clarify and/or add specific guideline requirement.
7. Alternate specific guideline requirement approved for certain test(s).
8. CAS No. correction.
9. Test standard amendment

II. Public Record

EPA has established a public record for this rulemaking (docket number OPPTS-40025). The record includes the information considered by EPA in evaluating the requested modifications.

The record is available for inspection from 8 a.m. to noon and 1:00 p.m. to 4 p.m., Monday through Friday, except legal holidays, in Rm. G–004, NE Mall, 401 M St., SW., Washington, DC 20460.

III. Other Regulatory Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule, listing modifications of test standards and schedules for tests required under test rules and testing consent agreements under the authority of section 4 of TSCA, is not major because it does not meet any of the criteria set forth in section 1(b) of the Order.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, are included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), EPA is certifying that this rule will not have a significant impact on a substantial number of small businesses because the modifications listed in this rule have been made to expedite the development of test data and to reduce certain paperwork burdens associated with current regulations.

C. Paperwork Reduction Act

The information collection requirements associated with this rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq. and have been assigned OMB control number 2070–0033.

EPA has determined that this rule does not change existing recordkeeping or reporting requirements nor does it impose any additional recordkeeping or reporting requirements on the public.

Send comments regarding this rule to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

List of Subjects in 40 CFR Parts 766 and 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Recordkeeping and reporting requirements, Testing.

Dated: April 20, 1993.

Mark A. Greenwood,

Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR parts 766 and 799 are amended as follows:

PART 766—[AMENDED]

1. In part 766:

a. The authority citation for part 766 continues to read as follows:

Authority: 15 U.S.C. 2603 and 2607.

b. In § 766.35 by correcting paragraph (a)(2)(ii)(A) and by revising the following entries in the table to paragraph (b)(4)(i) and paragraph (f) to read as follows:

§ 766.35 Reporting requirements.

(a) * * *

(2) * * *

(ii) * * *

(A) Except as noted for the submitter and substance specified in the following table, protocols for testing must be submitted 12 months after manufacture or importation begins for chlorinated chemical substances.

CAS No.	Submitter	Chemical	Due Date
118–75–2	Rhone Poulenc	2,3,5,6-Tetrachloro-2,5-cyclohexadiene-1,4-dione	June 19, 1992

* * * * *

(b) * * *

(4) * * *

(i) * * *

CAS No.	Submitter	Chemical	Due Date
		* * * * * * *	
79-94–7	Ethyl	tetrabromobisphenol-A	Aug. 10, 1992
79-94–7	Ameribrom	tetrabromobisphenol-A	Aug. 10, 1992
		* * * * * * *	
1163–19–5	Ameribrom	decabromodiphenyloxide	Nov. 12, 1992
		* * * * * * *	
25327–89–3.	Great Lakes	Allyl Ether of Tetrabromobisphenol-A	Aug. 10, 1992
32534–81–9.	Great Lakes	pentabromodiphenyloxide	Feb. 8, 1993
32534–81–9.	Ameribrom	pentabromodiphenyloxide	Feb. 8, 1993
32536–52–0.	Ameribrom	octobromodiphenyloxide	Dec. 28, 1992
		* * * * * * *	
37853–59–1.	Great Lakes	1,2-bis(tribromophenoxy)ethane	Nov. 27, 1992
		* * * * * * *	

* * * * *

(f) *Effective Date.* (1) The effective date of this final rule is July 6, 1987, except for paragraphs (a)(2)(i)(B), (a)(2)(ii)(A) and (b)(4)(i) of this section.

(2) The effective date for paragraph (a)(2)(i)(B) is May 21, 1991. The effective date for paragraph (a)(2)(ii)(A) is June 12, 1992. The effective date of paragraph (b)(4)(i) is May 28, 1993.

(3) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

PART 799—[AMENDED]

2. In part 799:

a. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

b. In § 799.4360 by revising paragraphs (c)(6)(i)(A), (c)(8)(ii)(A) and (f), and by adding paragraph (c)(6)(i)(B)(*3*) to read as follows:

§ 799.4360 Tributyl Phosphate.

* * * * *

(c) * * *

(6) * * *

(i) * * *

(A) An oncogenicity test shall be conducted with TBP in accordance with § 798.3300 of this chapter except for the provisions of paragraphs (b)(1)(i), (b)(6)(i) and (b)(9), of § 798.3300.

(B) * * *

(*3*) *Clinical examinations.* At 12 months, 18 months and during month 24, a blood smear shall be obtained from all animals. A differential blood count shall be performed on blood smears from those animals in the highest dosage group and the controls. If these data, or data from the pathological examination indicate a need, then the 12– and 18–month blood smears from other dose levels shall also be examined. Differential blood counts shall be performed for the next lower group(s) if there is a major discrepancy between the highest group and the controls. If clinical observations suggest a deterioration in health of the animals during the study, a differential blood count of the affected animals shall be performed.

* * * * *

(8) * * *

(ii) * * *

(A) The pharmacokinetics test required in paragraph (c)(8)(i) of this section shall be completed and the final report submitted to EPA by December 26, 1992.

* * * * *

(f) *Effective date.* (1) The effective date of this final rule is September 27, 1989, except for paragraphs (c)(2)(ii)(A), (c)(3)(ii)(A), (c)(6)(i)(A), (c)(6)(i)(B)(*3*), (c)(8)(i), (c)(8)(ii)(A), (d)(5)(ii)(A), (d)(6)(ii)(A), (e)(1)(ii), (e)(2)(ii)(A),and (e)(3)(ii) of this section. The effective date for paragraphs (c)(2)(ii)(A), (c)(3)(ii)(A), (c)(8)(i), (e)(1)(ii), (e)(2)(ii)(A),and (e)(3)(ii) of this section is May 21, 1991. The effective date for (c)(8)(ii)(A), (d)(5)(ii)(A), and (d)(6)(ii)(A) of this section is June 12, 1992. The effective date for (c)(6)(i)(A), (c)(6)(i)(B)(*3*), and (c)(8)(ii)(A) is May 28, 1993.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

c. In § 799.1700 by revising paragraphs (c)(4)(ii)(A) and (d) to read as follows:

§ 799.1700 Fluoroalkenes.

* * * * *

(c) * * *

(4) * * *

(ii) * * *

(A) The oncogenicity testing for VDF shall be completed and the final results submitted to the Agency by March 23, 1992. The oncogenicity testing for VF shall be completed and the final results submitted to the Agency by July 22, 1992. For TFE and HFP, the oncogenicity testing shall be completed and the final results submitted to the Agency within 56 months after the date of EPA's notification of the test sponsor by certified letter or **Federal Register** notice that testing shall be initiated.

* * * * *

(d) *Effective date.* (1) The effective date of the final rule is July 22, 1987, except for paragraphs (c)(1)(i)(C)(*1*), (c)(1)(ii)(A), (c)(4)(i) and(c)(4)(ii)(A) of this section. The effective date of paragraphs (c)(1)(i)(C)(*1*) and (c)(1)(ii)(A) of this section is May 21, 1990. The effective date of paragraphs (c)(4)(i)(A)(*1*) (c)(4)(i)(A)(*2*)(*i*), (c)(4)(i)(B) and (c)(4)(i)(D) of this section is May 21, 1991. The effective date for paragraphs (c)(4)(i)(A)(*2*)(*ii*) and (c)(4)(i)(C) of this section is June 12, 1992. The effective date of paragraph (c)(4)(ii)(A) of this section is May 28, 1993.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

d. In § 799.3300 by revising paragraphs (e)(2)(ii)(B) and (f) to read as follows:

§ 799.3300 Unsubstituted phenylenediamines.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(B) The invertebrate life-cycle flow-through toxicity test shall be completed and the final report submitted to EPA no later than January 15, 1993.

* * * * *

(f) *Effective dates.* The effective date of this final rule is January 16, 1990, except for paragraphs (c)(1)(i)(B), (c)(1)(ii)(A), (c)(1)(ii)(C), (c)(1)(ii)(F), (c)(3)(ii)(A), (e)(1)(ii), (e)(2)(ii)(A), and (e)(2)(ii)(B) of this section. The effective date for paragraphs (c)(1)(i)(B), (c)(1)(ii)(C), and (c)(1)(ii)(F) of this section is May 21, 1990. The effective date for paragraphs (c)(1)(ii)(A), (c)(3)(ii)(A), and (e)(1)(ii), of this section is May 21, 1991. The effective date for paragraph (e)(2)(ii)(A) is June 12, 1992. The effective date for paragraph (e)(2)(ii)(B) is May 28, 1993.

(2) The guidelines and other test methods cited in this rule are referenced as they exist on the effective date of the final rule.

* * * * *

[FR Doc. 93–12765 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7574]

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: As shown in the third column of the tables below.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: James Ross Mackay, Acting Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street, SW., room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures.

The communities listed in this document no longer meet the statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

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

Regulatory Flexibility Act. The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirement, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Impact Analysis. This rule is not a major rule under Executive Order 12291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

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

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State, community name, and county	Community No.	Effective date
Regular Program Conversions		
Missouri: St. Charles County, St. Charles	290315	June 16, 1993.
Pennsylvania:		
Township of Gamble, Lycoming	420974	Do.
Township of Greenwood, Crawford	422390	Do.
Township of Horsham, Montgomery	420700	Do.
Township of Huston, Blair	422332	Do.

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

Issued: May 21, 1993.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 93–12677 Filed 5–27–93; 8:45 am]

BILLING CODE 6718–21–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 92-222; FCC 93-238]

Allocation of General Support Facility Costs

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission modified its rules to correct the misallocation of general support facility (GSF) investment and related expenses among the cost categories for local exchange carriers (LECs). The modified rule will eliminate the over-allocation of costs to access categories other than common line, including special access and switched transport, thereby resulting in more cost-based pricing by the LECs. The Commission also concluded that LECs should be allowed to treat the reallocation of costs as exogenous under price cap regulation.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Policy and Program Planning Division, Common Carrier Bureau (202) 653-6975.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order (FCC 93-238), adopted on May 7, 1993, and released on May 19, 1993. This decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, ITS, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857-3800.

Paperwork Reduction Act

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3507. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3225 NEOB, Washington, DC 20503, telephone (202) 395-4814. For further information contact Judy Boley, Federal Communications Commission, telephone (202) 632-7513.

Please note: The Commission has requested expedited review of this item by June 15, 1993 under the provisions of 5 CFR 1320.18.

Title: Amendment of the part 69 Allocation of General Support Facility Costs.

Action: New collection.

Respondents: Businesses or other for-profit.

Frequency of Response: One-time collection.

Estimate Annual Burden: 73 responses; 328 hours average burden.

Needs and Uses: The Commission has modified its rules to collect the misallocation of general support facility investment and expenses. LECs are required to file tariffs reflecting the reallocated amounts so that the Commission can make a determination pursuant to the Communications Act. 47 CFR part 61 is designed to ensure that all tariffs filed by common carriers are formally sound, well organized, and provide sufficient information to determine the justness and reasonableness as required by the Act, of the rates, terms and conditions in tariffs.

Synopsis of Report and Order

1. In the Report and Order, the Commission amended § 69.307(b) of its rules by deleting the language "excluding Category 1.3," as it had proposed in the Notice of Proposed Rulemaking in this proceeding (57 FR 64323, Nov. 18, 1992). This modification corrects the misallocation of GSF investment and related expenses among the part 69 cost categories for LECs and will result in more cost-based rates for access services. The Commission also concluded that a contribution charge would be an inappropriate, unsatisfactory alternative to resolving the problem of misallocated GSF costs.

2. The Commission concluded that the rule modification will facilitate the implementation of expanded interconnection for special access, as well as its proposal for expanded interconnection for switched transport. The Commission believes that the costs shifted to the common line category will only negligibly increase the total cost of switched access, and therefore the rates of interstate toll customers. The Commission further concluded that the rule modification will have a minimal impact on the multi-line business subscriber line charge (SLC) and only a negligible effect on the residential and single-line business SLC. The Commission also found that the Public Service Commission of the District of Columbia had not demonstrated that the increase in residential SLC rates would likely threaten universal service in the District and rejected its request that the Commission not amend the rule as proposed.

3. The Commission concluded that it is appropriate to allow price cap LECs to treat as exogenous the reallocation of costs being ordered herein, and therefore to adjust their price cap indexes to reflect that reallocation. These changes are to be reflected in tariffs to become effective on July 1, 1993. The tariffs implementing the rule modification are to be filed on 14 days notice. Because the exogenous cost treatment will cause the price cap indexes for the various baskets to change, the changes to the bands for the various service categories and subcategories within each basket will be adjusted by a percentage amount equal to the percentage adjustment to the price cap index for that basket resulting from the exogenous change. The Commission found it unnecessary to require price cap LECs to reduce their DS1 and DS3 rates by a smaller percentage amount to reflect that the rates for these services have been significantly reduced since price cap regulation was implemented. The Commission also stated that, if, after reconsideration in the Transport Rate Structure and Pricing docket proceeding, the September 1992 special access rates remain the rates to be used to develop the initial direct-trunked transport rates, LECs should adjust those rates to reflect the exogenous cost change adopted in the order.

4. Finally, the Commission corrected the inadvertent alterations of §§ 69.4, 69.305, 69.306, and 69.307(a) that occurred in its Transport Rate Structure and Pricing decision, (57 FR 24459, June 9, 1992).

Regulatory Flexibility Act

5. In the Notice in this proceeding, the Commission certified that the proposed rule change would apply only to carriers providing interstate access transmission services and that the Regulatory Flexibility Act of 1980 therefore did not apply. Neither the Chief Counsel for Advocacy of the Small Business Administration nor any commenting party challenged the Commission's analysis. Carriers providing interstate access services directly subject to the rule amendment adopted herein do not qualify as small businesses since they are dominant in their field of operation. The Secretary shall send a copy of this Report and Order, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. section 601 *et seq.*

Ordering Clauses

6. Accordingly, *it is ordered*, that pursuant to the authority contained in sections 1, 4 (i) and (j), 201–205, 218, 220 & 404 of the Communications Act, 47 U.S.C. Sections 151, 154 (i) & (j), 201–205, 218, 220 & 404, and Section 553 of the Administrative Procedure Act, 5 U.S.C. Section 553, Section 69.307(b) of the Commission's Rules is amended as set forth below.

7. *It is further ordered*, that the rule as amended shall be effective on July 1, 1993.

8. *It is further ordered*, that the petition for deferral filed by MFS IS DENIED to the extent it sought deferral of Commission action in this proceeding.

List of subjects in 47 CFR Part 69

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

Part 69 of title 47, Code of Federal Regulations, is amended as follows:

PART 69—ACCESS CHARGES

1. The authority citation for part 69 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

2. Section 69.4 is amended by revising paragraph (b)(8) and adding paragraph (b)(9) to read as follows.

§ 69.4 Charges to be filed.

* * * * *

(b) * * *

(8) Line information database;

(9) Entrance facilities.

* * * * *

3. Section 69.305 is amended by revising paragraph (b) to read as follows:

§ 69.305 Carrier cable and wire facilities (C&WF).

* * * * *

(b) Carrier C&WF, other than WATS access lines, not assigned pursuant to paragraphs (a) or (c) of this section that is used for interexchange services that use switching facilities for origination and termination that are also used for local exchange telephone service shall be apportioned to the Transport elements.

* * * * *

4. Section 69.306 is amended by revising paragraph (c) to read as follows:

§ 69.306 Central office equipment (COE).

* * * * *

(c) COE Category 2 (Tandem Switching Equipment) that is deemed to be exchange equipment for purposes of the Modification of Final Judgment in *United States* v. *Western Electric Co.* shall be assigned to the tandem switching charge subelement and the interconnection charge element. COE Category 2 which is used to provide transmission facilities between the local exchange carrier's signalling transfer point and the database shall be assigned to the Line Information Database subelement at § 69.120(a). All other COE Category 2 shall be assigned to the interexchange category.

* * * * *

5. Section 69.307 is revised to read as follows:

§ 69.307 General support facilities.

(a) General purpose computer investment used in the provision of the Line Information Database sub-element at § 69.120(b) shall be assigned to that sub-element.

(b) All other General Support Facilities investments shall be apportioned among the interexchange category, the billing and collection category, and Common Line, Limited Pay Telephone, Local Switching, Information, Transport, and Special Access elements on the basis of Central Office Equipment, Information Origination/Termination Equipment, and Cable and Wire Facilities, combined.

[FR Doc. 93–12707 Filed 5–27–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 76

[MM Docket No. 92–306; DA 93–579]

Cable Television Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, through this action, amends § 76.51 of its rules, the listing of major television markets, to change the designation of the Orlando-Daytona Beach-Melbourne-Cocoa, Florida television market to include the community of Clermont, Florida. This action, taken at the request of Press Broadcasting Company, Inc., licensee of television station WKCF, Channel 68 (Independent), Clermont, Florida, amends the rules to designate the subject market as the Orlando-Daytona Beach-Melbourne-Cocoa-Clermont, Florida, television market. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 28, 1993.

FOR FURTHER INFORMATION CONTACT: Alan E. Aronowitz, Mass Media Bureau, Policy and Rules Division, (202) 632–7792.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92–309, adopted May 18, 1993, and released May 19, 1993. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1919 M Street, NW., Washington, DC 20554.

List of Subjects in 47 CFR Part 76

Cable television.

Part 76 of chapter 1 of title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 continues to read as follows:

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

§ 76.51 [Amended]

2. Section 76.51 is amended by revising paragraph (b)(55) to read as follows:

§ 76.51 Major television markets.

* * * * *

(b) * * *

(55) Orlando-Daytona Beach-Melbourne-Cocoa-Clermont, Florida.

* * * * *

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau.

[FR Doc. 93–12675 Filed 5–27–93; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 90

[PR Docket No. 91–322; FCC 93–231]

Private Land Mobile Radio Services; Secondary Fixed Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In the *Report and Order* in this proceeding, the FCC permitted all private land mobile licensees operating on exclusive assignments to conduct secondary fixed signaling and alarm operations without being required to comply with all of the operational restrictions currently imposed by the

regulations. The rule changes adopted in this Memorandum Opinion and Order make clear that the policies adopted in the Report and Order apply to licensees operating in the 220–222 MHz band.

EFFECTIVE DATE: June 28, 1993.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Rules Branch, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, PR Docket No. 91–322, FCC 93–231, adopted May 5, 1993, and released May 21, 1993. The full text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, telephone (202) 857–3800.

Summary of Memorandum Opinion and Order

1. 47 CFR 90.235 provides that private radio land mobile licensees authorized under part 90 of the Commission's Rules may conduct secondary fixed signaling and alarm operations above 25 MHz provided certain terms and conditions are met. These provisions, essentially technical, relate primarily to protection of co-channel users from interference on shared channels. In 1986, we permitted trunked Specialized Mobile Radio (SMR) systems and their end users to conduct such operations on a less restricted basis without complying with all of the section 90.235 conditions because these systems operated on exclusive frequency assignments.

2. In the *Report and Order*, 57 FR 34692 (August 6, 1992), in this proceeding, we amended our rules to permit not only trunked SMR licensees, but all private land mobile licensees operating on exclusive assignments to conduct secondary fixed signaling and alarm operations without being required to comply with all of the operational restrictions currently imposed by § 90.235. In response to a Petition for Clarification and/or Reconsideration filed by Utilities Telecommunications Council, we are amending our Rules to make clear that the policies we adopted in the *Report and Order* apply to licensees operating in the 220–222 MHz band.

Regulatory Flexibility Analysis

3. A Final Regulatory Flexibility Analysis was prepared for the *Report and Order* in this proceeding. None of the rules adopted in this Memorandum Opinion and Order modify the effect this proceeding has on small businesses and it is, therefore, unnecessary for us to modify our Final Regulatory Analysis. The full text of the Final Regulatory Flexibility Analysis released in the *Report and Order* is available for inspection during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street N.W., Washington, D.C. 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, telephone (202) 857–3800.

List of Subjects in 47 CFR Part 90

Exclusive-use land mobile systems, Private land mobile radio services, Radio, Secondary fixed signaling and alarm operations.

Amendatory Text

Part 90 of chapter 1 of title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read:

Authority: Sections 4, 303, and 322, 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303, and 332, unless otherwise noted.

2. Section 90.235 is amended by revising paragraph (l) to read as follows:

§ 90.235 Secondary fixed signaling operations.

* * * * *

(1) Secondary fixed signaling operations conducted in accordance with the provisions of §§ 90.317(a), or 90.637(c), or 90.731 are exempt from the foregoing provisions of this section.

3. Section 90.731 is revised to read as follows:

§ 90.731 Restrictions on operational-fixed stations.

Except for control stations, operational-fixed stations will not be authorized in the 220-222 MHz band. Licensees may utilize their authorized frequencies for fixed ancillary signaling and data transmissions, subject to the following requirements:

(a) All such ancillary operations must be on a secondary, non-interference basis to the primary mobile operation of any other licensee.

(b) The output power at the remote site shall not exceed 30 watts.

(c) Any fixed transmitters will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile system.

(d) Automatic means must be provided to deactivate the remote transmitter in the event the carrier remains on for a period in excess of three minutes.

(e) Operational fixed stations authorized pursuant to the provisions of this section are exempt from the requirements of § 90.735.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–12708 Filed 5–27–93; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 592

[Docket No. 89–6; Notice 5]

RIN 2127–AC97

Registered Importers of Vehicles Not Originally Manufactured To Conform to Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendment; final rule.

SUMMARY: This document amends regulations on the duties of a registered importer of vehicles by correcting a reference to another paragraph on the same subject.

EFFECTIVE DATE: The amendment is effective on May 28, 1993.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA, Washington DC (202–366–5263).

SUPPLEMENTARY INFORMATION: On September 29, 1989, NHTSA published 49 CFR part 592 Registered Importers of Vehicles Not Originally Manufactured to Conform to Federal Motor Vehicles Safety Standards (54 FR 40083). Paragraph 592.6(h) required a registered importer to "maintain in effect a prepaid mandatory service insurance policy underwritten by an independent insurance company as a guarantor of its performance under paragraph (f) of this section." Paragraph (f) establishes the circumstances under which a registered importer is required to notify and remedy when noncompliances or safety related defects occur.

However, paragraph 592.6 as published contained two paragraphs denominated "(b)". Accordingly, the agency published a technical amendment on November 9, 1989 addressing this redundancy (54 FR 47087), by redesignating the second paragraph (b) as paragraph (c), and the remaining paragraphs as appropriate. Under this amendment, paragraph (f) became paragraph (g), and paragraph (h) became paragraph (i). In so doing, the agency inadvertently omitted to correct the internal reference to paragraph (f) in redesignated paragraph (i) to refer to paragraph (g). This notice affects that correction.

Because the amendment is technical in nature and has no substantive impact, it is hereby found that notice and public comment thereon are unnecessary. Further, because the amendment is technical in nature, it is hereby found for good cause shown that an effective date earlier than 180 days after issuance of the final rule is in the public interest, and the amendment is effective upon publication in the Federal Register.

List of Subjects in 49 CFR Part 592

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, 49 CFR part 592 is amended as follows:

PART 592—REGISTERED IMPORTERS OF VEHICLES NOT ORIGINALLY MANUFACTURED TO CONFORM TO FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 592 continues to read as follows:

Authority: Pub. L. 100–562, 15 U.S.C. 1401, 1407; delegation of authority at 49 CFR 1.50.

2. Section 592.6(i) is revised to read as follows:

§ 592.6 Duties of a registered importer.

* * * * *

(i) Maintain in effect a prepaid mandatory service insurance policy underwritten by an independent insurance company as a guarantor of its performance under paragraph (g) of this section.

* * * * *

Issued on: May 24, 1993.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 93–12681 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 930350–3105]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule.

SUMMARY: NMFS is implementing a regulatory amendment to delay the opening of the second (non-roe) directed fishing season for pollock in the Bering Sea and Aleutian Islands Area (BSAI) from June 1 to August 15 of each fishing year. This action is necessary to achieve increased revenues from the harvest of BSAI pollock during the non-roe season. The season delay also will provide participants in the pollock fishery increased opportunities to fish in other groundfish fisheries and to develop salmon processing capabilities during summer months. This action is intended to promote the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP).

EFFECTIVE DATE: June 1, 1993.

ADDRESSES: Individual copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) prepared for this action may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (telephone 907–271–2809).

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fisheries Management Division, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

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

Under regulations at 50 CFR 675.20(a)(2)(ii), the initial total allowable catch (TAC) amounts specified for pollock in the Bering Sea, Aleutian Islands, and Bogoslof subareas are divided into two seasonal allowances. NMFS annually apportions the initial pollock TACs between these seasons after consultation with the Council during the annual groundfish TAC specification process set forth at § 675.20(a). Subject to other regulatory provisions, the first seasonal allowance is available for directed fishing from January 1 until noon Alaska local time, April 15 (the "roe" or "A" season).

At its December 1992 meeting, the Council recommended that NMFS prepare a proposed rule to delay the availability of the second seasonal allowance (the "non-roe" or "B" season) from June 1 to August 15. A proposed rule to implement the Council's recommendation was published in the **Federal Register** on April 1, 1993 (58 FR 17200). A complete description of, and justification for, the "B" season delay was discussed in the preamble to the proposed rule. Additional information also is available in the EA/RIR/FRFA.

Public comment on the proposed rule was invited through April 16, 1993. Three letters supporting the proposed action were received within the comment period and are summarized and responded to below in the "Response to Comments" section.

Upon reviewing the reasons for, and the comments on, this action, NMFS has determined that this rule is necessary for fishery conservation and management, and has approved it.

Response to Comments

Comment 1: A delay of the BSAI pollock "B" season to August 15 best meets the industry objective of increasing the value of pollock harvest during the non-roe season as well as providing the opportunity for alternative harvesting and processing operations during the summer months.

Response: NOAA agrees with the commentor.

Comment 2: The possibility exists that under some circumstances, fishing operations during the months of November and December may warrant the imposition of reasonable measures to protect Steller sea lion foraging areas. Any such measures should be developed and discussed in consultation with the Council prior to their implementation.

Response: NMFS prepared a draft analysis of alternatives for additional sea lion protection measures that could be implemented if specified portions of the available pollock TAC remain unharvested prior to November of each fishing year. The draft analysis was prepared for Council consideration and approval for public review at its April 1993 meeting. If proposed sea lion

protection measures are adopted by the Council at its June 1993 meeting, they will be forwarded to the Secretary for notice and comment rulemaking. If approved by NMFS, a final rule implementing additional sea lion protection measures could be effective prior to November 1993. However, until such additional sea lion protection measures are effective, NMFS will continue to monitor and protect Steller sea lions using traditional management measures (i.e., area closures and gear restrictions as necessary).

Classification

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

The Council prepared an EA for this final rule and the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of the implementation of this rule. A copy of the EA is available from the Council (see **ADDRESSES**).

The Assistant Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This determination is summarized in the proposed rule and is based on the RIR prepared by the Council. A copy of the RIR may be obtained from the Council (see **ADDRESSES**).

The Council prepared an FRFA that concludes that this rule will have a significant economic impact on a substantial number of small entities. The information in the FRFA is essentially unchanged from that in the initial RFA, which was summarized in the preamble to the proposed rule. A copy of the FRFA is available from the Council (see **ADDRESSES**).

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

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

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612..

A formal section 7 consultation under the Endangered Species Act (ESA) was conducted for this action for Steller sea lions. In a biological opinion for Steller sea lions dated April 28, 1993, the Assistant Administrator determined that the fishing activities that will be conducted under this rule are not likely to jeopardize the continued existence of Steller sea lions. An informal consultation under the ESA for this action also was conducted for listed species of Pacific salmon on April 21, 1993. As a result of the informal consultation, it was determined that the fishing activities that will be conducted under this rule are not likely to adversely affect Snake River sockeye salmon, fall chinook salmon, and spring/summer chinook salmon or result in the destruction or adverse modification of habitat critical to these species. Finally, the Regional Director determined that the fishing activities that will be conducted under this rule would not affect listed, proposed, and candidate seabirds under the ESA in a way that was not already considered in the informal section 7 consultation for the final 1993 initial groundfish specifications dated February 1, 1993, and clarified on February 12, 1993. The U.S. Fish and wildlife Service concurred with this determination in a letter dated March 12, 1993.

The Regional Director determined that the fishing activities that will be conducted under this rule will have no adverse impacts on marine mammals.

NMFS has determined that delaying the effectiveness of this final rule for 30 days under section 553(d) of the Administrative Procedure Act (APA) is impracticable and contrary to the public interest, and that good cause exists for making this final rule effective on June 1, 1993. The intent of the 30-day delayed effectiveness provision in the APA is to afford affected persons with a reasonable time to prepare for compliance with the rulemaking. Based on public debate and notice of the proposed action within the Council process and the subsequent proposed rulemaking, the fishing industry supports the delay and has anticipated and planned for a delayed opening date of the non-roe pollock season in 1993. If the final rule is not effective by June 1, 1993, the fishing industry will have to make costly adjustments to current summer harvesting and processing operation plans and on orderly prosecution of the non-roe pollock season will be undermined. Therefore, NMFS is waiving the 30-day delayed effectiveness period.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Dated: May 24, 1993.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

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

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

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

2. In § 675.20, paragraph (a)(2)(ii) is revised to read as follows:

§ 675.20 General limitations.

(a) * * *

(2) * * *

(ii) The TAC of pollock in each subarea will be divided, after subtraction of reserves, into two allowances. The first allowance will be available for directed fishing from January 1 until noon, Alaska local time (A.l.t.), April 15. The second allowance will be available for directed fishing from noon, A.l.t., August 15 through the end of the fishing year. Within any fishing year, unharvested amounts of the first allowance will be added to the second allowance, and harvests in excess of the first allowance will be deducted from the second allowance.

* * * * *

3. In § 675.23, paragraph (a) is revised and paragraph (e) is added to read as follows:

§ 675.23 Seasons.

(a) Fishing for groundfish in the subareas and statistical areas of the Bering Sea and Aleutian Islands is authorized from 00:01 a.m., Alaska local time (A.l.t.), on January 1, through 12 midnight, A.l.t., December 31, subject to the other provisions of this part, except as provided in paragraphs (c) through (e) of this section.

* * * * *

(e) *Directed fishing for pollock.* Subject to other provisions of this part, directed fishing for pollock by the inshore and offshore components, defined at § 675.2 of this part, is authorized from January 1 until noon, A.l.t., April 15, and from noon, A.l.t., August 15 through the end of the fishing year. Directed fishing for pollock under the Western Alaska Community Development Quota Program pursuant to § 675.27 of this part is authorized

from January 1 through the end of the fishing year, subject to other provisions of this part.

[FR Doc. 93–12673 Filed 5–27–93; 8:45 am]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 102
Friday, May 28, 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 JUSTICE

Immigration and Naturalization Service

8 CFR Parts 204, 211, 223, 223a, 235, 251, 252, 264, 274a, 299, 316, and 334

[INS No. 1381R–93]

RIN 1115–AD32

Establishment of Form I–551, Alien Registration Receipt Card, as the Exclusive Form of Registration for Lawful Permanent Residence

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service (the Service) proposes to amend its regulations concerning valid evidence of lawful permanent residence. The proposed rule would establish the current Alien Registration Receipt Card, Form I–551, as the exclusive alien registration card for the use of permanent resident aliens, by removing references to Form I–151 and such prior registration documents as Forms AR–3 and AR–103 from Service regulations. This is necessary in order to remove from circulation fraudulent or obsolete versions of the Alien Registration Receipt Card and to provide all lawful permanent resident aliens with one document that is universally recognized as evidence of their status.

DATES: Written comments should be submitted on or before June 28, 1993.

ADDRESSES: Please submit written comments, in triplicate, to the Records Systems Division, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., room 2001–D, Washington, DC 20536. To ensure proper handling, please reference INS number 1381R–93 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Gerard Casale, Senior Immigration Examiner, Immigration and Naturalization Service, room 7122, 425 I Street NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: The Service intends to terminate the validity of the old Alien Registration Receipt Card, Form I–151, and to provide procedures to replace that document and its predecessors, such as Forms AR–3 and AR–103, with the current Alien Registration Receipt Card, Form I–551.

No valid Form I–151 has been issued since 1978. There were 17 different versions of this "green card"; and because of their lack of modern security features all have been compromised in the course of time by counterfeiting and other fraudulent devices. The issuance of previous alien registration forms such as AR–3 and AR–103 ended nearly three decades earlier still; while less frequently encountered, those documents are even more susceptible to abuse. A GAO report noted that in late 1989, INS agents reviewed 110 alien registration receipts cards and found 106 (96%) to be counterfeit. Immigration Reform: Employer Sanctions and the Question of Discrimination 66 (GAO/GGD–90–62, Mar. 1990). The Service estimates that there remain in circulation some 1.5 million genuine Form I–151 cards, as well as many more counterfeit or illegally altered copies.

In March 1977 the Service began issuing improved Alien Registration Receipt Cards, designated as Form I–551. Since August 1, 1989, the Service has issued machine-readable Forms I–551 with periodic expiration dates and enhanced security features. By terminating the validity of the old alien registration documents the proposed rule would complete the process of restoring the integrity of the Alien Registration Receipt Card.

Because resident alien identity documents play an essential role in a viable employer sanctions program and in other public benefit programs, the Service intends by this rule to bring the security of those documents to a consistently high level. The proposed rule would also reduce the confusing array of card types presently circulating as evidence of eligibility for employment; and it would provide all lawful permanent resident aliens with one document universally recognized as definitive evidence of identity and resident alien status.

Under the proposed rule, for the purpose of complying with the employer sanctions provisions of the Immigration and Nationality Act, 8 U.S.C. 1324a(b), employers would no longer accept Alien Registration Receipt Card Form I–151. However, the Service will not require employers either to verify whether resident aliens hired prior to the effective date of the rule had replaced their obsolete Alien Registration Receipt Cards, or to re-verify on the Employment Eligibility Verification (Form I–9) that they are authorized to work in the United States.

Alien residents themselves benefit by acquiring the modern Form I–551. Use of the new card with its updated photograph and identification features will enable an employer or public assistance agency to verify the bearer's lawful resident status more readily; it will likewise minimize any possibility of doubts about a card's authenticity or the bearer's identity causing termination of employment or delay of benefits. Use of the current Form I–551 card also allows the Service to provide the bearer with faster and more efficient processing of immigration benefits, such as admission at ports of entry or visa petitions in behalf of relatives.

Resident aliens affected by the proposed rule would follow the card replacement procedures of 8 CFR 264.5. An application would be made on Form I–90, Application to Replace the Alien Registration Receipt Card, which can be obtained either by visiting the local Immigration and Naturalization Service office or by calling INS's Toll Free Immigration Information Service Number on 1–800–755–0777. In general the applicant must file the Form I–90, along with two photographs that meet the Alien Documentation, Identification and Telecommunication (ADIT) specifications, in person at the Service office having jurisdiction over the applicant's place of residence. In cases where the applicant is confined on account of advanced age or physical infirmity, personal appearance may be waived pursuant to 8 CFR 264.5(a).

Under the proposed rule an alien applying to replace an alien registration card which predates the use of Form I–551 would not be exempt from the processing fee for the I–90 application. In recent years the Congress has shifted the funding of Service adjudications functions from general public

appropriation to fees payable by the users of the benefit. The enabling legislation for the Immigration Examinations Fee Account, 8 U.S.C. 1356(m), provides for the recovery of expenses associated with providing immigration adjudication services through the collection of fees from applications relating to those services. The 1952 "user fee statute" 31 U.S.C. 9701 and the Office of Management and Budget (OMB) Circular A–25, User Charges, which implements that statute, requires that special services or benefits provided to or for any person by a Federal Agency be self-sustaining to the fullest extent possible, taking into consideration direct and indirect costs to the Government, public policy or interests served, and other pertinent facts. Any applicant who cannot afford to pay the $70 application fee for replacing the Alien Registration Receipt Card may apply for a fee waiver under the provisions of 8 CFR 103.7(c)(1).

Lawful permanent resident bearers of Form I–151 whose applications to petition for naturalization were filed prior to the date on which this rule becomes final will not be required to replace the I–151 in order to complete the naturalization process. However, filing for naturalization would not extend the validity of the obsolete card for other purposes.

The Service intends that the replacement procedures set forth in section 264.5 of the proposed rule will take effect 30 days after the publication of the final rule. Those provisions of the proposed rule that would invalidate Alien Registration Receipt Cards issued prior to Form I–551 would take effect one year after publication of a final rule, in order to allow aliens sufficient time to apply for replacement Form I–551 cards. During that time, resident alien bearers of Form I–151 or prior documentation who apply for a replacement Form I–551 may retain their old document until they have received the new registration card; the new card would be mailed to the applicant's home address.

A resident alien bearer of Form I–151 who was temporarily abroad during the replacement program and who applies for readmission at a designated port of entry shall, if otherwise admissible as a returning resident, be allowed to file a Form I–90 application for a current Form I–551 card at that time, pursuant to existing Service procedures.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. Clearance numbers for these collections are contained in 8 CFR 299.5, Display of Control Numbers.

List of Subjects

8 CFR Part 204

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

8 CFR Part 211

Immigration, Passports and visas, Reporting and recordkeeping requirements.

8 CFR Part 223

Aliens, Students, Surety bonds.

8 CFR Part 223a

Immigration, Refugees, Reporting and recordkeeping requirements.

8 CFR Part 235

Administrative practice and procedure, Aliens, Immigration Reporting and recordkeeping requirements.

8 CFR Part 251

Air carriers, Airmen, Aliens, Maritime carriers, Reporting and recordkeeping requirements, Seamen.

8 CFR Part 252

Air carriers, Airmen, Aliens, Maritime carriers, Reporting and recordkeeping requirements, Seamen.

8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Reporting and recordkeeping requirements.

8 CFR Part 299

Immigration, Reporting and recordkeeping requirements.

8 CFR Part 316

Citizenship and naturalization, International Organizations, Reporting and recordkeeping requirements.

8 CFR Part 334

Citizenship and naturalization, International Organizations, Reporting and recordkeeping requirements.

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

PART 204—IMMIGRANT PETITIONS

1. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR part 2.

2. Section 204.1 is amended by revising paragraph (g)(1)(vii) to read as follows:

§ 204.1 General information about relative petitions.

* * * * *

(g) * * *

(1) * * *

(vii) The petitioner's Form I–551 Alien Registration Receipt Card, or other proof given by the Service as evidence of lawful permanent residence. Photocopies of Form I–551 or of a Certificate of Naturalization or Certificate of Citizenship may be submitted as evidence of status as a lawful permanent resident or United States citizen.

* * * * *

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

3. The authority citation for part 211 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1181, 1182, 1203, 1225, 1257.

4. In § 211.1, paragraph (b)(1) is amended in the heading by removing the words "I–151 or".

5. Section 211.1 is amended by revising paragraph (b)(3) to read as follows:

§ 211.1 Visas.

* * * * *

(b) * * *

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his or her failure to present an immigrant visa, Form I–551, or reentry permit may, upon application on Form I–193, Application for Waiver of Passport and/or Visa, be granted a waiver of that requirement. A resident alien who is returning to an unrelinquished lawful permanent resident in the United States after a

temporary absence abroad not exceeding one year and who cannot present Form I–551 because of its loss must file a Form I–90, Application to Replace Alien Registration Card, in duplicate, with the district director having jurisdiction over the Port-of-Entry who may in his or her discretion grant or deny without appeal a waiver of the required immigrant visa, reentry permit, or Form I–551; filing the Form I–90 in such a case will serve not only as an application for replacement but also as an application for waiver of passport and visa, without the obligation to file separately Form I–193. An alien who is granted a waiver through a filing of Form I–90 under this section shall, after admission into the United States, comply with the requirements of 8 CFR 264.1(c).

6. In § 211.1, paragraph (b)(4) is amended by removing the entry "I–151/".

7. In § 211.1, paragraph (c) is amended by removing the term "I–151 or".

§ 211.3 [Amended]

8. Section 211.3 is amended by removing the term "I–151 or" from the section heading and wherever it appears in that section.

§ 211.5 [Amended]

9. In § 211.5, paragraph (a) is amended by removing the term "I–151," from the third sentence.

10. In § 211.5, paragraph (b) is amended by removing the term "I–151," from the last sentence.

PART 223—REENTRY PERMITS

11. The authority citation for part 223 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1186a, 1203.

§ 223.1 [Amended]

12. Section 223.1 is amended by revising the phrase "(Form I–151 or I–551, AR–3, or AR–103)" in the second sentence to read: "(Form I–551)"; and by removing the term "I–151 or" from the third and fourth sentences.

PART 223a—REFUGEE TRAVEL DOCUMENT

13. The authority citation for part 223a is revised to read as follows:

Authority: 8 U.S.C. 1103, 1181, 1182, 1186a, 1225, 1226, 1227, 1251, and Protocol Relating to the Status of Refugees (TIAS 6577).

§ 223a.4 [Amended]

14. Section 223a.4 is amended by removing the term "Form I–151 or" from the second sentence.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

15. the authority citation for part 235 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252.

§ 235.9 [Amended]

16. Section 235.9 is amended in paragraph (b)(1) by removing the term "Form I–151 or" from the second sentence.

PART 251—ARRIVAL MANIFESTS AND LISTS: SUPPORTING DOCUMENTS

17. The authority citation for part 251 continues to read as follows:

Authority: 8 U.S.C. 1103, 1182, 1221, 1281, 1282.

§ 251.1 [Amended]

18. In § 251.1, paragraph (c)(1) is amended by removing the term "I–151 or".

19. In § 251.1, paragraph (c)(3) is amended by:

a. Revising the term "to him" to read: "to him or her";

b. Revising the term "on his" to read: "on his or her"; and by

c. Revising the term "which he" to read: "which he or she".

PART 252—LANDING OF ALIEN CREWMEN

20. The authority citation for part 252 is revised to read as follows:

Authority: 8 U.S.C. 1103, 1184, 1258, 1281, 1282.

§ 252.1 [Amended]

21. In § 252.1, paragraph (b)(1) is amended by revising the term "I–151" to read: "I–551".

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

22. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301–1305.

§ 264.1 [Amended]

23. In § 264.1, paragraph (b) is amended by removing the Form No. and Class references for forms "I–90", "I–102", "I–174", and "I–695" from the listing of forms.

24. Section 264.1 is amended by removing paragraph (c)(1); removing paragraph (c)(2) and reserving that paragraph; and by redesignating paragraph (c)(3) as (c)(1).

25. Section 264.2 is amended by:

a. Removing from the first sentence of paragraphs (c)(1)(vii) and (c)(2)(ix) the phrase, "to Form I–90" and inserting in lieu thereof "on the application form".

b. Revising the section heading and paragraphs (c)(1)(i) and (c)(2)(i) to read as follows:

§ 264.2 Application for creation of record of permanent residence.

* * * * *

(c) * * *

(1) * * *

(i) A completed Form I–485, with the fee required in 8 CFR 103.7(b)(1) and any initial evidence required on the application form and in this section.

* * * * *

(2) * * *

(i) A completed Form I–485, with the fee required in 8 CFR 103.7(b)(1) and any initial evidence required on the application form and in this section.

* * * * *

26. Section 264.5 is added to read as follows:

§ 264.5 Application for a replacement Alien Registration Card.

(a) *General.* An application for a replacement alien registration card must be filed on Form I–90 with the initial evidence required on the application form and with the fee specified in 8 CFR 103.7(b)(1); except that no fee is required for an application filed pursuant to paragraphs (b)(7) through (b)(9) of this section, or paragraphs (d)(2) or (d)(4) of this section. In cases of confinement due to advanced age or physical infirmity the Service may grant a waiver of the photograph, in-person filing or I–89 execution requirement.

(b) *Permanent residents required to file.* A permanent resident shall apply for a replacement alien registration card:

(1) When the previous card has been lost, stolen, or destroyed;

(2) When the existing card will be expiring within six months;

(3) When the existing card has been mutilated;

(4) When the bearer's name or other biographic data have been legally changed since issuance of the existing card;

(5) When the applicant is taking up actual residence in the United States after having been a commuter, or is a permanent resident taking up commuter status;

(6) When the applicant has been automatically converted to permanent resident status;

(7) When the previous card was issued but never received;

(8) When the bearer of the card reaches the age of 14 years, unless the existing card will expire prior to the bearer's 16th birthday; or

(9) If the existing card bears incorrect data on account of Service error.

(c) *Other filing by a permanent resident.* A permanent resident shall apply on Form I–90 to replace a prior edition of the alien registration card issued on Form AR–3, AR–103 or I–151. A permanent resident may apply on Form I–90 to replace any prior edition of the alien registration card.

(d) *Conditional permanent residents required to file.* A conditional permanent resident whose card is expiring shall apply to remove the conditions on residence on Form I–751 or Form I–752. A conditional permanent resident shall apply on Form I–90:

(1) To replace a card that was lost, stolen, or destroyed;

(2) To replace a card that was issued but never received;

(3) Where the prior card has been mutilated;

(4) Where the prior card is incorrect; or

(5) Where his or her name or other biographic data has changed since the card was issued.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

27. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; 8 CFR part 2.

28. Section 274a.2 is amended by revising paragraph (b)(1)(v)(A)(*5*) to read as follows:

§ 274a.2 Verification of employment eligibility.

* * * * *

(b) * * *

(1) * * *

(v) * * *

(A) * * *

(*5*) Alien Registration Receipt Card, INS Form I–551;

* * * * *

§ 274a.12 [Amended]

29. In § 274a.12, paragraph (a)(1) is amended by removing the term "Form I–151 or" from the first sentence; and by revising the term "the individual's work authorization" to read: "the bearer's work authorization".

PART 299—IMMIGRATION FORMS

30. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103; 8 CFR part 2.

§ 299.1 [Amended]

31. Section 299.1 is amended by removing the entry for Form I–151 from the listing of forms.

PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

32. The authority citation for part 316 continues to read as follows:

Authority: 8 U.S.C. 1103, 1181, 1182, 1443, 1447, 8 CFR 2.1.

§ 316.4 [Amended]

33. In § 316.4, paragraph (a)(2) is amended by removing the term ", or I–151".

PART 334—APPLICATION FOR NATURALIZATION

34. The authority citation for part 334 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443.

§ 334.2 [Amended]

35. In § 334.2, paragraph (a) is amended by removing the term "or Form I–151" from the last sentence.

Dated: May 25, 1993.

Chris Sale,

Acting Commissioner, Immigration and Naturalization Service.

[FR Doc. 93–12745 Filed 5–25–93; 4:38 pm]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–43–AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the revision of an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that currently requires repetitive functional testing and modification of the wing and engine cowl anti-ice control and indication system. When accomplished, the modification terminates the requirement for the repetitive functional tests. This action would expand the applicability of the rule to add two airplanes. This proposal is prompted by a report that two additional airplanes may be subject to the same unsafe condition. The actions specified by the proposed AD are intended to prevent undetected failure of the anti-ice system which could ultimately result in unacceptable ice build up on the wings or engine inlets.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–43–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: Kathi Ishimaru, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2674; 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–43–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–03, Attention: Rules Docket No. 93–NM–43–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On May 22, 1990, the FAA issued AD 90–12–04, Amendment 39–6621 (55 FR 22328, June 1, 1990), to require repetitive functional testing and modification of the wing and engine cowl anti-ice control and indication system. This modification, when accomplished, terminates the requirement for the repetitive functional tests. That action was prompted by development of a modification which eliminates the potential for false system annunciation being provided to the flight crew. The requirements of that AD are intended to prevent undetected failure of the anti-ice system which could ultimately result in unacceptable ice build up on the wings or engine inlets.

Since the issuance of that AD, two additional airplanes have been identified as subject to the same unsafe condition as those airplanes listed in the effectivity of the previous revision (Revision 5) of the Boeing Alert Service Bulletin 757–30A0013, dated September 7, 1989.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993, which contains a revised effectivity listing that includes two additional airplanes. The two additional airplanes are of non-U.S. registry. Revision 6 of this service bulletin contains corrected part numbers for certain items and other editorial changes; in all other respects, it is essentially identical to Revision 5, which is cited in AD 90–12–05 as the appropriate source of service information. The revised service bulletin describes procedures for repetitive functional testing and modification of the wing and engine cowl anti-ice control and indication system. The modification entails installing a new anti-ice panel assembly on certain airplanes and modifying the wiring on certain other airplanes. Accomplishment of the modification eliminates the potential for undetected failure of the anti-ice system, and eliminates the need for the repetitive functional testing.

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 revise AD 90–12–04 to include two additional airplanes of non-U.S. registry in the rule's applicability. The rule would continue to require functional testing and modification of the wing and engine cowl anti-ice control and indication system. Accomplishment of the modification would constitute terminating action for the repetitive functional testing. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Operators should note that the FAA's normal policy when expanding the applicability of an existing rule is to supersede the existing rule: the "old" AD is superseded by being removed from the system and a new AD added. However, in reconsideration of the entire U.S. fleet size that would be affected by a supersedure action only to add airplanes of non-U.S. registry, and the consequent workload associated with revising maintenance record entries, the FAA has determined that a less burdensome approach is to revise the existing AD, rather than supersede it. In accordance with this approach, the final rule for this action (1) Will retain the same AD number, but an "R1" will be added to it; and (2) will be assigned a new amendment number. This change does not affect the operators' obligation to maintain records indicating current AD status.

There are approximately 207 Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 128 airplanes of U.S. registry would be affected by this proposed AD. The proposed requirements of this AD action would not add any new additional economic burden on affected U.S. operators. The costs associated with the currently required tests and modification entail 24 work hours per airplane, at an average labor rate of $55 per work hour. Required parts cost approximately $691 per airplane. Based on these figures, the current total cost impact of the AD on U.S. operators is estimated to be $257,408, or $2,011 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 39–6621 (55 FR 22328, June 1, 1990), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 93–NM–43–AD. Revises AD 90–12–04, Amendment 39–6621.

Applicability: Model 757 series airplanes, listed in Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent undetected failure of the wing and engine anti-ice control and indication system that could result in build-up of ice on the wings and engine inlets, accomplish the following:

(a) For airplanes listed in Boeing Alert Service Bulletin 757–30A0013, Revision 5, dated September 7, 1989: Accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Within the next 300 hours time-in-service after February 4, 1988 (the effective date of AD 88–01–08, Amendment 39–5827), perform a functional test of the wing and engine cowl anti-ice control and indication system, in accordance with section III, part

I of Boeing Alert Service Bulletin 757–30A0013, Revision 5, dated September 7, 1989. Repeat this functional test thereafter at intervals not to exceed 300 hours time-in-service until the modification required by paragraph (a)(2) of this AD is accomplished.

Note 1: Paragraph (a)(1) of this AD restates the requirements of AD 88–01–08, Amendment 39–5827, paragraph A. As allowed by the phrase, "unless accomplished previously," if the requirements of AD 88–01–08 have been accomplished previously, paragraph (a)(1) of this AD does not require that the initial inspection be repeated.

(2) Within the next 3,000 hours time-in-service after July 9, 1990 (the effective date of AD 90–12–04, Amendment 39–6621), modify and test the wing and engine cowl anti-ice control and indication system in accordance with section III, parts II, III, IV, V, VI, and VII, as applicable, of Boeing Alert Service Bulletin 757–30A0013, Revision 5, dated September 7, 1989; or Section III, Parts II, III, IV, V, VI, VII, and VIII, as applicable, of Revision 6, dated March 25, 1993. Accomplishment of this modification constitutes terminating action for the repetitive testing requirement of paragraph (a)(1) of this AD.

Note 2: Paragraph (a)(2) of this AD restates the requirements of AD 90–12–04, Amendment 39–6621, paragraph B. As allowed by the phrase, "unless accomplished previously," if the requirements of AD 90–12–04 have been accomplished previously, paragraph (a)(2) of this AD does not require that the modification be repeated.

(b) For airplanes listed in Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993, that are not subject to paragraph (a) of this AD; Accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD.

(1) Within the next 300 hours time-in-service after the effective date of this AD, perform a functional test of the wing and engine cowl anti-ice control and indication system, in accordance with section III, part I, of Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993. Repeat this functional test thereafter at intervals not to exceed 300 hours time-in-service until the modification required by paragraph (b)(2) of this AD is accomplished.

(2) Within the next 3,000 hours time-in-service after the effective date of this AD, modify and test the wing and engine cowl anti-ice control and indication system in accordance with section III, parts II, III, IV, V, VI, VII, and VIII, as applicable, of Boeing Alert Service Bulletin 757–30A0013, Revision 6, dated March 25, 1993. Accomplishment of this modification constitutes terminating action for the repetitive testing requirement of paragraph (b)(1) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 3: 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 24, 1993.

David G. Hmiel,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–12696 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

Snapper-Grouper Fishery of the South Atlantic; Public Hearings

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

ACTION: Notice of public hearings on Amendment 6 to the Snapper-Grouper Fishery Management Plan; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold public hearings and provide a comment period to solicit public input on proposed snapper-grouper management measures contained in draft Amendment 6 to the Snapper-Grouper Fishery Management Plan (FMP), which includes the Regulatory Impact Review, Initial Regulatory Flexibility Analysis Determination and Environmental Assessment. The proposed measures are intended to manage and protect snapper-grouper resources consistent with the FMP.

DATES: Written comments must be received by July 23, 1993. See **SUPPLEMENTARY INFORMATION** for times and dates of public hearings.

ADDRESSES: Written comments should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699. See **SUPPLEMENTARY INFORMATION** for locations of hearings.

FOR FURTHER INFORMATION CONTACT: Carrie Knight, Public Information Officer, South Atlantic Fishery Management Council, 813–571–4366 (FAX: 769–4520).

SUPPLEMENTARY INFORMATION: The following draft management measures are being proposed by the Council and will be presented for comments at the public hearings:

1. Prohibit possession of gag grouper (recreational and commercial) during the January through March spawning season.

2. Prohibit harvest of greater amberjack in excess of the bag limit during the April and May spawning season in Federal waters off Florida only.

3. Specify allowable gear in the fishery. Use of powerheads and bangsticks would be allowed in Federal waters off South Carolina for safety purposes only.

4. Set quotas for snowy grouper and golden tilefish. The average of landings from 1990 through 1992 would be used to calculate the initial quotas in each fishery. The quota would be reduced annually by about 13 percent over 3 years to reduce fishing mortality.

5. Establish a snowy grouper trip limit of 2,500 pounds (1,134 kg) (gutted weight) and a 3,000-pound (1,361 kg) gold tilefish trip limit while these directed fishery quotas are open.

6. Allow retention of no more than 300 pounds (136 kg) (gutted weight) of snow grouper and 300 pounds (136 kg) (gutted weight) of golden tilefish when their directed quotas are filled.

7. Set quota for red porgy. The average of landings from 1990 through 1992 would be used to calculate the initial quotas in each fishery. The quota would be reduced by 58 percent over 3 years (in equal amounts) to reduce fishing mortality.

8. Track the snowy grouper, golden tilefish and red porgy quotas beginning April 16, 1993.

9. Include all tilefish species in the current recreational aggregate five-grouper bag limit and allow inclusion of only one snowy grouper and one golden tilefish.

10. Require Federal dealer, charter and headboat permits.

11. Require a Federal permit to sell snapper-grouper caught in South Atlantic Federal waters.

12. Establish a 12-inch (30.5-cm) total length minimum size limit (recreational and commercial) for white grunt.

13. Establish a 12-inch (30.5-cm) fork length minimum size limit (recreational and commercial) for hogfish, and include hogfish in 10-snapper aggregate bag limit.

14. Establish a 12-inch (30.5-cm) fork length minimum size limit (recreational and commercial) for gray trigger fish off Florida only.

15. Establish a 20-inch (51-cm) total length minimum size limit for mutton snapper and limit to two fish per person per day for recreational fishermen.

Mutton snapper would be included in the 10-snapper aggregate bag limit.

16. Restrict recreational fishermen to three red porgy per person per day.

17. Establish a bag limit for cubera snapper of two fish per vessel per day for recreational and commercial fishermen. Include cubera snapper in 10-snapper aggregate bag limit.

18. Prohibit all retention of speckled hind and warsaw grouper.

19. Limit all charter and headboats making multi-day trips to a maximum of 2-day possession limits.

20. Require tending of sea bass pots.

21. Allow fishermen in North Carolina, using sea bass pots and sink nets on the same trip, to possess black, bank and rock sea bass.

22. Establish the Oculina Bank, a deep-water coral shelf approximately 15 nautical miles east of Ft. Pierce, Florida, as an experimental closed area where fishing for species in the snapper and grouper management unit would be prohibited.

All hearings will be held from 7 p.m. to 10 p.m. and are scheduled on the following dates at the following locations:

1. Monday, June 7, 1993—Carteret Community College, 3505 Arendell Street, Morehead City, NC 28557, (919) 726–7021.

2. Tuesday, June 8, 1993—Wrightsville Beach Holiday Inn, 1706 N. Lumina Avenue, Wrightsville Beach, NC 28480, (919) 256–2231.

3. Wednesday, June 9, 1993—Beach Dove Resort, 4800 S. Ocean Boulevard, N. Myrtle Beach, SC 29582, (1–800) 795–6350.

4. Thursday, June 10, 1993—S.C. Wildlife Auditorium, 240 Fort Johnson Road, Charleston, SC 29422, (803) 795–6350.

5. Monday, June 14, 1993—Days Inn, Savannah Historic Riverfront, 201 W. Bay Street, Savannah, GA 31401, (912) 236–4400.

6. Tuesday, June 15, 1993—Holiday Inn Oceanfront, 1627 N. First Street, Jacksonville Beach, FL 32250, (904) 249–9071.

7. Wednesday, June 16, 1993—Omni West Palm Beach, 1601 Belvedere Road, West Palm Beach, FL 33406, (407) 689–6400.

8. Monday, June 21, 1993—Hawk's Cay Resort and Marina, Mile Marker 61, Marathon, FL 33050, (1–800) 432–2242.

Dated: May 24, 1993.

David S. Crestin,

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

[FR Doc. 93–12719 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 102
Friday, May 28, 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. 90–108–4]

Medfly Cooperative Eradication Program Draft Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: We are extending the time period for the public to comment on a draft environmental impact statement (EIS) for the Medfly Cooperative Eradication Program. The draft EIS analyzes potential environmental effects of a program to eradicate the Mediterranean fruit fly from the U.S. mainland. Reopening and extending the comment period will give interested persons additional time to prepare and submit comments.

DATES: Consideration will be given only to comments received on or before June 18, 1993.

ADDRESSES: Please send an original and three copies of your comments to Mr. Harold T. Smith, Branch Chief, Environmental Analysis and Documentation, BBEP, APHIS, USDA, room 543, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 90–108–3. Comments received may be inspected at the APHIS Reading Room, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the APHIS Reading Room.

Copies of the draft environmental impact statement are available for review between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, at the following locations:

APHIS Reading Room, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC 20250;

USDA–APHIS Library, room G180, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782;

USDA–APHIS–PPQ, 9580 Micron Avenue, Suite I, Sacramento, CA 95827;

USDA–APHIS–PPQ, 3505 Boca Chica Boulevard, Suite 360, Brownsville, TX 78521–4065;

USDA–APHIS–PPQ, 3505 25th Avenue, Building 1, North, Gulfport, MS 39501;

USDA–APHIS–PPQ, Blason II, 1st floor, 505 South Lanola Road, Moorestown, NJ 08057.

Interested persons may obtain a copy of the draft environmental impact statement by writing to any of the last four addresses listed above (those beginning with "USDA–APHIS–PPQ") or to the address listed below under "FOR FURTHER INFORMATION CONTACT."

FOR FURTHER INFORMATION CONTACT: Mr. Harold T. Smith, Branch Chief, Environmental Analysis and Documentation, BBEP, APHIS, USDA, room 543, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8963.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 1993, we published in the **Federal Register** (58 FR 18366, Docket No. 90–108–3) a notice advising the public that the Animal and Plant Health Inspection Service has prepared a draft EIS for the Medfly Cooperative Eradication Program. This notice requested comments from the public concerning the draft EIS, seeking input from members of the public, government agencies, and private industry. Comments were due on or before May 24, 1993.

In response to a number of requests, we are reopening and extending the comment period for the notice. We will consider all comments on Docket No. 90–108–3 that are received on or before June 18, 1993. The new deadline will give interested persons additional time to prepare and submit comments.

Done in Washington, DC, this 25th day of May 1993.

Richard R. Backus,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–12744 Filed 5–27–93; 8:45 am]
BILLING CODE 3410–34–P

Food Safety and Inspection Service

[Docket No. 93–015N]

National Advisory Committee on Microbiological Criteria for Foods; Meetings

Notice is hereby given that meetings of the National Advisory Committee on Microbiological Criteria for Foods will be held June 15–18, 1993: Tuesday, 8 a.m. to 5 p.m.; Wednesday, 8 a.m. to 5:00 p.m.; Thursday, 8 a.m. to 5 p.m.; and Friday, 8 a.m. to 12 noon at the Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 620–9000.

The Committee provides advice and recommendations to the Secretaries of Agriculture and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed, including criteria pertaining to microorganisms that indicate whether food has been processed using good manufacturing processes. As time permits, the agenda will be:

Tuesday, June 15 8 a.m. to 12 noon, Subcommittee on Campylobacter, 1 p.m. to 5 p.m., Subcommittee on Meat and Poultry.
Wednesday, June 16 8 a.m. to 12 noon, Subcommittee on HACCP, 1 p.m. to 5 p.m., Subcommittee on Risk Assessment.
Thursday, June 17 8 a.m. to 5 p.m., Plenary session covering: 1. FSIS Pathogen Reduction Strategy, 2. Philosophical Discussion on Committee's Evolution, a. Review Long Range Plan, b. Usefulness of Subcommittees, (Working Groups), c. Quick Response Efforts, 3. Discussion and Approval of Documents from Subcommittees.
Friday, June 18 8 a.m. to 12 noon, Plenary Session (If Necessary), Discussion and Approval of Subcommittee Documents.

The meetings are open to the public on a space available basis. Interested persons may file comments prior to and following the meetings. Comments should be addressed to: Mr. Craig Fedchock, Advisory Committee Specialist, U.S. Department of Agriculture, Food Safety and Inspection

Service, Room 2151, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. Background materials are available for inspection by contacting Mr. Fedchock on (202) 720–9150.

Done at Washington, DC, on: May 24, 1993.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 93–12691 Filed 5–27–93; 8:45 am]

BILLING CODE 3410–DM–M

Forest Service

Exemption of the Bear and European Salvage Sales, Idaho City District, Boise National Forest, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal.

SUMMARY: This is notification that timber salvage harvest and reforestation activities to recover and rehabilitate natural resources from recent insect epidemics on the Bear and European project areas, Idaho City Ranger District, Boise National Forest, are exempt from appeal in accordance with 36 CFR 217.4(a)(11).

DATES: Effective on publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Terry Padilla, Idaho City Ranger District, Boise National Forest, P.O. Box 129, Idaho City, ID 83631, Telephone: 208–392–6681.

SUPPLEMENTARY INFORMATION: Several years of drought in southwest Idaho have reduced soil moisture and weakened conifer trees. Consequently, Douglas-fir bark beetle populations have dramatically increased and reached epidemic levels on the Boise National Forest. It is estimated that more than 400,000 trees larger than 12 inches in diameter have died on the Forest as a result of insect damage since 1986.

As part of the effort to recover and rehabilitate natural resources damaged by the insect epidemic, Idaho City Ranger District personnel have developed a proposal to harvest dead and dying timber, and reforest damaged acres. The Forest Service has completed the Bear and European Environmental Assessments (EAs). Issues have been identified, alternatives have been developed, and an analysis of the effects of implementing timber salvage and other recovery activities is complete.

The analysis area for the Bear Salvage is located in the Bear River drainage of the North Fork Boise River. The Forest will salvage trees dead or dying from the bark beetles epidemic on 800 acres and recover approximately 1.5 to 2.0 million board feet (mmbf), using helicopter yarding (approximately 1.8 mmbf from 750 acres) and tractor/jammer yarding (approximately 120 mbf from 50 acres).

The analysis area for the European Salvage is located in the Hungarian Ridge area from Sunset Peak south to the headwaters of Second Creek, a tributary of Rabbit Creek which flows into the North Fork Boise River. The Forest will salvage trees dead or dying from the bark beetles epidemic on 750 acres and recover approximately 1.5 mmbf using helicopter yarding (approximately 1.35 mmbf from 720 acres) and tractor/jammer yarding (approximately 150 mbf from 30 acres).

The Douglas-fir beetle infestation has created several open areas of dead and dying trees. Salvage of these stands could result in "salvage openings," resembling clearcuts, in both project areas. A total of 200 acres of salvage opening would be created. These openings would range in size from 5 to 10 acres. These acres would be rehabilitated by planting with ponderosa pine and Douglas-fir, to increase the sites' timber productivity, resilience and diversity of forest stands. Natural regeneration will be used to reforest small areas (less than five acres in size).

No new road construction would occur under either project. The Bear project would have 16 helicopter landings. Four of these landings are existing and 12 new landings would be built. The European project would have 20 helicopter landings. Fourteen of these landings are existing and 6 new landings would be built.

Management direction for the Crooked-Bear Management Area (Bear), and the Mores Creek and the Rabbit Creek/North Fork Boise Management Areas (European) is established in the Boise National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan provides for the removal of salvage timber from lands within the project areas. In addition, the Forest Plan prescribes standards to protect soil, water, wildlife, visual, and other onsite resources. The proposed actions for the Bear and European Salvage projects are consistent with standards and guidelines, objectives, and direction contained in the Forest Plan. The projects are not within areas considered for wilderness in the Forest Plan, nor within areas recommended for wilderness in the recent legislative proposal entitled "Idaho Wilderness, Sustainable Forests and Communities Act of 1993".

Forest Pest Management Specialists and District Foresters have analyzed the insect situation and have found no economical or practical means to control the current insect epidemic. Although salvage harvesting and reforestation will not control the epidemic, these activities would: (1) Recover valuable timber that would otherwise deteriorate, and (2) reforest those areas that have been left without tree cover as a result of the insect-caused mortality. Through the timber salvage operations, breeding insects can be removed in the logs and Knutson-Vandenburg (K–V) funds can be generated for use to restore forest resources that have been damaged by the insect epidemic.

The Forest Supervisor has determined through preliminary scoping and environmental analysis that there is justification to expedite these projects.

The decision for the Bear and European projects may be implemented after publication of this notice in the **Federal Register** and after the decision documents have been signed by the responsible official. If the projects are delayed because of an appeal (delays of up to 150 days are possible), it is likely that much of the salvage harvest could not be implemented during the 1993 normal operating season. This would result in a loss of volume and value of the timber due to deterioration. The total estimated value of the merchantable dead, dying and unhealthy timber is $502,500. Of this, approximately $162,375 would be returned to counties from 25 percent fund receipts. Delays resulting from appeals could cause the loss of up to half of this value and potentially make the salvage sale unattractive to timber purchases. This would jeopardize the objectives of the recovery and rehabilitation project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt the Bear and European Salvage Projects, Idaho City Ranger District, Boise National Forest, from appeal. The environmental assessments disclose the effects of the proposed actions on the environment and address issues resulting from the proposals.

Dated: May 21, 1993.

Robert C. Joslin,

Deputy Regional Forester, Intermountain Region, USDA Forest Service.

[FR Doc. 93–12692 Filed 5–27–93; 8:45 am]

BILLING CODE 3410–11–M

Newberry National Volcanic Monument Advisory Council Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Newberry National Volcanic Monument Advisory Council Meeting.

SUMMARY: The Newberry National Volcanic Monument Advisory Council will meet on June 10 and 11 at the Bend/Fort Rock Ranger District, 1230 NE 3rd Street in Bend, Oregon. The meetings will begin at 9 a.m. and continue until 4 p.m. each day. Agenda items to be covered include: a presentation on fire and fuels in the Monument, review of alternatives, and staff reports on upcoming events and activities for the 1993 summer season.

Interested members of the public are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Carolyn Wisdom, Project Coordinator, Fort Rock Ranger District USFS, 1230 NE 3rd, Bend, OR 97701, (503) 383–4702 or 383–4704.

Dated: May 18, 1993.

Sally Collins,

Deputy Forest Supervisor.

[FR Doc. 93–12654 Filed 5–27–93; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

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

Agency: Bureau of the Census.

Title: Pen Computer Address Listing Map Update Study.

Form Number(s): DC–104A (ADP), DC–104B (ADP), DC–104C (ADP).

Agency Approval Number: None.

Type of Request: New collection.

Burden: 1,073 hours.

Number of Respondents: 21,450.

Avg Hours Per Response: 3 minutes.

Needs and Uses: The Census Bureau is investigating new technologies to make the year 2000 decennial census more efficient. We are considering replacing traditional paper methods for updating the residential address file and census maps with pen–based hand held computers. This submission requests clearance to conduct a feasibility study of these pen–based computers. We plan to visit three sites in Texas comprised of both urban and rural areas and create and/or update address lists and update automated census maps. Enumerators will conduct a short three minute interview with respondents to obtain address information. This study will show us whether or not enumerators can use the pen–based computer as a replacement for the traditional paper products.

Affected Public: Individuals or households.

Frequency: One–time only.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 24, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–12746 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–07–F

Foreign-Trade Zones Board

[Docket 21–93]

Proposed Foreign-Trade Subzone Amoco Oil Company; Refinery/MTBE Facility, Yorktown, VA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Virginia Port Authority, grantee of FTZ 20, requesting special-purpose subzone status for the Yorktown oil refinery/MTBE facility of Amoco Oil Company, located in the Yorktown, Virginia, area. 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 19, 1993.

The refinery (747 acres) is located at 2201 Godwin Neck Road in Grafton (York County), Virginia, some 5 miles southeast of Yorktown, along the York River. The refinery (250 employees) is used to produce fuel and chemical products. Fuels produced include gasoline, gas oils, fuel oil, diesel fuel, jet fuels and residual fuels. The company indicates that MTBE may also be produced at the facility. Chemical products produced include refinery gases such as ethane, methane, propane, and butane; and refinery byproducts, including sulfur and petroleum coke. Most of the petroleum coke and sulfur is exported. All of the crude oil, constituting some 90 percent of inputs, and some blendstocks, such as MTBE, are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company is seeking to avoid duties on fuel used in the refinery and to choose the finished product duty rate in certain circumstances. For example, the company proposes to choose the zero duty rate that applies to certain refinery gases, such as methane, ethane, butane, propane, and certain refinery by-products, such as sulfur and petroleum coke. (The duty on crude oil ranges from 5.25 to 10.5 cents/barrel.)

MTBE (methyl tertiary butyl ether) is one of the blendstocks sourced from abroad. On MTBE which is blended with gasoline at the refinery and then sold in the U.S., Amoco proposes to choose the finished gasoline duty rate (1.25 cents/gallon). The duty rate on MTBE would otherwise be 5.6%. The application indicates that the savings from zone procedures would help improve the refinery'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 designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 27, 1993. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 11, 1993.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, Southeast Region, 25th and Warwick Blvd., Newport News, Virginia 23607.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: May 21, 1993.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–12736 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A-301-602]

Certain Fresh Cut Flowers From Colombia; Initiation of Administrative Review and Request for Revocation in Part of the Antidumping Duty Order on Certain Fresh Cut Flowers From Colombia

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

ACTION: Notice of initiation of administrative review and request for revocation in part of the antidumping duty order on certain fresh cut flowers from Colombia.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct an administrative review of the antidumping duty order on certain fresh cut flowers from Colombia. Requests for revocation from the antidumping order were also received from specific exporters/growers. In accordance with the Department's regulations, we are initiating this administrative review for the period March 1, 1992 through February 28, 1993. We are initiating this review for those named exporters/growers for whom a request for review was received. The Department is also noting those exporters/growers who have requested revocation from the antidumping duty order.

EFFECTIVE DATE: May 28, 1993.

FOR FURTHER INFORMATION CONTACT: J. David Dirstine, Anna Snider, Joanna Schlesinger, Amy Beargie, or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests in accordance with § 353.22 (a)(1), (a)(2), and (a)(3) of the Department's regulations for an administrative review of the antidumping duty order on certain fresh cut flowers from Colombia. 19 CFR 353.22(a) (1), (2), and (3). The Department has also received requests for revocation from the exporters/growers noted.

Initiation of Review

In accordance with § 353.22(c) of the Department's regulations, we are initiating an administrative review of the antidumping duty order on certain fresh cut flowers from Colombia. 19 CFR 353.22(c). The Department is not initiating an administrative review of any Colombian exporter and/or producers who were not named in a review request because such exporters and/or producers were not specified as required under § 353.22(a). 19 CFR 353.22(a). We intend to issue the final results of this review no later than April 30, 1994.

We received requests for review of the following specifically-named exporters/growers who shipped subject merchandise during the period:

Abaco
Abaco Tulipanex de Colombia
Achalay
Agricola Acevedo Ltda.
Agricola Altiplano
Agricola Arenales Ltda.
Agricola Benilda Ltda.
Agricola Bojaca Ltda.
Agricola Bonanza Ltda.
Agricola Cardenal
Agricola Circasia Ltda.
Agricola de la Fontana Ltda.
Agricola de Los Alisos Ltda.
Agricola de Occidente
Agricola del Monte
Agricola el Cactus S.A.
Agricola el Redil Ltda.
Agricola Fontana Ltda.
Agricola Guali S.A.
Agricola Jicabal
Agricola Jicaral
Agricola la Corsaria Ltda.
Agricola Las Cuadras
Agricola Los Arboles
Agricola los Venados Ltda.
Agricola Malqui
Agricola Sagasuca Ltda.
Agriflora
Agri-fontana
Agro de Narino
Agrodex el Retiro
Agrodex Ltda.
Agrodex/Ukrania
Agrodex Group
  Agricola el Retiro Ltda.
  Agricola los Gaques Ltda.
  Agrodex Ltda.-Adelaida
  Agrodex Ltda.-Paso Ancho
  Degaflores Ltda.
  Flores Camino Real Ltda.
  Flores Colon Ltda.
  Flores de la Comuna Ltda.
  Flores de la Mercedes Ltda.
  Flores de Los Amigos Ltda.
  Flores de los Arrayanes Ltda.
  Flores De Mayo Ltda.
  Flores de Puebloviejo Ltda.
  Flores del Gallinero Ltda.
  Flores dos Hectareas Ltda.
  Flores el Lobo Ltda.
  Flores el Pueblo Viejo Ltda.
  Flores el Potrero Ltda.
  Flores el Puente Ltda.
  Flores el Trentino Ltda.
  Flores Juanambu
  Flores la Conejera Ltda.
  Flores la Maria Ltda.
  Flores Manare Ltda.
  Florlinda Ltda.
  Inverflores Ltda.
  Inverpalmas
  Inversiones Santa Rosa Arw Ltda.
Agroindustria del Rio Frio Ltda.
Agroindustrial Don Eusebio Ltda. Group
  Agroindustrial Don Eusebio Ltda.
  Celia Flowers
  Passion Flowers
  Primo Flowers
  Temptation Flowers
Agroindustrias de Narino Ltda.
Agrokoralia
Agromonte Ltda.
Agropecuria Cuernavaca Ltda.
Agrotabio Kent
Aguacarga
Alcala
Almer
Alstroflores Ltda.
Ancas Ltda.
Andes Group
  Cultivos Buenavista Ltda.
  Flores de los Andes Ltda.
  Flores Horizonte Ltda.
  Inversiones Penas Blancas Ltda.
A.Q.
Aranjuez S.A.
Arboles Azules Ltda.
Astro Ltda.
Aurora
Austroflor
Becerra Castellanos y Cia.
Bellavista
Bogota Flowers
Cabanuela
Canelon
Cantana Rana Group
  Canta Rana Ltda.
  Deer Field Flowers/Agricola los Venados Ltda.
  Cantarrana Ltda.
  Catu S.A.
  Ciba Geigy
Cienfuegos Group
  Cienfuegos Ltda.
  Flores la Conchita de German
  Flores la Conchita German Ribon y Cia s.en c.
Cigarral Group
  Flores Cigarral
  Flores Tayrona
Classic
Clavecol Group or Claveles Colombianos Group
  Claveles Colombianos Ltda.
  Fantasia Flowers Ltda.
  Splendid Flowers Ltda.
  Sun Flowers Ltda.
Claveles de los Alpes Ltda.
Clavelez
Coexflor
Colflores
Colibri Flowers Ltda.
Colony International Farm
Color Explosion
Conflores Ltda.
Cota
Crop S.A.
Cultiflores Ltda.
Cultivo el Lago
Cultivos el Lago
Cultivos Medellin Ltda.
Cultivos Miramonte
Cultivos Tahami Ltda.
D' La Pava
Daflor Ltda.

Degaflor
De La Pava Guevara E Hijos Ltda.
Del Monte
Del Tropico Ltda.
Dianticola Colombiana Ltda.
El Dorado
El Rosal
El Tambo
El Timbul Ltda.
Euroflora
Exoticas
Exotico
Expoflora Ltda.
Exportaciones Bochica S.A./Floral Ltda.
F. Salazar
Falcon Farms de Colombia S.A. (formerly Flores de Cajibio Ltda.)
Ferson Trading
Flamingo Flowers
Flor y Color
Flora Bellisima Ltda.
Flora Intercontinental Ltda.
Floralex Ltda.
Florandia Herrera Camacho & Cia.
Floreales Ltda.
Florenal Ltda.
Flores Acuarela S.A.
Flores Agromonte
Flores Aguila
Flores Alborado
Flores Alcala Ltda.
Flores Alfaya Ltda.
Flores Alisos
Flores Andinas Ltda.
Flores Arco Iris
Flores Aurora
Flores Bachue
Flores Calichana
Flores Casablanca S.A.
Flores Chia
Flores Colombianas Group
  Agrosuba Ltda.
  Flores Colombianas Ltda.
  Jardines de los Andes S.A.
  Productos de Cartucho S.A.
Flores Colon Ltda.
Flores Condor
Flores Condor de Colombia Ltda.
Flores Corola
Flores de Colombia (FLORCOL) Ltda.
Flores de Funza
Flores de Hacaritama
Flores de Hunza
Flores de Iztari
Flores de Memecon/Corinto
Flores de Montana
Flores de Pueblo Viejo
Flores de Santa Fe
Flores de Santa Rosa
Flores de Savanilla
Flores de Serrezuela S.A.
Flores de Suba Ltda.
Flores De Suesca S.A.
Flores de Tenjo Ltda.
Flores de la Conjera
Flores de la Maria
Flores de la Montana
Flores de la Parcelita
Flores de la Pradera Ltda.
Flores de la Sabana S.A.
Flores de la Vega
Flores de la Vereda
Flores de los Amigos Ltda.
Flores Del Bosque
Flores del Campo Ltda.
Flores del Cauca S.A.
Flores del Cielo Ltda.
Flores del Cortijo
Flores del Hato
Flores del Lago Ltda.
Flores del Molino
Flores del Potrero Ltda.
Flores del Rio S.A.
Flores del Salitre Ltda.
Flores del Tambo
Flores del Tropico Ltda.
Flores Depina S.A.
Flores des las Mercedes Ltda.
Flores el Lobo
Flores el Molino S.A.
Flores el Rosal Ltda.
Flores el Zorro
Flores Estrella
Flores F. Cortijo
Flores Flamingo Ltda.
Flores Galia Ltda.
Flores Generales Ltda.
Flores Gicro Ltda.
Flores Guaicata Ltda.
Flores Intercontinental
Flores Intercontinentales
Flores Juanambu
Flores Juncalito Ltda.
Flores la Cabanuela
Flores la Fragrancia
Flores la Lucerna
Flores la Macarena
Flores la Pampa
Flores la Union
Flores la Union/Esmeralda
Flores la Union-Gomez Arango & Cia. S. en C.
Flores la Union/Santana
Flores la Valvanera Ltda.
Flores las Caicas
Flores Monserate/Rosas
Flores Monserrate Ltda.
Flores Montecarlo
Flores Monteverde
Flores Morcari
Flores Mountgar
Flores Palimana
Flores Petaluma Ltda.
Flores Ramo Ltda.
Flores S.A.
Flores Sagaro
Flores Saint Valentine
Flores San Carlos
Flores San Mateo Ltda.
Flores Sanmateo Ltda.
Flores Santa Fe Ltda.
Flores Santa Lucia
Flores Santa Rosa Ltda.
Flores Santana
Flores Sausalito
Flores Sibate Group
  Flores Sibate S.A.
  Tinzuque Ltda.
  Tuchany Flowers
Flores Silvestres
Flores Sindamanoi
Flores Suesca
Flores Tejas Verdes Ltda.
Flores Tenerife Ltda.
Flores Tenerife/Statice
Flores Tiba S.A.
Flores Tibati Ltda.
Flores Timana Ltda.
Flores Tocarinda
Flores Tomine Ltda.
Flores Urimaco
Floresa
Florex Group
  Agricola Guacari S.A.
  Flores Altamira S.A.
  Flores de Exportacion S.A.
Florex S.A.
Florexpo
Floricola
Floricola la Gaitana S.A.
Floricola la Ramada Ltda.
Florisol
Florpacifico
Flowers of the World/Rosa
Four Seasons
Funza Group
  Flores Alborada
  Flores de Funza
  Flores del Bosque
German Ocampo
Groex S.A.
Guacatay Group
  Agricola Guacatay
  Jardines Bacata
Gypso Flowers
Hacienda Matupe
Hana/Hisa Group
  Flores Hana Ichi de Colombia Ltda.
  Flores Tokai Hisa
Happy Candy Group or Flores Tropicales Group
  Flores Tropicales Ltda.
  Happy Candy Ltda.
  Mercedes Ltda.
  Rosas Colombianos Ltda.
Hernando Monroy
Horticultura de la Sasan
Hosa Group
  Horticultura de la Sabana S.A.
  Innovacion Andina S.A.
  Minispray S.A.
Illusion Flowers
Indigo S.A.
Industria Santa Clara
Industrial Agricola
Ingro Ltda.
Inpar
Interflora
Interflores
Invernavas
Inverpalmas
Inversiones Almer Ltda.
Inversiones Cubivan.
Inversiones el Bambu Ltda.
Inversiones Maya, Ltda.
Inversiones Nativa Ltda.
Inversiones Playa
Inversiones Santa Rita Ltda.
Inversiones Silma
Inversiones Supala S.A.
Iturrama S.A.
Jardin
Jardin de Carolina
Jardines Choconta
Jardines Darpu
Jardines de Chia Ltda.
Jardines de Timana
Jardines del Muna
Jardines Fredonia
Jardines Natalia Ltda.
Jardines Natalia/Maria Alejandra
Jardines Tocarema
J.M. Torres
Karla Flowers
Kimbaya
Kingdom S.A.
La Colina
La Comuna

La Embairada
La Flores Ltda.
La Floresta
La Florida
La Macarena
La Maria
La Plazoleta Ltda.
La Plazuleta
Las Amalias/Pompones Ltda.
Las Flores
Laura Flowers
L.H.
Linda Colombiana
Loma Linda
Loreana Flowers
Los Gaques
Los Geranios Ltda.
M. Alejandra
Manjui Ltda.
Mansui Ltd.
Merastec
M.G. Consultores Ltda.
Miraflores
Maraflores Group
  Inversiones Miraflores S.A.
  Inversiones Oro Verde S.A.
Monserrate
Monteverde Ltda.
Morandua
Morcoto
Nasino
Natalia
Natuflora
Olga Rincon
Oroverde
Otono
Papagayo
Papagayo Group
  Agricola Papagayo Ltda.
  Inversiones Calypso S.A.
Petalos Colombia Ltda.
Pinar Guameru
Piracania
Plantaciones Delta Ltda.
Plantas Ornamentales de Colombia Ltda.
Planata S.A.
Plazoleta
Polo Flowers
Prismaflor
Propagar Plantas S.A.
Queens Flowers da Colombia Ltda.
Rainbow Flowers
Reme Salamanca
Rosa Bella
Rosaflor Ltda.
Rosales de Colombia Ltda.
Rosales de Suba Ltda.
Rosas de Colombia Ltda.
Rosas Sabanilla Group
  Flores la Colmena Ltda.
  Rosas Sabanilla Ltda.
  Inversiones la Serena Ltda.
  Agricola la Capilla Ltda.
Rosas Tesalia Ltda.
Rosas y Flores Ltda.
Rosas y Jardines
Rose
Roselandia S.A.
Rosex Ltda.
Rosicler Ltda.
Sabana Flowers
San Carlos
San Ernesto
San Martin Bloque B Ltda.
San Valentine
Sansa Flowers Ltda.
Santa Fe
Santa Helena S.A.
Santa Rosa
Santa Rosa Group
  Flores Santa Rosa Ltda.
  Floricola la Ramada Ltda.
Santana Flowers, Ltda.
Santana Group
  Santana Flowers Ltda.
  Hacienda Curibital Ltda.
  Inversiones Istra Ltda.
Sarena
Select Pro
Senda Brava Ltda.
Shasta Flowers y Compania Ltda.
Shila
Siempre Viva
Siete Flores S.A.
Soagro Group
  Agricola el Mortino Ltda.
  Flores Aguaclara Ltda.
  Flores del Monte Ltda.
  Flores la Estancia
  Jaramillo y Daza
Solor Flores Ltda.
Starlight
Sunset Farms
Susca
Sweet Flowers Ltda.
Tag Ltda. Siata
Tambo
Tempest Flowers
Tenjo
The Beall Company
The Rose
Tinzuque Ltda.
Tocarinda
Tomino
Toto Flowers
Tropical Garden
Tropiflor
Tuchany S.A.
Uniflor Ltda.
Universal Flowers
Vegaflor Ltda.
Velez De Monchaux e Hijos y Cia S. en C.
Victoria Flowers
Villa Diana
Vuelven Ltda.

We have received requests for revocation from the antidumping duty order for the following exporters/growers:

Agricola Cardenal
Agricola Guacatay and Jardines Bacata
Agrodex Group
  Agrodex Ltda.-Adelaida
  Agricola El Retiro Ltda.
  Agricola Los Gaques Ltda.
  Degaflores Ltda.
  Flores Camino Real Ltda.
  Flores De La Comuna Ltda.
  Flores De Las Mercedes Ltda.
  Flores De Los Amigos Ltda.
  Flores De Los Arrayanes, Ltda.
  Flores De Mayo Ltda.
  Flores De Pueblovlejo Ltda.
  Flores Del Gallinero Ltda.
  Flores Del Potrero Ltda.
  Flores El Trentino Ltda.
  Flores La Conejera Ltda.
  Flores Manare Ltda.
  Florlinda Ltda.
  Inversiones Santa Rosa Arw Ltda.
Cultivos Miramonte
Daflor
Exportaciones Bochica S.A./Floral Ltda.
Floralex Ltda.
Flores Alborada
Flores Aurora
Flores Colombianas Group
  Agrosuba
  Flores Colombianas
  Jardines de los Andes
  Productos de Cartucho
Flores Colon
Flores Condor
Flores de Funza
Flores de Hacaritama
Flores Del Bosque
Flores del Rio
Flores Depina
Flores el Zorro
Flores Juanambu
Flores La Union-Gomez Arango & Cia. S. en C.
Flores Sagaro
Florex Group
  Flores de Exportacion
  Flores Altamira
  Agricola Guacari
Industrial Agricola
Inverpalmas
Santana Flowers Ltda.

Interested parties must submit applications for administrative protective orders in accordance with § 353.34(b) of the Department's regulations. 19 CFR 353.34(b).

This initiation and notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended. 19 U.S.C. 1675(a) and 19 CFR 353.22(c).

Dated: May 20, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 93–12741 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–DS–P

American Red Cross, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

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 part 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.

Docket Number: 93–012. *Applicant:* American Red Cross, Rockville, MD 20855. *Instrument:* Electron Microscope, Model CM12/STEM. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 58 FR 17862, April 6, 1993. *Order Date:* November 6, 1992.

Docket Number: 93–015. *Applicant:* Arizona State University, Tempe, AZ 85287. *Instrument:* Electron Microscope. *Manufacturer:* Arbeitsgruppe Bauer, Germany. *Intended Use:* See notice at 58

FR 17862, April 6, 1993. *Order Date:* March 12, 1992.

Docket Number: 93–022. *Applicant:* University of Rochester, Rochester, NY 14642. *Instrument:* Electron Microscope, Model H-7100. *Manufacturer:* Hitachi Scientific, Japan. *Intended Use:* See notice at 58 FR 17863, April 6, 1993. *Order Date:* December 10, 1992.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–12737 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–DS–F

U.S. Geological Survey, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made 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 part 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.

Docket Number: 92–170. *Applicant:* U.S. Geological Survey, Menlo Park, CA 94025–3591. *Instrument:* Portable Very-Broad Triaxial Seismometer, Model STS–2. *Manufacturer:* Streckeisen AG, Switzerland. *Intended Use:* See notice at 58 FR 4977, January 19, 1993.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides: (1) A bandwidth of 0.008 to 50.0 Hz, (2) dynamic range of 140 dB and (3) self-centering capability with compensation for temperature. The U.S. Bureau of Mines and a university research department advised April 5, 1993 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–12738 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–DS–F

Mayo Clinic, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

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 part 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.

Docket Number: 92–176. *Applicant:* Mayo Clinic, Rochester, MN 55905. *Instrument:* Electron Microscope, Model CM 10. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 58 FR 7546, February 8, 1993. *Order Date:* September 2, 1992.

Docket Number: 92–177. *Applicant:* James A. Haley Veterans Hospital, Tampa, FL 33612. *Instrument:* Electron Microscope, Model CM10 PC with Accessories. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 58 FR 4978, January 19, 1993. *Order Date:* September 3, 1992.

Docket Number: 92–182. *Applicant:* Rockefeller University, New York, NY 10021. *Instrument:* Electron Microscope, Model CM 12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 58 FR 7546, February 8, 1993. *Order Date:* September 18, 1992.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 93–12739 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–DS–F

Research Foundation of SUNY, 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 part 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: 92–168. *Applicant:* Research Foundation of State University of New York, Albany, NY 12222. *Instrument:* Sky Scanner, Model MS–300. *Manufacturer:* EKO Instruments Trading Company, Ltd., Japan. *Intended Use:* See notice at 58 FR 4978, January 19, 1993. *Reasons:* The foreign instrument provides measurements of total horizontal and diffuse horizontal irradiances and illuminances for calculation of daylight availability and cloud distributions. *Advice Received From:* National Oceanic and Atmospheric Administration, March 31, 1993.

Docket Number: 92–173. *Applicant:* Duke University, Durham, NC 27706. *Instrument:* Radio Frequency Cavity with Accessories. *Manufacturer:* Institute of Nuclear Physics, CIS. *Intended Use:* See notice at 58 FR 4977, January 19, 1993. *Reasons:* The foreign instrument provides elongation of lifetime and shaping of electron packets circulating in an electron storage ring having energies up to 1.2 GeV. *Advice Received From:* Argonne National Laboratory, April 8, 1993.

Docket Number: 92–179. *Applicant:* National Institute of Standards and Technology, Gaithersburg, MD 20899. *Instrument:* Thermal Neutron Chopper System. *Manufacturer:* Uranit, Germany. *Intended Use:* See notice at 58 FR 7546, February 8, 1993. *Reasons:* The foreign

instrument provides time measurement in the 10^{-9} to 10^{-12} second range and spatial distances in the interatomic range. *Advice Received From:* National Institutes of Health, April 13, 1992.

The National Oceanic and Atmospheric Administration, Argonne National Laboratory and National Institutes of Health 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. 93–12740 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–DS–F

National Institute of Standards and Technology

Senior Executive Service; Membership of General and Limited Performance Review Boards

The NIST General and Limited Performance Review Boards review performance agreements, appraisals, ratings, and recommended actions pertaining to employees in the Senior Executive Service and make appropriate recommendations to the Director, NIST, concerning such matters in such a manner as will assure a fair and equitable treatment of senior executives.

The GPRB performs its review functions for all NIST senior executives except the NIST Deputy Director, Associate Director, OU Directors, and those NIST Senior Executives who are members of the GPRB.

The NIST Limited Performance Review Board (LPRB) performs its review functions for the NIST Associate Director, all NIST Senior Executives who are OU Directors or members of the GPRB. The LPRB also reviews and makes appropriate recommendations to the Director, NIST, concerning performance-related pay increases for ST–3104 Fellows.

Individuals who are newly appointed by the Director of NIST to membership on the GPRB and LPRB or who have had their terms of membership extended are listed below:

GPRB

Mr. E. Larry Heacock, Director, Office of Satellite Operations, National Environmental Satellite Data and Information Service, National Oceanic and Atmospheric Administration, Washington, DC 20233, Appointment Expires: 12/31/94.

Dr. Lura J. Powell, Chief, Biotechnology Division, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/95.

Mr. Robert Scace, Director, Office of Microelectronics Programs, Electronics and Electrical Engineering Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/94.

Dr. Rance A. Velapoldi, Chief, Surface and Microanalysis Science Division, Chemical Science and Technical Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/95.

LPRB

Dr. George A. Sinnott (Chair), Director for International and Academic Affairs, Office of the Director, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/94.

Mr. Morris M. Pallozzi, Director, Office of Enforcement, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910, Appointment Expires: 12/31/95.

The full membership and expiration dates of the members' appointments to the NIST GPRB and LPRB are listed below:

GPRB

Dr. Brian C. Belanger (Chair), Deputy Director, Advanced Technology Program, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/94.

Mr. E. Larry Heacock, Director, Office of Satellite Operations, National Environmental Satellite Data and Information Service, National Oceanic and Atmospheric Administration, Washington, DC 20233, Appointment Expires: 12/31/94.

Dr. Harry I. McHenry, Chief, Materials Reliability Division, Materials Science and Engineering Laboratory, National Institute of Standards and Technology, Boulder, CO 80303, Appointment Expires: 12/31/94.

Mr. F. Lynn McNulty, Associate Director for Computer Security, Computer Systems Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/94.

Dr. Lura J. Powell, Chief, Biotechnology Division, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/95.

Mr. Robert Scace, Director, Office of Microelectronics Programs, Electronics and Electrical Engineering Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/94.

Dr. Rance A. Velapoldi, Chief, Surface and Microanalysis Science Division, Chemical Science and Technology Laboratory, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/95.

LPRB

Dr. George A. Sinnott (Chair), Director for International and Academic Affairs, Office of the Director, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/94.

Mr. Karl E. Bell, Deputy Director, Office of the Director of Administration, National Institute of Standards and Technology, Gaithersburg, MD 20899, Appointment Expires: 12/31/93.

Mr. Morris M. Pallozzi, Director, Office of Enforcement, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Silver Spring, MD, Appointment Expires: 12/31/95.

For further information contact Mrs. Ellen M. Dowd, Chief, Office of Personnel and Civil Rights, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone 301–975–3000.

Dated: May 24, 1993.

Raymond G. Kammer,

Acting Director.

[FR Doc. 93–12750 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Intent To Conduct Public Meetings on Sites Being Considered for Nomination as Components to the Chesapeake Bay National Estuarine Research Reserve in Virginia

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public meeting notice.

SUMMARY: Notice is hereby given that the Virginia Institute of Marine Science (VIMS) of the College of William and Mary, of the Commonwealth of Virginia, intends to conduct public meetings to discuss the proposed nomination of sites as components in the Chesapeake Bay National Estuarine Research Reserve in Virginia (CBNERR–VA). These public meetings are being held for the purpose of soliciting comments about the following sites in the Rappahannock River estuary: Gingoteague Creek and/or Tobys Point/ Wilmont Wharf (King George County), representing the tidal freshwater zone; Broad Creek (Essex County) and/or Cat Point (Richmond County), representing

the transition zone; and Belle Isle (Lancaster County), representing the lower estuary zone. Also being considered is a Virginia Marine Resources Commission experimental oyster reef site in the lower Piankatank River.

VIMS will complete a site nomination package and submit it to NOAA which administers the National Estuarine Reserve Research System. An environmental impact statement and draft management plan will be prepared for those nominated sites receiving NOAA approval. The Commonwealth is identifying estuarine areas in an effort to expand a multi-site system for research and education which adequately represents the major estuarine characteristics of the Chesapeake Bay and its tributaries. Sites ultimately designated as components of the CBNERR–VA will be used to study the Chesapeake Bay estuarine ecosystem, as well as by schools and the general public for learning about estuarine ecology and related issues. Site selection criteria are based on ecological representatives, value for research and education and practical management considerations.

The public meeting will be held on Wednesday, June 16, 1993 at 7 p.m. at the Rappanhannock Community College, Carsaw Camput, Warsaw, Virginia.

BACKGROUND: The Commonwealth and NOAA have established the CBNERR–VA to provide natural coastal habitats as field laboratories for baseline ecological studies and education programs. Research and monitoring programs are designed to enhance basic scientific understanding of coastal environments and aid in resource management decision-making in Tidewater Virginia. Information derived from sponsored studies will provide a basis for measuring progress in Chesapeake Bay clean-up efforts and will be used to increase public awareness of coastal issues. VIMS has the lead role in developing and managing the reserve system.

The first four sites in the CBNERR–VA were designated in 1991 and are located in the York River. VIMS has conducted an evaluation of thirty-nine (39) possible sites in the Potomac and Rappahannock Rivers to be considered for inclusion in the CBNERR–VA. Sites were evaluated on the basis of their ecological value, lack of disturbance, importance to research and environmental education, and the Commonwealth's ability to protect and manage the site.

All interested individuals are encouraged to attend the public meetings. Invited speakers include representatives of VIMS, the Council on the Environment and NOAA. Speakers will describe the importance of the program and the opportunities for local involvement in reserve operations and management. Public comments from the public will be invited.

An information packet on the CBNERR–VA and the proposed site will be available at the public meetings. Individuals wishing to comment on the proposed sites will be asked to sign up prior to the beginning of the meeting. It is recommended that members of the public limit their presentations to 3–5 minutes in length.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Graham, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East West Highway, Silver Spring, MD 20910 (301) 713–3132.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Estuarine Sanctuaries.

Dated: May 20, 1993.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 93–12513 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–08–M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Coastal Pelagic Species Plan Development Team will meet on the dates and at the locations listed below to continue preparation of the coastal pelagic species fishery management plan. The June 2 meeting will be a joint meeting with the Coastal Pelagics Species Advisory Subpanel. Meetings in La Jolla will be in the small conference room at the National Marine Fisheries Service, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA. Meetings in Long Beach will be at the California Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, CA.

Location	Time	Date
Long Beach	10 a.m.	June 2, 1993.
La Jolla	10 a.m.	June 30, 1993.
Long Beach	10 a.m.	July 14, 1993.
La Jolla	10 a.m.	Aug. 4, 1993.
Long Beach	10 a.m.	Aug. 18, 1993.

For more information or for persons wishing to attend, please contact Larry Jacobson on (619) 546–7117 or Patricia Wolf on (310) 590–5175 prior to the date listed herein to confirm that meeting dates and locations have not been changed.

Dated: May 24, 1993.

David S. Crestin,

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

[FR Doc. 93–12720 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Groundfish Management Team (Team) will hold a public meeting beginning at 1 p.m. on June 7, 1993, and ending at 4:30 p.m., on June 11, 1993. The meeting will be held in room 2079 at the National Marine Fisheries Service, Alaska Fisheries Science Center, 7600 Sand Point Way NE., Building 4, Seattle, WA.

The Team will meet from 1 p.m. on June 7 through 12 noon on June 9 to review preliminary stock assessment reports for several important groundfish species. Members of the Council's Scientific and Statistical Committee are expected to participate in this review, along with other fisheries scientists involved in preparation of the stock assessment documents. On June 9 at 1 p.m., the Team will begin work on open access groundfish quotas for the 1994 license limitation program, an individual transferable quota proposal for the fixed gear sablefish fishery, and catch projections for various species. In addition, the Team will review a report on bycatch of Pacific halibut in the west coast groundfish fisheries.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW., First Avenue, Portland, OR, 97201; telephone: (503) 326–6352.

Dated: May 24, 1993.

David S. Crestin,

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

[FR Doc. 93–12721 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council will hold a public meeting of its Pelagics Review Board

(PRB) on June 3, 1993. The meeting will be held at the Hawaii Maritime Center, Pier 7, Honolulu, HI, and begin at 1 p.m.

The Board will review a request for a hardship exemption from current limits on Federal longline permit transfers under the moratorium on new longline vessels in the Hawaii fishery. Specifically, the Board will consider the permit transfer rules as they relate to changes in corporate ownership. The Board will provide recommendations on this issue to the Council and the National Marine Fisheries Service Regional Director.

For more information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 541–1974.

Dated: May 24, 1993.

David S. Crestin,

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

[FR Doc. 93–12722 Filed 5–27–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 28, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities to the Procurement List for production by the nonprofit agencies listed:

Bag, Polyethylene
8105–LL–S04–8618
8105–LL–S04–8619
8105–LL–S04–8620
(Requirements for the Fleet and Industrial Supply Center, Bremerton, Washington)
Nonprofit Agency: Open Door Center Valley City, North Dakota

Sleeve, Protective, Radioactive
8415–01–204–2668
Nonprofit Agency: Portland Habilitation Center, Inc. Portland, Oregon

Deletions

It is proposed to delete the following commodities from the Procurement List:

Screwdriver, Cross Tip
5120–00–820–2995
5120–00–060–2004
5120–00–224–7370
5120–00–227–7693
5120–00–542–3438
5120–00–224–7375

Screwdriver, Flat Tip
5120–00–287–2504
5120–00–278–1267
5120–00–288–7803
5120–00–278–1270
5120–00–227–7356
5120–00–596–8502
5120–00–062–0813
5120–00–293–3311
5120–00–293–0315
5120–00–227–7377
5120–00–236–2140

Screwdriver Set, Cross Tip
5120–00–357–7175
5120–00–580–0334

Sweatshirt
8415–00–269–0403
8415–00–262–1534
8415–00–262–1535
8415–00–262–1536

Sweatpants
8415–00–268–8178
8415–00–268–8179
8415–00–268–8180

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–12712 Filed 5–27–93; 8:45 am]

BILLING CODE 6353–01–P

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 28, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 29, 1992, February 26 and April 9, 1993, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (57 FR 61884, 58 FR 11590 and 18378) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and service, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and service.

3. The action will result in authorizing small entities to furnish the commodities and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and service proposed for addition to the Procurement List. Accordingly, the following commodities and service are hereby added to the Procurement List:

Commodities

Towel, Paper
7920–00–721–8884
7920–00–682–6710
7920–00–543–6492

Adhesive, Rubber
8040–00–938–6860

Service

Janitorial/Custodial, Drug Dependence Treatment Center, 2320 West Roosevelt Road, Chicago, Illinois.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–12713 Filed 5–28–93; 8:45 am]

BILLING CODE 6353–01–P

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to procurement list.

SUMMARY: This action adds to the Procurement List an interment national flag to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 28, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 4, 1992, the Committee for Purchase From People Who Are Blind or Severely Disabled published a notice (57 FR 57425) of the proposed addition of this flag to the Procurement List. The current contractor filed comments opposing the Committee's action before, during, and after the comment period. The comments included an oral presentation to Committee members and an alternate proposal to create employment for people with severe disabilities through subcontract work for the contractor.

The contractor stated that the addition of 40% of the Government requirement for the interment flags to the Procurement List, together with reservation of 20% of the remaining Government requirement for production by a small disadvantaged business under the auspices of the Small Business Administration (SBA), would have a devastating effect on the contractor, on its employees, and on its ability to repay local development bonds which had financed the construction of the factory it had built in 1991 to produce the flags. The contractor claimed that it would be unable to offset these losses because flag sales generally are declining. The contractor also stated that the nonprofit agencies would not meet the Committee's legal requirements concerning the amount of direct labor by people with severe disabilities used to produce the flags; that the production method to be used really transfers much of the work to another commercial manufacturer; and that the proposed price is not a fair market price. The contractor also indicated that the flags are not suitable for production by blind people.

The Committee proposed adding only 40% of the Government requirement for this flag to the Procurement List because sales data it received from the current contractor indicated that placing 100% of the Government requirement on the Procurement List might have a severe adverse impact on that contractor. Because 20% of the Government requirement will apparently be withdrawn from competition by the SBA program, the Committee has decided to reduce the portion of the requirement to be added to the Procurement List to 20% to further mitigate the impact of its action on the contractor. This approach should allow the current contractor to continue to compete for 60% of the Government requirement for the flags.

The Committee does not consider the loss of sales which its action involves to constitute severe adverse impact on the contractor, even when the effect of another addition to the Procurement List nearly three years ago of a commodity supplied by this contractor and the contractor's record as a long-time supplier of the flags are taken into account. In addition, the Committee believes that because the sales loss will be considerably less than the contractor anticipated, the impact on its employees and its ability to pay its bond obligations will also be mitigated. As described below, the ability of the current contractor to compete for supply subcontracts with the nonprofit agencies also reduces the impact of the Committee's action. Moreover, data provided by the contracting activity on the veteran population and recent decisions extending burial benefits to additional individuals suggest that requirements for the VA flags will increase rather than decrease over the next few years.

The contractor also indicated that previous actions by the Committee to set aside signal flags under the JWOD Program had been completely responsible for a substantial decline in the firm's signal flag business since the mid-1980's. The Committee has only added three signal flags to the JWOD program in the last 20 years. Based on procurement history provided by the contracting activity, the signal flags involved are purchased every five years with an average annual value of less than $10,000. The withdrawal of the three flags from the competitive sector would not significantly affect a firm with annual sales of the magnitude of the current contractor. If the firm's sales of signal flags to the Government have decreased significantly since the mid-1980's, it is due to factors other than actions by the Committee.

In addition, the contractor noted that many of the employees who would lose their jobs because of the Committee's action are middle-aged heads of households who would encounter difficulty finding other employment in the area. People with severe disabilities, who in many cases have family responsibilities, have an unemployment rate exceeding 65%. Consequently, the Committee believes that any job loss which the contractor's employees may experience is outweighed by the creation of jobs for people with severe disabilities, whose ability to find other employment is considerably less than that of the contractor's workers.

The contractor's assertion that the nonprofit agencies which will produce the flag do not meet the legal

qualifications of the Committee's program is based on a misinterpretation of the requirement that 75% of a nonprofit agency's direct labor be performed by people with severe disabilities. The requirement applies to the total direct labor performed by a nonprofit agency. There is no requirement that 75% of the total direct labor required to produce a particular commodity be performed by people with severe disabilities, as the contractor alleges, or even that such individuals carry out 75% of the direct labor which a nonprofit agency actually performs on an individual commodity. This longstanding Committee position has been approved in a court decision rejecting a legal challenge essentially identical to that posed by the contractor.

The contractor's claim that the Committee's action will transfer jobs from it to another for-profit corporation employing workers without severe disabilities is based on the fact that the non-profit agencies will subcontract the least labor-intensive part of the production process to a commercial flag manufacturer. Committee regulations permit subcontracting as long as the work retained by the nonprofit agencies generates employment for persons with severe disabilities. The current contractor is eligible and has been offered the opportunity to bid on the subcontracts with the nonprofit agencies and, thus, will have the potential to continue performing a portion of the work on that segment of the Government's interment flag requirement to be supplied by nonprofit agencies employing people with severe disabilities. The contractor has informed the Committee that it also subcontracts part of the production process for the flags it produces, so the nonprofit agencies do not contemplate anything which departs from industry norms in this regard.

The fair market price established by the Committee for the flags meets the standards of the Committee's fair market pricing policy. The assertion that the flags are not suitable for production by blind persons is irrelevant because the flags will be produced by nonprofit agencies operated in the interests of people with severe disabilities who are not blind. The contractor proposed, as an alternative to adding a partial Government requirement for the flags to the Procurement List, to create more employment for people with severe disabilities through subcontract work on the flags. This work, however, requires the use of a production process which the Government contracting activity has declared to be unacceptable. Consequently, the Committee cannot consider the contractor's proposal.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to produce the commodity, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C 46–48c and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Flag, National, Interment
8345–00–656–1432
(20% of the Government's Requirement)

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–12714 Filed 5–27–93; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

CNO Executive Panel, Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Future Naval Forces Task Force will meet June 9, 1993, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to develop a framework for the place of naval forces in U.S. national defense. The entire agenda for the meeting will consist of discussion of key issues regarding nonexpeditionary, joint, and coalition warfare. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b (c) (1) of title 5, United States Code.

For further information concerning this meeting, contact: J. Kevin Mattonen, Executive Secretary to the Executive Panel, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: May 25, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93-12725 Filed 5-27-93; 8:45 am]

BILLING CODE 3810-AE-F

CNO Executive Executive Panel; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel National Security Task Force will meet June 15,1993, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia.

The purpose of this meeting is to provide framework for the place of naval forces in U.S. national security in the future. The entire agenda for the meeting will consist of discussion of key issues regarding potential events affecting the national interests and national and military objectives and policies to deal with them.

For further information concerning this meeting, contact: J. Kevin Mattonen, Executive Secretary to the Executive Panel, 4401 Ford Avenue, suite 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: May 19, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer

[FR Doc. 93-12686 Filed 5-27-93; 8:45 am]

BILLING CODE: 3810-AE-F

Naval Research Advisory Committee; Closed Meeting

Notice was published on Friday May 21, 1993, at 58 FR 29571, that the Naval Research Advisory Committee Panel on Defense Conversion was to have held a meeting on June 3-4, 1993. That meeting has been rescheduled and will be held June 9-10, 1993. All other information in the previous noitice remains effective. In accordance with 5 U.S.C. 552b (e)(2), the meeting change is publicly announced at the earliest time.

For further information concerning this meeting contact: Commander R. C. Lewis, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (703) 696-4870.

Dated: May 25, 1993.

Michael P. Rummel,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93-12810 Filed 5-27-93; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF EDUCATION

[CFDA No.: 84.262]

Progrmas To Encourage Minority Students To Become Teachers; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993

Purpose of Program: To improve recruitment and training opportunities in education for minority teachers in elementary and secondary schools; to increase the number of minority teachers, including language minority teachers, in elementary and secondary schools; and to identify and encourage minority students in the 7th through 12th grades to aspire to, and to prepare for, careers in elementary and secondary school teaching. The program is comprised of two components: the Teacher Partnerships Program and the Teacher Placement Program.

Eligible Applicant: Partnership grants are awarded to partnerships between: (1) One or more institutions of higher education; *and* (2) one or more local educational agencies; a State educational agency or a State higher education agency; *or* community-based organizations. *Placement* grants are awarded to institutions of higher education that have schools or departments of education.

Deadline for Transmittal of Applications: July 12, 1993.

Deadline for Intergovernmental Review: September 10, 1993.

Applications Available: May 28, 1993.

Available Funds: $2,480,000.

Estimated Range of Awards: $500,000–$750,000.

Estimated Average Size of Awards: $620,000.

Estimated Number of Awards: Two in each grant category.

Note: The Department is not bound by any estimates in this notice.

Project Period: Twelve-month budget period for up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86.

SUPPLEMENTARY INFORMATION: The Federal share for carrying out the purposes of the Teacher Partnerships Program and the Teacher Placement Program shall be 50 percent. The Secretary may, based upon evaluation and monitoring results of projects under the Teacher Placement Program, increase the Federal share of a grant under this program only to 75 percent, if the Secretary determines that there is demonstrated success in the operation of the project.

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the selection criteria in EDGAR, 34 CFR 75.210.

The regulations in 34 CFR 75.210 (a) and (c) provide that the Secretary may award up to 100 points for the selection criteria, including an additional 15 points. The Secretary distributes the additional 15 points as follows:

Meeting the purposes of the authorizing statute (34 CFR 75.210(b)). Ten points are added to this criterion for a possible total of 40 points.

Evaluation plan (34 CFR 75.210(6)). Five points are added to this criterion for a possible total of 10 points.

FOR APPLICATIONS OR INFORMATION CONTACT: Mrs. Janice Wilcox, U.S. Department of Education, 400 Maryland Avenue SW., Room 3915, ROB–3, Washington, DC 20202. Telephone: (202) 708–4653. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 1112, 1112a–1112e.

Dated: May 24, 1993.

Maureen A. McLaughlin,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 93–12685 Filed 5–27–93; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Intent to Prepare an Environmental Impact Statement on Proposed Siting, Construction, and Operation of the Advanced Neutron Source

AGENCY: U.S. Department of Energy.

ACTION: Notice.

SUMMARY: In compliance with Section 102(2)(C) of the National Environmental Policy Act (NEPA), the Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS) on the siting, construction, and operation of the proposed Advanced Neutron Source (ANS). The purpose of this Notice of Intent (NOI) is to encourage early public involvement in the EIS preparation process and to solicit public comments on the proposed scope and content of the EIS. The ANS would consist of an approximately 300 megawatt thermal (MW_t), heavy-water moderated, heavy-water cooled, nuclear research reactor with extensive experimental equipment and user-support facilities.

DATES: Written comments should be postmarked by July 15, 1993, to ensure consideration. Scoping meetings will be held on June 16, 23, and 30, 1993, at the locations set forth under "Supplementary Information."

ADDRESSES: Written comments should be addressed to Mr. Jimmie P. Mulkey (see address listed below). Scoping meetings will be held at the addresses set forth under "Supplementary Information." Transcripts of the scoping meetings will be available for public review at the DOE Reading Rooms listed under "Supplementary Information."

FOR FURTHER INFORMATION CONTACT: For general information associated with the construction and operational aspects of the ANS, please contact: Mr. Ray A. Hunter, Director, Office of Facilities, Fuel Cycles and Test Programs, Office of Nuclear Energy, U.S. Department of Energy, NE–47, GTN, Washington, DC 20585, Telephone: (301) 903–5481.

For general information associated with the research aspects of the ANS, please contact: Dr. Iran Thomas, Director, Materials Science Division, Office of Basic Energy Research, Office of Energy Research, U.S. Department of Energy, ER–13, GTN, Washington, DC 20585, Telephone: (301) 903–3427.

For general information on the DOE NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Oversight, Office of Environment, Safety and Health, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background

The ANS would be designed to provide a neutron flux of approximately 10^{19} neutrons/m^2/sec in a specially designed user-oriented research facility that would serve government, academic, and industrial researchers. The preferred site for the ANS is the DOE-owned Oak Ridge National Laboratory in Oak Ridge, Tennessee. The alternative sites under consideration include two other DOE-owned laboratories: Idaho National Engineering Laboratory, Idaho Falls, Idaho; and Los Alamos National Laboratory, Los Alamos, New Mexico. The reactor and reactor facilities would be designed in accordance with DOE Orders which call for the use of uniform standards, guides, and codes consistent with those applied to comparable U.S. Nuclear Regulatory Commission (NRC) licensed facilities. The non-nuclear facilities would be designed in accordance with the DOE Order for general design criteria.

Neutrons are a unique and increasingly essential tool for research and investigation in broad areas of the physical, chemical, and biological sciences, as well as in materials technology and nuclear medicine. Over the past decade, neutron probes have made invaluable contributions to the understanding and development of many classes of new materials, most recently in the science of polymers and complex fluids, with enormous industrial importance and application. However, the United States has fallen far behind the European scientific community in the availability of state-of-the-art neutron sources and instrumentation. In 1984, a National Academy of Sciences Report on Major Facilities for Materials Research recommended that the U.S. construct a new, state-of-the-art neutron source. In 1993, a report issued by the Basic Energy Sciences Advisory Committee Panel on Neutron Sources strongly recommended completion of the ANS. The two principal DOE neutron research reactors, the High Flux Isotope Reactor at Oak Ridge National Laboratory and the High Flux Beam Reactor at Brookhaven National Laboratory, were built more than 25 years ago and have uncertain remaining lifetime. The proposed ANS is intended to replace both of these aging research reactors with a state-of-the-art research facility which would serve as the cornerstone for advanced neutron research well into the next century. The ANS will substantially increase the neutron research capability in the United States by producing high flux neutrons for experiments in physics, chemistry, materials science, and biology; by enabling research related to materials irradiation and activation analysis; and by producing isotopes necessary for industrial applications, medical research, and for certain forms of cancer therapy.

To provide the safety, security, and safeguards needed when using highly enriched nuclear fuel, to control the large capital and operations costs associated with the construction and operation of the ANS, and to utilize existing infrastructure associated with reactor operations and transuranic isotope processing, DOE proposes to locate the ANS at a Government-owned facility. Although the ANS will be operated by DOE contractor personnel, the neutron beams and experimental facilities would be made available to the scientific community at large. About 1000 user scientists per year are anticipated, including academic and industrial researchers as well as Government laboratory personnel.

Conceptual Design: The basis for the conceptual design was documented in the ANS Conceptual Design Report published in June 1992. The reactor would be a 300 MW_t, heavy-water moderated, heavy-water cooled, nuclear reactor. It would have a primary coolant loop design pressure of 4.0 MPa (580 psia) maximum and a coolant temperature of 100 °C (212 °F) maximum. The reactor fuel would consist of approximately 18 kg (40 lbs) of 93% U–235 enriched uranium silicide (U_3Si_2) clad in type 6061 aluminum. The use of lower enriched uranium as a fuel for the proposed neutron source was studied and found to lead to a design which would not meet scientific requirements for this facility. Reactor core replacement would be required regularly after approximately 17 days of full power operation, and the reactor system would be designed to facilitate a 4-day core replacement operation. The reactor cores would be fabricated off-site at a commercial fabrication facility and transported to the ANS site for secure storage until required for reactor operation. The used reactor cores would be removed and placed in a light-water pool storage facility to provide time for decay of the short-lived fission products. After the interim storage period, used fuel would be shipped to a DOE waste storage facility for long-term storage. The reactor core would be housed in an aluminum core pressure boundary tube which would require replacement approximately every 6 months and will be disposed as radioactive waste.

The reactor and spent fuel storage pools would be housed in a reactor building which would provide both containment and confinement. The three-story reactor building would also be used to house a neutron beam room, an experimental area, and the reactor refueling systems. Several other reactor-related facilities, including a heavy-water detritiation facility, would be built into or in close proximity to the reactor building. Mechanical draft cooling towers would be used to dissipate the 300 MW_t of reactor heat to the atmosphere. A second, smaller mechanical draft cooling tower would be constructed to satisfy all other heat dissipation needs of the ANS. All buildings, structures and equipment associated with the reactor would be designed in compliance with DOE Order 5480.30, Nuclear Reactor Safety Design Criteria, and other applicable DOE safety, design, quality assurance, environmental, cost and schedule, and management orders.

A guide hall to house neutron beam experiments and an office building to house an estimated 400 research and operations personnel would also be built. The guide hall and other structures and equipment associated with the neutron beam guides and neutron instruments would be designed to conform to DOE Order 6430.1A, General Design Criteria, and other applicable DOE Orders. The office building would be designed to uniform building code requirements.

Construction is expected to take approximately 6 years and the facility would be designed and built for a service life of 40 years. A peak construction work force of approximately 1,800 is anticipated. It is estimated that the ANS site would require between 80 and 160 acres of land.

NEPA Process: The EIS for the proposed facility will be prepared according to the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508) and DOE's NEPA Regulations (57 Fed. Reg. 15122 [April 24, 1992; to be codified as 10 CFR Part 1021.]). DOE's regulations define the construction, operation, and decommissioning of a nuclear reactor as a major Federal action that normally requires the preparation of an EIS.

After the scoping meetings and the close of the public comment period associated with this NOI, DOE will prepare an EIS Implementation Plan (IP) which will be used as internal guidance for the preparation of the EIS. All comments received during the scoping period will be summarized and reported

in the IP which will be available to the public in the reading rooms listed above. The IP will list environmental and project-related issues that were identified during scoping. Issues and alternatives that are within the scope of the EIS will be evaluated. Those issues that are beyond the scope of the EIS will also be identified in the IP, but will be eliminated from further consideration. The IP will provide a detailed outline for the draft EIS and will discuss the approach that DOE will take in its preparation, including proposed schedules and identification of cooperating agencies.

The draft EIS is scheduled to be published by October 1994. A 45-day comment period on the draft EIS is planned and public hearings to receive comments will be held approximately one month after distributing the draft EIS. Availability of the draft EIS, the dates of the public comment period, and information about the public hearings will be announced in the Federal Register and in the local news media when the draft EIS is distributed.

The final EIS, which incorporates public comments received on the draft EIS, is expected in February 1995. Its availability will be announced by the U.S. Environmental Protection Agency in the Federal Register. No sooner than 30 days after the distribution of the final EIS, DOE will issue its Record of Decision in the Federal Register.

Alternatives: The preferred site for the ANS is the Oak Ridge National Laboratory (ORNL), where the infrastructure and specialized research support facilities, such as the Radiochemical Engineering Development Center (REDC), currently exist. A facility such as the REDC is needed to process irradiated targets in order to separate the radioisotopes. The ORNL offers experienced scientists and engineers who are knowledgeable in all aspects of research to be conducted at ANS and are capable of using ANS to its full potential. Other support facilities at ORNL include fuel handling and storage facilities, waste management and storage facilities, and reactor operations support. The alternative sites being considered for the ANS are Idaho National Engineering Laboratory, Idaho Falls, Idaho, and Los Alamos National Laboratory, Los Alamos, New Mexico. The EIS will also consider other technology alternatives, as appropriate, and the "no action" alternative as required by NEPA.

EIS Issues/Content: The preliminary concept for the EIS format and content are described below. Public comments are invited on these elements. The presentation in the EIS will include, as appropriate, consideration of the following facets at the preferred and alternative sites during construction and operation of the ANS. Topics related to decommissioning of the ANS will be addressed to define issues associated with the dismantling and/or deactivation of the ANS at the end of its useful life. Additional NEPA review may be necessary in the future when decommissioning plans have been decided.

- Earth Resources: physiography, topography, geology, and soil characteristics.
- Land Use: plans, policies and controls.
- Water Resources: surface and ground water hydrology, use, quality.
- Air Quality: meteorological basis, ambient background, pollutant sources, and potential degradation.
- Radiation Background: cosmic, rock, soil, water and air.
- Hazardous Materials: handling, storage, and use; waste management both near-and long-term.
- Noise Levels: ambient, sources, and sensitive receptors.
- Ecological Resources: aquatic, terrestrial, economically/recreationally important species, threatened and endangered species.
- Socioeconomics: demography, economic base, labor pool, housing, transportation, utilities, public services/facilities, education, recreation, and cultural resources.
- Historical and Archaeological Resources: paleontological and archaeological sites, native American resources, historic and prehistoric sites.
- Scenic and Visual Resources.
- Wetlands: protection and remediation.
- Health and Safety: public and occupational impacts from routine operation and accidents.
- Natural Disasters: floods, tornadoes, and seismic events.
- Unavoidable adverse impacts.
- Natural and Depletable Resources: requirements and conservation potential.

The environmental issues to be addressed in the EIS will be determined after the public scoping period is completed, and they will be recorded in the Implementation Plan.

Scoping Meetings and Opportunity to Comment: DOE plans to hold formal public scoping meetings in the vicinity of the preferred and alternative sites in order to solicit both oral and written comments from interested parties. Public scoping meetings will be held at the following times and locations:

1. Oak Ridge Site

American Museum of Science and Energy
Oak Ridge, Tennessee
Date: June 16, 1993
Time 1:00 p.m. to 4:30 p.m.; 7:00 p.m. to 10:30 p.m.

2. Idaho Site

Elk's Lodge
Idaho Falls, Idaho
Date: June 23, 1993
Time: 1:00 p.m. to 4:30 p.m.; 7:00 p.m. to 10:30 p.m.

3. Los Alamos Site

Los Alamos Inn
Los Alamos, New Mexico
Date: June 30, 1993
Time: 1:00 p.m. to 4:30 p.m.; 7:00 p.m. to 10:30 p.m.

A presiding officer will be designated by DOE for the scoping meetings. The scoping meetings will not be conducted as evidentiary hearings, and there will be no questioning of the speakers. However, the presiding officer may ask for clarification of statements to ensure that DOE fully understands the comments and suggestions. Persons wishing to speak should register outside of the meeting room. The presiding officer will establish the order of speakers, which most likely will be public officials first, followed in turn by group representatives and individuals. The presiding officer will establish any additional procedures necessary for the orderly conduct of the meetings. To ensure that all persons wishing to make a presentation are given the opportunity, a 5-minute limit will be enforced for each speaker, with the exception that public officials and representatives of groups will be allotted 10 minutes each. Comment cards will also be available for those who would prefer to submit their comments in written form. In order to solicit individual viewpoints and facilitate interactive communication between participants and DOE representatives, the Department, in parallel with the formal scoping meeting, will establish a separate area for questions and informal discussion regarding the project. These discussions will be informal in nature and no formal transcript will be recorded.

DOE will prepare transcripts of the scoping meetings, which will be available for public review in the following reading rooms:

1. U.S. Department of Energy, Freedom of Information Public Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone: (202) 586–6020.

2. U.S. Department of Energy Reading Room, Federal Building, 200 Administration Road, Oak Ridge, Tennessee 37831, Telephone: (615) 576–1216.

3. U.S. Department of Energy Public Reading Room, 1776 Science Center Drive, Idaho Falls, Idaho 83415, Telephone: (208) 526–1144.

4. Environmental Restoration Community Reading Room, Museum Park Offices, 15th & Central, Los Alamos, New Mexico 87544, Telephone: (505) 655–5000.

Speakers who wish to provide additional information for the record should submit such information to: Mr. Jimmie P. Mulkey, Office of Facilities, Fuel Cycles and Test Programs, Office of Nuclear Energy, U.S. Department of Energy, NE–473, GTN, Washington, DC. 20585, Telephone: (301) 903–5481.

DOE reserves the right to change dates, times, locations of the meetings, and the procedures for conducting the meetings, if necessary. Notification of changes will be announced in the local media.

To ensure that the full range of issues related to the proposed ANS are addressed, DOE invites both written and oral comments on the proposed scope and content of the EIS from all interested parties. Oral comments will be received at the formal public scoping meetings. Written comments can be submitted at the formal public scoping meetings or sent directly to: Mr. Jimmie P. Mulkey, Office of Facilities, Fuel Cycles and Test Programs, Office of Nuclear Energy, U.S. Department of Energy, NE–473, GTN, Washington, DC 20585, Telephone: (301) 903–5481.

Written and oral comments will be given equal consideration during the scoping process. Written comments not submitted at the June 16, 23, and 30 scoping meetings should be postmarked by July 15, 1993 (to Mr. Jimmie P. Mulkey as listed above), to ensure consideration. Late comments will be considered to the extent practicable.

Issued in Washington, DC., on May 25, 1993.

Raymond P. Berube,

Acting Assistant Secretary, Environment, Safety and Health.

[FR Doc. 93–12846 Filed 5–27–93; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Project Nos. 2341–004 and 2350–005 Georgia]

Georgia Power Co.; Availability of Environmental Assessment

May 24, 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 applications for subsequent license for the existing Langdale and Riverview Projects, located on the Chattahoochee River in Chambers County, Alabama and Harris County, Georgia, and has prepared an Environmental Assessment (EA) for the projects. In the EA, the Commission's staff has analyzed the projects and has concluded that issuance of subsequent licenses for the projects, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12666 Filed 5–27–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1991 Idaho]

Bonners Ferry, City of; Intent To File an Application for a New License

May 24, 1993.

Take notice that the City of Bonners Ferry, Idaho, the existing licensee for the Moyie River Hydroelectric Project No. 1991, filed a timely notice of intent to file an application for a new license, pursuant to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 1991 was issued effective April 1, 1948, and expires March 31, 1998.

The project is located on the Moyie River, a tributary of the Kootenai River, in Boundary County, Idaho. The principal works of the Moyie Project include a 92-foot-high concrete dam; a small reservoir, approximately 1.1 miles long; a combination penstock/pressure tunnel system, 990 feet long; bifurcations of 36- 48- , and 60-inch penstocks to three powerhouses rated at 450, 1,500, and 2000 kW; a substation; a 13.8 kV transmission line; and appurtenant facilities.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the licensee at 102 Main Street, Bonners Ferry, Idaho 83805, Attn: Mike Woodward, Phone (208) 267–3105. This information is also available from CH2M HILL, 700 Clearwater Lane, Boise, Idaho 83702, Attn: John Lincoln Phone (208) 345–5310.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by March 31, 1996.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12671 Filed 5–27–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2613–005 Maine]

Central Maine Power Co., Madison Paper Industries, Scott Paper Co., Merimil Limited Partnership, Augusta Development Corp.; Soliciting Applications

May 24, 1993.

On December 24, 1991, Central Maine Power Company, Madison Paper Industries, Scott Paper Company, Merimil Limited Partnership, and Augusta Development Corp. (Licensees), the existing Licensees for the Moxie Project No. 2613, filed an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act) 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986. The original license for Project No. 2613 was issued effective April 1, 1962 and expires December 31, 1993.

The project is located on the Moxie Stream in Somerset County, Maine. The principal project works consist of a main dam, three closure dams, an earthen dike, a 2,231-acre and 35,000 acre-foot impoundment, and appurtenant facilities. The Moxie Project is a storage reservoir with no hydroelectric generating facilities.

Pursuant to § 16.20 of the Commission's regulations, the deadline for filing an application for new license and any competing applications was December 31, 1991. The Licensees filed an application for license on December 24, 1991. On April 1, 1993, the Licensees filed a notice of withdrawal of its license application, which became effective April 16, 1993. Therefore,

pursuant to § 16.25 of the Commission's regulations, the Commission is soliciting applications from potential applicants other than from the existing Licensees.

Pursuant to § 16.19 of the Commission's regulations, the Licensees are required to make available certain information described in § 16.7 of the Commission's regulations. Such information is available for the Licensees at Central Maine Power Company, Edison Drive, Augusta, ME, 04336.

A potential applicant that files a notice of intent within 90 days from the date of issuance of this notice: (1) May apply for a license under part I of the Act and part 4 (except section 4.38) of the Commission's regulations within 18 months of the date on which it files its notice: and (2) must comply with the requirements of § 16.8 of the Commission's regulations.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12668 Filed 5–27–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. IS93–29–000; OR93–4–000]

Chevron Pipe Line Co.; Complaint and Request for Investigation and Hearing, and Motion for Emergency Action, Consolidation and Exceptions to Order of Oil Pipeline Board

May 24, 1993.

On April 5, 1993, as supplemented on April 16, 1993, Chevron Pipe Line Company filed FERC Tariff No. 311 with a proposed effective date of May 10, 1993. FERC tariff No. 311 is a local and proportional tariff applying to the transportation and gathering of crude petroleum from points in Louisiana to points in Louisiana and Mississippi. Chevron states that the filing is being made to suspend receipt of crude oil from barges at Empire Terminal to allow for the evaluation of repairs necessary to continue the operation of the barge dock. Chevron expects to complete this evaluation by September 1, 1993.

On April 27, 1993, Croydon Resources, Inc. (CRI), a user of the barge dock at the Empire Terminal, filed its motion to intervene, protest, complaint and request for investigation in Docket Nos. IS93–29–000 and OR93–4–000. On May 7, 1993, the Oil Pipeline Board issued its order in Docket No. IS93–29–000 accepting Chevron's tariff and supplement for filing, and denying the protests of CRI, Coastal States Trading, Inc., and Petroleum Networks, Inc. In that order, the Board observed that it does not have the delegated authority to act on complaints. It therefore declined to act on the complaint of CRI.

CRI's complaint, assigned Docket OR93–4–000, alleges that Chevron's tariff change violates its common carrier obligation under the Interstate Commerce Act (ICA), 49 App. U.S.C. 1, *et seq.* (1988), and that Chevron's FERC Tariff No. 311 abrogates the cost-based ratemaking principles of the Commission.

On May 14, 1993, CRI filed a motion for emergency action, consolidation and exceptions to the order of the Oil Pipeline Board. It reiterated its contention, first aired in its April 27 pleading, that "CRI will be forced out of business if the barge dock remains closed until September, 1993, the projected date for resuming barge dock operations pursuant to Chevron's FERC Tariff No. 311." (Motion, p. 3)

Pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, Chevron is directed to answer the complaint of CRI within ten (10) days after publication of this notice in the **Federal Register** in the form required by Rule 213. All parties are hereby granted twenty (20) days to answer the CRI motion for emergency action, consolidation and exceptions to the order of the Oil Pipeline Board. Any person desiring to answer shall file the original and 14 copies of such answer with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12667 Filed 5–27–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–347–000]

Columbia Gulf Transmission Co., Application

May 24, 1993.

Take notice that on May 18, 1993, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP93–346–000, an application pursuant to section 7(b) of the Natural Gas Act, for an order permitting and approving abandonment of a transportation and exchange service provided under Rate Schedule X–62 to Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gulf explains that it exchanged up to 50,000 Mcf of natural gas per day through existing facilities, including those of Sea Robin Pipeline Company, at interconnections near Erath, Rayne and Terrebonne Parish, Louisiana.[1] Transco informed Columbia Gulf by letter dated April 5, 1993, that it desired the service to be terminated effective May 4, 1994. Accordingly, Columbia Gulf filed to abandon the service herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1993, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Columbia Gulf to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12669 Filed 5–27–93; 8:45 am]

BILLING CODE 6717–01–M

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[1] See order issued in 6 FERC ¶ 61,248 (1979), amended 9 FERC ¶ 61,364 (1979).

[Docket No. CP92–203–004]

K N Wattenberg Transmission Limited Liability Company; Compliance Filing

May 24, 1993.

Take notice that on May 12, 1993, K N Wattenberg Transmission Limited Liability Company (K N Wattenberg), P.O. Box 281304, Lakewood, CO 80228–8304, filed a compliance filing and a request for waivers of the provisions of Order No. 636 in the referenced docket.

K N Wattenberg states that by order issued January 15, 1993, the Commission authorized K N Wattenberg to acquire and operate a portion of Panhandle Eastern Pipe Line Company's Wattenberg System. K N Wattenberg further states that on April 1, 1993, it submitted an original FERC Gas Tariff which included changes required by the January 15, 1993, Order to bring K N Wattenberg in compliance with part 284 of the Commission's Regulations.

K N Wattenberg states that since its application was filed prior to the issuance of Order No. 636, the Commission determined that there may be certain revisions required for K N Wattenberg to come into compliance with Order No. 636. K N Wattenberg further states that the Commission ordered K N Wattenberg to make its Order No. 636 compliance filing within 90 days of the date of K N Wattenberg's acceptance of its certificate, which was February 11, 1993.

K N Wattenberg states that it is in compliance with the requirements of Order No. 636, with three exceptions. First, K N Wattenberg does not have in place a capacity release mechanism. Second, K N Wattenberg does not have a "right-of-first-refusal" provision. Finally, K N Wattenberg's electronic bulletin board does not contain provisions for posting information related to capacity releases and potentially available capacity subject to the right of first refusal.

K N Wattenberg states that at present it does not have any executed agreements for firm transportation service on its system. K N Wattenberg therefore requests that the Commission waive these three requirements. K N Wattenberg states that it commits to making the necessary filing with the Commission within 30 days after it contracts with a firm shipper.

Any person desiring to intervene or 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 protests should be filed on or before June 7, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the 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. 93–12672 Filed 5–27–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP93–348–000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

May 24, 1993.

Take notice that on May 19, 1993, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP93–348–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and install a noe-inch sales tap through which United will make natural gas deliveries in Lincoln County, Mississippi to Mississippi Gas Corporation (MGC), a jurisdictional sales customer under United's G Rate Schedule, under the authorization issued in Docket No. CP82–430–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it currently makes sales to MGC in its Bogue Chitto billing area pursuant to a service agreement dated October 1, 1991. United further states that the volumes proposed to be delivered to MGC will be within the currently effective entitlements of 175 MMBtu per day for the Bogue Chitto billing area. It is estimated that the cost for installation of the sales tap will be $1,200, and MGC will reimburse United for the cost of construction.

United states that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers, and that its tariff does not prohibit the proposed sales tap.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 93–12670 Filed 5–27–93; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4660–2]

Notice of Public Water Supervision Program: Program Revision for the State of New Hampshire—Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction.

SUMMARY: In notice document beginning on page 21719 in the issue of Friday, April 23, 1993, make the following correction: On page 21720 in the first column on lines 9, 15 and 21, replace "(date)" with "June 28, 1993."

FOR FURTHER INFORMATION CONTACT: Martha Johnson, U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch, JFK Federal Building, Boston, MA 02203, Telephone: (617) 565–3613.

Dated: May 20, 1993.

Al Wong,

U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch.

[FR Doc. 93–12754 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL 4660–7]

Campo/Cottonwood Creek Aquifer, San Diego County, CA: Sole Source Aquifer Determination

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final determination.

SUMMARY: Pursuant to § 1424(e) of the Safe Drinking Water Act, the Regional Administrator of the U.S. Environmental Protection Agency (EPA) Region 9 has determined that the Campo/Cottonwood Creek Aquifer is a sole or principal source of drinking water for the population in the vicinity of the communities of Boulevard, Campo, and Pine Valley in eastern San

Diego County, California. The Regional Administrator has determined that contamination of this aquifer would create a significant hazard to public health. As a result of this determination, Federally financially assisted projects constructed anywhere in the designated area will be subject to EPA review to ensure that they are designed so as to not create a significant hazard to public health.

ADDRESSES: The data upon which this designation is based are available to the public and may be inspected during normal business hours at the EPA, Region 9, Water Management Division, 12th Floor, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Matthew Hagemann, EPA, Region 9, Groundwater Protection Section (W–6–3), (415) 744–1834.

I. Background

Section 1424(e) of the Safe Drinking Water Act states that if the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

In 1987, EPA delegated authority to designate Sole Source Aquifers to EPA Regional Administrators.

On August 22, 1991, Backcountry Against Dumps (BAD) submitted a petition for Sole Source Aquifer Designation to EPA Region 9. After BAD submitted additional information pursuant to EPA's request, EPA determined the petition to be complete in a letter to BAD on February 11, 1992. EPA conducted a public hearing in Pine Valley, California on July 9, 1992. The public comment period on the petition closed on July 24, 1992.

II. Basis for Determination

The factors to be considered by the Regional Administrator in the designation of an area under Section 1424(e) of the Safe Drinking Water Act are: (1) Whether the aquifer is the area's sole or principal source of drinking water and; (2) whether contamination of the aquifer would create a significant hazard to public health.

On the basis of information available to EPA, the Regional Administrator has made the following findings, which are the basis for the determination:

1. The Campo/Cottonwood Creek Aquifer currently serves as the sole or principal source of drinking water for the residents of the Campo/Cottonwood Creek area.

2. Contamination of the aquifer would create a significant hazard to public health. There is no economically feasible alternative drinking water source, or combination of sources near the designated area. Potential sources of contamination include: cesspools, landfills, and highway and rail accidents. Contamination of the aquifer could become widespread through groundwater flow in regionally extensive fractures.

3. The determination of the boundary of the Sole Source Aquifer is consistent with EPA's Sole Source Aquifer Designation Decision Process: Petition Review Guidance (Office of Groundwater Protection, 1987).

III. Description of the Campo/ Cottonwood Creek Sole Source Aquifer

The Campo/Cotton wood Creek Sole Source Aquifer underlies a 400 square-mile area in San Diego County, California about 20 miles west of El Cajon, California. This area encompasses the communities of Pine Valley to the north, Live Oak Springs to the south, Barrett Junction to the west, and the U.S./Mexican border to the south. The Campo/Cottonwood Creek Sole Source Aquifer is unconfined and groundwater occurs in three interconnected water-bearing units beneath the area: (1) highly weathered residuum formed atop the igneous rock; (2) partly weathered to unweathered fractured intrusive igneous rock and; (3) alluvium. The yields from wells completed in the residuum and the fractured igneous rock vary from 0 to 40 gallons per minute. Yields of 50 to 210 gallons per minute have been reported in the alluvium. Numerous springs in the eastern portion of the petitioned area yield a maximum of 9 gallons per minute.

IV. Information Used in the Determination

The information used in the determination includes the petition and the amended petition as submitted by BAD. In addition, the determination is based on EPA's "Technical Support Document" (TSD). The TSD is in turn based upon reviews of relevant hydrogeological studies in the area. These documents are available to the public and may be inspected during business hours at the EPA, Water Management Division, 12th Floor, 75 Hawthorne Street, San Francisco, California.

V. Project Review

EPA Region 9 will seek to work with the Federal Agencies that may in the future provide financial assistance to projects within the boundaries of the Campo/Cottonwood Creek Sole Source Aquifer. EPA will seek to develop agreements with other Federal agencies whereby EPA will be notified of proposed commitments of Federal financial assistance for projects which could contaminate the aquifer. In the event that a Federal financially assisted project could contaminate the Campo/ Cottonwood Creek Sole Source Aquifer through its recharge zone so as to create a significant hazard to public health, no commitment of Federal financial assistance will be made. However, a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to insure it will not contaminate the aquifer.

Although the project review process cannot be delegated, EPA will consider, to the maximum extent possible, any existing or future state, tribal, and local control mechanisms in protecting the groundwater quality of the aquifer. EPA will also coordinate any Federal financially assisted project with state, tribal, and local agencies.

VI. Summary and Discussion of Public Comments

EPA received 51 letters during the public comment period. Of the letters, 46 were in support of the designation, 1 was in opposition to the designation, and 4 were neither in favor or opposition to the designation but requested additional technical information. EPA also received 435 pre-printed postcards in support of designation. Thirty-six people spoke at the public hearing held in Pine Valley, California on July 9, 1992. Of the speakers, 31 supported designation, and five neither supported nor opposed it, but asked that EPA obtain additional information. The public's written and oral comments are fully addressed in EPA's Responsiveness Summary and Technical Support Document, which are available to the public during normal business hours at the above address.

VII. Economic and Regulatory Impact

Pursuant to the provisions of the Regulatory Flexibility Act (RFA), 5

U.S.C. 605(b), I hereby certify that the attached rule will not have a significant impact on a substantial number of small entities. For purposes of this certification, the term "small entity" shall have the same meaning as given in Section 601 of the RFA. This action is only applicable to the area within the boundaries of the Campo/Cottonwood Creek Sole Source Aquifer. The only affected entities will be those businesses, organizations, or governmental jurisdictions that request Federal financial assistance for projects which have the potential for contaminating the aquifer so as to create a significant hazard to public health. EPA does not expect to be reviewing small, isolated commitments of financial assistance on an individual basis unless a cumulative impact on the aquifer is anticipated; accordingly, the number of affected small entities will be minimal.

For those small entities which may be subject to review, the impact of today's action will not be significant. For most projects subject to this review, a ground water impact assessment will be required pursuant to other federal laws, such as the National Environmental Policy Act, as amended (NEPA), 42 U.S.C. 4321, et seq. Integration of those related reviews with sole source aquifer review will allow EPA and other federal agencies to avoid delay or duplication of effort in approving financial assistance, thus minimizing any adverse effect on those small entities which are affected. Finally, today's action does not prevent grants of Federal financial assistance which may be available to any affected small entity in order to pay for the redesign of the project to assure protection of the aquifer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect of $100 million or more on the economy, will not cause any major increase in costs or prices, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete in domestic or export markets. Today's action only affects the area within the boundaries of the Campo/Cottonwood Creek Sole Source Aquifer area. As a result of this action, no commitment of Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

Dated: May 5, 1993.

John Wise,

Acting Regional Administrator.

[FR Doc. 93–12753 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–140210; FRL–4585–7]

Access to Confidential Business Information by Battelle Memorial Institute

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Battelle Memorial Institute (BMI), of Columbus, Ohio, for access to information which has been submitted to EPA under sections 4, 5, 6, 8, 11, and 21 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than June 14, 1993.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D2–0139, contractor BMI, of 505 King Avenue, Columbus, OH, will assist the Office of Pollution Prevention and Toxics (OPPT) in conducting statistical design and analysis of human monitoring and various data collection activities in support of OPPT activities.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D2–0139, BMI will require access to CBI submitted to EPA under sections 4, 5, 6, 8, 11, and 21 of TSCA to perform successfully the duties specified under the contract. BMI personnel will be given access to information submitted to EPA under sections 4, 5, 6, 8, 11, and 21 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, 8, 11, and 21 of TSCA that EPA may provide BMI access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and BMI's Columbus, OH facility only.

BMI will be authorized access to TSCA CBI at its facility under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. Before access to TSCA CBI is authorized at BMI's site, EPA will approve BMI's security certification statement, perform the required inspection of its facility, and ensure that the facility is in compliance with the manual. Upon completing review of the CBI materials, BMI will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1995.

BMI personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: April 30, 1993.

George A. Bonina,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 93–12764 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–F

[ER–FRL–4620–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of Federal Activities, General Information (202) 260–5076 or (202) 260–5075. Weekly Receipt of Environmental Impact Statements Filed May 17, 1993 Through May 21, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930168, DRAFT EIS, FHW, NY, NY–9A Reconstruction Project, Battery Place to 59th Street along the western edge of Manhattan, Funding and Approval of Permits, New York County, NY, Due: July 12, 1993, Contact: Harold J. Brown (518) 472–3616.

EIS No. 930169, DRAFT EIS, AFS, MS, Porter Creek Recreation and Lake Complex, Development and Construction, COE Section 404 Permit and Land Acquisition, Homochitto National Forest, Bude Ranger District, Franklin County, MS, Due: July 12, 1993, Contact: Gary W. Bennett (601) 384–5876.

EIS No. 930170, DRAFT EIS, AFS, OR, Camas Salvage Timber Sales, Restoration and Off-Highway Vehicle Trail Complex Projects, Implementation, Umatilla National Forest, North Fork John Day Ranger District, Umatilla and Union Counties, OR, Due:

July 23, 1993, Contact: Jeff Hammes (503) 427–3231.

EIS No. 930171, DRAFT EIS, FHW, WA, I–5/196th Street SW/WA–524 Interchange Project, Improvements, Funding, NPDES and COE Section 404 Permits, Snohomish County, WA, Due: July 19, 1993, Contact: Barry F. Morehead (206) 753–2120.

EIS No. 930172, DRAFT EIS, AFS, AK, Campbell Timber Sale, Implementation, Tongass National Forest, Stikine Area, AK, Due: July 14, 1993, Contact: Meg Mitchell (907) 874–2323.

EIS No. 930173, FINAL EIS, GSA, GA, Atlanta Federal Center Consolidation for the housing of several Federal Agencies, Site Specific, Rich's Department Store, Martin Luther King, Jr. Drive, Atlanta, GA, Due: June 28, 1993, Contact: Judith M. Cobb (404) 331–7780.

Dated: May 25, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93–12751 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–4621–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 10, 1993 through May 14, 1993 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 09, 1993 (58 FR 18392).

Draft EISs

ERP No. D–APH–A82123–00 Rating EC2, Medfly (Mediterranean Fruit Fly) Cooperative Eradication Program, Implementation, AL, AZ, CA, FL, GA, LA, MS, SC and TX.

Summary: EPA had environmental concerns with the proposed program regarding information on site-specific characteristics, monitoring, endangered species, and pesticide use. Additional information on these subjects was requested.

ERP No. D–FHW–E40332–FL Rating EC2, FL–312 Extension Project, Construction, FL–207 to US 1/FL–5 north of the City of St. Augustine, Funding, Right-of-Way Permit, COE Section 404 and NPDES Permits, St. John County, FL.

Summary: EPA concluded that the major impact to the natural environment from the proposed roadway would be to wetlands. Information on wetland mitigation and noise impacts were not adequate to assess project impacts.

ERP No. D–GSA–K40195–CA Rating EO2, Calexico East Border Station Construction and Road Construction, CA–7 between the near Port of Entry and CA–98 that borders the United States and Mexico, Funding and Right-of-Way Permit, City of Calexico, Imperial County, CA.

Summary: EPA expressed environmental objections due to potential adverse impacts to water quality via indirect growth and the accidental release of hazardous material.

ERP No. D–USN–K11101–GU Rating EO2, US Navy Facilities Relocation and Development, from the Republic of the Philippines to the Territory of Guam, Implementation and COE Section 404 Permit, GU.

Summary: EPA expressed environmental objections because of projected exceedances of Federal air quality standards for sulfur dioxide and particulate matter due to upgrading the Orote Power Plant and potential impacts to water quality and biota from harbor dredging and the disposal of dredge sediments. EPA requested information in the final EIS on dredging and disposal impacts, asbestos and polychlorinated biphenyls, and urged the Navy to adopt a wide variety of pollution prevention measures in the Record of Decision including a comprehensive hazardous waste minimization program at the Guam military facility.

Final EISs

ERP No. F–AFS–K61124–CA Echo Summit Ski Area Site, Operation and Management, Issue Special Use Permit, El Dorado National Forest, Placerville Ranger District, El Dorado County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal letter was sent to the preparing agency.

ERP No. F–AFS–L65189–ID Steen Creek Salvage Timber Sale, Salvage Harvest Timber and Possible Road Construction, Payette National Forest, Adams County, ID.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the preparing agency.

ERP No. F–BOP–E81034–SC Edgefield Low Security Federal Correctional Institution, Construction, Operation and Site Selection, Edgefield County, SC.

Summary: EPA had no objections to this project.

ERP No. F–IBR–K28015–CA Salinas Valley Seawater Intrusion Program, Long-Term Water Supply, Funding, COE Section 10 and 404 Permits, Salinas River, Castroville, Marina and Fort Ord Areas, Salinas Valley, Monterey County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal letter was sent to the preparing agency.

Other

ERP No. LF–NOA–A91057–00 Regime to Govern the Incidental Taking of Marine Mammals during Commercial Fishing Operations after October 1, 1993, Development, Management and Permit Approval.

Summary: EPA had no objections to the activities suggested in the document. The FEIS has adequately responded to many of the comments that EPA raised in its review of the DEIS in September, 1991.

Dated: May 25, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93–12752 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–U

[FRL–4660–3]

Minnesota: Adequacy Determination of State Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative determination on application of Minnesota for full program adequacy determination, public hearing and public comment period.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste will comply with the revised Federal 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. The EPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR) that will provide procedures by which the EPA will approve, or partially approve, State/Tribal MSWLF permit programs as applications are submitted. Thus, the approvals are dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on

the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal MSWLF permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved MSWLF permit programs can use the site-specific flexibility provided by 40 CFR part 258 to the extent the State/Tribe MSWLF permit program allows such flexibility. The EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the revised Federal Criteria will apply to all permitted and unpermitted MSWLF facilities.

Minnesota applied for a determination of adequacy under section 4005 of RCRA. The EPA reviewed Minnesota's application and made a tentative determination that all portions of Minnesota's MSWLF permit program are adequate to assure compliance with the revised Federal Criteria. Minnesota's application for program adequacy determination is available for public review and comment.

Although RCRA does not require the EPA to hold a hearing on any determination to approve a State/Tribal MSWLF permit program, Region 5 has scheduled an opportunity for a public hearing on this tentative determination. Details appear below in the "DATES" section.

DATES: All comments on Minnesota's application for a determination of adequacy must be received by EPA Region 5 by the close of business on July 28, 1993. A public hearing will be held at the Minnesota Pollution Control Agency in St. Paul, Minnesota, on July 28, 1993. Minnesota will participate in the public hearing held by the EPA on this subject.

ADDRESSES: Copies of Minnesota's application for adequacy determination are available between 9 a.m. and 4 p.m. during normal working days at the following addresses for inspection and copying: Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155–3898; and U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, Attn: Mr. Andrew Tschampa, mailcode HRP–8J. All written comments should be sent to the EPA Region 5 Office.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew Tschampa, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, mailcode HRP–8J, telephone (312) 886–0976.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, the EPA promulgated revised Federal 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 revised Federal Criteria. Subtitle D also requires in section 4005 that the EPA determine the adequacy of State MSWLF permit programs to ensure compliance with the revised Federal Criteria. To fulfill these requirements, 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.

The EPA intends to approve State/Tribal MSWLF permit programs prior to the promulgation of the STIR. The 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 the revised Federal 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, the 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 who fails to comply with an approved MSWLF program.

The EPA will determine whether a State/Tribe has submitted an adequate program based on the interpretation outlined above. The EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. The EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF permit program before it gives full approval to a MSWLF permit program.

B. State of Minnesota

On April 30, 1993, Minnesota submitted an application for adequacy determination. The EPA has reviewed Minnesota's application and has tentatively determined that all portions of the State's Subtitle D program will ensure compliance with the revised Federal Criteria.

In its application, Minnesota proposes that two location restrictions in the revised Federal Criteria are not applicable in the State. Minnesota provided information from the Minnesota Geologic Survey that indicated there is no conclusive documentation of Holocene displacement on any fault in the State (40 CFR 258.13). In addition, Minnesota provided information that indicated the State is not in an active seismic region (40 CFR 258.14).

In its application, Minnesota proposes to use two general permit conditions, which require every permittee to meet Federal requirements and incorporate Federal requirements in every permit, to meet the following revised Federal Criteria.

1. Daily cover (40 CFR 258.21)
2. Methane monitoring on a quarterly basis (40 CFR 258.23)
3. Run-on and run-off control systems designed to manage the discharge of a 24-hour, 25-year storm (40 CFR 258.26)
4. Controls to stop the discharge of pollutants into U.S. waters (40 CFR 258.27)
5. Closure activities completed within 180 days (40 CFR 258.60)
6. Post-closure care for 30 years (40 CFR 258.61)
7. Financial assurance hardship provision for public and private facilities may no longer be utilized (40 CFR 258.74)

Minnesota also indicated in its application that it will require a composite liner that consists of a synthetic membrane and a soil barrier. In addition, the State proposes to consider a limited number of alternative designs, based on protection of the groundwater, using the U.S. EPA HELP and Multi-Method models. If the alternative liner design cannot meet the groundwater protection standards established at the compliance boundary, the State will require a composite liner.

In its application, Minnesota proposes to delete a number of constituents from the list in the revised Federal Criteria for detection monitoring. The State provided supporting information for an alternative monitoring list. In addition, the State proposes that if violations occur based on detection monitoring, the leachate in the liner system will be sampled for the assessment monitoring parameters in Appendix II. If the concentrations of the parameters in the

leachate exceed allowable limits as defined in Appendix II, those parameters will be sampled in the monitoring wells.

Minnesota proposes in its application to require a final cover system that consists of clay or a composite cover that consists of clay and a synthetic membrane. The clay system will be used only when it can be demonstrated, using the EPA HELP model, that the clay infiltration layer achieves a better efficiency for water rejection than a cover system with a synthetic membrane.

In its application, the State proposes to allow a municipality to pledge its full faith and credit to bond for corrective action funds. If a municipality fails to bond when the funds are required, the State will garnish the municipality's State aid.

The revised Federal Criteria require unfiltered groundwater samples to be used in a laboratory analysis. Currently, Minnesota allows samples to be filtered and preserved in the field. The EPA intends to revisit this issue during a proposed rulemaking. If the proposed rulemaking upholds the ban on field filtering, the State will be required to come into compliance with the provisions in 40 CFR 258.53(b). In the meantime, the State will not be given approval of this requirement.

The EPA will hold a public hearing on its tentative decision on July 28, 1993, from 9 a.m. to 12 p.m., at the Minnesota Pollution Control Agency in St. Paul, Minnesota. Comments can be submitted as transcribed from the discussion at the hearing or in writing at the time of the hearing. The public may also submit written comments on the EPA's tentative determination until July 28, 1993. Copies of Minnesota's application are available for inspection and copying at the location indicated in the "ADDRESSES" section of this notice.

The EPA will consider all public comments on its tentative determination during the public comment period and public hearing. Issues raised by those comments may be the basis for a determination of inadequacy for Minnesota's program. The EPA will make a final decision on whether or not to approve Minnesota's program by September 15, 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 responses 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 revised Federal Criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As the EPA explained in the preamble to the final revised Federal Criteria, the EPA expects that any owner or operator complying with the provisions in a State/Tribal program approved by the EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Compliance With Executive Order 12291

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 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.

Dated: May 20, 1993.

Janet Mason,

Acting Regional Administrator.

[FR Doc. 93–12755 Filed 5–27–93; 8:45am]

BILLING CODE 6560–50–P

[OPPTS–62126; FRL–4586–4]

Accredited Training Programs Under The Asbestos Hazard Emergency Response Act (AHERA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: National Directory of AHERA Accredited Courses (NDAAC); Notice of Availability of New Edition.

SUMMARY: Effective May 28, 1993, the EPA is announcing the availability of a new edition of its National Directory of AHERA Accredited Courses (NDAAC). This publication, updated quarterly, provides information to the public about training providers and courses approved for accreditation purposes pursuant to the Asbestos Hazard Emergency Response Act (AHERA). As a nationwide listing of approved asbestos training programs and courses, the NDAAC has replaced the similar listing which was formerly published quarterly by EPA in the Federal Register. The May 28, 1993, directory, which supersedes the version released on February 26, 1993, may be ordered through the NDAAC Clearinghouse along with a variety of related reports.

ADDRESSES: Parties interested in receiving a brochure which describes the national directory and provides ordering information should contact: NDAAC Clearinghouse, c/o ATLIS Federal Services, 6011 Executive Blvd., Rockville, MD 20852, Telephone: (301) 984–1929.

FOR FURTHER INFORMATION CONTACT: Susan Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–543B, 401 M St., SW, Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Pursuant to AHERA, as amended by the Asbestos School Hazard Abatement Reauthorization Act (ASHARA), contractors who prepare management plans for schools, inspect for asbestos in schools or public and commercial buildings, or design or conduct response actions with respect to friable asbestos-containing materials in schools or public and commercial buildings, are required to obtain accreditation by completing prescribed training requirements. EPA therefore maintains a current national listing of AHERA-accredited courses and approved training providers so that this information will be readily available to assist the public in accessing these training programs and obtaining the necessary accreditation. The information is also maintained so that the Agency and approved state accreditation and licensing programs will have a reliable means of identifying and verifying the approval status of training courses and organizations.

Previously, EPA had published this listing in the Federal Register on a quarterly basis. The last Federal Register listing required by law was published on August 30, 1991. EPA recognized the need to continue publication of this document even though the legislative mandate had expired. The NDAAC fulfills the public need for this information while at the same time, it reduces EPA cost and improves the service's capabilities.

Dated: May 6, 1993.

Joseph A. Carra,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 93–12228 Filed 5–27–93; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

May 21, 1993.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 10, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–0276. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0532.

Title: Sections 2.975(a)(8), 2.1033(b)(12), Scanning Receiver Compliance Exhibit.

Action: Revision of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 40 responses; 1 hour average burden per response; 40 hours total annual burden.

Needs and Uses: The Commission's Equipment Authorization Program currently certifies scanning receivers, including those that can monitor frequencies allocated to the Domestic Public Cellular Radio Telecommunications Service. These scanning receivers threaten the privacy of cellular telephone customers. The Telephone Disclosure and Dispute Resolution Act, enacted by the Congress on 10/92, in part requires that the Commission deny equipment authorization to scanning receivers that can receive, or be readily altered by the user to receive cellular frequencies. The Commission was given 180 days, until April 26, 1993, to adopt and make effective regulations implementing the Act. This proceeding proposes to implement regulations to prohibit scanning receivers, and frequency converters used with scanning receivers, from tuning to cellular frequencies or being readily altered to tune those frequencies. The changes in this item from the NPRM requires that the statement of compliance must include a description of the methods used to determine such compliance. The information gathered will be used to determine that the equipment marketed complies with the Congressional mandate and applicable Commission Rules.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93–12674 Filed 5–27–93; 8:45 am]

BILLING CODE 6712–01–M

[PR Docket No. 93–57; DA 93–569]

Private Land Mobile Radio Services; South Dakota Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Chief, Private Radio Bureau and the Chief Engineer released this Order accepting the Public Safety Radio Plan for South Dakota (Region 38). As a result of accepting the Plan for Region 38, licensing of the 821–824/866–869 Mhz band in that region may begin immediately.

EFFECTIVE DATE: May 21, 1993.

FOR FURTHER INFORMATION CONTACT: Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: May 14, 1993.

Released: May 21, 1993.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On January 5, 1993, Region 38 (South Dakota) submitted its Public Safety Plan to the Commission for review. The Plan sets forth the guidelines to be followed in alloting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in South Dakota.

2. The South Dakota Plan was placed on Public Notice for comments due on April 21, 1993, 58 FR 14571 (March 18, 1993). The Commission received no comments in this proceeding.

3. We have reviewed the Plan submitted for South Dakota and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87–112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in South Dakota.

4. Therefore, we accept the South Dakota Public Safety Radio Plan. Furthermore, licensing of the 821–824/866–869 MHz band in South Dakota may commence immediately.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 93–12705 Filed 5–27–93; 8:45 am]

BILLING CODE 6712–01–M

[PR Docket No. 93–58; DA 93–570]

Private Land Mobile Radio Services; Tennessee Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Chief, Private Radio Bureau and the Chief Engineer released this Order accepting the Public Safety Radio Plan for Tennessee (Region 39). As a result of accepting the Plan for Region 39, licensing of the 821–824/866–869 MHz band in that region may begin immediately.

EFFECTIVE DATE: May 21, 1993.

FOR FURTHER INFORMATION CONTACT: Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: May 14, 1993.

Released: May 21, 1993.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On January 21, 1993, Region 39 (Tennessee) submitted its Public Safety Plan to the Commission for review. The Plan sets forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in Tennessee.

2. The Tennessee Plan was placed on Public Notice for comments due on April 21, 1993, 58 FR 14571 (March 18, 1993). The Commission received no comments in this proceeding.

3. We have reviewed the Plan submitted for Tennessee and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87–112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in Tennessee.

4. Therefore, we accept the Tennessee Public Safety Radio Plan. Furthermore, licensing of the 821–824/866–869 MHz band in Tennessee may commence immediately.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 93–12704 Filed 5–27–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–979–DR]

California; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California, (FEMA–979–DR), dated February 3, and related determinations.

EFFECTIVE DATE: May 11, 1993.

FOR FURTHER INFORMATION CONTACT:

Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated February 3, 1993, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 3, 1993:

The Coast Indian Community of the Resighini Rancheria in Del Norte County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 93–12676 Filed 5–27–93; 8:45 am]

BILLING CODE 6718–02–M

Changes to the Hotel and Motel Fire Safety Act National Master List

AGENCY: United States Fire Administration, FEMA.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA or Agency) gives notice of additions and corrections/changes to, and deletions from, the national master list of places of public accommodations which meet the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act.

EFFECTIVE DATE: June 28, 1993.

ADDRESSES: Comments on the master list or any changes to the master list are invited and may be addressed to the Rules Docket Clerk, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, D.C. 20472, (fax) (202) 646-4536.

FOR FURTHER INFORMATION CONTACT: Larry Maruskin, Office of Fire Prevention and Arson Control, United States Fire Administration, Federal Emergency Management Agency, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447-1141.

SUPPLEMENTARY INFORMATION: Acting under the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. 2201 note, the United States Fire Administration has worked with each State to compile a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines under the Act. FEMA published the national master list in the **Federal Register** on Tuesday, November 24, 1992, 57 FR 55314, and published changes five times previously.

Periodically FEMA will update and redistribute the national master list to incorporate additions and corrections/changes to the list, and deletions from the list.

Each update contains or will contain three categories: "Additions;" "Corrections/changes;" and "Deletions." For the purposes of the updates, the three categories mean and include the following:

"Additions" are either names of properties submitted by a State but inadvertently omitted from the initial master list or names of properties submitted by a State after publication of the initial master list;

"Corrections/changes" are corrections to property names, addresses or telephone numbers previously published or changes to previously published information directed by the State, such as changes of address or telephone numbers, or spelling corrections; and

"Deletions" are entries previously submitted by a State and published in the national master list or an update to the national master list, but subsequently removed from the list at the direction of the State.

Copies of the national master list and its updates may be obtained by writing to the Government Printing Office, Superintendent of Documents, Washington, DC 20402–9325. When requesting copies please refer to stock number 069–001–00049–1.

The update to the national master list follows below.

Dated: May 21, 1993.

James L. Witt,

Director.

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST MAY 17, 1993 UPDATE

Property name	PO Box/Rt No. and street address	City	State/zip	Telephone
Additions				
California:				
Holiday Inn Of Concord	1050 Burnett Ave	Concord	CA 94520	510–687–5500
Del Coronado Crown Motel	330 N. Imperial Ave	El Centro	CA 92243	619–353–0030
Holiday Inn Express	23192 Lake Center Dr	El Toro	CA 92630	714–380–9888
Residence Inn By Marriott	10 Morgan	Irvine	CA 92718	714–380–3000
Courtesy Inn	4 Broadway Clr	King City	CA 93930	408–385–4646
Residence Inn By Marriott Long Beach	4111 E. Willow St	Long Beach	CA 90815	310–595–0909
Riviera Motor Lodge	15 El Camino Real	Menlo Park	CA 94025	415–321–8772
Parc Oakland Hotel	1001 Broadway	Oakland	CA 94607	510–451–4000
Clarion's Hotel St. James	830 Sixth Ave	San Diego	CA 92101	619–234–0155
Redwood Inn Motel	1530 Lombard St	San Francisco	CA 94123	415–776–3800
The Harbor Court Hotel	165 Steuart St	San Francisco	CA 94105	415–882–1300

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST MAY 17, 1993 UPDATE—Continued

Property name	PO Box/Rt No. and street address	City	State/zip	Telephone
Santa Monica Gateway Hotel	1920 Santa Monica Blvd	San Monica	CA 90404	310–829–9100
Colorado:				
Limelite Lodge	228 E. Cooper St	Aspen	CO 81611	303–925–3025
Cortez Super 8 Motel	505 E. Main St	Cortez	CO 81321	303–565–8888
Comfort Inn	2930 Main Ave	Durango	CO 81301	303–259–5373
Durango Super 8 Motel	20 Stewart St	Durango	CO 81301	303–259–0590
Holiday Inn	800 Camino Del Rio	Durango	CO 81328	303–247–5393
Clarion Hotel Denver Southeast	7770 S. Peoria St	Englewood	CO 80112	303–790–7770
River Valley Inn	4540 State Hwy. 67 S	Florence	CO 81226	719–784–4800
Delaware:				
Comfort Inn	PO Box 1450 US 13 & Beaver Dam Dr.	Seaford	DE 19973	302–629–8385
Georgia:				
Comfort Suites Merry Acres	1400 Dawson Rd	Albany	GA 31708	912–888–3939
Jameson Inn Americus	1605 Cordele Hwy	Americus	GA 31709	912–924–2726
Windsor Hotel	125 W. Lamar	Americus	GA 31709	912–924–1555
Comfort Inn Atlanta	3701 Jonesboro Rd	Atlanta	GA 30354	404–361–1111
Econo Lodge Airport	1360 Virginia Ave	Atlanta	GA 30344	404–761–5201
Hotel Nikko Atlanta	3300 Peachtree Rd	Atlanta	GA 30305	404–365–8100
Occidental Grand Hotel	75 14th St	Atlanta	GA 30309	404–881–9898
Residence Inn By Marriott Piedmont	2960 Piedmont Rd	Atlanta	GA 30305	404–239–0677
Sheraton Atlanta Airport Hotel	1325 Virginia Ave	Atlanta	GA 30344	404–768–6660
Sheraton Century Center Hotel	2000 Century Blvd. NE	Atlanta	GA 30345	404–325–0000
Terrace Garden Inn	3405 Lenox Rd. NE	Atlanta	GA 30326	404–261–9250
Wyndham Midtown	Peachtree & 10th St	Atlanta	GA 30309	404–873–4800
Wyndham Perimeter	800 Hammond Dr	Atlanta	GA 30329	404–252–3344
Wyndham Vinings	2857 Paces Ferry Rd	Atlanta	GA 30339	404–432–5555
Holiday Inn West Augusta	1705 Stevens Creek Rd	Augusta	GA 30909	706–738–8811
Howard Johnson Augusta	601 Bobby Jones Exprwy	Augusta	GA 30907	706–863–2882
Raddisson Augusta	3038 Washington Rd	Augusta	GA 30907	706–868–1800
Glynn Mall Suites Hotels	500 Mall Blvd	Brunswick	GA 31525	912–264–6100
Holiday Inn Brunswick	3302 Glynn Ave	Brunswick	GA 31520	912–264–9111
Holiday Inn Calhoun	PO Box 252 I–75 Red Bud Rd	Calhoun	GA 30701	706–629–9191
Holiday Inn Cartersville	2336 Hwy. 411 NE	Cartersville	GA 30120	404–386–0830
Best Western Airport Motor Inn	4979 Old National Hwy	College Park	GA 30349	404–669–8616
Budgetell Inn Atlanta Airport	2480 Old National Pkwy	College Park	GA 30349	404–766–0000
Econo Lodge Columbus	4483 Victory Dr	Columbus	GA 31903	706–682–3803
Howard Johnson Commerce	Rt. #1 Box 163d	Commerce	GA 30529	706–335–5581
Comfort Inn Cornelia	Rt. #2 Box 2209	Cornelia	GA 30531	706–778–9273
Holiday Inn Dalton	515 Holiday Dr	Dalton	GA 30720	706–278–0500
Valley Inn Resort Hamilton	14420 Hwy. 27	Hamilton	GA 31811	706–628–4454
Comfort Inn Helen	Edelweiss Dr	Helen	GA 30545	706–878–8000
Holiday Inn Hinesville	726 Oglethorpe Hwy	Hinesville	GA 31313	912–368–2275
Comfort Inn Jonesboro	6370 Old Dixie Hwy	Jonesboro	GA 30236	404–961–6336
Comfort Inn Kings Bay	I–95 & Sr 40	Kingsland	GA 31548	912–729–6979
Holiday Inn Kingsland	I–95 930 Hwy. 40 E	Kingsland	GA 31548–1869	912–729–3000
Days Inn Lagrange	2606 Whitesville Rd	Lagrange	GA 30240	404–882–8881
Comfort Inn Macon	4951 Elsenhower Pkwy	Macon	GA 31206	912–788–5500
Comfort Inn Macon	2690 Riverside Dr	Macon	GA 31204	912–746–8855
Holiday Inn Macon	4775 Chambers Rd	Macon	GA 31206	912–788–0120
Rodeway Inn	4999 Eisenhower Pkwy	Macon	GA 31206	912–781–4343
Howard Johnson McDonough	1279 Hampton Rd	McDonough	GA 30253	404–957–2651
Red Roof Inn Morrow	1348 Southlake Plaza Dr	Morrow	GA 30260	404–968–1483
Callaway Gardens	PO Box 2000	Pine Mountain	GA 31822	706–663–2281
Holiday Inn Roswell	1075 Holcomb Bridge Rd	Roswell	GA 30075	404–992–9600
Econo Lodge Savannah	7500 Abercorn St	Savannah	GA 31406	912–352–1657
Holiday Inn Savannah	601 E. Bay St	Savannah	GA 31401	912–238–1200
Kings Bay Lodges	603 San Bar Dr	St. Marys	GA 31558	912–882–8900
Red Roof Inn Tucker	2810 Lawrenceville Hwy	Tucker	GA 30084	404–496–1311
Comfort Inn Valdosta	PO Box 1191 I–75 & US 84 W	Valdosta	GA 31602	912–242–1212
Howard Johnson Valdosta	N. Valdosta Rd	Valdosta	GA 31602	912–244–4460
Quality Inn Valdosta	1209 St. Augustine Rd	Valdosta	GA 31601	912–244–8510
Holiday Inn Vidalia	2619 E. First St	Vidalia	GA 30474	912–537–9000
Kentucky:				
Super 8 Motel	250 Shoney Dr	Georgetown	KY 40324	502–863–4888
Drury Inn	4910 Hinkleville Rd	Paducah	KY 42001	502–443–3313
Louisiana:				
Holiday Inn Baton Rouge East	10455 Rieger Rd	Baton Rouge	LA 70809	504–293–6880
Red Roof Inn # 141	11314 Boardwalk Dr	Baton Rouge	LA 70816	504–275–6600
Residence Inn By Marriott	1001 Gould Dr	Bossier	LA 71111	318–747–6220
Holiday Inn Holidome	210 S. Hollywood Rd	Houma	LA 70360	504–868–5851

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST MAY 17, 1993 UPDATE—Continued

Property name	PO Box/Rt No. and street address	City	State/zip	Telephone
Comfort Inn Lafayette	1421 SE Evangeline Thruway	Lafayette	LA 70501	318–232–9000
Historic French Market Inn	501 Decatur St	New Orleans	LA 70130	504–561–5621
Maryland:				
Clarion Inn Inner Harbor	711 Eastern Ave	Baltimore	MD 21202	410–783–5553
Days Inn Easton	7018 Ocean Gateway	Easton	MD 21601	410–822–4600
Frederick Holiday Inn	I–270 Rt. 85 5400 Holiday Dr .	Frederick	MD 21701	301–694–7500
Holiday Inn Grantsville	PO Box 35 H Rt. 2 I	Grantsville	MD 21536	301–895–5993
Wellesley Inn	1101 Dual Hwy	Hagerstown	MD 21740	301–733–2700
Residence Inn Hunt Valley	10710 Beaver Dam Rd	Hunt Valley	MD 21030	410–584–7370
Red Roof Inn Columbia Jessup	8000 Washington Blvd	Jessup	MD 20794	410–796–0380
Best Western Flagship	2600 Baltimore Ave	Ocean City	MD 21842	410–289–3384
Harrison Hall Hotel	1409 Boardwalk	Ocean City	MD 21842	410–289–6222
Holiday Inn Oceanfront	PO Box 160 6600 Coastal Hwy.	Ocean City	MD 21842	410–524–1600
Quality Inn Oceanfront	5400 Coastal Hwy	Ocean City	MD 21842	410–524–7200
Quality Inn	825 Ocean Hwy	Pocomoke	MD 21851	410–957–1300
Minnesota:				
Best Western Inn	Hwy. 32	Thief River Falls	MN 56701	218–681–7555
Nebraska:				
Omaha Comfort Inn	10919 S. St	Omaha	NE 68137	402–592–2882
New Hampshire:				
Ashworth Hotel Inc	295 Ocean Blvd	Hampton Beach	NH 03842	603–926–6762
New Mexico:				
Holiday Inn	601 S. Canal St	Carlsbad	NM 88220	505–885–8500
Holiday Inn Of Clovis	2700 E. Mabry Dr	Clovis	NM 88101	505–762–4491
Best Western El Rancho Palacio Motel	2205 N. Main	Roswell	NM 88201	505–622–2721
Days Inn	1310 N. Main St	Roswell	NM 88201	505–623–4021
Carrizo Lodge	PO Drawer A	Ruidoso	NM 88345	505–257–9131
Nevada:				
Holiday Inn Express	5265 Industrial	Las Vegas	NV 89118	702–369–1988
Colorado Belle Hotel & Casino	2100 S. Casino Dr	Laughlin	NV 89028	702–298–4000
New York:				
Econo Lodge Rochester South	940 Jefferson Rd	Rochester	NY 14623	716–427–2700
Pennsylvania:				
Econo Lodge	2115 Downyflake Ln	Allentown	PA 18103	215–797–2200
Econo Lodge of Douglasville	387 Ben Franklin Hwy. Rt. 422W.	Douglasville	PA 19518	215–385–3016
Econo Lodge	PO Box 304 Rr #2	Drums	PA 18222	717–788–5887
Comfort Inn	8051 Peach St	Erie	PA 16509	814–866–6666
Friendship Inn	10835 John Wayne Dr	Greencastle	PA 17225	717–597–7762
American Inn	495 Eisenhower Blvd	Harrisburg	PA 17111	717–561–1885
Econo Lodge Hershey	PO Box 737 115 Lucy Ave	Hershey	PA 17033	717–533–2515
Holiday Inn	250 Market St	Johnstown	PA 15907	814–535–7777
Valley Forge Sheraton Hotel	1150 First Ave	King Of Prussia	PA 19406	215–337–2000
Comfort Inn	6325 Carlisle Pike Rt. 11	Mechanicsburg	PA 17055	717–790–0924
Chestnut Hill Hotel	8229 Germantown Ave	Philadelphia	PA 19118	215–242–5905
Comfort Inn	I–81 Rr 443	Pine Grove	PA 17963	717–345–8031
Residence Inn	700 Mansfield Ave	Pittsburgh	PA 15205	412–279–6300
Comfort Inn	Rt. 100 & Shoemaker Rd	Pottstown	PA 19464	215–326–5000
Atherton Hilton	125 S. Atherton St	State College	PA 16801	814–231–2100
Holiday Inn	700 W. Main St	Uniontown	PA 15401	412–437–2816
Quality Inn	234 Montgomery Pike	Williamsport	PA 17701	717–323–9801
Texas:				
Econolodge Dallas Airport North	2275 Valley View Ln	Dallas	TX 75234	214–243–5500
Hampton Inn	4154 Preferred Pl	Dallas	TX 75237	214–289–4747
Holiday Inn Brook Hollow	7050 Stemmons Frwy	Dallas	TX 75247	214–630–8500
Radisson Hotel & Suites Dallas	2330 W. NW Hwy	Dallas	TX 75220	214–351–4477
Best Western Dumas Inn	1712 S. Dumas Ave	Dumas	TX 79029	806–935–6441
Holiday Inn Near Greenway Plaza	2712 SW Frwy	Houston	TX 77098	713–523–8448
Sheraton Astrodome Hotel	8686 Kirby Dr	Houston	TX 77054	713–748–3221
Pancoast Carriage House Bed and Breakfast.	102 Turner St	San Antonio	TX 78204	210–225–4045
Best Western Sands Motel	1800 W. Vega Blvd	Vega	TX 79092	806–267–2131
Virginia:				
Ramada Hotel Old Town	901 W. Fairfax St	Alexandria	VA 22314	703–683–6000
Howard Johnson National Airport	2650 Jefferson Davis Hwy	Arlington	VA 22202	703–684–7200
Days Inn Greenbriar	1433 N. Battlefield Blvd	Chesapeake	VA 23320	804–547–9262
Hampton Inn	3235 Western Branch Blvd	Chesapeake	VA 23321	804–484–5800
Comfort Inn	890 Willis Ln	Culpeper	VA 22701	703–825–4900
Days Inn Franklin	1660 Armory Dr	Franklin	VA 23851	804–562–2225
Comfort Inn	1440 E. Market St	Harrisonburg	VA 22801	703–433–6068

HOTEL AND MOTEL FIRE SAFETY ACT NATIONAL MASTER LIST MAY 17, 1993 UPDATE—Continued

Property name	PO Box/Rt No. and street address	City	State/zip	Telephone
The Tides Inn	PO Box 480 Kings Charter Dr	Irvington	VA 22480	804–438–5000
Econo Lodge Oceanview Beach East	1111 E. Oceanview Ave	Norfolk	VA 23503	804–480–1111
Lodge At Little Creek	7969 Shore Dr	Norfolk	VA 23518	804–588–3600
Sleep Inn Tanglewood	4045 Electric Rd	Roanoke	VA 24014	703–772–1500
Comfort Inn Rocky Mt. Smith Mtn. Lake	950 N. Main St	Rocky Mount	VA 24151	703–489–4000
Comfort Inn Carmel Church	PO Box 105 Rt. 205 & I–95 at Exit 104.	Ruther Glen	VA 22546	804–448–2828
Quality Inn Roanoke Salem	179 Sheraton Dr	Salem	VA 24153	703–562–1912
Holiday Inn Suffolk	2864 Pruden Blvd	Suffolk	VA 23434	804–934–2311
Comfort Inn Lynnhaven	804 Lynnhaven Pkwy	Virginia Beach	VA 23952	804–427–5500
Holiday Inn Executive Center	5655 Greenwich Rd	Virginia Beach	VA 23462	804–499–4400
Howard Johnson Lodge	5173 Shore Dr	Virginia Beach	VA 23455	804–460–1151
Comfort Inn	6633 Lee Hwy	Warrenton	VA 22186	703–349–8900
Virgin Islands:				
Marriott's Morningstar Beach Resort	5 Estate Bakkeroe	St. Thomas	VI 00802	809–776–8500
Washington:				
Comfort Suites	4714 NE 94th Ave	Vancouver	WA 98662	206–253–3100
Corrections/Changes				
California:				
Courtyard By Marriott Century City Bev. Hills.	10320 W. Olympic Blvd	Los Angeles	CA 90064	310–556–2777
Colorado:				
Holiday Inn Express	725 W. Cimarron	Colorado Springs	CO 80905	719–473–5530
Holiday Inn Denver I–70 E. Chambers Road.	15500 E. 40th Ave	Denver	CO 80239	303–371–9494
Georgia:				
Red Roof Inn Smyrna	2200 Corporate Plaza	Smyrna	GA 30080	404–952–6966
Nevada:				
Imperial Palace Hotel & Casino	3535 Las Vegas Blvd. S	Las Vegas	NV 89109	702–731–3311
New York:				
Wellesley Inn	2477 Rt. 9	Fishkill	NY 12524	914–896–4995
Wellesley Inn	797 E. Henrietta Rd	Rochester	NY 14623	716–427–0130
Pennsylvania:				
Rodeway Inn Carlisle	1239 Harrisburg Pike	Carlisle	PA 17013	717–249–2800
Comfort Inn Harrisburg East	4021 Union Deposit Rd	Harrisburg	PA 17109	717–561–8100
Harrisburg Hotel Crown Park	765 Elsenhower Blvd	Harrisburg	PA 17111	717–558–9500
Virginia:				
Comfort Inn Naval Base	8051 Hampton Blvd	Norfolk	VA 23505	804–451–0000
Econo Lodge	8901 Hampton Blvd	Norfolk	VA 23505	804–489–0801
Econo Lodge Chesapeake Beach	2968 Shore Dr	Virginia Beach	VA 23451	804–481–0666
Hojo Inn	6 Broadview Ave	Warrenton	VA 22186	703–347–4141
Holiday Inn Express	119 Bypass Rd	Williamsburg	VA 23185	804–253–1665
Deletions				
Georgia:				
Swiss O Tell Atlanta	3391 Peachtree Rd. NE	Atlanta	GA 30326	404–265–6431
Travelodge Lake Park	107 Timber Dr	Lake Park	GA 31636	912–559–0110
Villa South Motor Inn	PO Box 857 725 S. Harris St	Sandersville	GA 31082	912–552–1234
Days Inn St. Simon's Island	1701 Frederico Rd. St	Simon's Island	GA 31522	912–634–0660
Ohio:				
Akron Hilton Inn West	3180 W. Market St	Akron	OH 44313	216–867–5000
Utah:				
Salt Lake Airport Hilton	5151 Wiley Post Way	Salt Lake City	UT 84116	801–539–1515

[FR Doc. 93–12717 Filed 5–27–93; 8:45 am]
BILLING CODE 6718–26–U

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR part 510.

License Number: 3008
Name: American Cargo and Steamship Agency, Inc.
Address: 15 Maiden Lane, Ste 608, New York, NY 10038
Date Revoked: April 5, 1993
Reason: Surrendered license voluntarily.

License Number: 3049
Name: Total Cargo Services, Inc.
Address: 6231 NE 112th Ave., Portland, OR 97220
Date Revoked: April 6, 1993
Reason: Surrendered license voluntarily.

License Number: 3329
Name: James Milton Kaechele dba Sanka International Cargo
Address: 8 Cypress Court, Trophy Club, TX 76262
Date Revoked: April 22, 1993

Reason: Failed to furnish a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 93–12699 Filed 5–27–93; 8:45 am]

BILLING CODE 6730–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: June meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the monthly meeting the Federal Accounting Standards Advisory Board will be held on Wednesday, June 16, and Thursday, June 17, 1993 from 9 a.m. to 4 p.m. in room 7313 of the General Accounting Office, 441 G St., NW., Washington, DC.

The agenda for the meeting includes discussions of issues in the recommended State on Financial Reporting Objectives and the recommended standards in Accounting for Inventory and Related Property, a presentation on issues being considered by the Investment Task Force, a discussion of issues in papers being prepared by Staff on liabilities and future claims, and a discussion of the applicability of FASAB standards to government corporations.

Other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT:

Ronald S. Young, Staff Director, 750 First St., NE., Suite 1001, Washington, DC 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: May 25, 1993.

Ronald S. Young,

Executive Director.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93N–0184]

Barr Laboratories, Inc.; Refusal to Approve Certain Abbreviated Applications; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Director of the Center for Drug Evaluation and Research (Director), Food and Drug Administration (FDA), is proposing to refuse to approve certain abbreviated new drug applications (ANDA's), certain supplements to ANDA's, certain abbreviated antibiotic drug applications (AADA's), and certain supplements to AADA's submitted by Barr Laboratories, Inc., 2 Quaker Rd., Pomona, NY 10970 (Barr). The basis for the refusal to approve these applications and supplements to applications is that the methods Barr uses in, and the facilities and controls Barr uses for, the manufacture, processing, and packing of drug products are inadequate to assure and preserve its products' identity, strength, quality, and purity.

DATES: Submit written requests for a hearing by June 28, 1993; data and information in support of the hearing request due by July 27, 1993.

ADDRESSES: A request for hearing, supporting data, and other comments should be identified with Docket No. 93N–0184 and submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean M. Olson, or Douglas I. Ellsworth, Center for Drug Evaluation and Research (HFD–366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8041.

SUPPLEMENTARY INFORMATION: This notice pertains to the following original ANDA's and AADA's:

AADA 63–291, Minocycline Hydrochloride Capsules, 100 milligrams (mg);

AADA 63–309, Minocycline Hydrochloride Tablets, 100 mg;

AADA 63–319, Minocycline Hydrochloride Tablets, 50 mg;

ANDA 72–916, Sulindac Tablets, 200 mg;

ANDA 72–964, Sulindac Tablets, 150 mg;

ANDA 74–049, Atenolol Tablets, 50 mg and 100 mg.

This notice also pertains to the following supplemental ANDA's and AADA's:

AADA 62–418/S–014, Doxycycline Hyclate Capsules, 50 and 100 mg, supplement to correct the identification on the capsules, the use of new manufacturing equipment, and processing changes; [1]

AADA 62–773/S–005, Cephalexin Capsules, 250 mg, supplement to change blend processing;

AADA 62–827/S–006, Cephalexin Tablets, 500 mg, supplement to change blend processing; [2]

ANDA 70–060/S–012, S–017, Methyldopa Tablets, 250 mg, supplements to modify inactive ingredient formulation, to revise tablet thickness and hardness specifications, and manufacturing changes to allow for increased batch size;

ANDA 70–080/S–028, S–029, Ibuprofen Tablets, 600 mg, supplements to increase batch size, revise the manufacturing process, and revise tablet thickness specifications;

ANDA 70–103/S–018, S–019, Propranolol Hydrochloride Tablets, 40 mg, supplements to change manufacturing procedures to increase batch size, change blending procedure and equipment, and establish an expiration date;

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[1] In its letter to the agency requesting an opportunity for hearing for AADA 62–418/S–014, Barr states that the supplemental AADA was approved and that FDA's attempted revocation of Barr's allegedly approved supplement is contrary to FDA's prior actions and established rules. Barr also states that on December 22, 1991, an FDA employee told Barr that it could implement the changes in Barr's supplemental application and that, in March 1992, an FDA investigator stated that the supplemental application had been approved.

AADA/S–014 has not been approved. An approval of an application becomes effective only on the date of the issuance of an approval letter (21 CFR 314.105(a)). Moreover, only certain designated FDA employees may approve supplements to AADA's (21 CFR 5.80(c)(1)). Even if FDA employees actually made the statements that Barr attributes to them, those employees do not have the authority to approve supplements to AADA's. A statement or advice given by an FDA employee orally is an informal communication that represents the best judgment of that employee at the time, but it does not necessarily represent the formal position of FDA, and it does not bind or otherwise obligate or commit the agency to the view expressed (21 CFR 10.85(k)).

[2] On August 22, 1991, Barr submitted supplements to AADA 62–773 (Cephalexin Capsules, 250 mg) and AADA 62–827 (Cephalexin Tablets, 500 mg) to provide for changes in the blend processing. On June 24, 1992, the agency issued not approvable letters for each supplement. On July 2, 1992, Barr responded to the not approvable letters requesting an opportunity for a hearing. Although one of the not approvable letters and both of Barr's letters responding to the not approvable letters contain mistakes in identifying the drug products covered by the applications, the Director has concluded, based on the text of Barr's letters, that the firm has requested an opportunity for a hearing on the two cephalexin supplements that provide for changes in the blend processing.

ANDA 70–319/S–018, S–019, Propranolol Hydrochloride Tablets, 10 mg, supplements to increase batch size with associated equipment and processing changes, change tablet thickness specifications, and establish an expiration date;

ANDA 70–320/S–018, Propranolol Hydrochloride Tablets, 20 mg, supplement to increase batch size with equipment and processing changes, and maintain current expiration date;

ANDA 70–472/S–004, Lorazepam Tablets, 0.5 mg, supplement to increase batch size, use new manufacturing equipment, and revise tablet thickness specifications;

ANDA 70–474/S–004, S–010, Lorazepam Tablets, 2 mg, supplements to increase batch size, use new manufacturing equipment, revise tablet hardness specifications, and extend expiration date;

ANDA 70–765/S–010, S–011, S–012, S–013, Chlordiazepoxide and Amitriptyline Hydrochloride Tablets, 5 mg/12.5 mg, supplements to revise formulation, increase batch size with associated changes in manufacturing equipment, revise labeling, and establish expiration date;

ANDA 71–212/S–003, S–009, Haloperidol Tablets, 5 mg, supplements to increase batch size, revise tablet thickness and weight specifications;

ANDA 71–251/S–005, Triamterene and Hydrochlorothiazide Tablets, 75 mg/50 mg, supplement to increase batch size with an associated manufacturing equipment change and revise tablet thickness and weight specifications;

ANDA 71–462/S–014, S–015, Ibuprofen Tablets, 200 mg, supplements to modify coating and to allow associated flexibility in manufacturing equipment, and use an alternative coating formulation;

ANDA 80–701/S–079, Prednisone Tablets, 5 mg, supplement to increase batch size with associated change in manufacturing equipment;

ANDA 84–106/S–065, S–066, Hydralazine Hydrochloride Tablets, 25 mg, supplements to provide for manufacturing and controls revision, revise tablet thickness and weight specifications, and establish the expiration date;

ANDA 84–600/S–039, Dicyclomine Hydrochloride Tablets, 20 mg, supplement to change manufacturing process to allow a change in equipment; and

ANDA 88–488/S–013, Hydroxyzine Pamoate Capsules, 100 mg, supplement to modify the manufacturing process.

I. Regulatory Basis for Refusal to Approve

Section 505(j)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(3)(A)) and FDA's regulations (21 CFR 314.127(a)(1)) (see the **Federal Register** of April 28, 1992, 57 FR 17950 at 17991) require the approval of an original ANDA or a supplement to an ANDA unless, among other things, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of the drug product covered by the application are inadequate to assure and preserve the product's identity, strength, quality, and purity. An original AADA is not approvable if the antibiotic drug product covered by the application fails to have the characteristics of identity, strength, quality, and purity necessary to adequately insure safety and efficacy of use (section 507 of the act (21 U.S.C. 357(a)), § 314.125(b)(1) (21 CFR 314.125(b)(1))). After exemption from batch certification, AADA's are subject to the new drug provisions of the act (21 U.S.C. 357(e), 21 CFR 433.1(d)). Therefore, a supplemental AADA is not approvable if the applicant's methods, facilities, and controls used for the manufacture, processing, and packing of the drug product are inadequate to preserve the product's identity, strength, quality, and purity (21 U.S.C. 355(d)(3), § 314.125(b)(1)).

The standards for determining whether the methods, facilities, and controls used by a drug manufacturer are adequate to ensure and preserve its drug products' identity, strength, quality, and purity are set forth in FDA's current good manufacturing practice (CGMP) regulations (parts 210 and 211 (21 CFR part 210 and 211)). (*John D. Copanos and Sons, Inc.* v. *Food and Drug Administration*, 854 F.2d 510 (D.C. Cir. 1988)). Conformity with CGMP ensures that a drug product maintains its identity, strength, quality, and purity from the time of manufacture until delivery to the consumer.

In this notice, the Director finds that the methods Barr uses in, and the facilities and controls Barr uses for, the manufacture, processing, and packing of drug products are inadequate to ensure and preserve Barr's drug products' identity, strength, quality, and purity. The Director proposes to refuse to approve the applications and supplements listed above, and offers Barr an opportunity for a hearing on the question of whether there are grounds for refusing to approve these applications and supplements (21 U.S.C. 355 (c)(1)(B) and (j)(4)(C), and § 314.120(a)(3), 57 FR 18950 at 17990). The bases for the Director's findings are set forth below.

II. History of This Proceeding

From May to September 1991, FDA investigators conducted a series of inspections of Barr's Northvale and Pomona facilities. After the inspections, the investigators issued FDA Forms 483 (Notices of Inspectional Observations) for both the Pomona and Northvale facilities. These Forms 483 contain the investigators' observations of Barr's pervasive failure to conform to the CGMP regulations including, but not limited to, inadequate testing procedures, inadequate process validation, inadequate or nonexistent investigations into out-of-specification batch test results, and unacceptable recordkeeping.

In February and March 1992, FDA investigators returned to Barr's Northvale and Pomona facilities to determine whether Barr continued to operate in violation of the CGMP regulations. Following these investigations, FDA found that Barr had not brought its manufacturing processes and procedures into conformity with the CGMP regulations and that numerous, serious violations of the CGMP regulations continued, as set forth in the Forms 483 dated March 18 and 20, 1992.

During this time, the applications and supplements listed above were undergoing review within FDA. Upon receipt of the investigators' observations about Barr's persistent and pervasive lack of compliance with the CGMP regulations, FDA concluded that these supplements and applications are not approvable. Accordingly, in letters dated May 1, 15, and 18, June 24, July 6, and August 28, 1992, FDA informed Barr that the applications and supplements listed above are not approvable because Barr's methods, facilities, and controls used in and for the manufacture, processing, packaging, or holding of its drug products do not comply with the CGMP regulations. The letters listed above were based on recurrent significant violations of the CGMP regulations that were identified in the 1991 and 1992 FDA inspections and that affect all Barr drug products, including those that are the subjects of unapproved applications and supplements. In letters dated May 14, 22, and 28, July 2, 17, and 29, and September 8, 1992, Barr requested opportunities for hearings on whether each of the applications and supplements listed above is approvable.

On June 12, 1992, following FDA review of the Forms 483 designated above, the agency instituted, through

the Department of Justice, judicial enforcement proceedings in which the United States seeks to enjoin Barr's continued violation of the CGMP regulations in its manufacture and processing of drug products (*United States* v. *Barr Laboratories, Inc., et al.*, 92 Civ. 4326 (GLG), SD NY, transferred to and docketed as, DNJ Civil Action No. 92–2684). After a hearing on the motion for preliminary injunction, on February 5, 1993, District Judge Alfred M. Wolin entered an order suspending Barr's distribution of 24 of 60 marketed products and requiring Barr to complete validation studies for each of the 24 products within 1 year and prior to resuming distribution of them. The Court also ordered Barr to conduct validation studies, within 1 year, for 15 other drug products that Barr may continue to market. In addition, the Court's opinion directed Barr to recall 12 batches of 8 different drug products and to produce the data underyling the analytical validation studies that Barr relied on during the enforcement proceeding. On February 23, 1993, Barr filed a Motion for Clarification and/or Reconsideration with respect to several parts of the Court's opinion and order. On February 26, 1993, the Court entered a consent order requiring the recall of nine of these batches to begin within 48 hours. Three of the batches were not recalled because they were within days of their expiration.

The enforcement proceeding generated voluminous information and evidence regarding Barr's lack of conformity with the CGMP regulations in the manufacture of its drug products, primarily the 60 products that Barr continued to produce during the enforcement proceeding.

That information and evidence included 15 days of testimony by witnesses for both parties, hundreds of exhibits, and more than 20 declarations by witnesses for both parties. The Court subsequently found that Barr violated the CGMP regulations in numerous respects. (See, *United States* v. *Barr Laboratories, Inc.*, Civ. No. 92–1744, slip op. at 66 (D.N.J. February 5, 1993).) Based upon that information and evidence, the Director finds that Barr's failure to comply with the CGMP regulations precludes the approval of the applications and supplements listed above. Specifically, the Director finds that the methods Barr uses in, and the facilities and controls Barr uses for, the manufacture, processing, and packing of its drug products re inadequate to preserve the drug products' identity, strength, quality, and purity. Because Barr's past and continuing failure to comply with the CGMP regulations has been persistent and pervasive, and across the breadth of Barr's product line, the Director has no basis for concluding that Barr has brought its entire manufacturing process into compliance with the CGMP regulations with respect to the products that are covered by the original and supplemental applications listed above. Indeed, the Court expressly found in the enforcement litigation, "Barr's refusal to comply with the recommendations of the Government [with respect to the firm's obligations under the CGMP regulations] casts doubt on Barr's recognition of the wrongful nature of its conduct as well as the genuineness of its efforts to conform to the law." (*United States* v. *Barr Laboratories, Inc.*, Civ. No. 92–1744, slip op. at 67 (D.N.J., February 5, 1993)). A full discussion follows.

III. Director's Findings

A. Barr Has Used and Continues To Use Scientifically Unsound and Invalid Testing Procedures

The Director finds that Barr has used scientifically unsound and invalid testing procedures to conduct in-process and finished product tests. These procedures have resulted in the release of batches that should have been rejected. Although Barr has recently modified its testing procedures, the Director finds that Barr continues to use scientifically unsound and invalid test procedures to conduct in-process and finished product testing, and that these procedures may result in the release of batches that fail to meet Barr's specifications for release.

Barr's past and current testing procedures deviate from § 211.160(b), which requires the establishment of scientifically sound test procedures to assure that components, in-process materials, and drug products conform to appropriate standards of identity, strength, quality, and purity. Barr's procedures also deviate from § 211.165(f), which requires that drug products failing to meet established standards or specifications shall be rejected.

In the past, Barr's testing procedures deviated from accepted scientific standards because the firm routinely rejected out-of-specification results based on passing retest and resampling test results without investigating the cause of the out-of-specification results. Barr's testing procedures were scientifically invalid because the firm routinely presumed that analyst error, as opposed to a problem in the manufacturing process, was the cause of out-of-specification results. For example, when Barr obtained initial out-of-specification test results on in-process or finished product tests, instead of investigating the cause of the out-of-specification results, Barr presumed that the results were caused by analyst error and continued to conduct as much retesting as necessary to achieve two passing results. When Barr obtained two passing results, it considered the batch to have passed the test, and authorized the release of the batch.

Barr's other testing procedures similarly deviated from accepted scientific standards. These deviations included releasing batches based on an average of passing and out-of-specification results without investigating the cause of the out-of-specification results; discarding both initial and retest out-of-specification results and releasing batches based on passing resample test results without investigating the cause of the original out-of-specification results; disregarding its in-house laboratory's original, retest, and multiple resampling out-of-specification results in favor of an outside laboratory's passing test results without justification; waiving or disregarding original, retest, and resample out-of-specification results on in-process material and releasing batches based on passing finished product tests without justification; amending specifications to permit a batch to pass after obtaining out-of-specification test results; and rejecting out-of-specification results that could not be explained by laboratory or analyst error, based upon invalid applications of statistical tests.

In the 1992 inspections, FDA cited Barr for using invalid retesting procedures, and at that time Barr committed to end the invalid practices. Notwithstanding this commitment, Barr continued to discard out-of-specification test results on the basis of subsequent passing retests even when Barr had no basis for concluding that the out-of-specification results were caused by analyst error.

Barr has changed some of its testing procedures, but even its current procedures are scientifically unsound and invalid and will continue to permit the release of failing batches. Barr's current testing procedures are scientifically unsound because they continue to permit the rejection of out-of-specification results not shown to be caused by laboratory or analyst error, based on retesting or resampling without a comprehensive investigation into the cause of the out-of-specification results. Barr also continues to reject out-of-specification chemical test results

based on an invalid application of an outlier test.

Because of Barr's long history of failing to conduct its testing procedures in conformity with the CGMP regulations, and its continued use of different but scientifically unsound and invalid testing procedures, the Director finds that there is no basis for concluding that Barr will not continue to use scientifically invalid and unsound test procedures with respect to the products that are covered by the applications and supplements listed above (§ 211.160(b)). Because of Barr's improper test procedures and its history of releasing batches that should have been rejected, the Director has no basis for concluding that Barr will not release batches of products, produced in accord with the applications covered by this notice, that fail to meet established standards or specifications (§ 211.165(f)).

Accordingly, the Director finds that the methods Barr uses in, and the facilities and controls it uses for, the manufacture, processing, and packing of the drug products covered by the original and supplemental ANDA's listed above are inadequate to assure the drugs' identity, strength, quality, and purity (21 U.S.C. 355(j)(3)(A), § 314.127(a)(1), 57 FR 17950 at 17991). Because of Barr's past and continued failure to use scientifically sound and valid procedures, the Director has no basis for concluding that the drug products that would be produced according to the original AADA's covered by this notice would have the requisite characteristics of identity, strength, quality, and purity (21 U.S.C. 357(a), § 314.125(b)(1)). Likewise, the Director concludes that the methods Barr uses in, and the facilities and controls its uses for, the manufacture, processing, and packing of the drug products covered by the supplemental AADA's listed above are inadequate to preserve the drugs' identity, strength, quality, and purity (21 U.S.C. 355(d)(3), § 314.125(b)(1)).

B. Barr Has Not Adequately Validated Its Manufacturing Processes

The Director finds that many of Barr's manufacturing processes are not adequately validated. The distribution of drug products made by processes that have not been adequately validated violates § 211.110. Process validation is a quality control measure and is the overall process by which a responsible manufacturer establishes written procedures for control over its production and processes to ensure that it consistently produces products which meet predetermined specifications (§ 211.100).

A drug product's manufacturing process may be validated prospectively, concurrently, or retrospectively. A product is prospectively validated when a manufacturer makes at least three consecutive batches under closely controlled conditions and performs the studies and intensive testing necessary to determine that each step in the process is under control and will yield a product consistently meeting its specifications. Concurrent validation also involves the manufacture of at least three consecutive batches under closely controlled conditions and intensive testing. The main difference between prospective and concurrent validation is that prospective validation involves validation of a new product, and concurrent validation involves validation of an existing product. A product is retrospectively validated when a manufacturer establishes from the past production of series of batches of a product that the process is under control and yields a product that consistently meets its specifications.

The following discussion of Barr's failure to adequately validate its manufacturing processes in conformity with the CGMP regulations includes a description of Barr's persistent and pervasive process validation inadequacies that affect many of its products as well as a description of deficiencies in specific validation studies that relate to some of the products covered by this notice.

The information is provided here to demonstrate Barr's failure to validate its manufacturing processes and procedures in compliance with the CGMP regulations. The descriptions below are illustrative of the type of validation deficiencies that Barr must correct; however, each of the procedures proposed in the applications and supplements listed in this notice must be separately validated.

The description of deficiencies in specific validation studies excludes certain details that might reveal trade secret or confidential commercial information. A more detailed description of these deficiencies is being served on Barr by certified mail.

1. Barr's Persistent and Pervasive Process Validation Inadequacies

Barr has persistently and pervasively failed to adequately validate its drug manufacturing processes. Barr's retrospective and prospective validation studies are inadequate for several reasons.

First, as discussed above, Barr has routinely discarded out-of-specification test results without a comprehensive investigation into the causes of the out-of-specification results or through the invalid application of statistical tests. Because of Barr's practice of discarding out-of-specification results without justification, Barr's retrospective and prospective validation studies are based upon inaccurate data about the batches studied. The agency would need all raw data on all tests for all batches of each affected drug in order to determine the reliability of Barr's validation studies. Therefore, none of Barr's validation studies as submitted provides a high degree of assurance that the drug product will consistently meet its specifications and will be consistent from batch to batch. Indeed, as the Court found,

> [t]o the extent that Barr relied upon investigations which do not satisfy section 211.192, as construed by the Court, to release batches or to complete retrospective and prospective validation studies, these actions and studies are invalid. * * * to the extent that Barr's validation studies and product release decisions rest on their current retesting practice, they are invalid.

(*United States* v. *Barr Laboratories, Inc.*, Civ. No. 92–1744, slip op. at 69 (D.N.J., February 5, 1993)).

Second, Barr's retrospective and prospective validation studies inadequately tested blend uniformity. Barr's selection of the location from which to draw samples for blend uniformity testing has not been shown by Barr to be representative of all portions and concentrations of the blend. In addition, Barr's blend samples have been too large to adequately disclose nonuniformity in a blend. Moreover, Barr has composited its blend samples thereby further precluding detection of nonuniformity of a blend.

Third, Barr's retrospective and prospective validation studies have failed to control or test certain important product characteristics. Barr has failed to control adequately the physical characteristics of tablets and capsules, including weight variation, and tablet hardness and thickness. The lack of control of these parameters may contribute to finished product potency and dissolution problems. Barr has also failed to conduct its stability testing at all appropriate intervals even though certain of Barr's products have experienced a series of stability failures in the past. The lack of actual test results or numerical assay values or testing intervals in Barr's validation reports makes it impossible to reach a meaningful conclusion about the adequacy of Barr's stability program.

Many of Barr's retrospective validation studies are inadequate for

additional reasons. Barr has often excluded batches from its retrospective validation studies without documenting the reasons for such exclusions. A retrospective validation study must contain all batches produced within the designated timeframe that are representative of the process being validated. The exclusion of failed batches that were made in accordance with the process being validated and that are representative of that process distorts the results of the validation study.

Additionally, in a number of instances, Barr has submitted data from an inadequate number of batches to retrospectively validate its processes. The use of a small number of batches must be supported by statistical or other evidence to establish a reliable validation.

The seriousness of Barr's persistent failure to adequately validate many of its manufacturing processes is underscored by the excessive number of wide variety of out-of-specification test results obtained by Barr in the testing of its commercial batches, including out-of-specification results from in-process blend uniformity testing, finished product assay testing, content uniformity testing, dissolution testing, and stability testing.

2. Validation Notebooks

During the enforcement litigation, Barr submitted notebooks containing reports of its retrospective validation studies for each of the 60 products that the firm continued to market during the litigation. FDA reviewed the validation notebooks for all of those products and, for the reasons discussed above, concluded that the notebooks fail to demonstrate that Barr's manufacturing processes are validated.

A discussion follows of additional deficiencies in the validation notebooks for four products that are the subjects of supplemental applications covered by this notice and for which Barr submitted validation notebooks during the enforcement litigation.

Barr has failed to properly validate its manufacturing processes and procedures with respect to the products manufactured under the applications identified in this section. Because the same validation techniques are necessary to validate the manufacturing processes and procedures that are proposed in the applications and supplements listed in this notice, the Director has no basis for concluding that Barr will properly validate the proposed manufacturing processes and procedures.

a. *AADA 62–773, Cephalexin capsules, 250 mg.* The supplement to this AADA proposes to change the order of mixing the blend, a change that may affect, among other things, blend and finished product uniformity. Based on Barr's validation notebook that reports on a retrospective validation study of a number of batches manufactured from 1987 to early 1991, the Director has no basis for concluding that Barr would properly validate the proposed changes. The Director has reviewed the information contained in the validation notebook and has found the following additional deficiencies.

There are no data on blend uniformity other than water content, which cannot be relied on as a measure of blend uniformity.

The validation notebook included the following information on content uniformity: High results, low results, average results, and relative standard deviation. Even for finished product capsule weight, the validation report included only average figures. The results provided are insufficient to determine whether the product has adequate content uniformity or consistent finished product capsule weight. The report of the studies should have included individual capsule data. Average figures are meaningless in a determination of homogeneity because by definition an average does not reveal the extreme values, nor does it provide information about the variability of the results.

A percentage of capsule weight gain has not been established through validation testing.

b. *AADA 62–827, Cephalexin tablets, 500 mg.* The supplement to this application proposes to change the order of mixing in the blending process, a change that may affect, among other things, blend and finished product uniformity. Based on Barr's validation notebook that reports on a retrospective validation study of a number of batches manufactured from 1987 to early 1991, the Director has no basis for concluding that Barr would properly validate the changes proposed in this supplement. The Director has reviewed the information contained in the validation notebook and has found the following additional deficiencies.

There are no data on blend uniformity other than water content, which cannot be relied on as a measure of blend uniformity.

The validation notebook includes the following information on content, uniformity: high results, low results, average results, and relative standard deviation. Even for tablet weight, the validation report included only averages. The results provided are insufficient to determine whether the product has adequate content uniformity or consistent tablet weight. The report of the studies should have included individual data. As discussed above, average figures are meaningless in a determination of homogeneity.

A percentage of tablet weight gain has not been established through validation testing.

c. *ANDA 71–251, Triamterene and Hydrochlorothiazide tablets, 75 mg/50 mg.* The supplement to this application proposes to increase batch size with an associated manufacturing equipment change and to revise tablet thickness and weight specifications, changes that may affect, among other things, blend and finished product uniformity. The Director has reviewed the information contained in the validation notebook and has found the following additional deficiencies.

Blend sample sizes are not described.

The validation notebook does not indicate whether data are for the current or an earlier revision of the manufacturing process.

No settings are specified for a significant piece of equipment (21 CFR 211.186).

d. *ANDA 88–488, Hydroxyzine Pamoate capsules, 100 mg.* The supplement to this application proposes to modify the manufacturing process, a change that may affect, among other things, blend uniformity. The Director has reviewed the information contained in the validation notebook and has found the following additional deficiencies.

Blend sample sizes are not described.

The validation notebook does not indicate whether data are for the current or an earlier revision of the manufacturing process.

Barr's standard operating procedure (SOP) instructs the analyst to place the blend sample into a mortar and grind into a fine powder. In effect, the analyst remixes the large sample before conducting blend uniformity analysis. This procedure will hide any nonuniformity that might have been detected without further mixing.

3. Validation Information in Supplements

In addition to the retrospective validation information contained in Barr's validation notebooks prepared for litigation, some of the supplements covered by this notice contain validation information. The Director has reviewed these validation reports and has concluded that the validation studies are inadequate because they are affected by Barr's persistent validation

inadequacies, as discussed above. Some of these studies also have additional deficiencies, as discussed below.

a. *ANDA 70–103, Propranolol Hydrochloride tablets, 40 mg.* The supplement to this application proposes, among other things, an increase in batch size, a change that would necessitate a change in the mixer used during processing. The supplement includes information that was intended to retrospectively validate this revised process.

The validation study reviewed quality control laboratory release data, in-process measurements, and process performance information for commercial batches manufactured from 1987 to 1989. The quality control laboratory release data included information on blend assay, finished product assay, content uniformity, and dissolution. The in-process measurements included tablet weight, tablet thickness, and tablet hardness. The process performance information include yield information.

The Director has reviewed the submitted validation report and has found the following additional deficiencies.

The blend data are based on insufficient samples from each batch; three samples were taken from each batch, which does not provide adequate data to validate the blending process. The validation report provides only an average of the three samples for blend uniformity, but an average figure is meaningless in studying homogeneity because by definition an average does not reveal the extreme values, nor does it provide information about the variability of the results. The report does not say from which parts of the mixer the samples were taken, so it cannot be determined if any samples were taken from the mixer's dead spots, and, accordingly, it cannot be shown that the samples are representative of all parts and concentrations of the blend. The report does not provide, among other things, the size of the blend sample.

A majority of the batches studied failed yield specifications. Barr explained the out-of-specification yields as "loss due to the exhaust. Exhaust is needed for the health protection of the personnel operating the tableting unit." (Barr's Retrospective Report, page 2.) Even if the low yield was caused by exhaust conditions, the CGMP regulations require an investigation to determine if this amount of loss is reasonable, why it occurred, and if any action is needed to prevent recurrence (§ 211.192). Such action may require process or equipment changes that may then require additional validation. Because of the inadequate investigation into the reasons for the out-of-specification yields, the effects of these low yields on the identity, quality, strength, or purity of the product cannot be evaluated.

b. *ANDA 70–319, Propranolol Hydrochloride tablets, 10 mg.* The supplement to this application proposes, among other things, an increased batch size, a change that would necessitate an equipment change. The supplement contains information intended to prospectively validate this new process. The validation report studied samples from three commercial batches of the product.

The Director finds the following additional deficiencies in these validation studies.

The size of the blend samples is not provided. FDA cannot evaluate Barr's data unless the size of the blend samples is provided because the sample size may hide nonuniformity of the blend.

The three batches selected for prospective validation were sampled and compressed differently. Prospective validation should be performed on at least three batches manufactured by the same process in order to validate that process.

It is not clear that the three batches were produced consecutively. One batch was made in May 1989; the other two batches were made in March 1990. Any intervening batches should have been included in this report. The annual reports for this product indicate that other batches of the increased batch size were made during 1988 and 1989. Therefore, additional historical information is available about products manufactured under this procedure. Barr should have evaluated all of this information and included it in its validation report.

The actual tablet yield for one batch is unclear, but it appears to fall below Barr's specifications. Barr submitted no records to support its claim in the supplement that this "low yield resulted from exhaust conditions during tableting of this batch." Even if the low yield was caused by exhaust conditions, the CGMP regulations require an investigation of why this low yield occurred and action to prevent recurrence (§ 211.192). Such action may require process or equipment changes which may then require additional validation. Because of the lack of documentation of an investigation into the reasons for the out-of-specification yield, the effect of this low yield on the identity, quality, strength, or purity of the product cannot be evaluated.

Barr has increased the tablet thickness range specification, but has provided no data to support this new specification. The standardized tablet thickness table Barr submitted does not provide any data in support of the increased tablet thickness range specification. Barr must perform sufficient testing to validate that the tablets produced at the ends of the increased range of the tablet thickness specifications will meet potency and dissolution specifications.

Barr submitted an in vitro comparative dissolution study in support of this supplement. This study compared a batch produced in May 1989 with a batch made by the previously approved process in September 1983. The study found comparable dissolution rates. However, Barr has since changed the manufacturing process so the dissolution data do not provide information about the current process. There is very limited dissolution information on two other lots used in the prospective validation report.

c. *ANDA 80–701, Prednisone tablets, 5 mg.* The supplement to this application proposes an increased batch size, a change that would necessitate an equipment change. The supplement contains information intended to prospectively validate this revised process.

The validation report studied two commercial batches of the drug product at the blend stage. Both batches were sampled from the mixer at 18 locations, and from all drums at the top, middle, and bottom locations. The purpose of the sampling was to determine whether the designated locations assay was within the acceptable range, and to monitor trends of uniformity. Barr concluded that the revised blending process results in a uniform blend.

The Director has reviewed this validation report and has found the following additional deficiencies.

Barr studied only two batches. Prospective validation should be performed on at least three consecutive batches to provide a high degree of assurance that a drug product will consistently meet its specifications and will be consistent from batch to batch.

No blend sample size is specified. Without such information, FDA cannot evaluate the information because the sample size may hide nonuniformity of the blend.

The supplement included an analytical report on a batch made in January 1989. This analytical report shows the results of three blend samples taken from each of 4 drums for a total of 12 samples. Two of the 12 samples were out-of-specification and there is no

indication that Barr investigated those out-of-specification results sufficiently to conclude that the results could be discarded. The out-of-specification results may indicate a process-related problem because all of the passing results were on the high side of the potency range.

Finally, this is a very large batch of a low-dose product mixed in a type of mixer that is typically inefficient and has known dead spots. In order to establish and ensure blend uniformity, Barr must collect some of the mixer samples directly from the dead spots in the mixer.

4. Additional Validation Notebooks

In June 1992, Barr submitted additional validation notebooks to FDA including a notebook on ANDA 70–474, Lorazepam Tablets, 2 mg. This validation information is not included in the supplements. The Director has reviewed these validation notebooks and has concluded that these validation studies are inadequate, because they are affected by Barr's persistent and pervasive validation inadequacies, as discussed above. The study for one of the products also has additional deficiencies as discussed below.

The supplement to ANDA 70–474, Lorazepam Tablets, 2 mg proposes to increase the batch size, a change that would necessitate a change in the mixer used which could affect the blend uniformity, among other things. The Director has reviewed the retrospective validation information contained in the validation notebook, and has found the following additional deficiencies.

Barr's SOP instructs the analyst to place the blend sample into a mortar and grind to a fine powder. In effect, the analyst remixes the large sample before conducting blend uniformity analysis. This procedure will hide any nonuniformity that might have been detected without further mixing.

The validation report provides only an average of the three blend sample results. Average results are meaningless as measurements of nonuniformity because averaging conceals any nonuniformity.

The validation report is based on only five batches. These are insufficient data on which to conclude that there is a high level of assurance that all batches of this product will conform to specifications.

5. Conclusion

The changes proposed in the supplements listed in the notice may cause variability in the characteristics of the in-process materials as well as in the finished products. Accordingly, the law requires that Barr validate the changes proposed in the supplements (§ 211.110). For the same reasons, the processes Barr uses to manufacture the products covered by the original ANDA's and AADA's listed in this notice must be validated (§ 211.110).

Barr has failed to adequately validate its manufacturing processes for the 60 products that it continued to market during the enforcement litigation. (See e.g., *United States* v. *Barr Laboratories, Inc.*, Civ. No. 92–1744, slip op. at 69 (D.N.J., February 5, 1993).) Moreover, Barr demonstrated, through its vigorous defense of its validation during the enforcement litigation, that it believes that its validation is adequate. The validation techniques that Barr defended in the enforcement litigation are the same as those necessary to validate the manufacturing processes and procedures for the products listed in this notice. Therefore, the Director has no basis for concluding that Barr will properly validate its manufacturing processes for the products covered by the applications listed in this notice. In addition, because of Barr's use of scientifically unsound and invalid testing procedures, as discussed above, any completed validation studies for the changes in manufacturing processes proposed in the applications and supplements covered by this notice are inadequate.

Accordingly, the Director finds that the methods Barr uses in, or the facilities or controls it uses for, the manufacture, processing, and packing of the drugs covered by the original and supplemental ANDA's listed above are inadequate to assure the drugs' identity, strength, quality, and purity (21 U.S.C. 505(j)(3)(A), § 314.127(a)(1), 57 FR 17950 at 17991). For the reasons discussed above, the Director has no basis for concluding that the products that would be produced according to the original AADA's covered by this notice would have the requisite characteristics of identity, strength, quality, and purity (21 U.S.C. 357(a), § 314.125(b)(1)). Likewise, the Director concludes that the methods Barr uses in, and the facilities or controls it uses for, the manufacture, processing, and packing of the drugs covered by the supplemental AADA's listed above are inadequate to assure the drugs' identity, strength, quality, and purity (21 U.S.C. 355(d)(3), § 314.125(b)(1)).

C. Barr's Past and Present Investigations of Out-Of-Specification Results are Inadequate

The Director finds that Barr, in the past, repeatedly failed to investigate out-of-specification test results in a thorough and timely manner. Barr has changed some aspects of its investigation of out-of-specification results, but its current procedures remain inadequate. In particular, Barr's current procedures do not provide for a comprehensive investigation into those out-of-specification results not conclusively shown to be caused by analyst or laboratory error. Barr's past and present investigations of out-of-specification results deviate from 21 CFR 211.192, which requires such investigations.

During the 1991 inspection, Barr could not produce any evidence that it had performed or documented investigations into the reasons for frequent out-of-specification results. In fact, in the 1991 Northvale inspection, the investigators observed that, with only one exception, Barr had no substantive investigation of more than 200 instances of out-of-specification results.

By the time of the 1992 Northvale and Pomona inspections, Barr still did not perform investigations for batches with initial out-of-specification test results and two subsequent passing test results on the same or different samples.

Moreover, Barr routinely ignored its SOP which requires it to "investigate all material nonconformance occurrences and in compliance to § 211.192 of the CFR, to document findings and recommend a course of action." Many of Barr's investigations did not determine the cause of the out-of-specification results accurately or adequately. Barr's investigations frequently only confirmed the existence of a problem, without isolating the cause of the out-of-specification results, determining what corrective measures should be taken, or reaching any conclusions or recommendations. A routine approach in Barr's investigation reports was to indicate that there was a failure to meet specifications and to presume that the out-of-specification results were caused by analyst error in order to justify retesting. Barr's investigation failed to consider all possible causes of out-of-specification results and attributed the out-of-specification results to one cause without eliminating others. Barr's own experts in the enforcement litigation were critical of Barr's investigations and poorly documented reasons for attributing out-of-specification results to analyst error.

Even when Barr has performed investigations into out-of-specification results, it has delayed its investigations in violation of the CGMP regulations. This delay also violates Barr's SOP on investigational procedure, which requires the firm to complete

investigations in 30 days. Some investigations were completed months or years after the out-of-specification results occurred, and when the batches had expired or were about to expire. Because of its delay in investigating out-of-specification results, Barr has retested and released batches with out-of-specification results before completing investigations.

During the enforcement litigation, Barr prepared reports on investigations into out-of-specification results on certain batches of some of its products. These investigations reflect Barr's persistent efforts to avoid attributing out-of-specification results to process-related problems rather than identifying the causes of the out-of-specification results and correcting them to prevent their recurrence. Repeated similar out-of-specification results implicating the manufacturing process were attributed alternatively to operator error, equipment error, or laboratory error.

Barr's current investigations into the causes of out-of-specification results remain inadequate. Even in recently completed investigations, in which Barr personnel utilized a checklist of possible causes of laboratory or analyst error in an effort to identify the cause of out-of-specification results, Barr ignored the results of the investigations when no laboratory or analyst errors were identified, discarded the out-of-specification results, and proceeded to pass batches of product on the basis of limited retests, without investigating possible problems with the manufacturing processes.

Based on Barr's history of using inadequate investigations into the cause of out-of-specification results, its vigorous defense of its procedures during the enforcement litigation, and its current inadequate procedures for investigating out-of-specification results, the Director has no basis for concluding that Barr will conduct adequate investigations of out-of-specification results with respect to the products covered by the applications and supplements listed in this notice.

Accordingly, the Director finds that the methods Barr uses in, and the facilities or controls it uses for, the manufacture, processing, and packing of the drugs covered by the original and supplemental ANDA's listed in this notice are inadequate to assure the drugs' identity, strength, quality, and purity (21 U.S.C. 355(j)(3)(A), § 314.127(a)(1), 57 FR 17950 at 17991). For the same reasons, the Director has no basis for concluding that the products that would be produced according to the original AADA's covered by this notice would have the requisite characteristics of identity, strength, quality, and purity (21 U.S.C. 357(a), § 314.125(b)(1)). Likewise, the Director concludes that the methods Barr uses in, and the facilities or controls it uses for, the manufacture, processing, and packing of the drugs covered by the supplemental AADA's listed above are inadequate to preserve the drugs' identity, strength, quality, and purity (21 U.S.C. 355(d)(3), § 314.125(b)(1)).

D. Barr's Recordkeeping Deficiencies

The CGMP regulations provide that laboratory records must include complete data derived from all tests necessary to ensure compliance with established specifications and standards, including examinations and assays. The regulations specify what information must be recorded (§ 211.194).

The following discussion contains examples of Barr's improper and inadequate recordkeeping practices.

Barr's records relating to past production and testing contain numerous inconsistencies and are unreliable. For example, some of Barr's documents regarding batches with out-of-specification results, such as analytical specification sheets, investigations, and chemist notebook pages, are missing. In addition, Barr personnel have improperly recorded test data results on scrap paper, instead of directly recording the results in their laboratory notebooks. Moreover, Barr's analytical and specification sheets, which are used by Barr management in making batch release decisions as well as by FDA in evaluating Barr's products, were incomplete and misleading because they often reflected only the averages of the passing test results used to justify the release of a batch.

Barr's recordkeeping was so deficient in the past that it interfered with Barr's ability to control its processes and make its product release decisions, as well as with FDA's efforts to monitor Barr's compliance with the CGMP regulations.

Barr has altered its recordkeeping practices, but they remain inadequate because the firm continues to record only average testing results on its records. Relying on average test results can be misleading when an average out-of-specification and passing test results yields a figure that meets specifications because, by definition, an average will not reveal the extreme values nor does it provide information about the variability of the results. Barr must record individual test results even when an average provides useful information.

Based on Barr's persistent failure to keep adequate records, its defense of its recordkeeping during the enforcement litigation, and its current adequate practices, the Director has no basis for concluding that, if the applications and supplements listed above were to be approved, Barr would adequately keep records with respect to the products manufactured under those applications and supplements.

Therefore, the Director finds that the methods Barr uses in, and the facilities or controls it uses for, the manufacture, processing, and packing of the drugs covered by the original and supplemental ANDA's listed above are inadequate to assure the drugs' identity, strength, quality, and purity (21 U.S.C. 355(j)(3)(A), § 314.127(a)(1), 57 FR 17950 at 17991). For the reasons discussed above, the Director has no basis for concluding that the products that would be produced according to the original AADA's covered by this notice would have the requisite characteristics of identity, strength, quality, and purity (21 U.S.C. 357(a), § 314.125(b)(1)). Likewise, the Director concludes that the methods Barr uses in, and the facilities or controls it uses for, the manufacture, processing, and packing of the drugs covered by the supplemental AADA's listed above are inadequate to preserve the drugs' identity, strength, quality, and purity (21 U.S.C. 355(d)(3), § 314.125(b)(1)).

IV. Proposal to Refuse to Approve and Notice of Opportunity for Hearing

The Director has evaluated the information above concerning the methods Barr uses in, and the facilities and controls Barr uses for, the manufacture, processing, and packing of drug products. The Director finds that Barr's methods, facilities and controls are inadequate to ensure and preserve its drug products' identity, strength, quality, and purity. Accordingly, notice is hereby given to Barr and to all other interested persons that, under sections 507(a), 505 (c)(1)(B), (d)(3), (j)(3)(A), and (j)(4(C) of the act (21 U.S.C. 357(a), 355 (c)(1)(B), (d)(3), (j)(3)(A), and (j)(4)(C)), the Director proposes to refuse to approve the applications and supplements listed above on the grounds set forth in this notice. In accordance with section 505 of the act and 21 CFR part 314, and under authority delegated to the Director (21 CFR 5.82), the applicant is hereby provided an opportunity for a hearing to show why the applications and supplements listed above should be approved.

An applicant who decides to seek a hearing shall file: (1) On or before June 28, 1993, a written notice of participation and request for hearing,

and (2) on or before July 27, 1993, the data information, and analyses relied on to demonstrate that there is a genuine and substantial issue of fact that requires a hearing. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, notice of participation, and request for hearing, information and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in § 314.200 and in 21 CFR part 12.

The failure of an applicant to file a timely written notice of participation and request for hearing, as required by § 314.200, constitutes an election by that applicant not to avail itself of the opportunity for a hearing concerning the approvability of these applications and supplements, as does the failure to submit any data, information, or analyses in support of its request for hearing, and constitutes a waiver of any contentions concerning the legal status of that person's drug products. In either of those circumstances, the agency will summarily enter a final order refusing approval of those applications. Any new drug product marketed without an approved drug application is subject to regulatory action at any time. Any new drug product that is not produced in accordance with the formulation or manufacturing procedure set forth in the application also may be subject to regulatory action. A request for hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is 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 in the request for hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the applications and supplements, or when a request for hearing is not made in the required format or with the required analyses, the Commission of Food and Drugs will enter summary judgment against the person(s) who request the hearing making findings and conclusion, and denying a hearing. All submissions pursuant to this notice of opportunity for a hearing are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions 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 Federal Food, Drug, and Cosmetic Act (sec. 505 (21 U.S.C. 355)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82).

Dated: May 17, 1993.

Carl C. Peck,

Director,

Center for Drug Evaluation and Research.

[FR Doc. 93–12665 Filed 5–27–93; 8:45 am]

BILLING CODE 4160–01–P

National Institutes of Health

National Center for Nursing Research; Nursing Science Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Nursing Science Review Committee, National Center for Nursing Research, June 10–11, 1993, Holiday Inn Crowne Plaza, Halpine Room, 1750 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on June 10 from 8:30 a.m. to 10 a.m. Agenda items to be discussed will include a Report from the Director, NCNR; and an Administrative Report by the Scientific Review Administrator, Nursing Science Review Section. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and section 10(d)) of Public Law 92–463, the meeting will be closed to the public on June 10 from 10 a.m. to adjournment on June 11 for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Individuals also plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dr. Mary Stephens, 301–496–0472 in advance of the meeting.

Dr. Mary Stephens, Scientific Review Administrator, Nursing Science Review Section, National Center for Nursing Research, National Institutes of Health, Building 31, room 5B25, Bethesda, Maryland 20892, (301) 496–0472, will provide a summary of the meeting, and a roster of committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.361, Nursing Research, National Institutes of Health)

Dated: May 24, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12657 Filed 5–27–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Meeting of the Ad Hoc Balance and Balance Disorders Subcommittee of the National Deafness and Other Communication Disorders Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the AD Hoc Balance and Balance Disorders Subcommittee of the National Deafness and Other Communication Disorders Advisory Board on July 21, 1993. The meeting will take place from 9 a.m. to 12 noon in room 3C07, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892, and will be conducted as a telephone conference with the use of a speaker phone.

The meeting will be open to the public from 9 a.m. to 9:10 a.m. for a discussion of Subcommittee business. Attendance by the public will be limited to the space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9:10 a.m. until adjournment for the discussion and recommendation of individuals to serve on a scientific panel to update the balance and balance disorders section of the Research Plan. These discussions could reveal personal information concerning these individuals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the Subcommittee's meeting and a roster of members may be obtained from Ms. Mirene Boerner, Acting Executive Director, National Deafness and Other Communication Disorders Advisory Board, Building 31, room 3C08, National Institutes of Health, Bethesda, Maryland 20892, (301) 402–1129, upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Acting Executive Director in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.173, Biological Research Related to Deafness and Communication Disorders)

Dated: May 24, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12655 Filed 5–27–93; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the following National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

The meeting 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 a 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: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Dates of Meeting: June 16–17, 1993.

Time of Meeting: 3–6 pm, June 16, 8 am to adjournment, June 17.

Place of Meeting: Inn Towner Hotel, 2424 University Avenue, Madison, WI.

Agenda: Review of a program grant application.

Contact Person: Dr. Earleen F. Elkins, Scientific Review Administrator, NIDCD/SRB, Executive Plaza South, room 400B, Bethesda, Maryland 20892. (301) 496–8683.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communication Disorders)

Dated: May 24, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12658 Filed 5–27–93; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the following study sections for June through July 1993, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public for approximately one half hour at the beginning of the first session of the first day of the meeting during the discussion of administrative details relating to study section business. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–496–7534 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each scientific review administrator, whose telephone number is provided. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the scientific review administrator to confirm the exact date, time and location. All times are a.m. unless otherwise specified.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the scientific review administrator at least two weeks in advance of the meeting.

Study section	June–July 1993 meetings	Time	Location
AIDS & Related Research 1, Dr. Sami Mayyasi, Tel. 301–594–7073.	July 11–13	7:00 p.m.	Embassy Suite Hotel, Chevy Chase Pavilion, Washington, DC.
AIDS & Related Research 2, Dr. Gilbert Meier, Tel. 301–594–7118.	June 25	8:00	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 3, Dr. Marcel Pons, Tel. 301–594–7210.	June 28–30	8:30	Holiday Inn, Georgetown, DC.
AIDS & Related Research 4, Dr. Mohindar Poonian, Tel. 301–594–7112.	July 1–2	8:30	Hyatt Regency, Bethesda, MD.
AIDS & Related Research 5, Dr. Mohindar Poonian, Tel. 301–594–7112.	July 9	8:00	Holiday Inn, Crowne Plaza, Rockville, MD.
AIDS & Related Research 6, Dr. Gilbert Meier, Tel. 301–594–7118.	July 2	8:00	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 7, Dr. Gilbert Meier, Tel. 301–594–7118.	July 9	8:00	Holiday Inn, Chevy Chase, MD.
Behavioral and Neurosciences-1, Dr. Luigi Giacometti, Tel. 301–594–7122.	July 7–9	8:30	St. James Hotel, Washington, DC.
Behavioral and Neurosciences-2, Dr. Luigi Giacometti, Tel. 301–594–7122.	July 12	8:30	St. James Hotel, Washington, DC.
Biological Sciences-1, Dr. James R. King, Tel. 301–594–7097.	July 7–9	8:30	St. James Hotel, Washington, DC.
Biological Sciences-2, Dr. Camilla Day, Tel. 301–594–7389.	July 7–9	8:30	Holiday Inn, Chevy Chase, MD.
Biological Sciences-3, Dr. Nancy Pearson, Tel. 301–594–7388.	July 22–23	8:30	Holiday Inn, Chevy Chase, MD.
Biomedical Sciences, Dr. Charles Baker, Tel. 301–594–7170..	July 7–9	8:30	Holiday Inn, Bethesda, MD.
Clinical Sciences-1, Mrs. Jo Pelham, Tel. 301–594–7254.	July 15–16	8:30	Holiday Inn, Chevy Chase, MD.

Study section	June–July 1993 meetings	Time	Location
Clinical Sciences-2, Mrs. Jo Pelham, Tel. 301–594–7254.	July 8–9	8:00	Residence Inn Marriott, Bethesda, MD.
Immunology, Virology & Pathology, Dr. Lynwood Jones, Tel. 301–594–7262.	July 14–16	8:30	Holiday Inn, Chevy Chase MD.
International & Cooperative Projects, Dr. G. B. Warren, Tel. 301–594–7289.	July 22–23	8:00	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Physiological Sciences, Dr. Nicholas Mazarella, Tel. 301–594–7098.	July 8–9	8:00	Holiday Inn, Crowne Plaza, Rockville, MD.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 24, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12656 Filed 5–27–93; 8:45 am]

BILLING CODE 4140–01–M

Recombinant DNA Advisory Committee; Amend Notice of Meeting

Notice is hereby given to announce partial closure of the Recombinant DNA Advisory Committee meeting on June 7–8, 1993. The notice of meeting was published in the **Federal Register** on May 4, 1993 (58 FR 26676).

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 7 from approximately 5:40 p.m. to approximately 6:40 p.m., for the report and review of the expedited approval of a human gene transfer protocol submitted by Drs. Robert E. Sobol and Ivor Royston, including consideration of information of a personal nature, e.g., an individual's clinical records and findings, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: May 19, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–12747 Filed 5–27–93; 8:45 am]

BILLING CODE 4140–01–M

Recombinant DNA Research: Proposed Actions Under the Guidelines—Correction

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Proposed Actions Under the NIH Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958).

CORRECTION: On May 4, 1993 (58 FR 26676), the NIH published Proposed Actions to be discussed during the upcoming meeting on June 7–8, 1993. The following additional item will be considered at that meeting:

XXIII. Report on Expedited Approval of Human Gene Transfer Protocol. In a letter dated April 30, 1993, Drs. Robert E. Sobol and Ivor Royston of the San Diego Regional Cancer Center, San Diego, California, requested the expedited review of a human gene transfer protocol. This request was for: (1) Additional treatment to a patient and (2) transduction of cells with a retrovirus vector, G1NaCvi2.

In accordance with the Procedures for Expedited Review of the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules (58 FR 21741), this request was reviewed by both intramural and extramural scientists. Drs. Royston and Sobol submitted additional documentation at the request of reviewers. Following evaluation of the additional data, the reviewers concluded that the preclinical and clinical information provided by the investigators was sufficient to justify continuation of the study with the new vector. The Director, NIH, approved Drs. Royston and Sobol's request on May 11, 1993.

The Procedures for Expedited Review, state in item number 7: "The NIH will report to the Recombinant DNA Advisory Committee (RAC) following expedited review and will include all of the materials on which the decision was based. The RAC will formally review the protocol at its next scheduled meeting. Patient privacy will be maintained." The RAC will review the expedited approval by the NIH Director at the June 7, 1993, meeting during a session that will be closed in order to protect patient privacy.

Dated: May 24, 1993.

Jay Moskowitz,

Deputy Director for Science Policy and Technology Transfer, NIH.

[FR Doc. 93–12748 Filed 5–27–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–93–1917; FR–3350–N–33]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/

unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Corps of Engineers: Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Massachusetts Ave., NW, rm. 4133, Washington, DC 20314–1000; (202) 272–0520; (This is not a toll-free number).

Dated: May 21, 1993.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 05/28/93

California—Fort Ord

Fort Ord is located 7 miles north of the City of Monterey and 120 miles southeast of San Francisco, California 93941–5000. The installation is scheduled for closure on or about September 1995. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation consists of approximately 26,720 acres and 14 million square feet of permanent facilities that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include various types of housing; office and administrative buildings; recreational, maintenance and storage facilities; and other more specialized structures.

For specific information concerning Fort Ord, please contact Commander, 7th ID, ATTN: AFZW–RM (LTC Anderson), Fort Ord, California 93941–5000.

Suitable/Available Properties

Property Number: 329210039
Type Facility: Housing—1431 family houses; majority are 2-story.

Property Number: 329210040
Type Facility: Temporary Living Quarters—254 buildings; wood, concrete and concrete block structures including barracks.

Property Number: 329210041
Type Facility: Office/Administration—311 buildings; wood, concrete, concrete block and steel structures including personnel bldgs. and general purpose bldgs.

Property Number: 329210042
Type Facility: Recreation—53 facilities including bowling center, guest houses, community and youth centers, library, gym and recreation bldgs.

Property Number: 329210043
Type Facility: Aircraft/Airport Facilities—18 facilities including hangars, runway, taxiways, aprons, fire station, maintenance bldgs. and control tower.

Property Number: 329210044
Type Facility: Maintenance/Engineering Facilities—24 buildings; wood, concrete block and steel structures.

Property Number: 329210045
Type Facility: Mess/Dining Halls—95 buildings; wood, concrete and concrete block dining facilities.

Property Number: 329210046
Type Facility: Child Care—7 buildings; wood and concrete child care centers.

Property Number: 329210047
Type Facility: Stores and Services—23 buildings; wood, concrete, concrete block and steel structures including stores, snack bars, commissary and service station exchange.

Property Number: 329210048
Type Facility: Hospital Facilities—10 buildings; wood, concrete and concrete block structures including a hospital, clinics and vet. facilities.

Property Number: 329210049
Type Facility: Chapels—10 buildings; wood, concrete, concrete block chapels and chapel center facilities.

Property Number: 329210050
Type Facility: Fire Facilities—2 fire stations.

Property Number: 329210051
Type Facility: Audio Visual Facilities—8 buildings; wood, concrete and steel structures including photo labs and training centers.

Property Number: 329210052
Type Facility: Communications/Electronics Facilities—6 buildings; concrete, concrete block and steel structures including a communication center and radio bldgs.

Property Number: 329210053
Type Facility: Warehouses—224 buildings; wood, concrete, concrete block and steel structures including storage bldgs. and sheds.

Property Number: 329210054
Type Facility: Vehicle Shops—84 buildings; wood, concrete, concrete block and steel structures including maintenance shops and oil storage bldgs.

Property Number: 329210055
Type Facility: Miscellaneous Facilities—440 facilities including hdqts. bldgs., reserve centers, classrooms, day rooms, roads, vehicle parks and training areas.

Property Number: 329210056
Type Facility: Multi-Purpose Facilities—27 facilities.

Property Number: 329210057
Type Facility: Fuel Facilities—31 buildings; concrete, concrete block and steel structures including gas station bldgs.

Property Number: 329210058
Type Facility: Hazardous Storage Facilities—6 buildings; concrete, concrete block and steel structures.

Property Number: 329210059
Type Facility: Explosives/munitions Facilities—31 buildings; concrete and steel structures including igloo storages and magazine storages.

California—Sacramento Army Depot

Sacramento Army Depot is located within the city limits of Sacramento, California 95813–5053. Three major highways (California 99, Interstate 80 and U.S. Route 50) are in the immediate vicinity. The Depot is in an area zoned as industrial. The installation is scheduled to be closed on or about September 1997, however complete mission cessation will accelerate reuse of facilities and real property on or about October 1994.

The installation consists of approximately 485 acres and 3.2 million square feet of facilities. The Army will retain a 50 acre enclave on the installation to support the Reserve Component mission. The properties that HUD has determined suitable and which are available for use to assist the homeless include housing; office and administrative buildings; recreation, maintenance and storage facilities; and other more specialized structures.

For specific information concerning Sacramento Army Depot, please contact Commander, Sacramento Army Depot, ATTN: SDSSA–LS (Mr. Guy Brown), Sacramento, California 95813–5053.

Suitable/Available Properties

Property Number: 329320004
Type Facility: Housing—3 buildings; ranging in size from 1320 sq. ft. to 2343 sq. ft. including garages.
Property Number: 329320005
Type Facility: Office/Administration—7 buildings; ranging in size from 192 sq. ft. to 109,655 sq. ft.
Property Number: 329320006
Type Facility: Recreation/Stores/Services—20 buildings; ranging in size from 100 sq. ft. to 9871 sq. ft. including community and fitness centers, snack bars, etc.
Property Number: 329320007
Type Facility: Warehouses/Storage Facilities—23 buildings; ranging in size from 119 sq. ft. to 261,360 sq. ft.
Property Number: 329320008
Type Facility: Communication/Electronic—13 buildings; electronic maintenance shops and equipment facilities ranging in size from 756 sq. ft. to 163,961 sq. ft.
Property Number: 329320009
Type Facility: Hospital—1 building; 6622 sq. ft. clinic without beds.
Property Number: 329320010
Type Facility: Dining Hall—1 building; 12,550 sq. ft. post restaurant.
Property Number: 329320011
Type Facility: Miscellaneous Buildings—14 buildings; ranging in size from 120 sq. ft. to 5612 sq. ft. including sentry stations, gen. inst. bldgs. and waste treatment facilities.
Property Number: 329320012
Type Facility: Maintenance/Engineering—6 buildings; ranging in size from 437 sq. ft. to 8707 sq. ft.
Property Number: 329320013
Type Facility: Vehicle Shop Buildings—2 buildings; ranging in size from 600 sq. ft. to 48,363 sq. ft.
Property Number: 329320014
Type Facility: Hazardous Storage Buildings—18 buildings; flammable material storehouses ranging in size from 72 sq. ft. to 4100 sq. ft.
Property Number: 329320015
Type Facility: Land—approximately 485 acres including swimming pools, tennis courts, baseball and softball fields, golf course, roads, open areas etc.

Land (by State)

California

Land—2.5 acres
Hamilton Army Airfield
Novato Co: Marin CA 94945
Landholding Agency: COE—BC
Property Number: 329310001
Status: Excess
Base closure: Number of Units: 1
Comment: 2.5 acres, potential utilities, access restriction, subject to flooding, wetlands and storm water runoff, potential for contamination from adjoining areas

Suitable/Unavailable Properties

Connecticut

15 Family Houses
Portlant CT 36
Portland Co: Middlesex CT 06484
Landholding Agency: COE–BC
Property Numbers: 319011218–319011232
Status: Excess
Base Closure
Comment: 1000–1300 sq. ft., 1 story wood frame residences

Unsuitable Properties

Land (by State)

Florida

Cape St. George Reservation
Fort Rucker, AL Installation #12050
Apalachicola Co: Franklin G C FL 32320
Landholding Agency: COE–BC
Property Number: 329140001
Status: Unutilized
Base Closure: Number of Units: 1
Reason: Floodway—Inaccessible

Hawaii—Kapalama Military Reservation Phase III

Kapalama Military Reservation is located in the Harbor district in the City of Honolulu. All the properties will be excess to the needs of the Army Corps of Engineers on or about September 30, 1994. Properties shown below as suitable will be available at that time.

The base comprises 21.22 acres and contains nine buildings which are currently being used for storage.

Suitable/Unavailable Properties

Property Numbers: 329210003–329210011
Type Facility: Nine buildings currently used for storage; 116 to 39854 sq. ft.; one story wood frame; needs minor rehab.

Suitable/Unavailable Properties

Illinois

12 Worth Family Houses
Fort Sheridan
Worth Co: Cook IL 60482
Landholding Agency: COE–BC
Property Number: 329210002
Status: Excess
Base Closure
Comment: 1-story residences, possible asbestos, off-site use only, scheduled to be vacated 05/93.

12 Addison Family Houses
Fort Sheridan
Addison Co: DuPage IL 60101
Landholding Agency: COE–BC
Property Number: 329210001
Status: Excess
Base Closure
Comment: 1-story residences, possible asbestos, scheduled to be vacated 05/93.

Unsuitable Properties

Bldg. 117, Hangar
Fort Sheridan Co: Lake IL 60037–5000
Landholding Agency: COE–BC
Property Number: 329230001
Status: Excess
Base Closure: Number of Units: 1
Reason: Within airport runway clear zone

Indiana—Fort Benjamin Harrison

Fort Benjamin Harrison is located northeast of Indianapolis in the City of Lawrence 46216–5000. All the properties will be excess to the needs of the Army Corps of Engineers on or about September 1995. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The base covers 2501 acres and has 4.7 million square feet of facilities. The properties that HUD has determined suitable and which are available include family housing residences, temporary living quarters, office/administration buildings, various types of recreational facilities, child care centers and chapels, dining halls, a hospital, warehouses, miscellaneous and other specialized structures. More specific information concerning properties at the base can be obtained by contacting LTC Gregory Miller, US Army Soldier Support Center, Attn: ATZI–IS, Fort Benjamin Harrison, Indiana 46216–5000; (317) 542–5382.

Suitable/Available Properties

Property Numbers: 329210068–329210069
Type Facility: Housing—90 family residences, 1 and 2 story brick frame; 29 temporary living quarters (barracks), brick or concrete frame.
Property Number: 329210070

Type Facility: Office/Administration—26 buildings; wood, brick, concrete or concrete block frame; includes personnel and general purpose buildings.
Property Number: 329210071
Type Facility: Recreational Facilities—28; wood, brick, concrete or concrete block frame; includes gym, canteen, golf course, swimming pool, riding stable, tennis court, bowling center, recreation buildings, basketball and handball courts, baseball fields, track, and playgrounds.
Property Number: 329210072
Type Facility: Child Care Centers—2 buildings; brick frame; 5,818 and 14,457 sq. ft.
Property Number: 329210073
Type Facility: Dining Halls—4; brick frame; 11,075 to 31,439 sq. ft.
Property Number: 329210074
Type Facility: Stores/Services—12 buildings; 140 to 68,899 sq. ft.; brick, wood, concrete or concrete block frame; includes restaurant, commissary, sales stores, exchange branchs, and service outlet.
Property Number: 329210075
Type Facility: Hospital, brick frame.
Property Number: 329210076
Type Facility: 2 Chapels; 3,747 & 16,587 sq. ft., brick and aluminum frame.
Property Number: 329210078
Type Facility: 2 Fire Facilities; 2,243 & 3,835 sq. ft.; includes fire station and hose house.
Property Numbers: 329210079, 329210083
Type Facility: 2 Vehicle Shops and Fuel Facility; concrete/asbestos frame; 1 gas station building, 327 sq. ft.
Property Number: 329210080
Type Facility: Maintenance Engineering—6 buildings; 168 to 14,074 sq. ft.; wood, brick or concrete block frame.
Property Numbers: 329210081, 329210082
Type Facility: Explosives/Munitions and Hazardous Storage—10 buildings; 103 to 1,138 sq. ft.; brick, steel, concrete or wood frame; includes ammo magazines and flammable materials storage.
Property Number: 329210084
Type Facility: 23 Warehouses; 960 to 56,650 sq. ft.; brick, concrete or steel frame.
Property Number: 329210085
Type Facility: 150 Miscellaneous Buildings; 31 to 211,364 sq. ft.; includes headquarters & general instruction buildings; training centers and detached garages.
Property Number: 329210086
Type Facility: 5 Multipurpose Buildings.

Land

Property Number: 329210077
Type Facility: 2 Aircraft/Airport Facilities; 938 sq. yds.

Unsuitable Properties

Property Number: 329210087
Type Facility: 1 Recreational Facility; within a floodway.

Suitable/Available Properties

Land (by State)

Land—Plant II
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: COE–BC
Property Number: 329220004
Status: Excess
Base closure: Number of Units: 1
Comment: 858.63 acres, 34 acres subj. to flooding, access over private property by easement of roadway, manufac. facility on site not operative for 20 years.

Massachusetts—Fort Devens

Fort Devens military base is located at Fort Devens, Massachusetts 01433–5000. It is approximately 45 miles west of Boston. All the properties will be excess to the needs of the Army Corps of Engineers on or about October 31, 1995. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation covers 9,283 acres and has approximately 7.4 million square feet of facilities. The properties that HUD has determined suitable and which are available include over 550 single family and multifamily housing units; office and administration buildings, indoor and outdoor recreational facilities; warehouses and multi-use buildings; hospital facilities; stores and service facilities; dining facilities; a chapel; a child care facility; and other miscellaneous and specialized structures.

For specific information concerning Fort Devens, please contact Commander, Fort Devens, Attn: AFZD–T (Mr. Carter Hunt), Fort Devens, Massachusetts 01433–5000.

Suitable/Available Properties

Property Number: 329210012
Type Facility: 54 Office/Administration Buildings; 1,174 to 71,781 sq. ft.; wood, brick or concrete block frame including personnel bldgs., general purpose and support services bldgs.
Property Number: 329210029
Type Facility: 404 Housing units; 1,200 to 4,380 sq. ft.; wood or brick frame; single and duplex residences, multifamily residences—up to 14 units per bldg.
Property Number: 329210015
Type Facility: 150 Temporary Living quarters; 1,028 to 19,120 sq. ft.; wood, brick or concrete block structures including barracks.
Property Number: 329210013
Type Facility: 27 Recreational Facilities; 155 to 30,000 sq. ft.; wood, brick, steel or concrete block construction including a gym, library, swimming pool, golf clubhouse, and bowling center.
Property Numbers: 329210016, 329210025
Type Facility: Aircraft/Fuel Facilities—7; six gas station bldgs. and pump stations; wood, steel or concrete block structures.
Property Numbers: 329210017, 329210021
Type Facility: Maintenance Engineering/Vehicle Shops—34 buildings; 120 to 20,310 sq. ft.; wood, brick, steel or concrete block frame including maintenance shops, entomology facility, vehicle maintenance bldgs., oil storage bldgs.
Property Number: 329210018
Type Facility: 11 Stores/Service Buildings; 271 to 107,208 sq. ft.; wood, concrete block or brick frame including commissary, sales store, exchange service station, exchange retail stores.
Property Number: 329210019
Type Facility: 7 Hospital Facilities; 493 to 126,835 sq. ft.; wood, concrete, concrete block or brick frame including clinics, hospital, veterinarian facility, and dental clinic.
Property Number: 329210022
Type Facility: 4 Audio Visual/Photo Labs; 480 to 10,612 sq. ft.; wood or concrete block construction.
Property Number: 329210027
Type Facility: 24 Mess/Dining Halls; 2,403 to 2,717 sq. ft.; wood frame.
Property Number: 329210024
Type Facility: 2 Communication Buildings; 1,322 to 1,749 sq. ft.; concrete block or brick frame; communication centers.
Property Number: 329210026
Type Facility: 92 Warehouses; 49 to 85,790 sq. ft.; wood, concrete, concrete block or steel construction including sheds, storehouse, medical supply, vehicle storage, general purpose bldgs.
Property Number: 329210014
Type Facility: Child Care Facility; 6,012 sq. ft.; wood frame.
Property Number: 329210020
Type Facility: Chapel; 22,250 sq. ft.; brick frame.
Property Number: 329210023
Type Facility: 8 Hazardous Storage Buildings; 64 to 6,000 sq. ft.; concrete, steel or concrete block structures including oxygen storage facilities and flammable materials storage.
Property Number: 329210028
Type Facility: 172 Miscellaneous Facilities; 320 to 114,000 sq. ft.; wood, concrete block, brick or steel construction including general purpose bldgs., training facilities, RG houses, reserve centers, garages.
Property Number: 329210030
Type Facility: 4 Multi-purpose buildings.

Unsuitable Properties

Property Number: 329210032
Type Facility: 3 Recreation Facilities; within 2,000 feet from flammable or explosive material.
Property Numbers: 329210033, 329210038
Type Facility: One Temporary Living Quarters and 2 housing residences; within 2,000 feet from flammable or explosive material.
Property Number: 329210031
Type Facility: One Office/Administration Building; within 2,000 feet from flammable or explosive material.
Property Numbers: 329210034, 329210037
Type Facility: 6 Miscellaneous Buildings—including stores, service facilities, etc.
Property Number: 329210035

Type Facility: One Vehicle Shop; within 2,000 feet from flammable explosive material.

Property Number: 329210036
Type Facility: One Warehouse; within 2,000 feet from flammable explosive material.

Suitable/Available Properties

Massachusetts

12 Bldgs., Burlington Housing
South Bedford
Burlington Co: Middlesex MA 01803
Landholding Agency: COE—BC
Property Number: 329240005
Status: Surplus
Base closure Number of Units: 12
Comment: 1100 sq. ft. each, 1-story wood frame residences.

Michigan

Pontiac Storage Facility
871 East South Boulevard
Pontiac Co: Oakland MI 48054
Landholding Agency: COE—BC
Property Number: 329240001
Status: Excess
Base closure Number of Units: 5
Comment: 607,202 sq. ft. warehouse w/steel frame, 4 other structures inc. well house, sentry station, heating plant and water tower located on 31.24 acres.

New Jersey—Fort Dix

Fort Dix is located in the eastern edge of Burlington County, and part of the western edge of Ocean County, New Jersey. It is approximately 17 miles southeast of Trenton, New Jersey. The installation is scheduled for realignment on or about October 1, 1993. The majority of the base is being retained for Federal use.

The Sheridanville Family Housing complex is located on Sailors Pond Road, appox. 1 mile east of State Highway 68. The Kennedy Courts Family Housing complex is located at the corner of Pemberton-Pointville and Juliustown Roads, approx. 1 mile southeast of County Route 616. Both complexes contain various types of housing, service stores, maintenance buildings, miscellaneous buildings and other more specialized structures.

For specific information concerning Fort Dix, please contact U.S. Army Training Center, Attn: ATZD–EHP, Jean M. Johnson, Fort Dix, NJ 08640–5506.

Suitable/Unavailable Properties

Sheridanville Family Housing Complex

Property Number: 329220014
Type Facility: Housing—25, 6-unit buildings; 1, 2 or 3 bedrooms, wood frame w/brick veneer facing

Property Number: 329220015
Type Facility: Housing—one, 8-unit building, 2 story, 1, 2 or 3 bedrooms, wood frame w/ brick veneer facing

Property Number: 329220016
Type Facility: Housing—one, 10-unit building; 2 story, 1, 2 or 3 bedrooms, wood frame w/brick veneer facing

Property Number: 329220017
Type Facility: Housing—11, 12-unit buildings; 2 story, 1, 2 or 3 bedrooms, wood frame w/brick veneer facing

Property Number: 329220018
Type Facility: 33 detached sheds; 1 story, wood frame

Property Number: 329220020
Type Facility: Maintenance Engineering—3 buildings

Property Number: 329220021
Type Facility: Service Store—1 building, most recent use—PX, wood frame

Property Number: 329220022
Type Facility: Miscellaneous—3 buildings; waiting shelters

Property Number: 329220019
Type Facility: Recreational/land—basketball court and softball field

Kennedy Courts Family Housing Complex

Property Numbers: 329220023, 329220035, 329220043
Type Facility: Office/Administration—42 buildings; concrete or cinderblock w/brick veneer facing, 1, 2 or 3 story, includes classrooms, instructional bldgs., administration & supplies, regimental headquarters, personnel-supply services

Property Numbers: 329220024, 329220036, 329220044
Type Facility: Recreational—12 facilities; includes gym, theater, tennis court, recreation center, museums, community centers

Property Numbers: 329220025, 329220045
Type Facility: Maintenance Engineering—5 buildings; wood, concrete or cinderblock, 1 or 2 story, includes generator and gas meter house

Property Numbers: 329220026, 329220037, 329220046
Type Facility: Service Stores—3 PXs

Property Numbers: 329220027, 329220038
Type Facility: Hospitals—2 buildings; 1 story, concrete or cinderblock w/brick veneer facing

Property Numbers: 329220028, 329220039
Type Facility: Chapels—2; 1 story

Property Numbers: 329220029–329220030, 329220047, 329220050
Type Facility: Vehicle/Fuel—10 facilities; includes gas stations, oil storage bldgs., vehicle greaser, automotive shop

Property Numbers: 329220031, 329220040
Type Facility: Dining Halls—8 facilities; includes enlisted personnel dining, 1 story, concrete or cinderblock w/brick veneer facing

Property Numbers: 329220032, 329220041
Type Facility: Housing—22 buildings; enlisted barracks, 3 story

Property Number: 329220048
Type Facility: Hazardous storage—3 buildings; 1 story

Property Number: 329220049
Type Facility: Communications/Electronics—2; 1 & 2 story

Property Numbers: 329220013, 329220033, 329220042, 329220051–329220052
Type Facility: Miscellaneous—29 buildings; includes waiting shelters, warehouses, and other specialized structures

Property Number: 329220053
Type Facility: Area Confinement Facility; 109,668 sq. ft. ft., 2 story concrete & block frame

Property Number: 329220011
Type Facility: Recreational/land—2; basketball courts

Unsuitable Properties

Property Number: 329220034
Type Facility: Sewage Pump

Property Numbers: 329220005–329220009
Type Facility: Housing (Kennedy Courts Family Housing Complex)
Reason: Extensive deterioration

Property Number: 329220010
Type Facility: 48 Detached Sheds (Kennedy Courts Family Housing Complex)
Reason: Extensive deterioration

Property Number: 329220012
Type Facility: Heat Plant (Kennedy Courts Family Housing Complex)
Reason: Extensive deterioration

Property Number: 329320016
Type Facility: Bldg. S06893 (Kennedy Courts Family Housing Complex)
Reason: Extensive deterioration

Suitable/Unavailable Properties

New Jersey

24 Family Houses
Franklin Lakes
Patrick Brems Court
Mahwah Co: Bergen NJ 07430
Landholding Agency: COE–BC
Property Numbers: 319010734–319010757
Statute: Excess
Base Closure
Comment: 1196 sq. ft., 1 story wood frame residences.

32 Family Houses
Livingston Family Housing
Hornung Court
East Hanover Co: Morris NJ 07936
Landholding Agency: COE–BC
Property Numbers: 319010758–3190107789
Statute: Surplus
Base Closure
Comment: 1196 sq. ft., 1 story wood frame residences, possible asbestos in floor tiles.

Bldg. PO5605, Fort Dix
8th Street and Doughboy Loop
Ft. Dix Co: Burlington, NJ 08640-
Landholding Agency: COE—BC
Property Number: 329210064
Status: Unutilized
Base closure: Number of Units: 1
Comment: 6137 sq. ft., 1 story, possible asbestos, most recent use—administration/ classroom.

Bldg. PO5602, Fort Dix
8th Street
Ft. Dix Co: Burlington, NJ 08640-
Landholding Agency: COE—BC
Property Number: 329210065
Status: Unutilized
Base closure: Number of Units: 1
Comment: 40653 sq. ft., 3 story, not handicapped accessible, no sprinkler/fire escape doors on 2nd/3rd floors, most recent use—trainee barracks.

Bldg. PO5603, Fort Dix
8th Street
Ft. Dix Co: Burlington, NJ 08640-

Landholding Agency: COE—BC
Property Number: 329210066
Status: Excess
Base closure: Number of Units: 1
Comment: 40653 sq. ft., 3 story, not handicapped accessible, no sprinkler/fire escape doors on 2nd/3rd floors, most recent use—trainee barracks.

Bldg. PO5604, Fort Dix
8th Street and Doughboy Loop
Ft. Dix Co: Burlington, NJ 08640–
Landholding Agency: COE—BC
Property Number: 329210067
Status: Excess
Base closure: Number of Units: 1
Comment: 12194 sq. ft., 1 story, presence of asbestos, most recent use—admin/supply building.

Suitable/Unavailable

New York

37 Nike Houses
New York 01
Tappan Co: Rockland NY
Landholding Agency: COE—BC
Property Numbers: 319011049, 319011070–319011105
Status: Excess
Base closure
Comment: 897 sq. ft., 1 story wood frame residences on concrete slab.

27 Dry Hill Family Housing
Route 3
Watertown Co: Jefferson NY 13601
Landholding Agency: COE—BC
Property Numbers: 319030015–319030041
Status: Excess
Base closure
Comment: 816–1300 sq. ft., 1 story wood frame residences.

Suitable/Available Properties

Pennsylvania

3 Supply Facilities
Tacony Warehouse
Located at 7071 Wissonoming St. & Milnor St.
Philadelphia Co: Philadelphia, PA
Landholding Agency: COE–BC
Property Number: 329320001
Status: Excess
Base closure: Number of Units: 3
Comment: ranging in size from 31,723 sq. ft. to 162,074 sq. ft. steel, framed masonry structures, need roof replacement

Bldg. C—Admin. Facility
Tacony Warehouse
Located at 7071 Wissonoming St. & Milnor St.
Philadelphia Co: Philadelphia, PA
Landholding Agency: COE–BC
Property Number: 329320002
Status: Excess
Base closure: Number of Units: 1
Comment: 17,843 sq. ft. wood frame structure, needs major rehab

7 Utility Facilities
Tacony Warehouse
Located at 7071 Wissonoming St. & Milnor St.
Philadelphia Co: Philadelphia, PA
Landholding Agency: COE–BC
Property Number: 329320003
Status: Excess
Base closure: Number of Units: 7
Comment: auxiliary bldgs. ranging in size from 53 sq. ft. to 13,308 sq. ft. including a heat plant

Suitable/Unavailable Properties

12 Family Houses
C.E. Kelly Support Facility
Finleyville Area Site 52, S–101–Q
Finleyville Co: Washington, PA 15332
Location: Route 88 to Mineral Beach and turn left
Landholding Agency: COE–BC
Property Numbers: 319011407, 319011409–319011419
Status: Excess
Base closure:
Comment: 1 story frame residences, possible asbestos

12 Family Houses
Monroeville Area Site 25
C.E. Kelly Support Facility
Lindsey Lane R.D. #2
Monroeville Co: Alleghency, PA 15239
Landholding Agency: COE–BC
Property Number: 319030051–319030062
Status: Excess
Base closure:
Comment: 1 story frame residences with playground area, possible asbestos

Land (by State)

Pennsylvania

C.E. Kelly Support Facility
Finleyville Area Site 52
Finleyville Co: Washington, PA 15332
Landholding Agency: COE–BC
Property Number: 319011408
Status: Excess
Base closure:
Comment: 11.63 acres, potential utilities, most recent use—playground area.

Suitable/Available Properties

Rhode Island

62 Bldgs., Davisville Housing
Navy Drive
Davisville Co: Kingston RI 02852
Landholding Agency: COE–BC
Property Number: 329240003
Status: Surplus
Base closure: Number of Units: 62
Comment: sq. ft. varies, 2-story wood frame residences, scheduled to be vacated 8/93.

16 Bldgs., Slaterville Housing
Pound Hill Street
N. Smithfield Co: Providence RI 02895
Landholding Agency: COE–BC
Property Number: 329240004
Status: Surplus
Base closure: Number of Units: 16
Comment: 1100 sq. ft. each, 1-story wood frame residences, scheduled to be vacated 8/93.

Virginia—Harry Diamond Laboratories

Harry Diamond Laboratories, Woodbridge Facility is located in Prince William County, Virginia, 22191. The installation is scheduled for closure on or about September 1994. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation consists of approximately 76,000 square feet of facilities that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include a warehouse, communications facilities and miscellaneous facilities.

For specific information concerning Harry Diamond Laboratories, please contact Commander, U.S. Army Laboratory Command, ATTN: AMSLC-MC (Ms. Ann Barnett), 2800 Powder Mill Road, Adelphi, Maryland 20783–1145.

Suitable/Available Properties

Property Number: 329210060
Type Facility: Communications/Electronic Facilities—3 brick structures.

Property Number: 329210061
Type Facility: Warehouse—1 brick storehouse.

Property Number: 329210062
Type Facility: Miscellaneous Facilities—3 facilities including roads and a vehicle park.

Property Number: 329210063
Type Facility: Multi-Purpose Facilities—2 brick structures including an administrative building.

Bldg. 4, DMA Herndon
925 Springvale Rd.
Great Falls VA 22066
Landholding Agency: COE—BC
Property Number: 329240002
Status: Excess
Base Closure: Number of Units: 1
Comment: 4195 sq. ft., 1-story concrete masonry structure, most recent use—admin., scheduled to be vacated 01/94.

Suitable/Available Properties

Washington

28 Bldgs. Youngslake Housing
Near 116th St., SE & 192nd St.
Renton Co: King WA
Landholding Agency: COE–BC
Property Number: 329240006
Status: Excess
Base closure: Number of Units: 28
Comment: 1184–1392 sq. ft., 3-bedroom residences, scheduled to vacated 6/95.

[FR Doc. 93–12493 Filed 5–27–93; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Proposed Finding of No Significant Impact for California Condor Release, Lion Canyon, Santa Barbara County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Fish and Wildlife Service (Service) proposes to implement a long-term program to release young captive-hatched California condors at Lion Canyon. This action is part of the Service's long-term commitment to re-establish a self-sustaining population of federally listed endangered California condors within their historical habitat.

DATES: *Effective Date:* For the Environmental Assessment (EA), the Proposed Finding of No Significant Impact (FONSI) will be effective June 28, 1993. A public meeting was held on the proposed action at New Cuyama, California on March 30, 1993.

ADDRESSES: Copies of the Environmental Assessment and Proposed FONSI may be obtained by contacting Mr. Craig Faanes, Field Supervisor, U.S. Fish and Wildlife Service, 2140 Eastman Avenue, Suite 100, Ventura, California 93003.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Hohman, U.S. Fish and Wildlife Service, 2140 Eastman Avenue, Suite 100, Ventura, California 93003. Telephone: (805) 644–1766.

BACKGROUND: The Service anticipates that a second release site will be needed in the near future to accommodate the increasing number of captive-hatched California condors that will be available for reintroduction. One release site would not be adequate to handle the increasing number of California condors. The Lion Canyon site would establish a second release site for California condors in a remote area of their historical nesting and roosting habitat and would release California condors closer to their historical foraging grounds. The site also offers controlled year-round accessibility.

This proposal is consistent with the recovery goals for the California condor as described in the California Condor Recovery Plan, recommendations by the California Condor Recovery Team and the Los Padres National Forest Resource Management Plan of 1988, management area 69, which emphasizes management in this area for recovery of the California condor.

The selection criteria for a second release site were developed by the Release Site Evaluation Subcommittee, a subcommittee of the California Condor Recovery Team. Using a list of criteria, the Subcommittee evaluated and rated several potential release sites and eliminated those sites not deemed suitable. The potential release sites considered by the Subcommittee and evaluated in the EA include Lion Canyon, Castle Crags—Bear Trap Site, West Big Pine Site, Bitter Creek National Wildlife Refuge, and Sisquoc Sanctuary. Except for Lion Canyon, all sites were rejected based on the pre-established criteria.

Authority: The authority for this action is sections 4(f) and 7(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1531–1544, 87 Stat. 884), as amended.

Dated: May 20, 1993.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon.

[FR Doc. 93–12631 Filed 5–27–93; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–645 (Preliminary)]

Certain Calcium Aluminate Cement and Cement Clinker From France

Determination

On the basis of the record [1] developed in the subject investigation, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there is a reasonable indication that industries in the United States are materially injured by reason of imports from France of certain calcium aluminate cement and cement clinker, and imports of calcium aluminate cement clinker manufactured for use as flux, provided for in subheadings 2523.10.00 and 2523.30.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On March 31, 1993, a petition was filed with the Commission and the Department of Commerce by Lehigh Portland Cement Company, Allentown, PA, alleging that an industry in the United States is materially injured and threatened with further material injury by reason of LTFV imports of certain calcium aluminate cement and cement clinker from France. Accordingly, effective March 31, 1993, the Commission instituted antidumping investigation No. 731–TA–645 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 8, 1993 (58 F.R. 18227). The conference was held in Washington, DC, on April 21, 1993, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on May 17, 1993. The views of the Commission are contained in USITC Publication 2637 (May 1993), entitled "Certain Calcium Aluminate Cement and Cement Clinker from France: Determination of the Commission in Investigation No. 731–TA–645 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: May 17, 1993.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 93–12661 Filed 5–27–93; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation: Louis Dreyfus Energy Corp. 10 Westport Road, P.O. Box 810 Wilton, CT 06897–0810.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

Louis Dreyfus Energy Heating Oil Inc., a Delaware corporation.

Louis Dreyfus Energy Heating Oil Company of Delaware, a Delaware corporation, doing business in its own name and doing business as the following:

Altemos Fuel Oil
Carney Oil
Cash Oil of Belair
Cash Oil of Elkton
Dahl Oil
Diamond Fuel Oil
Diamond Petroleum
Hollingsworth Oil
Housewarmers Fuel Oil

Jacobs Oil

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–12723 Filed 5–27–93; 8:45 am]

BILLING CODE 7035–01–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.

Extension

Employment Standards Administration
Rehabilitation Plan and Award
1215–0067; OWCP–16
On occasion
Businesses or other for-profit; small businesses or organizations 7,000 respondents; 30 minutes per response; 3,500 total hours; 1 form

The OWCP–16 form is the plan for rehabilitation services submitted to the Office of Workers' Compensation Programs (OWCP) by the injured worker and the rehabilitation counselor, and OWCP award of payment from funds provided for rehabilitation. The form summarizes the nature and costs of the rehabilitation program for a prompt decision on funding to expedite continuation of this rehabilitation process.

Extension

Emloyment Standards Administration
Application for a Certificate to Employ Learners at Subminimum Wages
1215–0012; WH–209
Annually
Individuals or households; State or local governments; farms; businesses or other for-profit; non-profit institutions; small businesses or organizations
4 respondents; ½ hour per response; 2 total hours; 1 form

Employers are required by the Department of Labor to submit an application for authorization to pay learners subminimum wages under the provisions of section 14(a) of the Fair Labor Standards Act. The Department reviews this information to determine whether the statutory and regulatory requirements for such authorization have been met.

Signed at Washington, DC this 24th day of May, 1993.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 93–12718 Filed 5–27–93; 8:45 am]

BILLING CODE 4510–27–P

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any

modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

Corrections to General Wage Determination Decisions

Pursuant to the provisions of the Regulations set forth in title 29 of the Code of Federal Regulations, part 1, § 1.6(d), the Administrator of the Wage and Hour Division may correct any wage determination that contains clerical errors.

Corrections being issued in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are indicated by Volume and are included immediately following the transmittal sheet(s) for the appropriate Volume(s).

Volume III

Wage Decision No. CO930001, Modifications No. 1 through 3.

Pursuant to the Regulations, 29 CFR part 1, § 1.6(d), such corrections shall be included in any bid specifications containing the wage determinations, or in any on-going contracts containing the wage determinations in question, retroactively to the start of construction.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State.

Volume II

Kansas
KS930022

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Maryland
MD930001 (Feb. 19, 1993)
MD930002 (Feb. 19, 1993)
MD930006 (Feb. 19, 1993)
MD930011 (Feb. 19, 1993)
MD930015 (Feb. 19, 1993)
MD930026 (Feb. 19, 1993)
MD930028 (Feb. 19, 1993)
MD930029 (Feb. 19, 1993)
MD930031 (Feb. 19, 1993)
MD930032 (Feb. 19, 1993)
MD930034 (Feb. 19, 1993)
MD930035 (Feb. 19, 1993)
MD930036 (Feb. 19, 1993)
MD930037 (Feb. 19, 1993)
New Jersey
NJ930002 (Feb. 19, 1993)
NJ930003 (Feb. 19, 1993)
NJ930004 (Feb. 19, 1993)
New York
NY930017 (Feb. 19, 1993)
Pennsylvania
PA930005 (Feb. 19, 1993)
PA930006 (Feb. 19, 1993)
PA930010 (Feb. 19, 1993)
PA930026 (Feb. 19, 1993)
PA930031 (Feb. 19, 1993)
Virginia
VA930003 (Feb. 19, 1993)
VA930005 (Feb. 19, 1993)
VA930008 (Feb. 19, 1993)
VA930017 (Feb. 19, 1993)
VA930023 (Feb. 19, 1993)
VA930025 (Feb. 19, 1993)
VA930026 (Feb. 19, 1993)
VA930033 (Feb. 19, 1993)
VA930034 (Feb. 19, 1993)
VA930035 (Feb. 19, 1993)
VA930036 (Feb. 19, 1993)
VA930046 (Feb. 19, 1993)
VA930047 (Feb. 19, 1993)
VA930050 (Feb. 19, 1993)
VA930051 (Feb. 19, 1993)
VA930069 (Feb. 19, 1993)
VA930078 (Feb. 19, 1993)
VA930079 (Feb. 19, 1993)
VA930080 (Feb. 19, 1993)
VA930081 (Feb. 19, 1993)
VA930084 (Feb. 19, 1993)
Vermont
VT930003 (Feb. 19, 1993)
VT930004 (Feb. 19, 1993)

Volume II

Illinois
IL930015 (Feb. 19, 1993)
Indiana
IN930002 (Feb. 19, 1993)
IN930004 (Feb. 19, 1993)
IN930006 (Feb. 19, 1993)
Nebraska
NE930002 (Feb. 19, 1993)

Volume III

Nevada
NV930001 (Feb. 19, 1993)
NV930002 (Feb. 19, 1993)
NV930004 (Feb. 19, 1993)
NV930005 (Feb. 19, 1993)
NV930009 (Feb. 19, 1993)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 21st day of May 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–12456 Filed 5–27–93; 8:45 am]

BILLING CODE 4510–27–M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 93–33; Application Number D–9124]

Amendment to Prohibited Transaction Exemption (PTE) 93–2 for the Receipt of Certain Services by Individuals for Whose Benefit Individual Retirement Accounts or Retirement Plans for Self-Employed Individuals Have Been Established or Maintained

AGENCY: Pension and Welfare Benefits Administration, U.S. Department of Labor.

ACTION: Adoption of Amendment to PTE 93–2, and redesignation as PTE 93–33.

SUMMARY: This document amends PTE 93–2, a class exemption that permits the receipt of services at reduced or no cost by an individual for whose benefit an individual retirement account (IRA) or if self-employed, a Keogh Plan is established or maintained, or by members of his or her family, from a bank, provided the conditions of the exemption are met. The amendment affects individuals with a beneficial interest in the IRAs who receive such services as well as the banks that provide such services.

EFFECTIVE DATE: The amendment is effective May 11, 1993.

FOR FURTHER INFORMATION CONTACT: Allison K. Padams, Office of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor (202) 219–8971 (This is not a toll-free number.); or Susan E. Rees, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor (202) 219–9141. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 11, 1993, notice was published in the **Federal Register** (58 FR 3565) of the pendency before the Department of a proposed amendment to PTE 93–2 (58 FR 3561, January 11, 1993). PTE 93–2 provides an exemption from the sanctions resulting from the application of sections 4975 (a) and (b), 4975(c)(3) and 408(e)(2) of the Internal Revenue Code of 1986 (the Code) by reason of section 4975(c)(1) (D), (E), and (F) of the Code.[1]

The amendment to PTE 93–2 adopted by this notice was proposed by the Department on its own motion pursuant to section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). The amendment adopted by this notice was requested in comments made in connection with the proposed exemption for the receipt of certain services at reduced or no cost by individuals establishing or maintaining individual retirement accounts or retirement plans for self-employed individuals (56 FR 8365, February 28, 1991).

The notice of pendency gave interested persons an opportunity to comment on the proposed amendment. Public comments were received pursuant to the provisions of section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B.

For the sake of convenience, the entire text of PTE 93–2, as amended, has been reprinted with this notice. The Department has redesignated the exemption as PTE 93–33.

1. Description of the Exemption

PTE 93–2 permits the receipt of services at reduced or no cost by an individual for whose benefit an IRA or Keogh Plan is established or maintained, or by members of his or her family, from a bank, provided that the conditions of the exemption are met. Relief was limited to transactions involving IRAs and Keogh Plans which are not "employee benefit plans" covered by title I of ERISA.[2] The amendment to PTE 93–2 granted pursuant to this notice expands PTE 93–2 to provide relief from the restrictions of sections 406(a)(1)(D) and 406(b) of ERISA for transactions involving individuals for whose benefit a simplified employee pension (SEP) as defined under section 408(k) of the Code, is established or maintained. Specifically, the definition of IRA in PTE 93–2 has been modified to include those SEPs which provide participants with the unrestricted authority to transfer the assets to IRAs sponsored by different financial institutions.

The Department notes that all the conditions contained in PTE 93–2 still must be met under the amended class exemption. These conditions include a requirement that for purposes of determining eligibility to receive services at reduced or no cost, the deposit balance required by the bank for the IRA or Keogh Plan is equal to the lowest balance required for any other type of account which the bank includes to determine eligibility to receive reduced or no cost services. Additionally, the rate of return earned on the IRA or Keogh Plan must be no less favorable than the rate of return on an identical investment that could have been made at the same time at the same branch of the bank by a customer of the bank who is not eligible for (or who does not receive) reduced or no cost services.

Moreover, the amendment is not available for the receipt of services by third persons other than those described in the exemption. Thus, for example, no relief would be available under the exemption for the receipt of services by the employer establishing or maintaining the SEP on behalf of its employees.

2. Discussion of Comments Received

The Department received three letters commenting on the proposed amendment to PTE 93–2. Two commenters support the proposed amendment. However, one of these commenters believes that it is unnecessary to limit relief provided pursuant to the amendment to those SEPs which do not restrict a participant's authority to transfer his SEP balance to IRAs sponsored at different financial institutions. The commenter notes that most prototype SEPs offered by financial institutions do not contain a transfer restriction. The Department continues to believe that the participant's ability to transfer SEP–IRA assets to a financial institution of his choice is an important safeguard under the exemption. Therefore, the Department has determined not to revise the exemption in this regard.

Another commenter requested that the Department modify the definition of deposit balance under PTE 93–2 to include SEP investments in securities for which market quotations are readily available. The Department notes that the proposed amendment did not relate to the definition of deposit balance. Accordingly, consideration of the requested modification is beyond the scope of this proceeding. Consequently, the final amendment has not been so revised.[3]

General Information

The attention of interested persons is directed to the following:

(1) In accordance with section 408(a) of ERISA and section 4975(c)(2) of the Code and based upon the entire record, the Department finds that the amendment is administratively feasible, in the interests of the IRAs and their participants and beneficiaries and protective of the rights of participants and beneficiaries of such plans.

(2) The amendment is supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

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[1] Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47712, October 17, 1978) generally transferred the authority of the Secretary of the Treasury to issue administrative exemptions under section 4975(c)(2) to the Secretary of Labor.

[2] See 29 CFR 2510.3–2(d) and 29 CFR 2510.3–3(b).

[3] The Department further notes that it is currently considering the issue raised by the commenter in an application to amend PTE 93–2. The application was filed on April 19, 1993 on behalf of Citibank, N.A. and Chase Manhattan Bank, N.A. [Exemption application nos. D–9395 and 9396, respectively.]

(3) The amendment is applicable to a transaction only if the conditions specified in the class exemption are met.

Exemption

Accordingly, PTE 93–2 is amended under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B.

Section I: Covered Transaction

Effective May 11, 1993, the restrictions of sections 406(a)(1)(D) and 406(b) of ERISA and the sanctions resulting from the application of section 4975 of the Code, including the loss of exemption of an individual retirement account (IRA) pursuant to section 408(e)(2)(A) of the Code, by reason of section 4975(c)(1) (D), (E) and (F) of the Code, shall not apply to the receipt of services at reduced or no cost by an individual for whose benefit an IRA or, if self-employed, a Keogh Plan, is established or maintained, or by members of his or her family, from a bank pursuant to an arrangement in which the deposit balance in the IRA or Keogh Plan is taken into account for purposes of determining eligibility to receive such services, provided that each condition of Section II of this exemption is satisfied.

Section II: Conditions

(a) The IRA or Keogh Plan, the deposit balance of which is taken into account for purposes of determining eligibility to receive services at reduced or no cost, is established and maintained for the exclusive benefit of the participant covered under the IRA or Keogh Plan, his or her spouse or their beneficiaries.

(b) The services must be of the type that the bank itself could offer consistent with applicable federal and state banking law.

(c) The services are provided by the bank (or an affiliate of the bank) in the ordinary course of the bank's business to customers who qualify for reduced or no cost banking services but do not maintain IRAs or Keogh Plans with the bank.

(d) For the purpose of determining eligibility to receive services at reduced or no cost, the deposit balance required by the bank for the IRA or Keogh Plan is equal to the lowest balance required for any other type of account which the bank includes to determine eligibility to receive reduced or no cost services.

(e) The rate of return on the IRA or Keogh Plan investment is no less favorable than the rate of return on an identical investment that could have been made at the same time at the same branch of the bank by a customer of the bank who is not eligible for (or who does not receive) reduced or no cost services.

Section III: Definitions

The following definitions apply to this exemption:

(a) The term bank means a bank described in section 408(n) of the Code.

(b) The term IRA means an individual retirement account described in Code section 408(a). For purposes of this exemption, the term IRA shall not include an IRA which is an employee benefit plan covered by title I of ERISA, except for a Simplified Employee Pension (SEP) described in section 408(k) of the Code which provides participants with the unrestricted authority to transfer their SEP balances to IRAs sponsored by different financial institutions.

(c) The term Keogh Plan means a pension, profit sharing, or stock bonus plan qualified under Code section 401(a) and exempt from taxation under Code section 501(a) under which some or all of the participants are employees described in section 401(c) of the Code. For purposes of this exemption, the term Keogh Plan shall not include a Keogh Plan which is an employee benefit plan covered by title I of ERISA.

(d) The term deposit balance means deposits as that term is defined under 29 CFR 2550.408b-4(c)(3).

(e) An affiliate of a bank includes any person directly or indirectly controlling, controlled by, or under common control with the bank. The term control means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(f) The term members of his or her family refers to beneficiaries of the individual for whose benefit the IRA or Keogh Plan is established or maintained, who would be members of the family as that term is defined in Code section 4975(e)(6), or a brother, a sister, or spouse of a brother or a sister.

(g) The term service includes incidental products of a *de minimis* value provided by third persons, pursuant to an arrangement with the bank, which are directly related to the provision of banking services covered by the exemption.

Signed at Washington, DC, this 19th day of May 1993.

Alan D. Lebowitz,

Deputy Assistant Secretary of Program Operations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 93–12711 Filed 5–27–93; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for expedited clearance, by June 25, 1993, of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by June 24, 1993.

ADDRESSES: Send comments to Mr. Steve Semenuk, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington DC 20503; (202–395–7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington DC 20506; (202–682–5401).

FOR FURTHER INFORMATION CONTACT: Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington DC 20506; (202–682–5401).

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a currently approved collection of information. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: FY 94 Presenting and Commissioning Program "Commissioning" Application Guidelines.

Frequency of Collection: One time.

Respondents: Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from nonprofit institutions that apply in the Commissioning category of the Presenting and Commissioning Program. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the review process.

Estimated Number of Respondents: 220.

Average Burden Hours per Response: 29.

Total Estimated Burden: 6,400.

Judith E. O'Brien,

Management Analyst, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 93–12684 Filed 5–27–93; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* General Assignment.

3. *The form number is applicable:* NRC Form 450.

4. *How often the collection is required:* Once during the closeout process.

5. *Who will be required or asked to report:* Contractors, Grantees, and Cooperators.

6. *As estimate of the number of responses:* 400.

7. *An estimate of the total number of hours needed to complete the requirement or request:* 800 hours (2 hours per response).

8. *An indication of whether section 3504(h), Public Law 96–511 applies:* Not applicable.

9. *Abstract:* During the contract closeout process, the NRC requires the contractor to execute a General Assignment, NRC Form 450. Completion of the form grants the government all rights, titles, and interest to refunds arising out of the contract performance.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Paperwork Reduction Project (3150–0114), Office of Information and Regulatory Affairs, NEOB–3019, Office of Management and Budget, 725 17th. St. NW., Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084. The NRC Clearance Officer is Brenda Jo Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 18th day of May 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Director, Office of Information Resources Management.

[FR Doc. 93–12697 Filed 5–27–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 030–31765, License No. 37–28540–01 EA 93–006]

Oncology Services Corp., Harrisburg, PA; Order Modifying the January 20, 1993 Order Suspending License

I

Oncology Services Corporation (OSC or Licensee) is the holder of Byproduct Material License No. 37–28540–01 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR parts 30 and 35. The License authorizes possession and use of over 500 curies of iridium-192 as sealed sources for use in brachytherapy remote afterloaders for the treatment of humans at several specified facilities located within the State of Pennsylvania. The License was originally issued on August 3, 1990, and is due to expire on August 31, 1995.

II

On January 20, 1993, the NRC Staff issued an Order Suspending License (Effective Immediately), 58 FR 6825 (February 2, 1993), which suspended the license of OSC pending further Order. Among the findings of a December 8, 1992, NRC staff inspection at the Licensee's Exton Cancer Center, Exton, PA (Exton) and Mahoning Valley Cancer Center, Lehighton, PA (Lehighton), recited in Section III of the Order was the following: Copies of the documents incorporated into the License by reference were not available to the individuals at the Lehighton facility as required by Condition 17 of the License.

(Order, p.6) In its February 8, 1993, "Response of Oncology Services Corporation (OSC) to Order of NRC Dated January 20, 1993 Suspending By-Product Material License Number 37–28540–01," the Licensee disputed this finding. OSC asserted that a copy of the License and of all documents incorporated into the License was available at each of the Centers covered by the License. (Response, p. 13)

Upon further review of the January 20, 1993, Order and Inspection Report No. 030–31765/92–001 (December 23, 1992), the Staff has determined that the Order erroneously identified the Lehighton center as not having a copy of the documents incorporated into the License, when in fact it was the Exton center that did not have a copy of the documents incorporated into the License. (Inspection Report, p. 5)

III

Accordingly, pursuant to sections 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR parts 30 and 35, *It is hereby ordered that:* The language in the Order Suspending License (Effective Immediately), 58 FR 6825 (February 2, 1993), recited above is modified as follows: Copies of the documents incorporated into the License by reference were not available to the individuals at the Exton facility as required by Condition 17 of the License.

Dated at Rockville, Maryland this 21st day of May 1993.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials, Safety, and Safeguards.

[FR Doc. 93–12698 Filed 5–27–93; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Final Revision of OMB Circular No. A–131

AGENCY: Office of Management and Budget.

ACTION: The Office of Management and Budget (OMB) is publishing the final revision of OMB Circular No. A–131, "Value Engineering." The Circular has been revised in accordance with the sunset provisions contained in the January 1988 Circular.

PRESIDENT'S COUNCIL ON MANAGEMENT IMPROVEMENT: At the request of the Administrator for Federal Procurement Policy, the President's Council on Management Improvement (PCMI) made recommendations to OMB for a revised Government-wide policy on value engineering. The PCMI membership consists of senior-level officials from all the major agencies and their review of Circular A–131 has helped assure a truly Government-wide approach to value engineering. The attached revision of Circular A–131 is the culmination of

the combined efforts of OFPP, a PCMI task force chaired by the General Services Administration, and extensive deliberations of the full PCMI.

SUMMARY: OMB Circular No. A–131 requires agencies to establish value engineering programs and to use value engineering techniques, where appropriate, to reduce nonessential procurement and program cost. As defined in OMB Circular No. A–131, VE is an organized effort to analyze the functions of systems, equipment, facilities, services, and supplies for the purpose of achieving the essential functions at the lower life-cycle cost consistent with required performance, reliability, quality and safety.

The Circular requires that agencies implement the following management and procurement practices: (1) Emphasize, through training and other means, the potential of value engineering to reduce unnecessary cost; (2) Establish a focal point within each agency to monitor, manage and maintain data on agency value engineering programs; (3) Establish criteria and guidelines for screening programs and projects which might benefit from the application of value engineering techniques; (4) Establish guidelines to evaluate value engineering proposals; and (5) Actively solicit value engineering ideas from contractors.

CHANGES FROM THE PREVIOUS CIRCULAR NO. A–131: This revision adds new requirements to Circular A–131 by requiring each agency to develop annual VE plans. Agency plans must identify both the in-house and contractor projects, programs, systems, and products to which VE will be applied in the next fiscal year, and the estimated costs of those projects. The revision emphasizes that value engineering is one of many management tools that can be used alone or in concert with other management techniques, such as total quality management, to improve operations and reduce costs. In addition, the revision imposes on agencies a revised annual reporting requirement to OMB in lieu of the previous ad hoc requirement. The new reporting requirement has three parts: Part I requires agencies to report agency dollar thresholds for VE, agency VE expenditures, dollar share of savings provided to contractors, agency VE cost savings, and VE cost savings by category (acquisition, program or other). Part II requires agencies to identify their top twenty fiscal year VE projects and the associated net life-cycle cost savings and quality improvements achieved by the agency through application of VE. Part III requires agencies to submit a detailed schedule of year-by-year cost savings, cost avoidances and cost sharing with contractors for each program/project for which the agency is reporting cost savings or cost avoidances. The aggregate total of all schedules shall equal the totals reported in Part I.A. of the annual report.

FOR FURTHER INFORMATION CONTACT: The Office of Federal Procurement Policy at 395–6803.

Dated: May 24, 1993.

Allan V. Burman,

Administrator.

[FR Doc. 93–12680 Filed 5–27–93; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–32348; File No. SR–DGOC–93–02]

Self-Regulatory Organizations; Delta Government Options Corp.; Order Approving Proposed Rule Change Relating to the Selection of Exercise Style

May 21, 1993.

On April 20, 1993, Delta Government Options Corp. ("DGOC") filed a proposed rule change (File No. SR–DGOC–93–02) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on May 3, 1993, to solicit comments from interested persons.[2] No comments were received. This order approves the proposal.

I. Description of the Proposal

The rule change amends Article I, Section 101 (Definitions); Article IX, Section 901 (Long Positions); and Article X, Section 1001 (Exercise Procedures) of DGOC's Procedures to provide that Participants may select the style of exercise (*i.e.*, American style[3] or European style[4]) when negotiating the terms of options with other Participants. DGOC states that providing Participants with a choice of American or European exercise styles corresponds with the current practice in the over-the-counter market and permitting Participants to select the style of exercise will allow Participants to match more closely the options availeble through DGOC with similar securities in other markets. DGOC further states that because options subject to European style exercise often trade at a lower premium level than options subject to American style exercise, a Participant who wishes to buy and hold an option contract to the option's natural expiration may obtain a more competitive price for the option by indicating its exercise preference as part of the purchase negotiations.

II. Discussion

The Commission believes that the proposal is consistent with the Act and particularly with section 17A of the Act.[5] Section 17A(a)(1) of the Act[6] encourages the use of efficient, effective, and safe procedures for the clearance and settlement of securities transactions. Moreover, sections 17A(b)(3) (A) and (F) of the Act[7] require that the rules of clearing agencies be designed to promote the prompt and accurate clearance and settlement of securities transactions and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

The rule change, which enables DGOC Participants to select the exercise style when negotiating the terms of options with other Participants, will give DGOC Participants flexibility in the DGOC system comparable to the flexibility currently available only in the over-the-counter option market. Implementation of the proposal will make options on U.S. Treasury securities with a European style of exercise, which are now transacted in the over-the-counter market and cleared and settled outside the national system, available for clearing and settlement processing within the national system for the clearance and settlement of securities transactions. Moreover, the Commission recognizes that European style options often trade at lower premiums than comparable American style options and that this competitive price advantage can translate into marketplace efficiencies for Participants who, for purposes of hedging or speculation, desire to buy and hold options until their expiration.

III. Conclusion

For the reasons discussed above, the Commission believes that the proposal is consistent with the requirements of

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 32216 (April 26, 1993), 58 FR 26366.

[3] An American style option is an option contract that may be exercised at any time from its issuance until its expiration.

[4] A European style option is an option contract that may be exercised only on its expiration date.

[5] 15 U.S.C. 78q–1 (1988).

[6] 15 U.S.C. 78q–1(a)(1) (1988).

[7] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

the Act, particularly section 17A of the Act, and the rules and regulations thereunder.

It is Therefore Ordered, Pursuant to section 19(b)(2) of the Act,[8] that the above-mentioned proposed rule change (File No. SR–DGOC–93–02) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12687 Filed 5–27–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–32347; File No. SR–PHILADEP–91–03]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing of Proposed Rule Change Relating to the Codification of its Accommodation Procedures Whereby PHILADEP Participants May Gain Access to DTC's Same-Day Funds Settlement Services

May 21, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on December 3, 1991, the Philadelphia Depository Trust Company ("PHILADEP") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by 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 would codify PHILADEP's accommodation procedures whereby PHILADEP participants can gain access to Same-Day Funds Settlement ("SDFS") services provided by The Depository Trust Company ("DTC") pursuant to a linkage arrangement.

II. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PHILADEP 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. PHILADEP 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

In the late 1980's, DTC instituted a SDFS system offering depository services for certain types of securities that settle in same-day, or Federal, funds. Pursuant to established DTC procedures, SDFS participants generally follow operating procedures identical to those for issues eligible to settle in next-day funds. One major difference, however, is that DTC will act on a participant's instruction in connection with a SDFS transaction only if, immediately after the transaction, collateral in the account of the affected participant will be sufficient to support the participant's net settlement debit, and the net settlement debit will not exceed the participant's net debit cap. These and other risk control features are an inherent part of DTC's SDFS system. Finally, DTC, as the creator of the system, has determined which issues are eligible for SDFS.[2]

DTC's SDFS system and the market it services are evolving into industry standard. Rather than offering a competing system and service in this area, PHILADEP seeks to establish a linkage arrangement with DTC's SDFS program.[3] PHILADEP has reviewed carefully DTC's published procedures and risk controls established for SDFS services and believes that they adequately monitor and protect against intraday settlement risks. Accordingly, to accommodate PHILADEP participants that desire to effect SDFS transactions, PHILADEP, a current participant of DTC,[4] has entered into an agreement to become a participant in DTC's SDFS system.[5] Through this agreement, which is and will be fully disclosed to PHILADEP's participants desiring to be given linked access to SDFS services, PHILADEP will become a conduit for its participants' SDFS transactions. As PHILADEP neither has any beneficial interest in any SDFS transactions nor will initiate any such transactions for its own account, the extent of activity and the concomitant collateral necessary to be posted to support such activity pursuant to the PHILADEP/DTC agreement will be collected directly from the PHILADEP participants generating the SDFS activity.

DTC will charge PHILADEP its normal SDFS services fees, and PHILADEP will pass these fees to its participants making use of this linked service. Moreover, such participants, already bound by agreement to PHILADEP's by-laws and rules, must execute a separate agreement with PHILADEP to state explicitly their agreement to abide by PHILADEP's relationship with DTC in connection with the provisions of SDFS services. Specifically, PHILADEP requires its participants to abide by DTC's rules and procedures governing the SDFS system. For example, SDFS security eligibility rules, instruction forms, processing cut-off windows, and risk controls of DTC are all directly incorporated as requirements to be followed by PHILADEP and its participants. HILADEP participants are provided with copies of DTC's SDFS procedures manual and are instructed to follow these procedures. Finally, all SDFS securities positions are held in DTC's custody. PHILADEP only holds positions that are subject to settlement in next-day funds.

To enhance further the risk protection built into DTC's SDFS system,[6] PHILADEP has imposed additional safeguards consistent with DTC's SDFS procedures with respect to its participants making use of the SDFS system. Each authorization request on a SDFS issue to be received from DTC is

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[8] 15 U.S.C. 78s(b) (1988).

[9] 17 CFR 200.30–3(a)(12) (1991).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] To date, eligible issues have included, among others, collateralized mortgage obligations, state tax and revenue anticipation notes, certain asset-backed securities, and commercial paper.

[3] The Commission has defined a "linked service" between depositories as "an automated connection that enables one depository (the "using depository") to use the facilities of another depository (the "servicing depository") to make a particular service available to the using depository's participants. The servicing depository performs the core tasks necessary to deliver the linked service to the using depository's participants." Securities Exchange Act Release No. 23082 (March 31, 1986), 51 FR 12414. In view of this definition, PHILADEP notes that the conduit services performed by itself in connection with the "core tasks" performed by DTC respecting the delivery of SDFS services to PHILADEP participants represent a classic linked services arrangement.

[4] DTC is also a participant of PHILADEP and effects many reciprocal transactions through established interdepository linkages and interfaces. DTC provides other linked services to PHILADEP and its participants other than SDFS services. These services include, among others, confirmation and affirmation of institutional trades through the National Institutional Delivery System ("NIDS"), certain fourth-party interface services, and certificate custody services.

[5] See File No. SR-PHILADEP-91-03, Same-Day Funds Settlement ("SDFS") System Participant's Agreement, Appointment of Settling Bank and Settling Bank Agreement dated January 3, 1989, between PHILADEP and DTC.

[6] As a participant in DTC's SDFS system, PHILADEP is subject to all of the controls and protections established by DTC in managing risk respecting its SDFS system.

directed by PHILADEP's Interface Department for verification and approval or cancellation of the request. If the participant cancels the transaction, a reason must be indicated, and the transaction will then be cancelled. If the participant acknowledges the transaction and approves it, the item will pend until PHILADEP determines whether the participant has sufficient funds on account to support the transaction. Only if sufficient funds exist[7] will PHILADEP authorize the delivery to be completed and credit the securities to the participant's account. If the participant has insufficient funds on account at the time, PHILADEP will contact the participant and allow it to post additional funds to address the insufficiency. This additional confirmation and affirmation process has been recommended by DTC as an optional safeguard to SDFS processing procedures.[8]

PHILADEP participant deliveries of SDFS eligible securities are effected with even less risk to the system's financial integrity than participant receipt versus payment in SDFS. Instructions are sent to PHILADEP's Interface via fax on or before the established cut-off times that are consistent with DTC established procedures. PHILADEP, on behalf of its participants, then sends notification of the delivery to DTC only after it confirms that PHILADEP's participant has a current position in the subject security. Once DTC approves the instruction, PHILADEP will make the appropriate accounting entries and credit the participant's account for the pertinent funds.

Finally, PHILADEP and DTC reconcile each day PHILADEP's position on SDFS eligible securities on account at DTC. PHILADEP, in turn, reconciles its individual participants' positions that reflect that aggregate. PHILADEP remains committed to working closely with DTC and PHILADEP's participants in coordinating any actions or changes pertaining to DTC's SDFS system as it continues to evolve.

Because PHILADEP's SDFS system is offered as an accommodation to its participants, PHILADEP will restrict use of the system to the one participant currently using it and will restrict the number of transactions that may be processed in the system to fifty per day. Future expansion of the SDFS system is dependent, among other things, upon PHILADEP's operational capabilities and will require the filing of a proposed rule change under section 19(b)(2) of the Exchange Act.

The proposed rule change is consistent with sections 17A(b)(3)(A) of the Act[9] in that it facilitates the prompt and accurate clearance and settlement of securities transactions for which PHILADEP is responsible. The proposal also is consistent with section 17A(b)(3)(F) of the Act[10] in that it assures the safeguarding of securities and funds which are in the custody or control of PHILADEP or for which it is responsible, and it fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions. Finally, the proposal is consistent with the Congressional objective of facilitating the development of a national system for the clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

PHILADEP does not believe that the proposed rule change will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which PHILADEP consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PHILADEP. All submissions should refer to file number SR–PHILADEP–91–03 and should be submitted by June 18, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12690 Filed 5–27–93; 8:45 am]

BILLING CODE 8010–01–M

[7] As an absolute protection from intraday settlement risk, PHILADEP in most instances will require its participants to have or deliver 100% of the funds to its account before PHILADEP authorizes the receipt of SDFS securities to its participant.

[8] This process, which DTC also uses in its SDFS service, is called a Receiver Authorized Delivery ("RAD") instruction.

[9] 15 U.S.C. 78q-1(b)(3)(A).

[10] 15 U.S.C. 78q-1(b)(3)(F).

[11] 17 CFR 200.30–3(a)(12) (1991).

[Rel. No. IC–19485; 811–5312]

Lexington Technical Strategy Fund, Inc.; Notice of Application for Deregistration

May 21, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Lexington Technical Strategy Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on May 6, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 16, 1993, and should be accompanied by proof of service on

applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Park 80 West, Plaza Two, Saddle Brook, New Jersey 07662.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272–2511, or C. David Messman, Branch Chief, (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a diversified open-end management investment company incorporated under the laws of Maryland. On August 31, 1987, applicant filed a registration statement pursuant to section 8(b) of the Act, and registered its shares under the Securities Act of 1933. On this same date, applicant registered under the Act as an investment company. Applicant's registration statement was declared effective, and its initial public offering commenced, on October 20, 1987.

2. Since its inception, applicant's assets have not increased at a level sufficient for applicant to enjoy meaningful economies of scale. Applicant's investment adviser believes that if applicant were to continue in operation its expense ratio would increase materially.

3. At a meeting held on December 1, 1992, applicant's board of directors found that applicant's liquidation was in the best interest of applicant and its shareholders, and approved a Plan of Complete Liquidation and Termination (the "Plan"). On January 13, 1993, applicant distributed proxy materials relating to the Plan to its shareholders. At a special meeting held on February 8, 1993, a majority of applicant's shareholders approved the Plan.

4. On March 3, 1993, applicant had 585,668 shares outstanding with a net asset value per share of $9.49 and an aggregate net asset value of $5,557,994. On March 4, 1993, applicant distributed $5,557,994 in cash to its shareholders, which amount represented the net proceeds received from the liquidation of applicant's remaining portfolio holdings. Each shareholder received his or her proportionate interest of such cash distribution.

5. The expenses incurred in connection with applicant's liquidation included legal, accounting, and transfer agent fees. Applicant retained $9,408 to pay these expenses. Actual expenses exceeded the retained amount by approximately $3,500. This additional amount will be borne by applicant's investment adviser. As of December 31, 1992, applicant's deferred organizational expenses had been fully amortized.

6. Applicant will file Articles of Dissolution with the Department of Assessments and Taxation of Maryland.

7. At the time of filing of the application, applicant had no assets or liabilities. Applicant has no shareholders and is not a party to any litigation or administrative proceedings. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–2688 Filed 5–27–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25815]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

May 21, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by June 14, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Metropolitan Edison Company (70–8197)

Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19640, a wholly owned electric public-utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed a declaration under section 12(b) of the Act and Rule 45 thereunder.

Met-Ed proposes to make cash capital contributions to its wholly owned subsidiary company, York Haven Power Company ("YHP"), through December 31, 1997, up to an aggregate principal amount of $14 million. YHP will credit such cash capital contributions to its capital surplus account. The cash capital contributions from Met-Ed will be used by YHP for the construction and/or improvement of certain facilities at the York Haven hydroelectric power project located on the Susquehanna River ("Project 1888") with which Met-Ed has a power supply agreement.

Met-Ed and YHP estimate that of the $14 million to be received by YHP, approximately $5.7 million is attributable to the construction and installation of fish passage facilities, approximately $4.8 million is for the replacement of Units Nos. 7 and 8 of Project 1888, approximately $3 million would be allocated to the replacement of Units Nos. 9–20 of Project 1888, and approximately $.5 million would be used for the remaining planned construction activities.

Central and South West Corporation, et al. (70–7867)

Central and South West Corporation ("CSW"), a registered public-utility holding company; its wholly owned nonutility subsidiary company, CSW Energy, Inc. ("Energy"); its wholly owned nonutility subsidiary company, CSW Development-I, Inc. ("Energy Sub"), each located at 1616 Woodall Rodgers Freeway, Dallas, Texas 75202; and its 50% owned nonutility subsidiary, a general partnership, ARK/CSW Development Partnership ("Joint Venture"), 23293 South Pointe Drive, Suite 100, Laguna Hills, California 92653; four associated entities, Noah I Power Partners, L.P. ("Partnership"), a special purpose limited partnership and subsidiary of Energy Sub; Noah I Power GP, Inc. ("JV Sub"), a corporate

subsidiary of Joint Venture; the Brush Cogeneration Project Partnership ("Project Venture"), a general partnership and subsidiary of the Partnership; each located at 23293 South Pointe Drive, Suite 100, Laguna Hills 92653, California; and Colorado Cogen Operators Limited Liability Company ("Operator"), 303 East Seventeen Avenue, Denver, Colorado 80203, a subsidiary of Project Venture, have filed a post-effective amendment under Sections 6(a), 7, 9(a) and 10 of the Act and Rules 43 and 51 thereunder to their application-declaration previously filed under 6(a), 7, 9(a), 10, 12(b), 13(b) and 13(e) of the Act and Rules 43, 45, 50(a)(5), 51, 86, 87, 90, 91 and 95 thereunder.

By order, dated October 3, 1990 (HCAR No. 25162) ("Original Order"), CSW was authorized, among other things, to finance Energy's cogeneration and related activities, through December 31, 1995, in an aggregate amount of up to $75 million, and Energy was authorized to expend $25 million of that amount to form Energy Sub to invest in Joint Venture with ARK Energy, Inc. ("ARK"), a nonassociate corporation. Joint Venture was formed as an equal general partnership, which conducts preliminary studies of, consults with respect to, and agrees to construct cogeneration and related projects, except it does not perform consulting services regarding independent power projects.

By subsequent orders, dated November 1, 1991 and June 11, 1992 (HCAR Nos. 25399 and 25553, respectively) (together, "Order"), CSW, Energy, Energy Sub, and Joint Venture were authorized, among other things, to form Partnership, JV Sub and other related entities, along with ARK, in order to form and directly and indirectly invest, along with CTI Partners II, LLC ("CTI"), a nonassociated Colorado limited liability company, in: (1) Project Venture, a joint venture among Energy Sub, ARK, Joint Venture and CTI, which owns and is developing the Brush Cogeneration Project ("Project"), a qualifying cogeneration facility, within the meaning of the Public Utility Regulatory Policies Act of 1978 and 18 CFR 292.602; and (2) Operator, which will operate the Project. The facility will consist of a 68 megawatt gas fired cogeneration facility and an 18 acre thermal host greenhouse. The assets and related contractual rights of Project, located near Brush, Colorado in Morgan, County, were owned by CTI and contributed to Project Venture.

In particular, pursuant to the Order: (1) Joint Venture acquired 100% of the issued and outstanding capital stock of JV Sub; (2) JV Sub acquired a 1% general partnership interest in Partnership and became its sole general partner; (3) Energy Sub and ARK acquired respective 95% and 4% limited partnership interests in Partnership; and (4) each of Partnership and CTI acquired a 50% general partnership interest in Project Venture. The Order also authorized the financing of the $93 million estimated cost of the Project by using a combination of equity contributions, revolving credit loans, guarantees and letters of credit.

At present, Energy Sub and ARK have respective 95.5% and 4.5% economic interests in Partnership as the result of: (1) Directly owning respective 95% and 4% limited partnership interests in Partnership and (2) indirectly owning respective 0.5% general partnership interests in Partnership through JV Sub. Energy Sub and ARK equally in the management of Partnership by virtue of their respective 50% general partnership interests in Joint Venture.

Because ARK no longer desires to play an active management role in Partnership, ARK proposes to dispose of its 0.5% indirect general partnership interest in Partnership through the transfer from Joint Venture to Energy Sub of 100% of the issued and outstanding capital stock of JV Sub in consideration for the payment of $350.00, and the transfer from Energy Sub to ARK of a 0.5% limited partnership interest in Partnership in consideration for the payment of $175.00. Upon the consummation of the transactions effecting this transfer, Energy Sub and ARK will retain 95.5% and 4.5% economic interests in the Partnership, respectively. ARK will hold its 4.5% interest solely as a limited partner. Energy Sub will directly hold a 94.5% limited partnership interest and will indirectly hold a 1% general partnership interest by owning all of the issued and outstanding capital stock of JV Sub, which will retain its 1% general partnership interest in the Partnership.

Neither CSW nor any of its subsidiaries has an ownership interest in an exempt wholesale generator ("EWG") or foreign utility company ("FUCO"), as defined in Sections 32 and 33 of the Act. Further, none of the proceeds from the sale of the capital stock or the partnership interest will be used by CSW or its subsidiaries for the acquisition of an interest in an EWG or a FUCO. Additionally, neither CSW nor any of its subsidiaries is, or will be as a consequence of the proposed transactions, a party to, or has any rights under, a service, sales or construction agreement with an EWG or a FUCO.

West Texas Utilities Company (70–8125)

West Texas Utilities Company ("West Texas"), 301 Cypress Street, Abilene, Texas, 79601, a wholly owned electric public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration with the Commission under section 12(d) of the Act and Rule 43 thereunder.

West Texas proposes to sell to its associate company, Transok, Inc. ("Transok"), for $4,125,605 approximately twenty-four and one-half miles of 12.75 inch welded seamed natural gas pipeline and related facilities, extending from the interconnection facilities with the Lone Star Gas Company's 36" pipeline and Valero Transmission, L.P.'s 36" pipeline near Dudley, Callahan County, Texas, to a point where such pipeline interconnects with West Texas' Ft. Phantom Power Station (collectively, "Pipeline"). The entire capacity of the Pipeline will be dedicated to supplying Ft. Phantom. The original cost of the Pipeline was approximately $4.3 million, and the book value, net of depreciation as of September 30, 1992, was approximately $4 million. West Texas proposes that the effective date of the sale of Pipeline be February 7, 1992.

After Transok's purchase of the Pipeline, West Texas intends to lease the Pipeline from Transok under a lease ("Lease") for a term of 12 years, with subsequent yearly renewals. The Lease will provide for payments to Transok consisting of a charge for each million BTU of natural gas transported through the Pipeline and a charge based on Transok's operating and capital costs relating to the Pipeline. Costs will be "trued-up" at the end of each calendar year. The Lease will be subject to termination by either party at the end of each term. In the event Transok receives, during either the initial term or any subsequent term of the Lease, a *bona fide* offer to purchase the Pipeline, West Texas shall have the right of first refusal to purchase the Pipeline for the amount of the offer.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–12689 Filed 5–27–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, Indianapolis International Airport, Indianapolis, IN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of findings.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Indianapolis Airport Authority under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On October 29, 1992, the FAA determined that the noise exposure maps submitted by the Indianapolis International Airport Authority under part 150 were in compliance with applicable requirements. On April 27, 1993, the Assistant Administrator for Airports approved the Indianapolis International Airport noise compatibility program, as supplemented and revised by an errata dated February 16, 1993. This noise compatibility program is an updated version of a noise compatibility program FAA approved on September 8, 1988. A total of thirty-nine measures are included in the Indianapolis Airport Authority's recommended program, however, the Airport Authority has withdrawn two of them. Of the thirty-seven remaining, sixteen are listed as Noise Abatement Measures, eighteen are listed as Land Use Management Measures and three are Program Management Measures. The FAA has approved thirty-six measures, and disapproved one measure pending the submittal of additional information by the Indianapolis Airport Authority.

EFFECTIVE DATE: The effective date of the FAA's approval of the Indianapolis International Airport Noise Compatibility Program is April 27, 1993.

FOR FURTHER INFORMATION CONTACT: Melissa S. Wishy, Federal Aviation Administration, Great Lakes Region, Chicago Airports District Office, CHI–ADO–640.8, 2300 East Devon Avenue, Des Plaines, Illinois 60018, (312) 694–7524. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Indianapolis International Airport, effective April 27, 1993.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Chicago Airports District Office in Des Plaines, Illinois.

The Indianapolis Airport Authority submitted to the FAA in April 1992, noise exposure maps, descriptions and other documentation. This documentation was produced during the Airport Noise Compatibility Planning (part 150) Study at Indianapolis International Airport from February, 1991 through April 1992. The noise compatibility program is an updated version of a noise compatibility program FAA approved on September 8, 1988. The Indianapolis International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on October 29, 1992. Notice of this determination was published in the **Federal Register** on November 13, 1992.

The Indianapolis International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1996. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on October 29, 1992 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period would have been deemed to be an approval of such program.

The submitted program, as supplemented and revised by an errata dated January 16, 1993, contained thirty-seven proposed measures for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 had been satisfied. The overall program, therefore, was approved by the Assistant

Administrator for Airports effective April 27, 1993.

Sixteen of the thirty-seven measures submitted were listed as "Noise Abatement Measures". Most of these noise abatement measures were designed to alter flight tracks and all were approved. Eighteen of the thirty-seven measures submitted are listed as "Land Use Management Measures", of which seventeen were approved outright. Of these seventeen land use measures, ten are preventive measures including adopting an informal fair disclosure policy, rezoning and noise overlay zoning recommendations, discouraging capital improvement programs in areas impacted by aircraft noise exposure of 65 DNL and higher, adopting the part 150 NCP as a comprehensive plan element and adopting guidelines for discretionary review. Seven other of these seventeen land use management measures are corrective measures such as acquisition of noise impacted homes under the guaranteed purchase program. One additional land use management measure was disapproved for purposes of part 150 because it did not conform to the statutory and regulatory criteria. In addition, the Indianapolis Airport Authority requested withdrawal of eight land use measures previously approved in the 1987 noise compatibility program. The FAA recommends withdrawing approval for seven of these measures and taking no action on one other. Finally, three measures, "Program Management Measures" dealing with continuing planning were also approved outright. These determinations are set forth in detail in a Record of Approval endorsed by the Assistant Administrator for Airports on April 27, 1993. The Record of Approval, as well as other evaluation materials and documents which comprised the submittal to FAA are available for review at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Great Lakes Region, 2300 East Devon Avenue, room 261, Des Plaines, Illinois 60018.

Federal Aviation Administration, Chicago Airports District Office, Great Lakes Region, 2300 East Devon Avenue, room 258, Des Plaines, Illinois 60018.

Indianapolis Airport Authority, Indianapolis International Airport, Indianapolis, Indiana 46241.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Des Plaines, Illinois, May 13, 1993.

Sylvester A. Chapa,

Acting Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 93–12702 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–93–23]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 16, 1993.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–10), Petition Docket No. ____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick M. Haynes, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3939.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on May 20, 1993.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 27157
Petitioner: Dornier Luftfahrt
Sections of the FAR Affected: 14 CFR 25.562
Description of Relief Sought: To allow exemption from the floor track misalignment requirements for the Captain and First Officer seats for the Dornier 328 aircraft.

Docket No.: 27250
Petitioner: Buttons, Ltd.
Sections of the FAR Affected: 14 CFR 91.861(a)
Description of Relief Sought: To allow assignment of a base level of "one" to Buttons, Ltd. aircraft, and would facilitate phase compliance to Stage 3 operations.

Docket No.: 27273
Petitioner: Evergreen International Airlines
Sections of the FAR Affected: 14 CFR 25.791 (a) and (b), 24.1447(c)(1), 25.1541, 25.810, 25.811, 25.812, 25.832, 25.855 and 25.857
Description of Relief Sought: To permit the installation of a pallet on the main deck of B–747–100 and –200 cargo aircraft to carry no more than eight animal handlers during flights involving the transport of live animals.

Dispositions of Petitions

Docket No.: 109CE
Petitioner: Fairchild Aircraft Corporation
Sections of the FAR Affected: 14 CFR 23.207(c)
Description of Relief Sought/Disposition: To amend Exemption No. 5573, which permitted type certification of the SA227–CC, SA227–DC and all subsequent commuter category airplanes approved on type certificate A18SW, with certain stall characteristics and airspeed indicator markings that are appropriate to this category of aircraft, by including exemption from the stall warning requirements of § 23.207(c).
Grant, January 29, 1993, Exemption No. 5573A

Docket No.: 110CE
Petitioner: Beech Aircraft Corporation
Sections of the FAR Affected: 14 CFR 23.53(c)(1)
Description of Relief Sought/Disposition: To permit type certification of the Beech Model B30υ and B300C by allowing the use of ground minimum control speed

(V_{MCG}) for determination of the takeoff decision speed (V_1).
Grant, February 2, 1993, Exemption No. 5599

Docket No.: 112CE
Petitioner: Advanced Aerodynamics and Structures
Sections of the FAR Affected: 14 CFR 23.903(e)(2)
Description of Relief Sought/ Disposition: To permit type certification of the AASI Jetcruzer 450 model airplane without a means of stopping rotation of the turbine engine.
Grant, January 28, 1993, Exemption No. 5594

Docket No.: 25776
Petitioner: Aviation Consultants, Inc.
Sections of the FAR Affected: 14 CFR 43.3(g)
Description of Relief Sought/ Disposition: To extend Exemption No. 5085 to allow appropriately trained and certified pilots employed by Lynch to remove the passenger seats and install approved stretcher and base assemblies in the Cessna 400 Series aircraft operated by Lynch when such aircraft are being used in air ambulance service.
Grant, May 18, 1993, Exemption No. 5085B

[FR Doc. 93–12703 Filed 5–27–93; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: May 24, 1993.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0181
Form Number: None
Type of Review: Reinstatement
Title: Line Release Regulations
Description: Line release was developed to release and track high volume and repetitive shipments using bar code technology and PCs. An application is submitted to Customs by the entry filer. A Common Commodity Classification Code (C–4) is assigned to the application by Headquarters and returned. No input required of the filer; little input by the inspector.
Respondents: Businesses or other for-profit, Federal agencies or employees, Small businesses or organizations
Estimated Number of Respondents: 168
Estimated Burden Hours Per Respondent: 15 minutes
Frequency of Response: On occasion
Estimated Total Reporting Burden: 4,200 hours
Clearance Officer: Ralph Meyer, (202) 927–1552, U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 93–12715 Filed 5–27–93; 8:45 am]
BILLING CODE 4820–02–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: May 24, 1993.

The Department of the Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1315
Form Number: None
Type of Review: Resubmission
Title: TeleFile Surveys
Description: These surveys are being conducted to help the Service evaluate TeleFile and to initiate recommendations for changes and improvements. Participants will be taxpayers who used TeleFile to file a return, taxpayers who tried TeleFile but did not file a return, and taxpayers who, although eligible to use TeleFile, elected not to file a return by TeleFile.
Respondents: Individuals or households
Estimated Number of Respondents: 18,000
Estimated Burden Hours Per Respondent: 10 minutes
Frequency of Response: Other (one-time survey)
Estimated Total Reporting Burden: 3,020 hours
Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 93–12716 Filed 5–27–93; 8:45 am]
BILLING CODE 4830–01–M

VETERANS AFFAIRS

Veteran Affairs Wage Committee; Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Department of Veterans Affairs Wage Committee has been renewed beginning April 22, 1993, through September 30, 1993.

Dated: May 20, 1993.
By direction of the Secretary.

Heyward Bannister,
Committee Management Officer.
[FR Doc. 93–12679 Filed 5–27–93; 8:45 am]
BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs; Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Prosthetics and Special-Disabilities Programs will be held Monday and Tuesday, July 12–13, 1993, at the Shoreham Building, 806 15th Street, NW, Washington, DC. The meetings will be held in room 611. The July 12 session will convene at 8:30 a.m. and adjourn at 4 p.m. and the July 13 session will convene at 8:30 a.m. and adjourn at 3 p.m.

The purpose of the Advisory Committee is to advise the Department

on its prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Advisory Committee also advises the Department on special disability programs which are defined as any program administered by the Secretary to serve veterans with spinal cord injury, blindness or vision impairment, loss of or loss of use of extremities, deafness or hearing impairment, or other serious incapacities in terms of daily life functions.

The meeting is open to the public to the capacity of the room. For those wishing to attend, contact Kathy Pessagno, Veterans Health Administration (117C), phone (202) 535–7293, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, prior to July 2, 1993.

Dated: May 20, 1993.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 93–12678 Filed 5–27–93; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 102
Friday, May 28, 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).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (Eastern Time), Tuesday, June 8, 1993.

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street NW., Washington, DC 20507.

STATUS: Part of the Meeting will be open to the public and part of the Meeting will be closed.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes
2. Reports to the Commission
   a. Office of Federal Operations
   b. Information Resource Management Services
3. Proposed Interim Enforcement Guidance on the Application of the ADA to Disability-Based Distinctions in Employer Provided Health Insurance
4. Interagency Coordination of the Section 504/ADA Coordination Rule Pursuant to Executive Order 12067

Closed Session

Litigation Authorization: General Counsel Recommendations.

Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 663–7100 (voice) and (202) 663–4077 (TTD) at any time for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

Dated: May 26, 1993.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 93–12850 Filed 5–26–93; 1:48 pm]

BILLING CODE 6750–06–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Wednesday, May 26, 1993, the Board of Directors of the Federal Deposit Insurance Corporation met in open session to consider the following matter:

Memorandum and resolution re: Proposed amendments to Part 323 of the Corporation's rules and regulations, entitled "Appraisals."

In calling the meeting, the Board determined, on motion of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), seconded by Ms. Judith A. Walter, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matter on less than seven days' notice to the public; and that no notice of the meeting earlier than May 20, 1993, was practicable.

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: May 26, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93–12890 Filed 5–26–93; 3:58 pm]

BILLING CODE 6714–0–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:00 a.m., Wednesday, June 2, 1993, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 26, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–12821 Filed 5–26–93; 11:08 am]

BILLING CODE 6210-01-P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, June 2, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposal to conduct public hearings on mortgage lending discrimination.
2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: May 26, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–12822 Filed 5–26–93; 11:08 am]

BILLING CODE 6210-01-P

Corrections

Federal Register
Vol. 58, No. 102
Friday, May 28, 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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1020

[Docket No. 82N-0274]

Federal Performance Standard for Diagnostic X-Ray Systems and Their Major Components

Correction

In rule document 93-9925 beginning on page 26386 in the issue of Monday, May 3, 1993, make the following correction:

§ 1020.31 [Corrected]

On page 26402, in the second column, in § 1020.31 (c)(2), in the fourth line, "(*insert date 1 year after date of publication in the* Federal Register)" should read "May 3, 1994".

BILLING CODE 1505-01-D

LIBRARY OF CONGRESS

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[Docket No. RM 93-4]

Implementation of the Audio Home Recording Act of 1992; Statements of Account Public Meeting

Correction

In notice document 93-11778 beginning on page 29001 in the issue of Tuesday, May 18, 1993.

1. On page 29008, the file line at the end of the document was ommitted and should have appeared as follows:

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Part II

Department of Defense

Department of the Army

32 CFR Part 630

Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies; Proposed Rule

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 630

Absentee Deserter Apprehension Program and Surrender of Military Personnel to Civilian Law Enforcement Agencies

AGENCY: Office of the Army Staff Judge Advocate, DOD.
ACTION: Proposed rule.

SUMMARY: The Department of the Army announces a complete revision of 32 CFR Part 630—Military Absentee and Deserter Apprehension to bring it in line with changes to Army Regulation 190–9, with the same title. This revision revises provost marshal procedures and responsibilities for military personnel who are in an absentee or deserter status and procedures and responsibilities for surrender of military personnel to civilian law enforcement authorities. This part supports the approved parts of the Joint Service Plan for Deserter Apprehension Program July 1978 and Department of Defense Directive 1325.2.

DATES: Written comments must be submitted on or before June 28, 1993.

ADDRESSES: Only written comments will be accepted. Submit written comments to Deputy Chief of Staff for Operations and Plans, 400 Army Pentagon, Washington, DC 20310–0400.

FOR FURTHER INFORMATION CONTACT: David Porter (703) 756–1880.

SUPPLEMENTARY INFORMATION: This part applies to the Active Army and the U.S. Army Reserve and the Army National Guard when in title 10, United States Code status. This part is not applicable to members of the Army National Guard serving on annual training or full-time training duty status under the provisions of title 32, United States Code.

b. Commanders in overseas areas may deviate from the Federal Bureau of Investigation National Crime Information Center requirements when prohibited by—

1. Local conditions.

2. International law including applicable treaties or agreements with foreign governments.

c. The provisions of subpart G of this part apply only to soldiers listed in paragraph a. above who are sought by Federal, State, or local law enforcement officials. The authority of U.S. military officials to apprehend, detain, and deliver U.S. personnel to the authorities of a host nation or other foreign country are governed by the provisions of applicable international agreements, United States and host nation law, Army Regulation 27–50, Status of Forces Policies, Procedures and Information, and the directives of the overseas command.

Executive Order 12291

This proposed rule is not affected by Executive Order 12291.

Regulatory Flexibility Act

The Regulatory Flexibility Act has no bearing on this proposed rule.

Paperwork Reduction Act

This proposed rule does not contain reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 32 CFR Part 630

Law enforcement officers, military law, military personnel, prisons.

Accordingly, it is proposed to revise 32 CFR part 630 to read as follows:

PART 630—ABSENTEE DESERTER APPREHENSION PROGRAM AND SURRENDER OF MILITARY PERSONNEL TO CIVILIAN LAW ENFORCEMENT AGENCIES

Sec.

Authority: 10 U.S.C. 801 through 940; Manual for Courts-Martial, U.S. 1969 revised addition as amended; sec. 709, Pub. L. 96–154, Defense Appropriation Act, 93 Stat. 1153.

Subpart A—Purpose

§ 630.1 Purpose.

This part provides policies and procedures for—

(a) Reporting absentees and deserters.

(b) Reporting special category absentees.

(c) Reporting political defectors.

(d) Use of automated law enforcement telecommunications.

(e) Apprehension and processing of absentees and deserters.

(f) Surrender of military personnel to civilian law enforcement authorities.

§ 630.2 References.

Required and related publications and referenced forms are listed in appendix A to this part.

§ 603.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in the glossary.

§ 630.4 Responsibilities.

(a) The Deputy Chief of Staff for Operations and Plans (DCSOPS) is responsible for establishing law enforcement policy and procedures for the military absentee and deserter apprehension program. The DCSOPS will—

(1) Exercise staff supervision over Army law enforcement activities.

(2) Integrate the apprehension program with the National Crime Information Center (NCIC).

(3) Provide operational control of the NCIC elements at the U.S. Army Deserter Information Point (USADIP).

(4) Be the Department of the Army point of contact for the Federal Bureau of Investigation (FBI) on absentee and deserter apprehension policy matters.

(b) The Deputy Chief of Staff for personnel (DCSPER) is responsible for establishing personnel policy on absentees and deserters and will—

(1) Exercise staff supervision over the USADIP.

(2) Develop programs to assist commanders in deterring absenteeism.

(3) Evaluate statistical profile data furnished by the Commanding General (CG), U.S. Total Army Personnel Command (PERSCOM); and CG, U.S. Army Personnel Information Systems Command (PERSINSCOM).

(c) Commanders of major Army commands (MACOMs) will—

(1) Supervise reporting and coordinate Army programs for the return to military control (RMC) of absentees, deserters, defectors, and special category absentees.

(2) Ensure deserters returned to military control are reported IAW to this part to end apprehension actions.

(3) Provide military police support for the return of special category absentees and deserters from foreign countries to the Continental United States (CONUS) when required.

(4) Assist in the return of soldiers to overseas commands under status of forces agreement.

(5) Assure that recommended changes to Army Regulation 5–9 are proposed and coordinated with other MACOMs.

(d) Commanding General, U.S. Army Criminal Investigation Command (USACIDC) is responsible for—

(1) Entering and clearing subjects of USACIDC investigations and special category absentees reported by overseas commanders in the National Crime Information Center (NCIC) wanted person file.

(2) Coordinating retrieval of records through the Director, U.S. Crime Records Center (USACRC) from the Defense Investigative Service (DIS) for special category absentees.

(e) Commander, U.S. Army Enlisted Records and Evaluation Center (USAEREC) will—

(1) Receive documentation and provide verification of reports of desertion and return to military control.

(2) Maintain a centralized deserter data base for deserter statistical reporting requirements from the Automated Personnel Accounting System.

(3) Maintain management data received on DD Form 616 (Report of Return of Absentee) to identify—

(i) The number of deserters returned to military control monthly.

(ii) The mode of return (surrender to or apprehended by military authorities, Department of Defense civilian police, civilian authorities, or FBI).

(iii) Cases administratively closed (death, discharge, erroneous entry, and so forth). Data should be recorded in the processing month to hasten report compilation.

(f) Chief, U.S. Army Deserter Information Point will—

(1) Verify and document reports of desertion and return to military control.

(2) Maintain a central deserter data base.

(3) Provide data to DCSOPS; DCSPER; CG, PERSINSCOM; and CG, PERSCOM, as required.

(4) Complete cross-checks against the Army Enlisted Master File (EMF), Joint Service Software, and other data systems to prevent false apprehension.

(5) Query other Army automated personnel files to prevent mistaken reports of desertion.

(6) Provide DD Form 553 (Deserter/Absentee wanted by the Armed Forces) and DD Form 616 (Report of Return of Absentee) to military and civilian law enforcement authorities, to include the FBI when appropriate.

(7) Advise U.S. Department of State, Deputy Assistant Secretary for Passport Services, of U.S. Army alien deserters who are known or suspected to have entered a foreign country, return to military control, or are discharged in absentia.

(8) Enter wanted information into the NCIC.

(g) All Army installation commanders with active Army manpower assets have responsibilities for reporting and returning deserters to military control.

(1) Coordinating installation commanders return deserters to military control within their designated area of responsibility.

(2) Supporting installation commanders have responsibility for all locations within 50 miles of their respective installations. When efficiency and economy demand, these distances can be increased or diminished as determined between the coordinating installation ad the supporting installation.

(h) Installation Provost Marshals will endeavor to resolve procedural arrangements at the lowest command level IAW AR 5–9.

Subpart B—Absent Without Leave

§ 630.5 Notification.

The unit commander notifies the local Provost Marshal within 24 hours after a soldier has been reported absent without leave (AWOL). Special category absentees are reported as deserters IAW § 630.10 of this part.

(b) On recipient of an AWOL report, the Provost Marshal initiates a DA Form 3975 (Military Police Report) and a corresponding blotter entry on DA Form 3997 (Military Police Desk Blotter).

§ 630.6 Surrender to unit commander.

If an AWOL soldier surrenders to the parent unit the following procedures apply:

(a) The unit commander immediately notifies the Provost Marshal that the soldier has returned.

(b) The Provost Marshal finalizes the DA Form 3975 and makes a reference blotter entry.

The Provost Marshal forwards DA Forms 3975 and 4833 (Commander's Report of Disciplinary or Administration Action) with an appropriate suspense date through the appropriate field grade commander to the Unit Commander for action.

(d) The unit commander reports action taken to the Provost Marshal on DA Form 4833 not later than the assigned suspense date.

§ 630.7 Surrender or apprehension at other installations.

(a) If an AWOL soldier surrenders to or is apprehended by a Provost Marshal other than the parent installation, the apprehending Provost Marshal—

(1) Issues DD Form 460 (Provisional Pass) IAW AR 190–45, paragraph 5–2, and verbal orders to the soldier to return to their proper station. The DD Form 460 and transportation request are used instead of an escort if there is a reasonable expectation that the soldier will comply. Express mail may be used to forward the DD Form 460 to the absentee. DD Form 460 will not be required if the Provost Marshal elects to return the soldier through different means.

(2) Prepares and forwards DA Forms 3975 and 4833, along with a copy of DD Form 460, to the parent installation Provost Marshal.

(b) The parent installation Provost Marshal—

(1) Completes a reference blotter entry reflecting the AWOL soldier's RMC.

(2) Forwards DA Form 3975 and DA Form 4833, with an appropriate suspense, through the field grade commander to the unit commander.

(3) On return of the completed DA Form 4833 from the unit commander, forwards the original and one copy of the form to the apprehending Provost Marshal. The parent installation Provost Marshal may retain a copy of DA Form 3975 and DA Form 4833 pertaining to the case.

Subpart C—Desertion

§ 630.8 Administrative report.

(a) The unit commander administratively classifies an absentee as a deserter and completes DD Form 553 when one or more of the following applies:

(1) The facts and circumstances of the absence, without regard to the length of absence, indicate that the soldier may have committed the offense of desertion, as defined in article 85 of the Uniform Code of Military Justice (UCMJ) and paragraphs 4, 6 and 9, and part IV, of the Manual for Courts-Martial.

(2) The soldier has been AWOL for 30 consecutive days.

(3) The soldier, without authority, has gone to or remains in a foreign country and, while in the foreign country has requested, applied for, or accepted, any type of asylum or resident permit from the country, or any governmental agency.

(4) The soldier has returned to military control and departs absent prior to completion of any administrative or judicial action for a previous absence.

(5) The soldier escapes from confinement.

(6) The soldier is a special category absentee.

(b) The Unit Commander promptly reports deserters to the Provost Marshal via DD Form 553 per AR 630–10, chapter 3.

§ 630.9 Processing deserter reports.

(a) On receipt of reports of desertion or defectors, the Provost Marshal completes a blotter entry per AR 190–45, paragraph 4–6b. This is an initial blotter entry if a previous absentee entry had not been made.

(b) The Provost Marshal then—

(1) Ensures that the unit commander has accurately completed DD Form 553.

(2) Screens installation and state vehicle registration and completes identification portions of the DD Form 553.

(3) In the remarks section of DD Form 553 adds other known information about the soldier such as:

(i) Confirmed or suspected drug abuse.

(ii) History of violence.

(iii) History of escapes or attempted escapes from custody.

(iv) Suicidal tendencies.

(v) Suspicion of involvement in violent crimes for which there is a record of an active military police investigation being prepared and forwarded.

(iv) History of other unauthorized absence.

(vii) Any other information in the apprehension process or to protect the deserter or apprehending authorities.

(4) Initiates a DA Form 3975, if not previously completed as an AWOL report, and assigns a USACRC Crime Control Number to the case.

(5) Returns the completed DD Form 553 to the Unit Commander within 24 hours. The Provost Marshal retains a copy of the DD Form 553.

(6) Follows the procedures in § 630.8 of this part for special category absentees.

(c) Within 48 hours of the soldier being dropped from the rolls (DFR) of the unit the unit commander forwards the DD Form 553, with associated documents, through the Personnel Service Center to Commander, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE–RD, Fort Benjamin Harrison, IN 46249–5300.

§ 630.10 Special category absentees.

Commanders of absent soldiers assigned to special mission units and soldiers who have had access to top secret information during the 12 months preceding the absence immediately report the soldier as a deserter regardless of the length of absence. On receipt of a special category absentee the provost marshal—

(a) Immediately completes the procedures in section 630.6 of this part.

(b) Queries the NCIC missing person, interstate identification, and unidentified person files for a possible match using the absentee's identifying information (Social Security Number, date and place of birth, and physical description) to determine if he or she has been previously entered into the NCIC.

(c) Enters the soldier into the NCIC wanted file after determining the soldier has not been entered previously. Outside continental United States (OCONUS) Provost Marshal NCIC entries are completed by sending a copy of the DD Form 553 to the USARCR facsimile machine Defense System Network (DSN) telephone number 283–9308 or commercial (301) 234–9308. OCONUS Provost Marshals who do not have facsimile equipment express mail the DD Form 553 to Director, USARCR, ATTN: CICR–ZA, 2301 Chesapeake Avenue, Baltimore, MD 21222–4099.

(d) Requests the assistance of the Director, USACRC, in obtaining pertinent information from security records maintained by the DIS.

(e) Requests assistance of the U.S. State Department, in identifying and suspending existing passports and pending applications pertaining to the deserter. This includes transmitting a copy of the DD Form 553 by facsimile or express mail to the U.S. State Department, Deputy Assistant Secretary for Passport Services, ATT: CA–PPT–C, McPherson Building, 1425 K Street NW., Washington, DC 20524. A point of contact in the Provost Marshal office must be provided for the U.S. State Department. The facsimile commercial telephone number (202) 326–6271.

(f) Notifies USACIDC, local FBI office, and local and State law enforcement agencies of the soldier's absence to establish an investigative task force. The task force acts as the focal point in collecting and disseminating information obtained through investigative activity.

(g) Requests assistance from the nearest Air Force Office of Special Investigation (051) to determine if the absentee has been granted passage on a Military Airlift Command (MAC) Flight. Notification is also made to Headquarters, MAC, to deny passage on a MAC flight by calling Office of Special Investigations, Scott Air Force Base, Illinois, DSN 576–5413 or commercial 618–256–5413.

(h) Transmits an electronic alert through the National Law Enforcement Telecommunications Systems (NLETS) to broadcast within the State, a specific State, and or regional broadcast (contiguous five States). NLETS messages must include the deserter's complete name, Social Security Number, date and place of birth, physical description, and a statement that an entry has been made into the NCIC.

(i) Coordinates with the Office of the Staff Judge Advocate to obtain search warrants, court orders, or subpoenas for searches of the deserter's residence, financial, credit card, postal, telephone, insurance, housing utilities, civilian medical records, and access to commercial land, air and sea transportation records.

(j) Cancels the NCIC entry when notified by Chief, USADIP, that the deserter packet has been received and the Chief, USADIP, is prepared to assume responsibility as the point of contact for verification of deserters.

§ 630.11 Escaped prisoner.

(a) An escaped prisoner whose discharge has not been executed is administratively classified as a deserter. The installation Provost Marshal—

(1) Requests assistance from civilian law enforcement agencies including the FBI.

(2) Forwards copies of DD Form 553 to Chief, USADIP, showing distribution with Item 10 marked "N/A."

(3) Enters a temporary warrant into the NCIC.

(b) An escaped military prisoner whose discharge has been executed and who is not under the custody of the U.S. Attorney General is reported as an escaped military prisoner, not a deserter. The custodian of an escaped military prisoner's personnel records

prepares DD Form 553 clearly stating in items 12 and 19 that the individual is an escaped military prisoner. The DD Form 553 is sent to the installation provost marshal. A temporary warrant is entered into the NCIC by the installation Provost Marshal.

§ 630.12 USADIP procedures.

(a) The Chief, USADIP—

(1) Verifies information on the DD Form 553 with permanent personnel records at the USAEREC.

(2) Enters the soldier's name into the NCIC.

(3) Forwards a copy of the DD Form 553 to all Federal, State, and local law enforcement agencies who may be involved in the apprehension process.

(4) Forwards a copy of DD Form 553 to the Provost Marshal nearest the deserter's home of record.

(5) Forwards a copy of the DD Form 553 to the USACRC, ensuring the USACRC control number is legible.

(b) The Army entry into the NCIC wanted person file normally is generally sufficient to support civilian police apprehension assistance.

Subpart D—Return to Military Control

§ 630.13 AWOL/deserter apprehension efforts.

The return of absentees to military control is a command responsibility. Military police will generally not be committed to proactive efforts to apprehend AWOL soldiers or deserters except when the Provost Marshal determines that such efforts are warranted by specific circumstances. Examples of instances when such effort is warranted include when the AWOL soldier or deserter is wanted as the subject of additional, more serious charges or is a special category absentee as defined in section 630.8 of this part.

§ 630.14 Use of escorts.

(a) Commanders and provost marshals must ensure that the most economical and efficient means are used to return surrendered or captured absentees to their parent unit or personnel control facility, as appropriate. For example, alternatives such as express mailing of DD Form 460 and a transportation request may be used instead of an escort, if there is a reasonable expectation that the absentee will comply.

(b) The use of escorts should be considered if—

(1) There is not a reasonable expectation that the absentee will not comply.

(2) The absentee is a special category absentee IAW section 630.8 of this part.

(3) The absentee is pending serious criminal charges.

(4) The absentee is in the custody of a civilian law enforcement agency that is not willing to assist in processing the absentee by mail or similar means.

(c) When escorts are deemed necessary, consideration should be given to using noncommissioned officers from the parent unit before committing military police manpower.

§ 630.15 Verification of deserter status.

(a) When a person claims to be a deserter from the U.S. Army, the first receiving military authority must advise the person of his or her rights per article 31 UCMJ, and provide as much of the following data as possible to the Provost Marshal:

(1) Name.

(2) Social Security Number.

(3) Date and place of birth.

(4) Home of record.

(5) Date and place of enlistment, date of alleged absence, and unit of assignment.

(b) The Provost Marshal immediately completes a check of the NCIC and USADIP to confirm the deserter status. Deserter felon checks require:

(1) The full name of the person.

(2) Social Security Number.

(3) Date of birth.

(4) Place of birth.

(5) Military service number, if different from the social security number.

(c) When necessary to establish identity, at the request of the Chief, USADIP, the Installation Provost Marshal forwards DD Form 369 (Police Record Check) with a complete set of fingerprints to the Commander, U.S. Army Enlisted Records Center, ATTN: PCRE–RD, Fort Benjamin Harrison, IN 46249–5301. The fingerprints must also be accompanied by DD Form 616 in quadruplicate. In Item 9 of the DD Form 616 note "For Information Only—Fingerprints attached." The Chief, USADIP forwards the fingerprint record to the FBI Identification Division, Washington DC 20537–9700, for fingerprint comparison and identification.

(d) In the event the status of the individual can not be immediately determined, the individual will not be detained. The Provost Marshal obtains information on how to contact the person once their status has been determined. On verification of status as absent or desertion, Chief, USADIP, provides instructions to the Provost Marshal returning the individual to military control.

§ 630.16 Surrender or apprehension on parent installation.

(a) The parent Installation Provost Marshal—

(1) Verifies the deserter's military status IAW section 630.13 of this part.

(2) Coordinates between appropriate levels of command on RMC (time, date, and location).

(3) Initiates a reference blotter entry changing the absentee's status from deserter to return to military control.

(4) Prepares and submits DD Form 616 to Chief, USADIP. The USACRC control number assigned to the DD Form 553 is included in the remarks section of DD Form 616.

(5) Prepares DA Form 3975, 2804 (Crime Records Data Reference) and 4833. The USACRC control number assigned to the DD Form 553 is also used on these forms.

(6) Forwards the original DA Form 3975 and 2804 to the Director, USACRC.

(7) Forwards three copies of DA Form 4833, with an appropriate suspense date, and one copy of DA Form 3975 to the PCF commander or Installation Commander processing the deserter.

(8) On receipt of the completed DA Form 4833 forwards the original to Director, USACRC.

(b) Should the deserter surrender to the original unit of assignment, the Unit Commander immediately notifies the Provost Marshal of the deserter's return. The Provost Marshal completes the processing in paragraph (a) of this section.

§ 630.17 Surrender or apprehension at another installation.

(a) The Provost Marshal follows the procedures in section 630.17 and obtains the USARC control number from Chief, USADIP for use in completing the DD Form 616 and DA Forms 2804, 3975, and 4833.

(b) The Unit Commander requesting return of the absentee completes arrangements for escorting the absentee, if required. Other absentees are sent to a PCF.

§ 630.18 Surrender or apprehension off an Army installation.

Commanders located off an Army installation——

(a) Notify the major Army command or coordinating installation Provost Marshal, within whose area of responsibility the activity is located.

(b) Furnish the coordinating installation Provost Marshal all available information on the absentee or deserter.

(c) Issue a DD Form 460 and direct the person to proceed to the nearest Army installation with facilities for processing

deserters. If appropriate, express mailing of DD Form 460 and a transportation request may be used.

(d) Forward a copy of the DD Form 460 to Commander, USAEREC, Fort Benjamin Harrison, IN 46249–5301.

(e) Follow up to ensure that all absentees and deserters are returned to military control.

§ 630.19 Deserters and defectors in foreign countries.

(a) Army deserters and defectors in foreign countries are apprehended only in accordance with applicable Status of Forces or other stationing agreements, AR 27–50, U.S. and host country law, and the directives of the overseas command.

(b) Direct coordination between all major overseas commanders, U.S. Air Force, U.S. Navy, U.S. Marine Corps and CONUS installations is conducted to coordinate information for return of deserters or defectors to military control. Defectors and special category absentees must be escorted from the time of their return to military control to the installation or PCF with area of responsibility for processing deserters. Deserters returned to military control are processed under procedures set by the major overseas commander.

(c) When a deserter or defector is reported to have been returned to military control at another service installation, the Army area Provost Marshal arranges for return of the deserter to U.S. Army custody. Maximum use of the DD Form 460 should be made.

(d) When absentees and deserters in foreign countries are scheduled to depart or are to be deported from foreign countries, the Military Assistance Advisory Group (MAAG), mission, or attaches notifies Chief, USADIP, and if known, the appropriate major commander, ATTN: Provost Marshal. Notification should be completed in advance for coordination of operational military police actions. The notice includes the——

(1) Name, grade, and social security number of the absentee.

(2) Date, time (local), and place of departure from the foreign country.

(3) Mode of transportation and designation of the carrier.

(4) Date, time and place of arrival in CONUS or where U.S. Authorities have jurisdiction to apprehend the absentee or deserter.

(5) Unit in which the individual is or was last assigned.

(6) Length of time in foreign country.

(7) Physical and mental condition and attitude of the absentee or deserter.

(8) Charges by military or civil authorities.

(9) Intelligence interest.

§ 630.20 Escaped military prisoner.

(a) When an escaped military prisoner is returned to military control, the Provost Marshal—

(1) Notifies the commander of the confinement or correctional facility from which the prisoner escaped.

(2) Completes and forwards DD Form 616 to Chief, USADIP.

(b) Unless otherwise directed by HQDA (DAMO–ODL), or the Commander, U.S. Army Disciplinary Barracks (USDB), prisoners who escape from the USDB are returned to the USDB. The commander of the installation to which the prisoner is returned provides guards and transportation to the nearest supporting confinement facility to return the prisoner to the USDB.

(c) Escapees from other U.S. Army correctional activities are returned to the confinement or correctional facility from which the prisoner escaped unless otherwise directed by HQDA (DAMO–ODL).

(d) The Chief, USADIP forwards DD Form 616 to recipients of DD Form 553.

§ 630.21 Other armed services deserters.

(a) Requests for status of alleged deserters from other Armed Services may be made through an inquiry in the NCIC. When the response from the NCIC is negative, the following appropriate Service may be contacted:

(1) U.S. Air Force. Commander, U.S. Air Force Military Personnel Center, Randolph Air Force Base, TX 78150–6001, DSN 487–5118.

(2) U.S. Navy. Commander, Naval Military Personnel Command, Code NMPC–843, Washington, D.C. 20370–5643, DSN 224–2551 or commercial, toll free 1–800–336–4974.

(3) U.S. Marine Corps. Commandant of the Marine Corps, Corrections Branch (MHC), Headquarters, U.S. Marine Corps, Building 2008, MCCDC, Quantico, VA 22130–5000, DSN 278–3976.

(b) When Army absentees or deserters are received from civil authorities in CONUS, all military absentees and deserters, regardless of the military Service to which they belong, are transported at the same time.

(c) Unless there are specific arrangements among the military Services, the following applies when Army personnel take custody of absentees or deserters from civil authorities in CONUS:

(1) Notify the other military authorities in advance that the individual will be taken into custody and delivered to the nearest military installation having facilities to process absentees or deserters.

(2) When custody cannot be affected, notify the nearest installation of the service concerned that the person will remain in civilian custody.

(d) Absentees and deserters from the other services and the Coast Guard may be received at any U.S. Army installation which has facilities for reception and custody. They are transferred immediately to the nearest appropriate installation of the Service. Commanders of troops on maneuvers or on the march are exempt from the responsibility for taking custody of absentees and deserters. They may, however, accept absentees or deserters if necessary and return them to the custody of their Service.

§ 630.22 Transportation.

(a) If commercial transportation is necessary:

(1) The responsible transportation office arranges for movement per AR 55–355.

(2) Cost and speed of transportation are considered.

(3) International and CONUS travel is arranged only on U.S. commercial air carriers flying regularly scheduled routes, certified route carriers, supplemental air carriers, or charter air taxi operations.

(4) Military personnel escorting absentees or deserters must comply with commercial air carrier rules and with AR 190–47.

(5) Expenses (transportation, reward payment, reimbursement to civilian law enforcement authorities) associated with the return of absentees or deserters to their proper station are chargeable to the Military Personnel, Army appropriation. Commanders are authorized to make charges against these accounts for the transportation of escorts and the deserter and for payment of reward or reimbursement when the returnee is delivered to an installation or detained for military authorities.

(6) The approving authority reviews paid travel and per diem vouchers for efficiency, economy, and accuracy in statements of travel performed. When feasible, one-day return travel should be used to reduce costs.

(b) Transportation expenses for use of guards to return absentees or deserters to their proper station or to military authorities are charged to the budget activity account "Other Military Personnel Costs."

Subpart E—Civilian Correctional or Medical Facilities

§ 630.23 Military detainer.

(a) Military detainer (see sample detainer at figure 6–1) must be placed when a soldier is being held by civilian authorities and release of the soldier is not imminent. The installation commander or provost marshal may initiate a detainer. The purposes for filing a detainer are to—

(1) Officially inform civilian authorities that any Army soldier is in their custody and military authorities want to assume custody at release.

(2) Request military authorities be kept advised on the status of actions taken by civilian authorities.

(3) Permit military authorities to monitor the person's military status while in civilian custody.

(b) A detainer is canceled when the person is released to military custody.

(c) If an AWOL or DER individual is being detained by civilian authorities the military police—

(1) Notify the proper installation commander or coordination authority at once that the individual—

(i) Is being detained by civilian authorities on civil or criminal charges.

(ii) Is committed to a civilian medical facility.

(2) Place a military detainer with the civilian law enforcement agency and inform the installation commander or coordinating authority of—

(i) Changes or medical problems concerning the absentee.

(ii) Probable length of detention by civilian authorities.

§ 630.24 Action on return to military control.

(a) The military authority first receiving or apprehending the absentee or deserter, or receiving word of their detention by civilian authorities immediately contacts the installation or area provost marshal and provides the following data:

(1) Name, grade, and social security number of the absentee.

(2) Date absence began and unit from which absent.

(3) Absentee, deserter, or escaped prisoner status.

(4) Date, place, and military unit or civilian agency where the person was apprehended, surrendered, or detained.

(5) Unit to which the absentee or deserter will be assigned or attached on return.

(b) When military law enforcement personnel are the first military authority receiving a report of an AWOL or DFR person's apprehension or surrender the following actions are also taken:

(1) Initiate an inquiry with the NCIC. When the NCIC inquiry shows the individual is wanted by civilian law authorities for a criminal offense, immediately contact the civilian agency. Advise the civilian agency of the individual's location and where the return to military control will be made. Place the results in item 9 of DD Form 616 and send it to the commander receiving the returnee. All Army returnees wanted for a criminal offense other than AWOL, or desertion are reported to Commander, USACIDC, ATTN: CTCR–ZA, 2301 Chesapeake Avenue, Baltimore, Md 21222 to ensure that military law enforcement investigations or criminal charges are not pending.

(2) When the individual is not wanted for a criminal offense, coordinate RMC with the appropriate military personnel office and take action in paragraph (d) of this section.

(c) Absentees and deserters being held temporarily by civilian authorities are returned to military control as soon as possible. Military authorities should strive to return absentees or deserters to military control within 48 hours after being notified of their whereabouts and impending release.

§ 630.25 Civilian detention facilities.

(a) When necessary, civilian detention facilities may be used to temporarily detain absentees, deserters, or escaped military prisoners. Contracts providing for payment of actual costs for detention may be made with state or county jails that have been approved by the Bureau of Prisons. U.S. Department of Justice information about approved facilities is available from the nearest U.S. Marshal's office.

(b) Contracts must contain standards of treatment of military prisoners per AR 190–47. The Federal Acquisition Regulation (FAR), The Federal Acquisition Supplement (FAS), and the Army Procurement Procedure Supplement (APPS) govern these contracts.

§ 630.26 Costs of civilian detention facilities.

(a) Civilian authorities may be reimbursed according to contracts for temporary detention after military authorities have assumed custody. It does authorize payment from the date further detention was requested. This does not authorize payment for subsistence and detention for the same period for which a reward was authorized. This does not preclude payment of reward or reimbursement for reasonable expenses for periods before delivery to military custody. Detained officers receiving basic allowance for subsistence (BAS) are charged the cost of subsistence.

(b) Costs incurred by the Army for detention under an Army contract are paid to the civilian facility. Any payment to the Army by another Armed Service, must be by prior agreement between the commanders concerned.

Subpart F—Payment of Rewards and Reimbursements

§ 630.27 Rewards.

(a) Receipt of an authorized communication, oral or written (for example DD Form 553 and entry into the NCIC) from a military or Federal law enforcement official or agency, requesting cooperation in the apprehension or delivery to military control of an absentee or deserter wanted by the Armed Forces constitutes the basis for a reward.

(b) A reward can be paid to an eligible person or agency who apprehends and detains an absentee or deserter until military authorities assume control. The finance and accounting officer designated by the MACOM commander pays the claimant. If two or more eligible persons or agencies are entitled to a reward, the payee may divide the payment among the participants. Payment for an apprehension effected jointly by an eligible and ineligible person or agency may be claimed by the eligible person or agency. Ineligible persons may not share in payments.

(c) Payment of a reward to persons or agencies is authorized as indicated below:

(1) A reward for apprehension and detention of an absentee or deserter until military authorities assume custody.

(2) A reward for apprehension of an absentee or deserter and subsequent delivery to a military installation with facilities to receive and process absentees and deserters.

(d) The reward may not exceed the amount specified in the current defense appropriation act for—

(1) The apprehension and detention of absentees or deserters until military authorities take custody.

(2) The apprehension and delivery to military authorities of absentees or deserters.

(e) A reward or reimbursement for expenses is not authorized for an Armed Service member, Federal government employees, a lawyer on whose advice an absentee or deserter surrenders, or when payment would violate public policy.

§ 630.28 Reimbursement payments.

(a) Reimbursement payments to official agencies is authorized when—

(1) A reward has been offered.

(2) Reimbursement is requested in place of a reward.

(b) Reimbursement for reasonable and actual expenses may be made to more than one eligible person or agency. However, total reimbursement for the return of an absentee or deserter may not exceed the amount authorized for reward.

(c) Dual payment (reward and reimbursement) relating to one absentee or deserter is prohibited.

(d) Official transportation and personal services payment are not made for—

(1) Transportation by official vehicle.

(2) Personal services of the claimant.

(3) Apprehension and detention not followed by return to military custody.

§ 630.29 Documentation.

(a) Payment of reward or reimbursement for expenses is documented by processing Standard Form 1034 (Public Voucher for Purchase and Services Other Than Personal). The following information must be provided on SF 1034 or supporting documents:

(1) Name, social security number, and last duty station (DD Form 553 or DD Form 616) of the absentee.

(2) Date, place of arrest, and place of return to military custody (DD Form 616).

(3) Signed statement by claimant that the agency qualifies for a reward under paragraphs (a), (b) or (c) of this section.

(4) Statement signed by military representative documenting either of the following:

(i) Delivery to a military installation with facilities to receive and process absentees and deserters.

(ii) Military custody assumed at a site other than a military installation or facility.

(5) Army forms provided to claimants to support payment request.

(b) When required, military pay vouchers are prepared for absentees and deserters per AR 37–104–3, paragraphs 80310, 80311, and 80313.

Subpart G—Surrender of Military Members to Civilian Law Enforcement Officials

§ 630.30 Overview.

(a) This chapter establishes provost marshal procedures and responsibilities for the surrender of soldiers to civilian law enforcement authorities. It is the policy of the Department of the Army to cooperate with civilian authorities unless the best interest of the Army will be prejudiced.

(b) Provost marshals assist in the delivery of a soldier to civilian authorities per this regulation and applicable personnel management regulations. AR 630–10, chapter 7, provides personnel management policies and procedures on the surrender of soldiers to civilian authorities.

§ 630.31 CONUS.

(a) Generally, Provost marshal activity is limited to ensuring that a military detainer is prepared and signed when surrendering a soldier to civilian law enforcement officials (see fig. 630.1 of this part).

(b) There is no statutory authority for a commander to deliver a soldier to a bail bondsman or other surety. The surety must coordinate with the installation Staff Judge Advocate and the Commander of the soldier prior to attempting to apprehend the soldier. To preserve peace and order on the installation, military police will accompany the surety to observe the surety taking custody of the soldier.

§ 630.32 Bonus.

(a) In foreign countries, the authority of U.S. military personnel to apprehend, detain and deliver U.S. personnel to civil authorities of foreign countries is governed by the provisions of international agreements, AR 27–50, and the laws of the host nation. The extent of the authority in a particular country is determined from directives published by the OCONUS MACOM Commander.

(b) Chief, DAMO–ODL—

(1) Coordinates approved requests for surrender of the soldier with the civilian law enforcement agency or prosecuting attorney's office requesting surrender of the soldier. Transportation costs of the soldier from the point of debarkation are the responsibility of the requesting agency.

(2) Coordinates surrender of the soldier with the felony warrant or extradition division of the civilian law enforcement agency or Federal law enforcement agency at the point of debarkation.

(3) Contacts the CONUS Installation Provost Marshal with area of responsibility for assistance in the surrender of the soldier.

(c) MACOM Provost Marshal—

(1) If requested by the General Court-Martial convening authority or designee, arranges escort of the soldier to the point of embarkation or debarkation in CONUS.

(2) Notifies Chief, DAMO–ODL, of the departure date, time, flight number, and the name of the individual(s) who will escort the soldier, if applicable.

(d) CONUS Provost Marshal with area of responsibility—

(1) Prepares a military detainer for the soldier to be surrendered.

(2) Meets the aircraft, assists in the surrender of the soldier, and presents the military detainer.

(3) Provides a copy of the detainer and attachment order to the commander of the PCF or the unit to which the soldier will be attached.

Figure 630.1 of Part 630—Sample Military Detainer

I, (name of civilian representative), an official agent representing (name and address of civilian jurisdiction), accept custody and control of (grade, name, social security number), a U.S. Soldier, for trial on a charge (show offense(s)), I agree, on behalf of the Jurisdiction named above, to inform the Commander, (installation address), of results of the Judicial process and to return the soldier at no expense to the Army or to the soldier to said Army installation unless a place nearer the civilian Jurisdiction is designated by Department of the Army. The soldier will be returned immediately on dismissal or other disposition of charges facilitating return of the soldier. When disposition precludes immediate return of the soldier following litigation, I will furnish results of the Judicial process and information concerning the earliest possible date the soldier might be returned to Army control. I will also advise the designated commander whenever the location of incarceration of the soldier changes or when the soldier is released on bail or bond. I understand the above commander will advise the civilian Jurisdiction which I represent if the soldier's return to military custody is no longer desired. I was furnished a copy of this agreement on (date).

(signature)
(position)
(name of jurisdiction)
(address of jurisdiction)

Appendix A to Part 630—References

Publications and forms referenced in this part may be viewed at the Office of Provost Marshal at any Army installation. Department of Defense publications are also available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 21161; telephone (703) 487–4684.

Required Publications

AR 5–9
Intraservice Support Installation Area Support Coordination. (Cited in § 630.4)

AR 27–50
Status of Forces Policies Procedures and Information. (Cited in § 630.19 and § 630.30)

AR 190–45
Military Police Law Enforcement Reporting. (Cited in § 630.7 and § 630.9)

AR 190–47
The United States Army Correctional System (Cited in § 630.19 and § 630.25)

AR 630–10
Absence Without Leave, Desertion, and Administration of Personnel involved in

Civilian Court Proceedings. (Cited in § 630.8 and § 630.30).

NC
Manual for Court-Martial, United States. (Cited in § 630.8)

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this publication.

AR 37–104–3
Military Pay and Allowance Procedures: Joint Uniform Military Pay System Army (JUMPS–A1RR)

AR 55–355
Defense Traffic Management Regulation

Prescribed Forms

DD Form 616
Report of Return of Absentee. (Prescribed in § 630.4, § 630.14, § 630.15, § 630.16, § 630.20, § 630.24, and § 630.29)

Referenced Forms

DA 2804
Crime Records Data Reference

DA Form 3975
Military Police Report

DA Form 3997
Military Police Desk Reference

DA Form 4833
Commander's Report of Disciplinary or Administrative Action

DD Form 369
Police Record Check

DD Form 460
Provisional Pass

DD Form 553
Deserter/Absentee Wanted by the Armed Forces

SF 1034
Public Voucher for Purchases and Services Other than Personal

Appendix B to Part 630—Glossary

Abbreviations

AAPS
Army Procurement Procedure Supplement

ARNG
Army National Guard

AWOL
absent without leave

BAS
basic allowance for substance

CG
commanding general

CONUS
Continental United States

DCSPER
Deputy Chief of Staff for Personnel

DCSOPS
Deputy Chief of Staff for Operations and Plans

DFR
dropped from the rolls

DIS
Defense Investigative Service

DSN
Defense Systems Network

EMF
enlisted master file

FAR
Federal Acquisition Regulation

FAS
Federal Acquisition Supplement

FBI
Federal Bureau of Investigation

MAC
Military Airlift Command

MACOM
major Army command

NCIC
National Crime Information Center

NLETS
National Law Enforcement Telecommunication System

OCONUS
outside Continental United States

PCF
Personnel Control Facility

PERSCOM
U.S. Army Total Personnel Command

PERSINCOM
U.S. Army Personnel Information Systems Command

RMC
return to military control

ROTC
Reserve Officer Training Course

TR
transportation request

UCMJ
Uniform Code of Military Justice

USACIDC
U.S. Army Criminal Investigation Command

USACRC
U.S. Army Crime Records Center

USADIP
U.S. Army Deserter Information Point

USAEREC
U.S. Army Enlisted Records and Evaluation Center

USAR
U.S. Army Reserve

Terms

Coordinating agent
A person within a staff agency of CONUS command or CONUS installation who is responsible for coordinating and monitoring the absentee and deserter program.

Desertion
A violation of Article 85, UCMJ. It applies to any member of the Armed Forces who commits any of the following:

(a) Not used.

(1) Without authority goes or remains absent from his or her unit, organization, or place of duty with intent to remain away therefrom permanently.

(2) Quits his or her unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service.

(3) Without being regularly separated from one of the Armed Forces enlists or accepts an appointment in the same or another one of the Armed Forces without fully disclosing the fact that he or she has not been regularly separated, or enters any foreign Armed Service except when authorized by the United States. (This provisions has been held not to state a separate offense by the United State Court of Military Appeals in United States v. Huff, 7 U.S.C.M.A. 247, 22 C.M.R. 37 (1956).)

(4) Any commissioned officer of the Armed Forces who, after tender of his or her resignation and before notice of its acceptance, quits his or her post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

(b) Deserters are classified as defectors when they commit any of the following:

(1) Have escaped to another country and are outside the jurisdiction and control of the United States.

(2) Are unwilling to return to the United States.

(3) Are of special value to another country.

(4) Have repudiated the United States when beyond its jurisdiction or control.

Deserter control officer
A commissioned officer (normally a battalion or unit adjutant) appointed in desertion cases to ensure that documentation on deserters dropped from the rolls is provided in a timely manner.

Detainer
A written notice to civil authorities that a person in their custody is an absentee of the Army or serving on active duty with the Army and that military authorities desire to take custody on release.

Dropped from the rolls of a unit
An administrative action that drops an absentee from the strength accountability of a unit.

Dropped from strength
A strength accounting procedure used to exclude personnel from the operating strength of the Army.

National Crime Information Center
A computerized police information system established by the Federal Bureau of Investigation to serve participating law enforcement agencies.

Personal Assistance Point
Agencies of the U.S. Army total Personnel Command located at aerial ports of embarkation or debarkation to assist Army transient personnel enroute to or returning from overseas.

Personal Control Facility
An organization that processes absentees returned to military control from an unauthorized absence. These facilities ensure proper disposition of returnees

Special category absentee
A soldier reported AWOL who had access to top secret information during the last 12 months or is currently assigned to a special mission unit.

Special mission unit
A unit assigned a mission of such extraordinary sensitivity as to require specific management, oversight, and employment consideration.

Unavoidable absence
An unauthorized absence that happened through no fault of the absentee and no fault of the Government.

Unit
An organization, agency, or activity.

Unit commander
The commander of an absentee's or deserter's unit of assignment or attachment.

U.S. Army Deserter Information Point
The focal point within the Army for controlling, verifying accounting, and

disseminating data on individuals administratively classified as deserters.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 93–12505 Filed 5–27–93; 8:45 am]

BILLING CODE 3710–08–M

federal register

Friday
May 28, 1993

Part III

Department of Education

Dwight D. Eisenhower Leadership Development Program; Inviting Applications for New Awards for Fiscal Year 1993; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.261A]

Dwight D. Eisenhower Leadership Development Program; Inviting Applications for New Awards for Fiscal Year (FY) 1993

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: To provide grants that establish prototypes that reach out to young Americans and promote the practical study and teaching of leadership through programs specially prepared to foster the development of new generations of leaders in the areas of national and international affairs.

Eligible Applicants: Institutions of higher education (as defined in section 1201 of the Higher Education Act of 1965, as amended), (hereafter HEA) or nonprofit private organizations, in combination with those institutions.

Deadline for Transmittal of Applications: July 19, 1993.

Deadline for Intergovernmental Review: September 17, 1993.

Available Funds: $3,472,000.

Estimated Range of Awards: $50,000–$300,000.

Estimated Average Size of Awards: $175,000.

Estimated Number of Awards: 25.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 82 (New Restrictions on Lobbying).

(6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

Description of Program: The Dwight D. Eisenhower Leadership program provides grants to institutions of higher education or nonprofit, private organizations in consortia with those institutions. Funds may support activities that: stimulate and support the development of leadership skills among new generations of American college students; direct a national program that identifies, recruits, inspires, and educates outstanding men and women for leadership roles in a variety of fields in both the public and private sectors; offer opportunities for eligible young American leaders (who meet the requirements of section 484 of the HEA and who are broadly representative of the population of the United States) who can benefit from internships in national and international organizations, with special emphasis being given to establishing such opportunities in developing countries; develop curriculum for secondary and postsecondary education; develop a prototype for understanding and teaching critical leadership skills to young Americans and encourage institutions of higher education to establish similar leadership programs throughout the United States and abroad; and stimulate the theoretical and practical study of leadership and leadership development to develop both a better understanding of leadership and improved methods to teach critical skills to young adults.

An applicant should define its concept of leadership; identify the students to be served and explain how and why they are recruited; declare the specific program goal and delineate in detail how it will be accomplished. The Department anticipates that funds will be insufficient to support student stipends.

Selection Criteria: (a) (1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

The regulations in 34 CFR 75.210 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition, the Secretary distributes the 15 additional points to the selection criterion in 34 CFR 75.210(b)(3)) (Plan of operation) for a possible total of 30 points.

(b) *The criteria*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of the program, including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the Dwight D. Eisenhower Leadership Development Program.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the program, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (30 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools, the quality of the applicant's plan to provide that opportunity.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(4)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i)(A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee)

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs: This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on April 23, 1993 (58 FR 21872–73).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.261A, U.S. Department of Education, room 4161, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Instructions for Transmittal of Applications: (a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # 84.261A), Washington, DC 20202–4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.261A), room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms: The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

(**Note:** ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

For Applications or Information Contact: Donald N. Bigelow, U.S. Department of Education, 400 Maryland Avenue, SW., room 3052, ROB–3, Washington DC 20202–5249. Telephone: (202) 708–8813. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 1135f.

Dated: May 24, 1993.

Maureen A. McLaughlin,

Acting Assistant Secretary for Postsecondary Education.

Appendix

BILLING CODE 4000-01-F

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED		Applicant Identifier
3. DATE RECEIVED BY STATE		State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☒ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

U.S. DEPARTMENT OF EDUCATION

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 6 1A

TITLE: Dwight D. Eisenhower Leadership Development Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Data	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4000-01-C

Supplemental Instructions for Standard Form 424

Item #2: If the applicant organization has been assigned an ED entity number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full ED entity number in the space entitled "Applicant Identifier."

Item #16: Applicants are required to contact the State Single Point of Contact for Federal Executive Order 12372 to determine whether the application is subject to the State Intergovernmental Review process. Applicants must complete either Item 16a or 16b to indicate whether or not the application is subject to State review.

BILLING CODE 4000-01-P

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		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 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	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

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 424A (4-88) Page 2
Prescribed by OMB Circular A-102

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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 in 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 vear).

Lines 1-4, Columns (c) through (g.) (continued)

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 agency 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 6h 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

INSTRUCTIONS FOR THE SF-424A *(continued)*

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.

BILLING CODE 4000-01-C

Part III—Application Narrative

Before preparing the Application Narrative, an applicant should carefully read all the information included in the notice, especially the program purpose, description of program, and the selection criteria the Secretary uses to evaluate applications.

1. Begin with a one-page abstract; that is, a summary of the proposed project.

2. Describe the program to be developed and operated by the grant, defining its concept of leadership, and provide information on how the purposes of the program are to be met.

3. Be sure to identify the students to be served, how and why they are being recruited; describe in detail how program goals will be accomplished. The Department anticipates that funds will be insufficient to support student stipends.

4. Describe the proposed project in light of each of the selection criterion in the order the criteria are listed in this notice; and

5. Include all of the above and any other pertinent information that might assist the Secretary in reviewing the application.

Please limit the Application Narrative to no more than 50 double-spaced typed pages (on one side only). Any appendices must be included within the stated limitation.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 32 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget Paperwork Reduction Project, OMB 1840–0653, Washington, DC 20503.

Information collection approved under OMB control number 1840–0653. Expiration date: 12/31/93.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish 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 andto 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

Building No. 3), Washington, DC 20202-4571. 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).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013, 6/90 (Replaces ED 80-0008, 12/89; ED Form GCS-008, (REV. 12/88); ED 80-0010, 5/90; and ED 80-0011, 5/90, which are obsolete)

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) 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 making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a 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 three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant 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 on-going 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 10 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: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "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.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: Congressional District, *if known*:	Congressional District, *if known*:
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:	13. Type of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply)*: ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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Standard Form - LLL-A

IMPORTANT NOTICE TO PROSPECTIVE PARTICIPANTS IN USDE CONTRACT AND GRANT PROGRAMS

GRANTS

Applicants for grants from the U.S. Department of Education (USDE) have to compete for limited funds.

Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste.

For these reasons, USDE must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that -

Failure to meet a deadline will mean that an applicant will be rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending $340.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20202-9371. (Send check or money order only, no cash or stamps.)

The instructions in the Federal Register must be followed exactly. Do not accept any other advise you may receive. No USDE employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, D.C. 20202-4725

CONTRACTS

Competitive procurement actions undertaken by the USDE are governed by the Federal Procurement Regulations and implementing ED Procurement Regulations.

Generally, prospective competitive procurement actions are synopsized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracting Specialist identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No USDE employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBD is available for $208.00 per year via second class mailing or $261.00 per year via first class mailing. Information included in the Federal Acquisition Regulations is contained in Title 48, Code of Federal Regulations, Chapter 1 ($49.00). The forgoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all USDE mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED FORM 3348, 6/90 REPLACES ED FORM 3348, 3/84 WHICH IS OBSOLETE

[FR Doc 93-12682 Filed 5-27-93; 8:45 am]
BILLING CODE 4000-01-C

federal register

Friday
May 28, 1993

Part IV

Department of Education

Training Personnel for the Education of Individuals With Disabilities; Grants to State Education Agencies and Institutions of Higher Education; Inviting Applications for New Awards for Fiscal Year 1994; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.029H]

Training Personnel for the Education of Individuals With Disabilities—Grants to State Education Agencies and Institutions of Higher Education; Inviting Applications for New Awards for Fiscal Year (FY) 1994

Purpose of Program: This program assists States in establishing and maintaining preservice and inservice programs to prepare special and regular education, related services, and early intervention personnel and their supervisors to meet the needs of infants, toddlers, children, and youth with disabilities. These programs must be consistent with the personnel needs identified in the State's comprehensive systems of personnel development under sections 613 and 676(b)(8) of the Individuals with Disabilities Education Act (IDEA). The program also assists States in developing and maintaining their comprehensive systems of personnel development, including conducting recruitment and retention activities.

The Training Personnel for the Education of Individuals with Disabilities program supports the National Education Goals by improving services for infants, toddlers, children, and youth with disabilities and by so doing helping them to reach the high levels of achievement called for in the National Education Goals. National Education Goal 1 calls for all children to start school ready to learn, and National Education Goal 3 calls for American students to demonstrate competency in challenging subject matter and to learn to use their minds well.

Eligible Applicants: Each State educational agency (SEA) is eligible to receive an award under the basic State award program described at 34 CFR 319.3(a). If an SEA does not apply for an award, institutions of higher education (IHEs) within the State may apply for the award for that State. If an SEA chooses not to apply for the basic State award, the SEA shall notify all IHEs within the State at least 30 days prior to the Department's closing date for applications.

Deadline for Transmittal of Applications: December 17, 1993.

Deadline for Intergovernmental Review: February 17, 1994.

Applications Available: June 15, 1993.

Available Funds: The Administration has requested $90,122,000 for the overall Personnel Development program for FY 1994. However, the actual level of funding is contingent on final congressional action. We anticipate that approximately $8,600,000 will be available for new projects for this part of the program.

Note: The Department is not bound by any of the estimates in this notice.

Estimated Range of Awards: $85,000 to $300,000.

Estimated Average Size of Awards: $150,000.

Estimated Number of Awards: 57

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 319, as amended on December 29, 1992 (57 FR 62094–62109).

Priorities: Under 34 CFR 75.105(c)(3), and 34 CFR 319 the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority: *Absolute Priority: Basic State awards* (34 CFR 319.3(a)).

FOR FURTHER INFORMATION CONTACT: Max Mueller, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–2651. Telephone: (202) 205–9554. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–9999.

Authority: 20 U.S.C. 1432.

Dated: May 21, 1993.

William L. Smith,

Acting Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 93–12683 Filed 5–27–93; 8:45 am]

BILLING CODE 4000–01–M

federal register

Friday
May 28, 1993

Part V

Department of Transportation

Coast Guard

46 CFR Parts 4 and 16
Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Exemption From Pre-Employment and Periodic Testing; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4 and 16

[CGD 90–053]

RIN 2115–AD63

Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Exemption From Pre-Employment and Periodic Testing

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule revises the conditions under which commercial vessel personnel may be excepted from pre-employment and periodic chemical testing for dangerous drugs under the Coast Guard's drug testing program. These revisions provide relief from unnecessary or repetitive testing required by the current regulations by reducing the number of pre-employment and periodic tests required of commercial vessel personnel. This document also corrects errors in certain references to the Department of Transportation's drug testing procedures regulations.

EFFECTIVE DATE: This rule is effective on June 28, 1993.

ADDRESSES: Unless otherwise indicated, documents referenced in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Mark Grossetti, U.S. Coast Guard Headquarters, Office of Marine Safety, Security and Environmental Protection (G–MMI–2), telephone (202) 267–1421.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal document drafters are Lieutenant Commander Mark Grossetti, Project Manager, Office of Marine Safety, Security and Environmental Protection, and C.G. Green, Project Counsel, Office of Chief Counsel.

Regulatory History

On February 19, 1991, the Coast Guard published a notice of proposed rulemaking entitled Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Amendment in the **Federal Register** (56 FR 6778). The Coast Guard received eleven letters commenting on the proposal. A public hearing was not requested and one was not held.

Background

On November 21, 1988, the Coast Guard issued a final rule requiring marine employers to establish chemical drug testing programs for their covered employees and job applicants. These programs included pre-employment, periodic, random, post-accident and reasonable cause drug tests. The 1988 final rule's staggered implementation schedule began on December 21, 1989, and all marine employers were to have operating drug testing programs by December 21, 1990. On December 26, 1989, however, pursuant to a District Court order enjoining the random testing regulations, the Coast Guard suspended implementation of its random testing requirements until further notice (54 FR 52943). On July 27, 1990, the Coast Guard published a Notice of Proposed Rulemaking proposing new random testing regulations (55 FR 30886). On July 8, 1991, the Coast Guard published the final rule on random testing requirements with an implementation date for all employers of October 1, 1991 (56 FR 31030).

On February 19, 1991, recognizing that the 1988 final rule did not meet the needs of a large segment of marine employers in the areas of pre-employment and periodic testing, the Coast Guard published a Notice of Proposed Rulemaking to change requirements in those areas (56 FR 6778). A 45-day comment period was announced, with comments due by April 5, 1991.

Pre-Employment Testing Exceptions

The 1988 final rule contained exceptions to required pre-employment and periodic chemical drug testing. These exceptions were intended to address the unique nature of the maritime industry, to accommodate mariners who change employers frequently and to reduce the cost of pre-employment testing to the employer. The two exceptions, however, did not achieve their intended goal of reducing unnecessary drug testing costs.

A "satisfactory evidence" exception applied to job applicants who work for several employers in a year. If a job applicant could provide "satisfactory evidence" of a negative test result from a pre-employment or periodic test, then marine employers could consider that negative result valid for six months. Thus a maritime employee could use the same negative test result to satisfy several marine employers during that six-month time period.

The "satisfactory evidence" exception, however, applied only to job applicants who could document negative pre-employment or periodic drug test results within the previous six months. The rule did not allow use of a negative result from random, reasonable cause and post-accident tests.

A "random coverage" exception allowed employers to hire an individual without requiring a pre-employment test if other employers' random testing programs had covered that individual for the previous twelve months.

The "random coverage" exception was not useful to a large number of marine employees for two reasons. First, the 1989 District Court decision delayed implementation of random testing, precluding use of the random coverage exception. Second, even if random testing had gone into effect, the exception did not apply to any employee who did not work for an employer long enough to accumulate twelve consecutive months of coverage in a random testing program.

The testing exceptions as written in the 1988 final rule, therefore, did not adequately consider the unique nature of the maritime industry and did not meet marine employers' needs. To enable marine employers to use the testing exceptions as intended, the Coast Guard proposed revising these exceptions in a February 19, 1991 NPRM (56 FR 6778). The Coast Guard proposed to revise the "satisfactory evidence" exception to allow employers to exempt from pre-employment testing job applicants who provided satisfactory evidence that, within the past six months, they had passed any approved drug test: Random, reasonable cause, post-accident, pre-employment or periodic. The Coast Guard also proposed to revise the "random coverage" exception to allow employers to exempt from pre-employment testing those job applicants who provided satisfactory evidence that, during the previous six months, they were subject to a random testing program required by 46 CFR part 16 for a total of at least 90 days and did not fail, or refuse to participate in, a chemical test for dangerous drugs. This rulemaking contains the final rule for these drug testing exceptions.

Discussion of Comments and Changes

The Coast Guard received eleven written comments in response to the February 19, 1991, notice of proposed rulemaking. All comments were considered, despite the fact that some

were received after the close of the applicable comment period.

Retaining Employer Option to Test

Three comments agreed that a regulation giving employers the option to forgo testing is desirable.

However, they did not want the regulation to eliminate what they said should be an employer's option to require applicants to undergo pre-employment testing. One comment stated that the drug crisis in America today is serious enough to warrant drug testing each time an individual is employed, and that nothing in the regulations should prohibit an employer from requiring a pre-employment drug test for all new employees.

A fourth comment added that Coast Guard language regarding pre-employment testing and exceptions to that testing was contradictory. While the narrative material stated that the Coast Guard proposed to revise the random coverage paragraph to "allow" employers to take advantage of the two exceptions to pre-employment testing, the language of the rule itself stated "The individual is not required to undergo the pre-employment test if * * *."

Response: The 1988 final rule (53 FR 47067) preamble stated that the Coast Guard believes pre-employment testing is a necessary component of an effective anti-drug program. The Coast Guard acknowledges that needless, redundant testing could result if all job applicants were required to undergo pre-employment drug testing. Accordingly, exceptions were formulated to permit employers to hire individuals, without a pre-employment drug test, under the two exceptions discussed above.

The preamble to the 1988 final rule also stated, at 53 FR 47074:

> Section 16.210 requires that no one be engaged, employed or otherwise given a commitment of employment as a crewmember aboard a vessel unless that individual passes a chemical test for dangerous drugs. The burden rests upon the marine employer to ensure that this requirement is met. The pre-employment test may be waived if the individual can prove that he or she has passed a pre-employment or periodic chemical test * * *

The Rule clearly places the burden on the employer to ensure pre-employment tests are taken. The exceptions were provided to relieve employers of potential financial burdens for pre-employment drug testing they consider excessive.

The Coast Guard is changing the § 16.210(b) final rule language to reflect more clearly that the exception to testing is an employer option: "An employer may waive a pre-employment test required for a job applicant by paragraph (a) of this section if the individual provides satisfactory evidence that he or she has: * * *

90 Days in Six Months

Several comments said that maritime industry business cycles and employment practices made the requirements of being subject to a coverage period of 90 days in a six calendar month period unrealistic. One comment called the requirement "inequitable" because "many seafarers' vacation and non-work times exceed 90 days". Some comments proposed changing the requirement so that an employer could waive a test for an individual who was covered by a random testing program at any time during the previous six months, dropping the 90-day requirement. One commenter suggested making the requirement 60 days within a 240-day period. Addressing conditions particular to the Great Lakes, one comment found that winter lay-up conditions in that area precluded marine employers there from using the exception, and proposed excluding the period January 15 to March 21 from the six-month timespan or exempting mariners who return to the same employer after winter lay-up. Conversely, one comment suggested that if an employee had been in a random testing pool for the previous six months, but had not actually been tested, a new employer should require a pre-employment test.

Response: The Coast Guard position stated in the 1988 final rule and valid today is that an effective drug testing program must include pre-employment testing. The Coast Guard wishes to balance marine safety factors against the concerns of marine employers about excessive costs and redundant testing, and seeks a workable regulation that will retain the deterrent value desired. The Coast Guard's position is that this balance can be maintained by changing the requirement from 90 days to 60 days in the previous six months. If the requirement were changed to allow an individual to be subject to a random testing program for any unspecified period of time within the previous six months, the rule could cover an individual who had worked for only a few days in that six-month period, an alternative which the Coast Guard does not view as providing acceptable deterrent value. Although this final rule's requirement does not alleviate the pre-employment testing burden for all marine employers, it does reduce excessive testing and unnecessary costs for some segments of the maritime industry including those employers who hire mariners on a 4-month-on/4-month-off schedule. In considering the comments, the Coast Guard sought a suitable compromise between requiring a pre-employment test at every hiring and leaving the decision totally to the discretion of the employer. It would not be possible to please every employer without publishing a myriad of special-case rules or without diluting the effectiveness of the regulations.

In addition, in order to clarify what is meant by the time period "six months," the language is being changed to "185 days." This change will prevent any misunderstandings as to when the period of a "month" begins or ends. 185 days will cover the longest possible calendar period of six months.

It is the Coast Guard's position that, due to the nature of the random testing program, participation in a random test pool is sufficient deterrent for an individual to refrain from drug use. Therefore, an individual who had fallen within the random test pool guidelines but had not actually been tested may be exempted from a pre-employment drug test. Again, the marine employer retains the option to test any job applicant before making an offer of employment.

Satisfactory Evidence

Two comments asked that the rule provide specific criteria for the definition of "satisfactory evidence" in the § 16.210(b) requirement. Another stated that it is "* * * questionable as to what methods are available for the master to ascertain the validity of another company's random test program."

Response: The Coast Guard's position is that an employer should have the flexibility to determine what is "satisfactory evidence" with regard to an applicant's drug testing status. To define "satisfactory" in other than this general way would remove the flexibility the rule intends to give employers. The 1988 final rule preamble states, "The burden rests upon the marine employer to ensure that this requirement is met." It is the marine employer who must be satisfied that the evidence presented by a potential employee is valid, current and accurate.

Section 16.210(b)(1) Exception

No comments discussed the Coast Guard proposal to add random, reasonable cause and post-accident testing to the list of tests eligible for the § 16.210(b)(1) exception.

Response: Wording in the final rule will remove the mention of pre-

employment and periodic tests as the only criteria satisfying this exception.

Miscellaneous Comments

One comment proposed that the Coast Guard link Merchant Mariner Document application renewals with drug testing so that the master of a ship knows that "* * * a seaman who holds a valid USCG document has in fact met the pre-employment test criteria." Another comment sought to have all drug testing waived for small, uninspected vessels. Another comment recommended use of a type of on-site impairment test.

Response: These comments either relate to issues beyond the scope of this rulemaking or suggest changes to the 1988 final rule that were not in the Coast Guard's NPRM. For these reasons, the Coast Guard does not address these comments at this time.

Periodic Testing Exceptions

The 1988 final rule (46 CFR 16.220) required that a chemical test for dangerous drugs be conducted whenever a physical examination is required by this subchapter's regulations. It provided the same exceptions to the periodic testing requirement as to the pre-employment testing requirement. One exception, 46 CFR 16.220(b)(1), eliminated the need for a periodic test if an individual can prove that he or she has passed a pre-employment or periodic chemical test for dangerous drugs within the previous six months. The second exception, 46 CFR 16.220(b)(2), applied to individuals who have been subject to an employer's random testing program for the previous twelve months. The Coast Guard NPRM proposed revising its § 16.220 periodic testing exceptions to parallel the proposed § 16.210 exceptions to pre-employment testing, i.e. adding random, reasonable cause and post-accident testing to the tests which will satisfy the § 16.220(b)(1) exception and changing the requirement in § 16.220(b)(2) to 90 days within a six-month period.

The public did not submit comments on the proposed revision of the periodic testing exception. The Coast Guard is revising 46 CFR 16.220(b)(1) to have it parallel the pre-employment exceptions contained in revised 46 CFR 16.210(b)(1) and is revising 46 CFR 16.220(b)(2) to 60 days within a 185-day period for consistency with revised 46 CFR 16.210(b)(2).

Technical Amendments

This final rule also corrects erroneous references contained in 46 CFR parts 4 and 16 to the Department of Transportation's "Procedures for Transportation Workplace Drug Testing Programs" (49 CFR part 40). The cross-references in 46 CFR 4.06–50, 16.105, and 16.370 are corrected to refer to the duties and responsibilities of the Medical Review Officer contained in 49 CFR 40.33. The cross-references in 46 CFR 16.350 and 16.360 are corrected to refer to the laboratory analysis procedures of 49 CFR 40.29. These corrections were not included in the NPRM preceding this final rule. However, these amendments represent merely technical corrections to cross-references in the Code of Federal Regulations. Accordingly, the Coast Guard finds that good cause exists under 5 U.S.C. 553(b) to publish these corrections without notice and comment.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291. However, it is considered to be significant under the DOT regulatory policies and procedures (44 FR 11304; February 26, 1979) because of controversy surrounding chemical drug testing, substantial public interest, and litigation. This revision to 46 CFR part 16 will provide some relief to employers and employees of the burden of frequent pre-employment and periodic testing. A regulatory analysis of the economic impact of drug testing accompanied the November 21, 1988, final rule (53 FR 47064). It determined that total annual pre-employment testing costs would be $1.01 million and that the total annual periodic testing costs would be $470,260. The economic impact analysis, however, did not anticipate the costs associated with the suspension of the random testing rules due to the 1989 court order and the resulting increase in required pre-employment and periodic tests. By reducing the number of tests required, this rule will reduce the actual costs to the maritime industry for drug testing and will bring the total costs closer to the original estimates.

Small Entities

The Regulatory Flexibility Act of 1980 requires review of proposed rules to assess their impact on small business. In consideration of the cost information discussion under the regulatory analysis, the Coast Guard, in its 1988 final rule, concluded that the rule could have a significant economic impact on a substantial number of small entities. At that time, the Coast Guard provided viable alternatives for small employers to adopt which would reduce the cost of compliance while achieving the levels of protection sought by these rules. The Regulatory Flexibility Act analysis conducted in accordance with that final rule remains valid.

Collection of Information

This revision contains no additional collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The paperwork associated with this part has been approved by the Office of Management and Budget under number 2115–0574.

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The authority to require programs for chemical drug and alcohol testing of commercial vessel personnel has been committed to the Coast Guard by Federal statutes. This final rule does, therefore, preempt State and local regulations regarding drug testing programs requiring the testing of employees onboard U.S. vessels.

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, the rule is categorically excluded from further environmental documentation. This is an administrative regulation which clearly has no environmental impacts.

List of Subjects

46 CFR Part 4

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Nuclear vessels, Radiation protection, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Part 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR parts 4 and 16 as follows:

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

1. The authority citation for part 4 continues to read as follows:

Authority: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46, except subpart 4.40 for which the authority is: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

2. In § 4.06–50, paragraph (b) is revised to read as follows:

§ 4.06–50 Specimen analysis and follow-up procedures.

(a) * * *

(b) Reports shall be sent to the Medical Review Officer meeting the requirements of 49 CFR 40.33, as designated by the marine employer submitting the specimen for testing. Wherever a urinalysis report indicates the presence of a dangerous drug or drug metabolite, the Medical Review Officer shall review the report as required by 49 CFR 40.33 and submit his or her findings to the marine employer. Blood test reports indicating the presence of alcohol shall be similarly reviewed to determine if there is a legitimate medical explanation.

* * * * *

PART 16—CHEMICAL TESTING

3. The authority citation for part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301 and 7701; 49 CFR 1.46.

4. In § 16.105, the definition of *Fails a chemical test for dangerous drugs* is revised to read as follows:

§ 16.105 Definitions of terms used in this part.

* * * * *

Fails a chemical test for dangerous drugs means the test result is reported as positive for the presence of dangerous drugs or drug metabolites in an individual's system after a Medical Review Officer's review in accordance with 49 CFR 40.33.

* * * * *

5. Section 16.210 is revised to read as follows:

§ 16.210 Pre-employment testing requirements.

(a) No marine employer shall engage, employ, or otherwise give a commitment of employment to, any individual to serve as a crewmember unless the individual passes a chemical test for dangerous drugs for that employer.

(b) An employer may waive a pre-employment test required for a job applicant by paragraph (a) of this section if the individual provides satisfactory evidence that he or she has:

(1) Passed a chemical test for dangerous drugs, required by this part, within the previous six months with no subsequent positive drug tests during the remainder of the six-month period; or

(2) During the previous 185 days been subject to a random testing program required by § 16.230 for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.

6. In § 16.220, paragraphs (b)(1) and (b)(2) are revised to read as follows:

§ 16.220 Periodic testing requirements.

* * * * *

(b) * * *

(1) Passed a chemical test for dangerous drugs, required by this part, within the previous six months with no subsequent positive drug tests during the remainder of the six-month period; or

(2) During the previous 185 days been subject to a random testing program required by § 16.230 for at least 60 days and did not fail or refuse to participate in a chemical test for dangerous drugs required by this part.

7. Section 16.350 is revised to read as follows:

§ 16.350 Specimen analysis.

(a) Each specimen shall be analyzed in accordance with 49 CFR 40.29, which requires testing for—

(1) Marijuana;

(2) Cocaine;

(3) Opiates;

(4) Phencyclidine (PCP); and

(5) Amphetamines.

(b) A specimen which indicates the presence of a dangerous drug at a level equal to or exceeding the levels established in 49 CFR 40.29 is reported to the Medical Review Officer as positive.

8. In § 16.360, paragraph (a) is revised to read as follows:

§ 16.360 Specimen analysis reports.

(a) The laboratory shall report all test results as required by 49 CFR 40.29(g). Reports are made within an average of five days after receipt of a specimen by the laboratory.

* * * * *

9. In § 16.370, paragraphs (a) and (b) are revised to read as follows:

§ 16.370 Medical review officer.

(a) The employer shall designate or appoint a Medical Review Officer (MRO) meeting the qualifications of 49 CFR 40.33. If the employer does not have a qualified individual on staff to serve as MRO, the employer may contract for the provision of MRO services as part of its drug testing program.

(b) The MRO shall review and interpret each confirmed positive test result in accordance with 49 CFR 40.33.

* * * * *

Dated: May 23, 1993.

J.W. Kime,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 93–12733 Filed 5–27–93; 8:45 am]

BILLING CODE 4910–14–M

federal register

Friday
May 28, 1993

Part VI

Department of the Interior

Bureau of Indian Affairs

Mission Valley Power Utility, Montana; Power Rate Adjustments; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Mission Valley Power Utility, Montana

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs has been informed that the Bonneville Power Administration (BPA) is proposing to raise its wholesale power rates (preference customer priority firm rate). The increase, which would go into effect October 1, 1993, for a two year period, is for BPA's utility customers who purchase wholesale power. Accordingly, the Bureau of Indian Affairs (BIA) is giving notice that local rates at Mission Valley Power (MVP) will be adjusted to reflect the increased costs of power purchased from the BPA. Currently, BPA supplies the MVP's wholesale power requirements. The rate increase will impact only the energy rate of the various rate classes. The demand rate for the small commercial and large commercial rate class will remain unchanged. The horsepower charge for the irrigation class will remain unchanged. The $11.00 basic charge for the residential and the #2 general class will remain unchanged but the kilowatt hours included in the basic charge will decline slightly.

DATES: The effective date of the proposed BPA rate increase in October 1, 1993 which is also the date MVP will adjust its rates accordingly.

ADDRESSES: Interested parties may submit comments to BIA; Attention: Thomas J. Crooks, General Engineer, Portland Area Office, 911 NE 11th Avenue, Portland, Oregon 97232–4169. Comments should be submitted within 30 days of publication of the **Federal Register.** The BPA is also seeking input on its proposed rates and those comments may be addressed to: Shirley Price, Public Involvement Manager, ALP, P.O. Box 3621, Portland, Oregon 97208. Comments addressed to BPA should be submitted prior to June 25, 1993. Subsequently, the BPA will release a draft record of decision on its proposed increase.

FOR FURTHER INFORMATION CONTACT: Bureau of Indian Affairs; Attention: Thomas J. Crooks, General Engineer, Portland Area Office, 911 NE 11th Avenue, Portland, Oregon 92732–4169, (503) 231–6178, or Bill Rauch, General Manager of Mission Valley Power, P.O. Box 890, Polson, Montana 59860–0890, (406) 833–5361, or 1–800–823–3758 (in-state Watts).

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301; the Act of August 7, 1946, c. 802, sec. 3 (60 Stat. 895; 25 U.S.C. 385c); the Act of May 25, 1948 (62 Stat. 269); and the Act of December 23, 1981, sec. 112 (95 Stat. 1404).

This notice of proposed power rate adjustment and related information is published under the authority delegated to the Commissioner of Indian Affairs and the Deputy Commissioner by the Secretary of the interior in Secretarial Order No. 3150, section 7b, and in accordance with 25 CFR 175.13, which provides for the adjustment of electric power rates to relect changes in the cost of purchased power or energy.

On January 8, 1993, the BPA proposed an 11.6 percent increase in its preference customer priority firm rate. More than a third of the proposed increase is due to BPA's increased obligations for fish and wildlife under the Endangered Species Act and the Northwest Power Planning and Conservation Act. Other factors cited by BPA as cause for the increase include the need to add new power resources in the Northwest and the need to replace revenues drained by severe and unusual events, such as the drought and low aluminum prices. The actual level of the proposed rate increase could be higher or lower than the current proposed 11.6 percent based on variables such as the weather, the economy, salmon recovery requirements under the Endangered Species Act and the closing of the Trojan Nuclear Plant. Therefore, BIA is providing a range of potential rate increases pending BPA's draft record of decision which will be released on June 25, 1993. The determination of a final rate will be filed with the Federal Energy Regulatory Commission (FERC) on August 2, 1993.

The previous MVP rate increase, **Federal Register,** Volume 58, No. 12, January 21, 1993, reflected a power rate adjustment based on the increased cost of power from Montana Power Company (MPC). The MPC cost increase was authorized under the company's FERC license.

The following table illustrates the potential rate increase depending on the percent of increase implemented by BPA and passed onto MVP customers.

WHOLESALE POWER RATE INCREASE FROM BONNEVILLE (BPA) TO MISSION VALLEY POWER

Required changes to retail rates by rate class	Present rate	Projected increase			
		11.6%	13.0%	16.0%	19.0%
Residential:					
Basic charge	$11.00	$11.00	$11.00	$11.00	$11.00
(Includes KWH)	137	130	129	127	125
Energy charge	0.04385	0.04633	0.04663	0.04727	0.04791
#2 General:					
Basic charge	11.00	11.00	11.00	11.00	11.00
(Include KWH)	116	111	110	109	108
Energy charge	0.05170	0.05418	0.05448	0.05512	0.05576
Irrigation:					
Horsepower charge (/HP)	10.30	10.30	10.30	10.30	10.30
Energy charge	0.03450	0.03698	0.03728	0.03792	0.03856
Small & large commercial:					
Basic charge	None	None	None	None	None
Minimum charge	38.00	38.00	38.00	38.00	38.00
Demand charge	3.80	3.80	3.80	3.80	3.80
Energy charge:					
First 18,000 KWH	0.04145	0.04393	0.04423	0.04487	0.04551
Over 18,000 KWH	0.03338	0.03586	0.03616	0.03616	0.3744
Area lights on existing poles:					
7000 lumen unit, MV	6.65	6.84	7.04	7.25	7.46
20000 lumen unit, MV	9.27	9.54	9.82	10.10	10.40

WHOLESALE POWER RATE INCREASE FROM BONNEVILLE (BPA) TO MISSION VALLEY POWER—Continued

Required changes to retail rates by rate class	Present rate	Projected increase			
		11.6%	13.0%	16.0%	19.0%
9000 lumen unit, HPS	6.00	6.17	6.36	6.54	6.73
22000 lumen unit, HPS	8.18	8.42	8.66	8.92	9.18
Area lights installed w/new pole:					
7000 lumen unit, MV	8.28	8.52	8.77	9.03	9.29
20000 lumen unit, MV	10.90	11.22	11.54	11.88	12.23
9000 lumen unit, HPS	7.63	7.85	8.08	8.32	8.56
22000 lumen unit, HPS	9.81	10.10	10.39	10.69	11.01

The potential rate increases and the impact on the retail rates are illustrated by the following bill comparisons for a residential customer using 1200 kwh's of energy:

Rate class	Cost of 1200 KWH				
	Price per KWH				
	Current rate $.04385	With 11.6% increase $.04633	With 13.0% increase $04663	With 16.0% increase $04727	With 19.0% increase $04791
Residential	$57.61	$60.25	$60.57	$61.25	$61.93
Rate class	**MVP's current rate $.05170**	**With a BPA 11.6% $.05418**	**With a BPA 13.0% $.05448**	**With a BPA 16.0% $.05512**	**With a BPA 19.0% $.05576**
#2 General	$67.04	$69.73	$70.06	$70.75	$71.44

The BPA last raised its rates in 1991 by 2.7 percent. In the ten year period since 1983, BPA rates have increased by less than 9 percent. The BPA rate proposal also provides a mechanism for further rate adjustment of up to 10 percent if, during the next two years, the agency's financial reserves fall below the level needed to assure full payment on its debt.

Future Action: The BIA and MVP will publish a final rate notice once the BPA files the final rate with FERC. Notice of the final rate will be placed in the **Federal Register** and also in local newspapers within the MVP service area.

Dated: May 17, 1993.

Woodrow W. Hopper Jr.,

Acting Deputy Commissioner of Indian Affairs.

[FR Doc. 93–12735 Filed 5–27–93; 8:45 am]

BILLING CODE 4310–02–P

federal register

Friday
May 28, 1993

Part VII

Environmental Protection Agency

Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program; Notice

ENVIRONMENTAL PROTECTION AGENCY

[EPA 530–Z–93–007; FRL–4658–5]

Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program

AGENCY: Environmental Protection Agency [EPA].

ACTION: Interim final guidance.

SUMMARY: EPA is committed to a national policy for hazardous waste management that places the highest priority on waste minimization. To this end, EPA is today providing interim final guidance to assist hazardous waste generators and owners and operators of hazardous waste treatment, storage, or disposal facilities to comply with the waste minimization certification requirements of sections 3002(b) and 3005(h) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6922(b) and 6925(h).

Section 3002(b) requires generators of hazardous waste to certify on their hazardous waste manifests that they have a waste minimization program in place. Section 3005(h) requires owners and operators of facilities that receive a permit for the treatment, storage, or disposal of hazardous waste on the premises where such waste was generated to make the same certification no less often than annually.

EPA believes waste minimization programs should incorporate, in a way that meets individual organizational needs, the following basic elements common to most good waste minimization programs: (1) Top management support; (2) characterization of waste generation and waste management costs; (3) periodic waste minimization assessments; (4) appropriate cost allocation; (5) encouragement of technology transfer, and (6) program implementation and evaluation. Thus, generators and owners and operators of hazardous waste treatment, storage, and disposal facilities should use these elements to design multimedia pollution prevention programs directed at preventing or reducing wastes, substances, discharges and/or emissions to all environmental media—air, land, surface water and ground water.

EPA is publishing this guidance as an interim final version, and solicits further public comments on it. However, until the guidance is finalized, persons should use it in developing their waste minimization programs in place.

DATES: EPA urges all interested parties to comment on this interim final guidance, in writing, by July 27, 1993.

ADDRESSES: The public must send an original and two copies of their comments to: RCRA Information Center (OS–305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Place the docket number F–93–WMIF–FFFFF on your comments.

Commenters who wish to submit any information they wish to claim as Confidential Business Information must submit an original and two copies, under separate cover, to: Document Control Officer (OS–312), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION, CONTACT: Becky Cuthbertson, Office of Solid Waste, 703–308–8447, or the RCRA Hotline, toll free at (800) 424–9346. TDD (800) 553–7672.

SUPPLEMENTARY INFORMATION:

Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program

I. Purpose

The purpose of today's notice is to provide guidance to hazardous waste generators and owners and operators of hazardous waste treatment, storage, and disposal facilities on what constitutes a waste minimization "program in place," in order to comply with the certification requirements of sections 3002(b) and 3005(h) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6922(b) and 6925(h). Section 3002(b) requires hazardous waste generators who transport their wastes off-site to certify on their hazardous waste manifests that they have programs in place to reduce the volume or quantity and toxicity of hazardous waste generated to the extent economically practicable. Certification of a waste minimization "program in place" is also required as a condition of any permit issued under section 3005(h) for the treatment, storage, or disposal of hazardous waste at facilities that generate and manage hazardous wastes on-site. This guidance fulfills a commitment made by EPA in its 1986 report to Congress [1] entitled The Minimization of Hazardous Waste (EPA/530–SW–86–033, October 1986) to provide additional information to generators on the meaning of the certification requirements placed in HSWA.

Additionally, EPA published in the **Federal Register**, on January 26, 1989 (54 FR 3845), a proposed policy statement on source reduction and recycling. This policy commits the Agency to a preventive strategy to reduce or eliminate the generation of environmentally-harmful pollutants which may be released to the air, land, surface water or ground water. We further proposed to incorporate this preventive strategy into EPA's overall mission to protect human health and the environment by making source reduction a priority for every aspect of Agency decision-making and planning, with environmentally-sound recycling as a second and higher priority over treatment and disposal. Today's notice is an important step in implementing this policy with respect to hazardous wastes regulated under RCRA.

EPA has taken the January 26, 1989 proposed pollution prevention policy statement two steps further: By publishing a "Pollution Prevention Strategy" in the February 26, 1991 **Federal Register** (56 FR 7849), and by proposing the creation of a program that would encourage and publicly recognize environmental leadership, and would promote pollution prevention in manufacturing in the January 15, 1993 **Federal Register** (58 FR 4802).

II. Background

A. Statutory Intent and Requirements and Definition of Waste Minimization

In the past, the predominant practice used by manufacturing, commercial and other facilities that generate hazardous waste has been "end of pipe" treatment or land disposal of hazardous and nonhazardous wastes. While this approach has provided substantial progress in improving the quality of the environment, there are limits as to how much environmental improvement can be achieved using methods which manage pollutants after they have been generated.

With the passage of HSWA in 1984, Congress established a significant new policy concerning hazardous waste management. Specifically, Congress declared that the reduction or elimination of hazardous waste generation at the source should take priority over the management of hazardous wastes after they are generated. In particular, section 1003(b), 42 U.S.C. 6902(b), of RCRA the Congress declares it to be the national policy of the United States that, wherever feasible, the generation of hazardous

[1] 51 FR 44683 (December 11, 1986). Notice of Availability of the report to Congress on waste minimization.

waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment.

In this declaration, Congress established a clear national priority for eliminating or reducing the generation of hazardous wastes. At the same time, however, the national policy recognized that some wastes will "nevertheless" be generated, and such wastes should be managed in a way that "minimizes" present and future threat to human health and the environment.

In 1990, Congress further clarified the role of pollution prevention in the nation's environmental protection scheme, by passing the Pollution Prevention Act (Pub. L. 101–508, 42 U.S.C. 13101, et seq.). In section 6602(b) of this law, 42 U.S.C. 13101(b), Congress stated that national policy of the United States is that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

Thus, Congress set up a hierarchy of management options in descending order of preference: prevention, environmentally sound recycling, environmentally sound treatment, and environmentally sound disposal.

EPA believes that waste minimization, the term employed by Congress in the RCRA statute, includes (1) source reduction, and (2) environmentally sound recycling. (See later discussion for further clarification of which types of recycling are not waste minimization.)

The first category, source reduction, is defined in section 6603(5)(A) of the Pollution Prevention Act, 42 U.S.C. 13102(5)(a), as any practice which (i) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

EPA believes this definition is appropriate for use in identifying opportunities for source reduction under RCRA.

The second category, environmentally sound recycling, is the next preferred alternative for managing those pollutants which cannot be reduced at the source. In the context of hazardous waste management, there are certain practices or activities which the hazardous waste regulations define as "recycling." The definitions for materials that are "recycled" are found in Title 40 of the Code of Federal Regulations, § 261.1(c). A "recycled" material is one which is used, reused, or reclaimed.[2] A material is "used or reused" if it is (i) employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process) * * * or (ii) employed in a particular function or application as an effective substitute for a commercial product.* * *[3]

A material is "reclaimed" if it is "processed to recover a usable product, or if it is regenerated."[4]

On the other hand, the regulations define "treatment" and "disposal" as follows:

Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.[5]

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air of discharged into any waters, including ground waters.[6]

Some readers of today's guidance may question whether certain types of recycling are within the concept of waste minimization. EPA believes that recycling activities closely resembling conventional waste management activities do not constitute waste minimization.

Treatment for the purposes of destruction or disposal is not part of waste minimization, but is, rather, an activity that occurs after the opportunities for waste minimization have been pursued.[7] When source reduction and recycling opportunities are exhausted to the extent economically practicable, EPA has set standards for the treatment, storage and disposal of hazardous wastes. Treatment may be either thermal (i.e., incineration), chemical, or biological, especially for organic hazardous wastes. Where destruction methods for treatment are not available or ineffective, immobilization (stabilization) is often effective, especially for inorganic hazardous wastes.

Transfer of hazardous constituents from one environmental medium to another also does not constitute waste minimization. For example, the use of an air stripper to evaporate volatile organic constituents from an aqueous waste only shifts the contaminant from water to air. Furthermore, concentration activities conducted solely for reducing volume does not constitute waste minimization unless, for example, concentration of the waste is an integral setup in the recovery of useful constituents prior to treatment and disposal. Similarly, dilution as a means of toxicity reduction would not be considered waste minimization, unless dilution is a necessary step in a recovery or a recycling operation.

EPA firmly believes that waste minimization will provide additional environmental improvements over "end of pipe" control practices, often with the added benefit of cost savings to generators of hazardous waste and reduced levels of treatment, storage and disposal. Waste minimization has already been shown to result in significant benefits for industry, as evidenced in numerous success stories documented in available literature.

The benefits that accrue to facilities that pursue waste minimization often include:

(1) Minimizing quantities of hazardous waste generated, thereby reducing waste management and compliance costs and improving the protection of human health and the environment;

(2) Reducing or eliminating

[2] 40 CFR 261.1(c)(7).

[3] 40 CFR 261.1(c)(5).

[4] 40 CFR 261.1(c)(4).

[5] 40 CFR 260.10. Most types of recycling are in fact classified as treatment (see 48 FR at 14502–14504, April 4, 1983), and some also meet the definition of disposal.

[6] 40 CFR 260.10.

[7] It is, of course, not always easy to distinguish recycling (environmentally sound or otherwise) from conventional treatment. See 56 FR at 7143 (February 21, 1991); 53 FR at 522 (January 8, 1988).

inventories and possible releases of "hazardous chemicals;"
(3) Possible decrease in future Superfund and RCRA liabilities, as well as future toxic tort liabilities;
(4) Improving facility mass/energy efficiency and product yields;
(5) Reducing worker exposure; and
(6) Enhancing organizational reputation and image.

In addition to establishing a national policy to foster waste minimization, HSWA also included several specific requirements that promote implementation of waste minimization at individual facilities. In particular, RCRA section 3002(b) requires generators of hazardous waste who transport wastes off-site to certify on each hazardous waste manifest that they have a program in place to reduce the volume and toxicity of such waste to the degree determined by the generator to be economically practicable. Similarly, certain owners and operators of RCRA permitted treatment, storage and disposal facilities are also required to provide the same certification annually (RCRA Section 3005(h)). These two requirements for certification, taken together, have the effect of insuring that waste minimization programs are put in place for facilities that generate hazardous waste regardless of whether the wastes are managed on-site or off-site. The purpose of today's Federal Register notice is to provide guidance to these hazardous waste handlers, who must certify that they have a waste minimization program in place.

Hazardous waste generators and owners/operators of hazardous waste treatment, storage and disposal facilities who manage their own hazardous waste on-site, must also identify in a biennial report to EPA (or the State): (1) The efforts undertaken during the year to reduce the volume and toxicity of waste generated; and (2) the changes in volume and toxicity actually achieved in comparison to previous years.

B. Scope of This Notice

Today's notice provides guidance on the basic elements of a waste minimization "program in place" that, if present, will allow persons to properly certify that they have implemented a program to reduce the volume and toxicity of hazardous waste to the extent "economically practicable." The guidance is directly applicable to generators who generate 1000 or more kilograms per month of hazardous waste ("large quantity" generators) or to owners and operators of hazardous waste treatment, storage, or disposal facilities who manage their own hazardous waste on-site.

Small quantity generators who generate greater than 100 kilograms but less than 1000 kilograms of hazardous waste per month are not subject to the same "program in place" certification requirement as large quantity generators. Instead, they must certify on their hazardous waste manifests that they have "made a good faith effort to minimize" their waste generation. EPA encourages small quantity generators to develop waste minimization programs of their own, to show their good faith efforts.

This notice does not provide guidance on the determination of the phrase "economically practicable". As Congress indicated in its accompanying report to HSWA (S. Rep. No. 98–284, 98th Cong. 1st. Sess., 1983) "economically practicable" is to be defined and determined by the generator. The generator of the hazardous waste, for the purpose of meeting this certification requirement, has the flexibility to determine what is economically practicable for the generator's particular circumstances. Whether this determination is done in a combined fashion for all operations or on a site-specific basis is for the generator to decide.

III. Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program, as Required Under RCRA Sections 3002(b) and 3005(h)[8]

Waste minimization programs have been implemented by a wide array of organizations. The elements discussed in this notice reflect the results of EPA interactions with State governments and industry waste minimization program managers. Numerous state governments have already enacted legislation requiring facility specific waste minimization programs (for example, the enactment of the Massachusetts Toxics Use Reduction Act of 1989, Oregon Toxics Use Reduction and Hazardous Waste Reduction Act, and Art. 11.9, Chap. 6.5, Div. 20 of California Health and Safety Code, October 1989.) Other states have legislation pending that may mandate some type of facility specific waste minimization program.

EPA believes that each of the general elements discussed below should be included in a waste minimization program, although the Agency realizes that each element may be implemented in different ways depending on the needs and preferences of individual organizations or facilities. The generator or treatment, storage, or disposal facility should document its program (in writing) so that it is available for interested parties. EPA also believes that the waste minimization program should be signed by that corporate officer who is responsible for ensuring RCRA compliance.

The waste minimization program elements are as follows:

A. Top management support. Top management should support an organization-wide effort. There are many ways to accomplish this goal. Some of the methods described below may be suitable for some organizations, while not for others. However, some combination of these techniques or similar ones will demonstrate top management support:

—Make waste minimization a part of the organization policy. Put this policy in writing and distribute it to all departments and individuals. Each individual, regardless of status or rank, should be encouraged to identify opportunities to reduce waste generation. Encourage workers to adopt the policy in day to day operations and encourage new ideas at meetings and other organizational functions. Waste minimization, especially when incorporated into organization policy, should be a process of continuous improvement. Ideally, a waste minimization program should become an integral part of the organization's strategic plan to increase productivity and quality.
—Set explicit goals for reducing the volume and toxicity of waste streams that are achievable within a reasonable time frame. These goals may be quantitative or qualitative. Both can be successful.
—Commit to implementing recommendations identified through assessments, evaluations, waste minimization teams, etc.
—Designate a waste minimization coordinator who is responsible for facilitating effective implementation, monitoring and evaluation of the program. In some cases (particularly in large multi-facility organizations), an organizational waste minimization coordinator may be needed in addition to facility coordinators. In other cases, a single coordinator may have responsibility for more than one facility. In these cases, the coordinator

[8] On June 12, 1989, the EPA published a proposed guidance on what constituted a "program in place", and solicited public comments. 33 comments were received in response to the draft guidance; most comments suggested clarifications or expansion of specific points, while some comments disagreed with portions of the proposal. Both the comments and EPA's response to the comments are summarized in the Appendix to this notice.

should be involved or be aware of operations and should be capable of facilitating new ideas at each facility. It is also useful to set up self-managing waste minimization teams chosen from a broad spectrum of operations: engineering, management, research & development, sales & marketing, accounting, purchasing, maintenance and environmental staff personnel. These teams can be used to identify, evaluate and implement waste minimization opportunities.

—Publicize success stories. Set up an environment and select a forum where creative ideas can be heard and tried. These techniques can inspire additional ideas.

—Recognize individual and collective accomplishments. Reward employees that identify cost-effective waste minimization opportunities. These rewards can take the form of collective and/or individual monetary or other incentives for improved productivity/waste minimization.

—Train employees on the waste-generating impacts that result from the way they conduct their work procedures. For example, purchasing and operations departments could develop a plan to purchase raw materials with less toxic impurities or return leftover materials to vendors. This approach can include all departments, such as those in research & development, capital planning, purchasing, production operations, process engineering, sales & marketing and maintenance.

B. Characterization of waste generation and waste management costs. Maintain a waste accounting system to track the types and amounts of wastes as well as the types and amounts of the hazardous constituents in wastes, including the rates and dates they are generated. EPA realizes that the precise business framework of each waste generator can be unique. Therefore, each organization must decide the best method to obtain the necessary information to characterize waste generation. Many organizations track their waste production by a variety of means and then normalize the results to account for variations in production rates.

Additionally, a waste generator should determine the true costs associated with waste management and cleanup, including the costs of regulatory oversight compliance, paperwork and reporting requirements, loss of production potential, costs of materials found in the waste stream (perhaps based on the purchase price of those materials), transportation/treatment/storage/disposal costs, employee exposure and health care, liability insurance, and possible future RCRA or Superfund corrective action costs. Both volume and toxicities of generated hazardous waste should be taken into account. Substantial uncertainty in calculating many of these costs, especially future liability, may exist. Therefore, each organization should find the best method to account for the true costs of waste management and cleanup.

C. Periodic waste minimization assessments. Different and equally valid methods exist by which a waste minimization assessment can be performed. Some organizations identify sources of waste by tracking materials that eventually wind up as waste, from point of receipt to the point at which they become a waste. Other organizations perform mass balance calculations to determine input and outputs from processes and/or facilities. Larger organizations may find it useful to establish a team of independent experts outside the organization structure, while some organizations may choose teams comprised of in-house experts.

Most successful waste minimization assessments have common elements that identify sources of waste and calculate the true costs of waste generation and management. Each organization should decide the best method to use in performing a waste minimization assessment that addresses these two general elements:

—Identify opportunities at all points in a process where materials can be prevented from becoming a waste (for example, by using less material, recycling materials in the process, finding substitutes that are less toxic and/or more easily biodegraded, or making equipment/process changes). Individual processes or facilities should be reviewed periodically. In some cases, performing complete facility material balances can be helpful.

—Analyze waste minimization opportunities based on the true costs associated with waste management and cleanup. Analyzing the cost effectiveness of each option is an important factor to consider, especially when the true costs of treatment, storage and disposal are considered.

D. A cost allocation system. Where practical and implementable, organizations should appropriately allocate the true costs of waste management to the activities responsible for generating the waste in the first place (e.g., identifying specific operations that generate the waste, rather than charging the waste management costs to "overhead"). Cost allocation can properly highlight the parts of the organization where the greatest opportunities for waste minimization exist; without allocating costs, waste minimization opportunities can be obscured by accounting practices that do not clearly identify the activities generating the hazardous wastes.

E. Encourage technology transfer. Many useful and equally valid techniques have been evaluated and documented that are useful in a waste minimization program. It is important to seek or exchange technical information on waste minimization from other parts of the organization/facility, from other companies/facilities, trade associations/affiliates, professional consultants and university or government technical assistance programs. EPA and/or State funded technical assistance programs (e.g., Minnesota Technical Assistance Program—MnTAP, California Waste Minimization Clearinghouse, EPA Pollution Prevention Information Clearinghouse) are becoming increasingly available to assist in finding waste minimization options and technologies.

F. Program implementation and evaluation. Implement recommendations identified by the assessment process, evaluations, waste minimization teams, etc. Conduct a periodic review of program effectiveness. Use these reviews to provide feedback and identify potential areas for improvement.

IV. Additional Resources Available to Generators and Others on Waste Minimization Programs

EPA and the States have worked cooperatively to put in place a variety of technical information and assistance programs that make information on source reduction and recycling techniques available directly to industry and the public.

EPA has developed information sources that can be used to provide information directly to industry or through State technical assistance programs. EPA maintains a Pollution Prevention Information Clearinghouse (PPIC), which is a reference and referral source for technical, policy, program, legislative and financial information on pollution prevention. PPIC's telephone number is (202) 260–1023; the facsimile number is (202) 260–0178. EPA also publishes a pollution prevention newsletter and produces videos and

literature on waste minimization that are available to the public.[9]

Examples of general documents that assist organizations with more detailed guidance on conducting waste minimization assessments and developing pollution prevention programs are the Waste Minimization Opportunity Assessment Manual, EPA 625/7–88/003, July 1988,[10] and the Facility Pollution Prevention Guide, EPA/600/R–92/088.[11] Another general document that introduces the concept of waste minimization is Waste Minimization: Environmental Quality with Economic Benefits, EPA/530–SW–90–044, April 1990.[12] EPA has also developed numerous waste minimization and pollution prevention documents that are tailored to specific manufacturing and other types of processes, and periodically sponsors pollution prevention workshops and conferences.

EPA also promotes technical assistance to industry indirectly by supporting the development of State technical assistance programs. State personnel often have the primary day to day contacts with industry for many RCRA program matters. Examples of State technical assistance programs are; Minnesota Technical Assistance Program—MnTAP and California Waste Minimization Clearinghouse. EPA also provides partial funding for the National Roundtable of State Pollution Prevention Programs, an organization of State technical assistance and regulatory program representatives that meets regularly to discuss technical and programmatic waste minimization issues. The Roundtable uses the PPIC as a central repository for technical exchange and publishes proceedings on state waste minimization activities. EPA's Office of Research and Development also funds several different types of waste minimization research and demonstration projects in a variety of joint ventures with States and industry, and publishes industry-specific pollution prevention guidances.[13]

Additionally, at least 29 states reported in their Capacity Assurance Plans (October 1989) that they have in place some type of technical assistance to organizations that seek alternatives to treatment, storage and disposal of waste.

V. Conclusion

EPA is committed to the elimination, reduction, and/or recycling of waste as the first steps in our national waste management strategy. Only through preventing pollution in the first place will our nation be able to ensure both a healthy, vibrant economy that can prevail in a competitive worldwide economy, and a healthy environment that provides us with the resources we need and use in our everyday lives. As a result of the approach Congress has set in both the national policy of RCRA and in the Pollution Prevention Act, generators of waste must shoulder some of the responsibility to implement waste minimization measures, which will assist in prevention of risks to today's and tomorrow's environment. Generators have demonstrated the usefulness and benefits of waste minimization practices. EPA believes that as more organizations implement their waste minimization programs and demonstrate their usefulness and benefits, many other organizations will be encouraged to seek greater opportunities to incorporate waste minimization in their operations. Today's guidance on the elements of effective waste minimization programs may help encourage regulated entities to investigate waste minimization alternatives, implement new programs, or upgrade existing programs. Although the approaches described above are directed toward minimizing hazardous waste, they are also important elements in the design of multi-media source reduction and recycling programs for all forms of pollution.

Dated: May 18, 1993.

Carol M. Browner,

Administrator.

Appendix

Response to Comments on EPA's Draft "Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program"

One respondent objected to the nonbinding approach of the guidance, stating that some basic definition of program acceptability should be specifically given. This respondent stated that the approach would encourage only a voluntary effort to implement waste minimization programs. However, most respondents supported the approach and encouraged EPA to retain this approach in the final guidance. These respondents stated that the flexibility inherent in the approach should assist organizations in implementing effective waste minimization programs appropriate to specific circumstances and processes.

While RCRA makes it clear that the waste minimization certification provisions are mandatory and enforceable, the Agency believes that it is the intent of Congress to allow for flexibility in implementing facility specific waste minimization programs. In setting forth the waste minimization approach given in this interim final guidance, EPA believes it has acted in a manner that follows Congressional intent. Because of this, the Agency does not believe it is necessary to describe the approach in the interim final guidance text as "nonbinding" because such a term would be redundant; the guidance is nonbinding by being guidance. However, while the specific elements are guidance, the certification requirements of sections 3002(b) and 3005(h) are mandatory. The nature of the guidance does not reduce in any way these mandatory certification requirements.

Another respondent stated that EPA's definition of waste minimization is too restrictive in allowing only source reduction and recycling activities to define waste minimization. While activities of this nature may be the most desirable, Congress clearly stated the overall goal was to "minimize the present and future threat to human health and the environment." Therefore, better treatment and proper disposal could be considered a part of waste minimization. By not defining treatment and disposal as part of waste minimization, the commenter believed that EPA may be discouraging improvements which could be environmentally beneficial.

The Agency has clearly stated its position that a waste management hierarchy exists where source reduction and environmentally-sound recycling are the primary and secondary priorities of the waste management hierarchy and together define waste minimization. Treatment and disposal are alternatives of last resort to waste minimization, not substitutes for it. EPA disagrees with the respondent's suggestion that defining waste minimization as source reduction and recycling could discourage improvements in treatment and disposal technologies. On the contrary, EPA believes that the main thrust of the RCRA program has been to improve treatment aud disposal technology. The Agency believes that the intent of the HSWA National Policy was to move beyond treatment and disposal approaches to prevention approaches. It is on this basis that the Agency concludes that treatment and disposal are not (nor should they be) part of waste minimization.

Guidance Element A: Top Management Support and Facility Coordination:

This element of the proposed guidance stated that top management should ensure that waste minimization is a company-wide effort. Several techniques were proposed that should be used to demonstrate top management support.

Several respondents stated that employee education and feedback as well as management support is important to the success of a waste minimization plan. The Agency agrees that employee education and

[9] To be added to the newsletter's mailing list, write: Pollution Prevention News, U.S. EPA, PM–222B, 401 M St. SW., Washington, DC 20460.

[10] Available from the National Technical Information Service; telephone (703) 487–4650; the publication number is PB 92–216 985 and the cost is $27.00.

[11] Available by calling the CERI Publications Unit at EPA's Cincinnati, OH office at (513) 569–7562.

[12] Available by calling the RCRA Information Center; telephone (202) 260–9327.

[13] Contact the CERI publications unit at EPA's Cincinnati, OH office, telephone (513) 569–7562, for a list of available pollution prevention publications.

management support is an important element of any waste minimization program. However, the Agency believes that each organization should decide what the parameters of that support will be, based upon its organizational structure. For example, in some organizations, support may take the form of a directive from top management formally establishing waste minimization teams. In other organizations, support might be in the form of extending the scope of existing quality circles to include waste minimization. What is appropriate for one organization might not be appropriate for others.

Many respondents also recommended that the policy should acknowledge that in some cases individual facility coordinators may be inappropriate, especially for companies with numerous small and/or similar facilities. Respondents suggested that in these cases, a national or regional coordinator may be more appropriate. EPA believes that the key function of a coordinator is to facilitate and maintain plant planning and operations. The most successful programs have an on-site person who deals with day to day tasks necessary to keep the program on track and consistent with organizational goals. Some organizations with multiple facilities also have a coordinator whose function is to facilitate communication and informational flow between facilities and top management and ensure that adequate support is available. Nevertheless, EPA believes each organization should determine how best to fulfill the functions of managing and coordinating waste minimization activities.

Finally, one respondent stated that EPA should recognize that the setting of aggressive goals by upper management to demonstrate commitment may prove counterproductive when these goals are not realized. The Agency believes that the setting of specific, realistic goals is very important to the success of a waste minimization program. However, each organization must determine what these goals are as well as how they are achieved and the timetable for their achievement. These goals can be qualitative and/or quantitative, but can only be successful if management fully supports employee efforts to achieve them. Both types of goals can be successful.

Guidance Element B: Characterizing Waste Generation and Waste Accounting:

This element of the proposed guidance stated that a waste accounting system to track the types, amounts and hazardous constituents of wastes and the dates they are generated should be maintained.

Some respondents recommended that EPA should clarify that waste accounting systems must be unique to each facility and that this uniqueness is a function of the size of the generator as well as waste characteristics and volumes, processes, and other circumstances surrounding waste generation. Therefore, since no two waste accounting systems can be precisely alike, EPA will not mandate any specific type of waste accounting system.

The Agency agrees that each waste accounting system should be facility-specific and should be designed to accommodate each of the parameters mentioned by the respondent. In fact, EPA did not specify particular waste accounting systems in the proposed guidance for precisely those reasons. However, it is important that each facility and/or organization have a system that identifies and characterizes all waste streams and their sources, whatever form the system takes. The Agency believes that there are key parameters that waste accounting systems should address. Among these are identification of all wastes in terms of volume and toxicity as well as sources of all wastes. EPA also believes that it is critical to account for the costs of managing the wastes, including the amounts and costs of raw materials or other by-products found in waste streams and the costs of compliance with the regulations for treatment, storage, and disposal of hazardous wastes.

One respondent indicated that tracking of the rates of waste generation is not mentioned as a program element and that the rates of waste generation are more relevant than the dates of generation as was stated in the draft guidance. The Agency agrees that rates of waste generation are more likely to be relevant than the dates of waste generation when tracking waste generation. However, both are important to providing a clear picture of the sources and quantities of waste. Therefore, the interim final guidance has been changed accordingly.

Guidance Element C: Periodic Waste Minimization Assessments:

This element of the proposed guidance stated that periodic waste minimization assessments should be conducted to identify opportunities for waste minimization and to determine the true costs of waste.

One respondent suggested that the section on periodic waste minimization assessments should contain a flexibility clause stating that there are a number of different ways to accomplish a waste minimization assessment. The respondent stated that some of the methods described in the draft guidance may be suitable for some organizations but not others. In particular, many materials that become wastes do not originate from "loading dock materials" as stated in the draft guidance. Also, some wastes are listed as hazardous because they are residues (by-products) from a specified process or processes and as such would be difficult to track from the "loading dock".

The Agency agrees that there are different ways to complete a waste minimization assessment. In some cases, the actual practice of tracking raw materials through the production process to the point where they become wastes can be exceedingly complex, such as in petrochemical plants where integrally linked processes use multiple raw material inputs. Each organization should determine what level of analysis is necessary to provide adequate information to formulate waste minimization alternatives. The waste minimization team conducting a waste minimization assessment can make this determination.

The interim final guidance has been changed to clarify this point. The interim final guidance stresses that some level of process tracking or materials balance should be used to identify sources and volumes of waste. The interim final guidance stresses that all approaches used should cover five key elements including: waste stream characterization; identification and tracking of wastes; the determination of the true cost of treatment, storage, and disposal; allocation of costs to the activities responsible for waste generation; and identification of opportunities for waste minimization. [Note that information developed in the waste accounting and allocation system is critical to identifying waste minimization opportunities.]

One respondent stated that this section should specifically state that the purchasing of materials and packaging that have been designed to facilitate reuse and recycling should be specified as an identified opportunity for waste minimization.

The Agency agrees that the use of packaging that is designed to facilitate reuse and recycling can be an opportunity in waste minimization. However, numerous suggestions for specific types of waste minimization opportunities were received from respondents. The EPA acknowledges that there are many examples of waste minimization opportunities. However, for the sake of brevity they could not all be included in either the draft guidance or interim final guidance.

Another respondent indicated that EPA should state more forcefully in its interim final guidance that finding substitutes to toxic materials that pose less of a danger to human health and the environment and that are more easily degraded is an important opportunity in waste minimization. The Agency agrees that material substitution is an important aspect of waste minimization, which has been appropriately emphasized in the draft and interim final guidance.

Another respondent suggested that a waste minimization assessment should commence from the "point of receipt" of raw materials rather that "from the loading dock" as written in the draft guidance. The reason for this is that loading docks are used for shipping as well as receiving. The Agency agrees and has changed the language of the interim final guidance accordingly.

Guidance Element D: A Cost Allocation System:

This element of the proposed guidance stated that departments and managers should be charged "fully-loaded" waste management costs for the wastes they generate, factoring in liability, compliance and oversight costs. The guidance encourages organizations to develop and maintain a system for determining and monitoring waste stream characteristics and costs. This information provides a basis for identifying waste minimization opportunities which is discussed further in guidance element F.

Two respondents indicated that the entire Cost Allocation Section should be deleted from the guidance, stating that the guidance is too specific, and that use of the phrase "fully-loaded waste management costs" in the draft guidance implies cost accounting procedures that may not be compatible with existing organizational accounting practices. However, several respondents stated that it was appropriate for EPA to suggest that a waste minimization program include waste management accounting costs, with the understanding that it is inappropriate for EPA to specify the actual methods to be used.

Organizations that have implemented successful waste minimization programs have incorporated cost accounting methods which take into account direct and indirect waste management costs, the costs of lost production, raw materials, treatment, disposal as well as reduced cleanup and liability costs. An understanding of the full costs of waste generation and management is often a critical element for justifying waste minimization decisions.

The Agency does not believe that the cost accounting procedures detailed in the Cost Allocation Section are unduly specific as might have been construed from the phrase "fully-loaded waste management costs". However, this phrase has been deleted from the interim final guidance and the concept has been reworded as "a system to appropriately allocate the true costs of waste management to the activities responsible for generating the waste in the first place" to clarify the Agency's intent. EPA's Waste Minimization Opportunity Assessment Manual (July 1988), and Facility Pollution Prevention Guide (May 1992) provide a sample of a waste accounting system.

Guidance Element E: Encourage Technology Transfer:

This element of the proposed guidance stated that technology transfer on waste minimization should be encouraged from other parts of a company, from other firms, trade associations, State and university technical assistance programs or professional consultants.

Several respondents strongly supported the exchange of waste minimization information among all sources. One respondent stated that variability among facilities requires that judgements on the applicability of technology be made on a facility-specific basis with considerable input from production personnel at the facility. Another respondent indicated that EPA should include specific information on waste minimization resources available to the public from the EPA.

The Agency agrees that the exchange of waste information among all sources is a key factor in the transfer of technology and that production personnel need to play a major role in the application of appropriate technologies. The interim final guidance has additional wording to stress these points. Additionally, a section detailing information on waste minimization programs has been added to the interim final guidance.

Guidance Element F: Program Evaluation:

This element of the proposed guidance stated that a periodic review of program effectiveness should be conducted and that the review be used to provide feedback and identify potential areas for improvement.

In general, the respondents strongly supported periodic program evaluations that can be used to identify areas for improvement and enhance the effectiveness of waste minimization programs.

The Agency continues to support periodic program evaluations as an element in this guidance. To strengthen this section, however, the name has been changed to "Program Implementation and Evaluation" in order to give additional emphasis to implementing as well as evaluating opportunities identified by the assessment process.

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federal register

Friday
May 28, 1993

Part VIII

Department of the Interior

Office of the Secretary

43 CFR Part 10

Native American Graves Protection and Repatriation Act Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 10

RIN 1024–AC07

Native American Graves Protection and Repatriation Act Regulations

AGENCY: Department of the Interior.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: By this action we are publishing proposed regulations for implementing the Native American Graves Protection and Repatriation Act of 1990. These regulations are mandated by Native American Graves Protection and Repatriation Act of 1990 and their publication is intended to solicit comments from Indian tribes, Federal agencies, museums and members of the public prior to publishing the regulations in final form. These regulations develop a systematic process for determining the rights of lineal descendants and members of Indian Tribes and Native Hawaiian organizations to certain Native American human remains and cultural items with which they are affiliated.

DATES: Written comments will be accepted until July 27, 1993.

ADDRESSES: Comments on the proposal are to be marked "Docket No. 1024–AC07" and mailed in duplicate to Departmental Consulting Archeologist, Archeological Assistance Division, National Park Service, Box 37127, Washington DC 20013–7127; or delivered in duplicate to room 210, 800 North Capital Street, Washington DC. Comments may be inspected at room 210 on weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Francis P. McManamon, Departmental Consulting Archeologist, Archeological Assistance Division, National Park Service, Box 37127, Washington DC 20013. Telephone: (202) 343–4101. Fax: (202) 523–1547.

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1990, President George Bush signed into law the Native American Graves Protection and Repatriation Act, hereafter referred to as the Act. The Act addresses the rights of lineal descendants and members of Indian Tribes and Native Hawaiian organizations to certain Native American human remains and cultural items with which they are affiliated. Section 13 of the Act requires the Secretary of the Interior to promulgate regulations to carry out provisions of the Act. Readers are reminded that the requirements of the Act, including all deadlines, apply regardless of the effective date of these regulations.

These regulations consist of 17 sections divided into four subparts and five appendicies. Subpart A includes introductory sections outlining the purpose and applicability of these regulations and presenting definition of 31 key terms. Subpart B includes procedures implementing section 3 of the Act related to the intentional excavation and inadvertent discovery of human remains or cultural items from Federal or Tribal lands. Subpart C includes procedures implementing sections 5, 6, and 7 of the Act for conducting summaries and inventories and repatriating human remains or cultural items in museums or Federal collections. Subpart D includes general procedures for determining lineal descent and cultural affiliation, operation of the Review Committee, and resolving disputes. Appendices A through E include documents to clarify the procedures outlined in earlier subparts. Section 4 of the Act, which deals with illegal trafficking and is incorporated directly into chapter 53 of title 18, United States Code, does not require implementing regulations.

Section by Section Analysis

Section 10.1

This section outlines the purpose and applicability of the regulations.

Section 10.2

This section defines terms used throughout the regulations. The 31 definitions are grouped into five categories concerning: (a) Participants, (b) human remains and cultural items, (c) cultural affiliation, (d) location, and (e) procedures.

Subsection (a) defined fifteen principal organizations and individuals who implement or are referenced in these regulations. Definitions of "museum" and "Indian Tribe" have been expanded to clarify the statutory language. For "museum," additional clarification and an example are included to elaborate the meaning of "receives Federal funds."

The definition of Indian Tribe has been clarified to refer to those Indian Tribes and Native Alaskan entities on the current list of recognized Indian tribes as published by the Bureau of Indian Affairs. The definition of Indian Tribe used in the Act was explicitly drawn from the American Indian Self Determination and Education Assistance Act (25 U.S.C. 450b) which is interpreted to refer to only those Indian Tribes and Native Alaskan entities recognized by the Bureau of Indian Affairs. This definition is also consistent with the regulatory definition of the term "Indian Tribe" (43 CFR 7.3(f)) as developed in connection with the Archaeological Resources Protection Act ("ARPA"), 16 U.S.C. 470aa et seq. For use in these regulations, the term "Indian Tribe" includes Native Hawaiian organizations. Comment is particularly invited as to the proposed definition of the term "Indian Tribe."

Subsection (b) defines the types of human remains and objects covered by the regulations. "Human remains," which were not defined by the Act, are defined broadly to include all Native American human remains with exceptions for remains or portions of remains freely given by the individual from whom they were obtained and for remains incorporated into cultural items. Comment is requested particularly on the sentence in the definition which defines human remains that have been incorporated into a cultural item as part of that cultural item, rather than as human remains.

"Cultural item" is used in a slightly different way than in the Act, referring here only to funerary objects, sacred objects, and objects of cultural patrimony, and not to human remains. This different usage, however, is only editorial and does not alter the requirements of the Act with respect to treatment of human remains and other cultural items. This modified usage is intended to address the offense some individuals have expressed over referring to human remains as "items." The definitions of "sacred objects" and "objects of cultural patrimony" have been elaborated to incorporate language from the House and Senate Committee reports relating to the Act.

Subsection (c) reiterates the statutory definition of "cultural affiliation."

Subsection (d) defines three types of property on which human remains or cultural items are discovered or excavated. The statutory definition of "Federal lands" has been elaborated to clarify that "control" refers to "those lands in which the United States has a legal interest sufficient to permit it to apply these regulations without abrogating the otherwise existing legal rights of a person." The statutory definition of "Tribal lands" has been elaborated to clarify that the regulations do not apply to strictly private land located within the boundaries of an

Indian reservation but do apply to allotments held in trust or subject to a restriction on alienation by the United States." The Act's legislative history supports the interpretation that the Congress did not intend the Act to apply to private lands within the boundaries of an Indian reservation. The definition of "aboriginal lands" is derived from statutory language.

Subsection (e) defines six processes that are required to implement these regulations.

Section 10.3

This section presents requirements and procedures for implementing section 3 (c) of the Act related to treatment and determining ownership and control of human remains and cultural items that are intentionally excavated from Federal or Tribal lands after November 16, 1990. The section describes the actions that Federal agency officials must take to consult with Indian Tribes and to ensure proper treatment of human remains and cultural items prior to turning them over to appropriate lineal descendant or Indian Tribe. Section 10.3 (c)(3) urges Federal agency officials to coordinate consultation requirements and any subsequent agreement for compliance under Section 106 of the National Historic Preservation Act (16 U.S.C. 470 et seq.) with these regulations. Section 10.3 (c)(4) urges Indian Tribes to follow these regulations regarding treatment and disposition of human remains or cultural items excavated on Tribal lands.

Section 10.4

This section presents procedures for implementing section 3 (d) of the Act related to determining ownership and control of human remains and cultural items that are discovered inadvertently on Federal or Tribal lands after November 16, 1990. Section 10.4 (e) outlines procedures for avoiding or shortening the required cessation of activity through execution of a written, binding agreement between the necessary parties. Section 10.4 (f) urges Indian Tribes to follow these regulations regarding disposition of human remains or cultural items discovered on Tribal lands. Section 10.4 (f) urges Federal agency officials to coordinate their responsibilities under this section with their emergency discovery responsibilities under section 106 of the National Historic Preservation Act (16 U.S.C. 470f, 36 CFR 800.11) or the Archeological and Historic Preservation Act (16 U.S.C. 469 (a-c)).

Section 10.5

This section presents consultation requirements applicable to both intentional excavations and inadvertent discovery of human remains or cultural items on Federal lands or Tribal lands after November 16, 1990.

Section 10.6

This section presents the priority of ownership of human remains or cultural items excavated or discovered on Federal lands or Tribal lands after November 16, 1990. The drafters point out that § 10.6 (a) explicitly recognizes Indian Tribes' sovereignty over human remains or cultural items excavated or discovered on Tribal land. Section 10.6(c) includes public notice requirements prior to the repatriation of human remains and cultural items discovered on Federal lands. This is considered to be required as a matter of due process of law although not specifically required by the Act.

Section 10.7

This section has been reserved for procedures for the disposition of unclaimed human remains and cultural items excavated or discovered on Federal lands or Tribal lands after November 16, 1990.

Section 10.8

This section presents procedures for implementing section 7 of the Act related to conducting summaries of collections which may contain unassociated funerary objects, sacred objects, or objects of cultural patrimony in the collections of Federal agencies or museums receiving Federal funds. The drafters point out that an ambiguity in the statutory language left it unclear whether summaries should include only those unassociated funerary objects, sacred objects, or objects of cultural patrimony which are culturally affiliated with a particular Indian Tribe or to the entire collection which may include such items. As the statute only requires consultation after completion of the summary, the latter interpretation has been chosen. Section 10.8(c) requires that summaries be completed no later than November 16, 1993. This deadline is statutorily established and applies regardless of the effective date of these regulations. The statutory language does not provide for extensions of this deadline. Section 10.8(e) requires the documentation of individual items and the determination of their cultural affiliation followed by public notification prior to repatriation of any individual items included within a summary. The drafters consider that public notice is required as a matter of due process of law although the Act does not specifically so require.

Section 10.9

This section presents procedures for implementing section 5 of the Act related to conducting inventories of human remains and associated funerary objects in the collections of Federal agencies or museums receiving Federal funds.

Section 10.10

This section presents criteria for repatriating humans remains and cultural items in the collections of Federal agencies or museums receiving Federal funds. Comment particularly is sought on § 10.10 (c)(3) which incorporates the drafters' understanding of the relationship between the Fifth Amendment of the United States Constitution and the Act's repatriation requirements. It is our interpretation that the Congress did not intend to have the Act result in the taking of private property within the meaning of the Fifth Amendment. This interpretation follows the usual rule of statutory construction to the effect that an Act of Congress is not to be construed as resulting in the taking of private property unless the Act clearly so indicates. The Act does not expressly state that a taking of property is intended, but, to the contrary, references the application of the Fifth Amendment at least in certain respects. The drafters, however, do not intend to suggest that there are many circumstances where a museum would be legally entitled to assert the Fifth Amendment as grounds to decline to repatriate human remains and cultural items as otherwise required by the Act.

Section 10.11

This section has been reserved for procedures for the disposition of culturally unidentifiable human remain in the collections of Federal agencies or museums receiving Federal funds.

Section 10.12

This section has been reserved for procedures for assessing civil penalties upon museums receiving Federal funds that fail to comply with provisions of these regulations.

Section 10.13

This section has been reserved for procedures for implementing provisions of these regulations after the November 16, 1995 deadline for inventory completion.

Section 10.14

This section presents general procedures for determining lineal

descent and cultural affiliation for human remains or cultural items either in the collections of Federal agencies or museums receiving Federal funds or excavated or discovered on Federal or Tribal lands. Section 10.14 (b) requires that a lineal descendant be able to trace his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian Tribe to a known (named) individual whose remains, funerary objects, or sacred objects are being requested. Section 10.14 (c) requires that determination of cultural affiliation includes existence of an identifiable present-day Indian Tribe, evidence of the existence of and identifiable earlier group, and evidence of the existence of a shared group identity that can be reasonably traced between the present-day Indian tribe and the earlier group.

Section 10.15

This section presents general limitations and remedies for repatriation of human remains or cultural items either in the collections of Federal agencies or museums receiving Federal funds or excavated or discovered on Federal or Tribal lands. Section 10.15 (b) has been reserved for procedures for dealing with human remains or cultural items that remain unclaimed after passage of the statutory deadlines.

Section 10.16

This section presents general provisions for the conduct of the seven member Review Committee appointed by the Secretary of the Interior from nominations submitted by Indian Tribes and Native Hawaiian organizations and national museum organizations and scientific organizations pursuant to section 8 of the Act.

Section 10.17

This section presents general provisions for the resolution of disputes including provisions for the involvement of the Review Committee.

Appendix A

This section contains a sample summary of collections containing unassociated funerary objects, sacred objects, or objects of cultural patrimony.

Appendix B

This section has been reserved for a sample inventory of human remains and associated funerary objects.

Appendix C

This section contains a sample notice of inventory completion.

Appendix D

This section has been reserved for a sample memorandum of understanding dealing with repatriation of human remains or cultural items in Federal collections.

Appendix E

This section has been reserved for a sample memorandum of understanding dealing with intentional excavations on Federal or Tribal lands.

Public Participation

Any person may obtain a copy of this NPRM by submitting a request to the Departmental Consulting Archeologist, Archeological Assistance Division, National Park Service, Box 37127, Washington DC 20013–7127, by calling (202) 343–4101, or by faxing a request to (202) 523–1547. Requests must identify the notice number of this NPRM.

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the effects that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commentors wishing the National Park Service to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No 1024–AC07." The postcard will be date stamped and returned to the commentor. All communications received on or before the closing date for comments will be considered by the Departmental Consulting Archeologist before taking action on the proposed rule. The proposals 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.

Drafting Information

These proposed regulations were prepared by Dr. Francis P. McManamon (Departmental Consulting Archeologist, National Park Service), Dr. C. Timothy McKeown (NAGPRA Program Leader, National Park Service), and Mr. Lars Hanslin (Senior Attorney, Office of the Solicitor), in consultation with the Native American Graves Protection and Repatriation Review Committee as directed by section 8 (c)(7) of the Act.

Compliance with the Paperwork Reduction Act

The collections of information contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget. Public reporting burden for this collection of information is expected to average 100 hours for the exchange of summary/inventory information between a museum and an Indian Tribe and six hours per response for the notification to the Secretary of the Interior, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collected information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to Information Collection Officer, National Park Service, Box 37127, Washington D.C. 20013 and to the Office of Management and Budget, Paperwork Reduction Project, Washington DC 20503.

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291.

The Department of the Interior certifies that this document does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Department of the Interior has determined that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b) of Executive Order No. 12278.

The Department of the Interior has determined that these proposed regulations will not have a significant effect on the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321–4347). In addition, the Department of the Interior has determined that these proposed regulations are categorically excluded from the procedural requirements of the National Environmental Policy Act by Departmental regulations in 516 DM 2. As such, neither an Environmental Assessment nor an Environmental Impact statement has been prepared.

List of Subjects in 43 CFR Part 10

Administrative practice and procedure, Graves, Hawaiian Natives,

Historic preservation, Indians—claims, Indians—lands, Museums, Public lands, Reporting and record keeping requirements.

For the reasons set out in the preamble, 43 CFR Subtitle A is proposed to be amended as follows.

Part 10 is added to read as follows:

PART 10—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REGULATIONS

Subpart A—Introduction

Authority: 25 U.S.C. 3001 *et seq.*

Subpart A—Introduction

§ 10.1 Purpose and applicability.

(a) *Purpose.* These regulations implement provisions of the Native American Graves Protection and Repatriation Act of 1990 (Pub.L. 101–601; 25 U.S.C. 3001–3013;104 Stat. 3048–3058). These regulations develop a systematic process for determining the rights of lineal descendants and members of Indian Tribes and Native Hawaiian organizations to certain Native American human remains and cultural items with which they are affiliated.

(b) *Applicability.* (1) These regulations pertain to the identification and appropriate disposition of human remains and cultural items that are:

(i) In Federal possession or control; or

(ii) In the possession or control of an institution or State or local government receiving Federal funds; or

(iii) Excavated or discovered on Federal or Tribal lands.

(2) These regulations apply to human remains and cultural items which are indigenous to Alaska, Hawaii, and the continental United States but not to territories of the United States.

§ 10.2 Definitions.

In addition to the term *Act*, which shall mean the Native American Graves Protection and Repatriation Act as described above, definitions used in these regulations are grouped in five classes: Participants; human remains and cultural items; cultural affiliation; location; and procedures.

(a) *Participants* are persons who implement or are referenced in these regulations. As used in these regulations, the term:

(1) *Secretary* means the Secretary of the Interior.

(2) *Review Committee* means the advisory committee established pursuant to section 8 of the Act.

(3) *Departmental Consulting Archeologist* means the official of the Department of the Interior designated by the Secretary as responsible for the administration of matters relating to these regulations. Communications to the Departmental Consulting Archeologist should be addressed to:

Departmental Consulting Archeologist,
Archeological Assistance Division,
National Park Service,
P.O. Box 37127,
Washington, DC 20013–7127.

(4) *Federal agency* means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution as stipulated in section 2 (a)(4) of the Act.

(5) *Federal agency official* means the individual within a Federal agency designated as being responsible for matters relating to these regulations.

(6) *Museum* means any institution or State or local government agency (including any institution of higher learning) that has possession of, or control over, human remains or cultural items and receives Federal funds. The phrase "receives Federal funds" means the receipt of funds by a museum after November 16, 1990, from a Federal agency through any grant, loan, contract (other than a procurement contract), or other arrangement by which a Federal agency makes or made available to a museum assistance in the form of funds. Federal funds provided for any purpose that are received by a larger entity of which the museum is a part are considered Federal funds for the purposes of these regulations. For example, if a museum is a part of a State or local government or a private university and the State or local government or private university receives Federal funds for any purpose, the museum is considered to receive Federal funds.

(7) *Museum official* means the individual within a museum designated as being responsible for matters relating to these regulations.

(8) *Native American* means of, or relating to, a Tribe, people, or culture indigenous to the United States.

(9) *Indian Tribe* means any Tribe, band, nation, or other organized Indian group or community of Indians, including any Alaska Native village or corporation as defined in or established by the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Groups that wish to determine if they qualify as an Indian Tribe under this definition should consult the **Federal Register** for the current list of recognized Indian Tribes as published by the Bureau of Indian Affairs, U.S. Department of the Interior. Groups which are not included in this list but wish to be considered as an Indian Tribe for the purposes of these regulations should contact the Bureau of Indian Affairs to ascertain whether they are qualified. Generally, in order to be acknowledged as an Indian Tribe under these regulations, an Indian entity must be ethnically and culturally identifiable and have had a substantially autonomous and continuous tribal existence throughout history until the present. Groups, associations, organizations, or corporations of any character formed in recent times generally do not qualify, nor do splinter groups, political factions, communities, or entities of any character which separate from the main body of an Indian Tribe unless it can clearly identify that the group has functioned throughout history as an autonomous entity. Except as otherwise indicated, the term Indian Tribe when used in these regulations shall also mean Native Hawaiian organizations as defined below.

(10) *Native Hawaiian* means any individual who is a descendant of the

aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(11) *Native Hawaiian organization* means any organization that:

(i) Serves and represents the interests of Native Hawaiians;

(ii) Has as a primary and stated purpose the provision of services to Native Hawaiians; and

(iii) Has expertise in Native Hawaiian affairs.

Such organizations shall include the Office of Hawaiian Affairs and *Hui Mā lama I Nā Kūpuna 'O Hawai'i Nei.*

(12) *Indian tribe official* means the individual officially designated by the governing body of an Indian tribe as responsible for matters relating to these regulations.

(13) *Traditional religious leader* who is recognized by members of that Indian tribe as:

(i) Being responsible for performing cultural duties relating to the ceremonial or religious traditions of that group, or

(ii) Exercising a leadership role in an Indian tribe based on the group's cultural, ceremonial, or religious practices.

(14) *Lineal descendant* means an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian tribe to a known Native American individual whose remains, funerary objects, or sacred objects are being claimed under these regulations.

(15) *Person* means an individual, partnership, corporation, trust, institution, association, or any other private entity, or, any official, employee, agent, department, or instrumentality of the United States, or of any Indian tribe, or of any State or political subdivision thereof.

(b) *Human remains and cultural items* are specific Native American human remains or objects. For the purposes of these regulations, the term:

(1) *Human remains* means the physical remains of a human body, including but not limited to bones, teeth, hair, ashes, or mummified or otherwise preserved soft tissues of a person of Native American ancestry. The term does not include remains or portions of remains freely given by the individual from whose body there were obtained, such as hair made into ropes or nets. For the purposes of determining cultural affiliation, human remains incorporated into a cultural item, as defined below, shall be considered as part of that cultural item.

(2) *Cultural items* means, collectively, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony.

(3) *Associated funerary objects* means:

(i) Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains that also are currently in the possession or control of a museum or Federal agency, or

(ii) Other items reasonably believed to have been made exclusively for burial purposes or to contain human remains.

(4) *Unassociated funerary objects* means items that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been intentionally placed with or near individual human remains, either at the time of death or later, but for which the associated human remains are not in the possession or control of a museum or Federal agency. These cultural items must be identified by a preponderance of the evidence as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian Tribe or as being related to specific individuals or families or to known human remains.

(5) *Sacred objects* means items that are specific ceremonial objects needed by traditional Native American religious leaders for the current practice of traditional Native American religions by their present-day adherents. While many items, from ancient pottery shards to arrowheads, might be imbued with sacredness in the eyes of an individual, these regulations are specifically limited to objects that were devoted to a traditional Native American religious ceremony or ritual and which have religious significance or function in the continued observance or renewal of such ceremony.

(6) *Objects of cultural patrimony* means cultural items having ongoing historical, traditional, or cultural importance central to the Indian Tribe itself, rather than property owned by an individual Tribal member. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by any individual Tribal member. Such objects must have been considered inalienable by the culturally affiliated Indian Tribe at the time the object was separated from the group. Objects of cultural patrimony include items such as Zuni War Gods, the Confederacy Wampum Belts of the Iroquois, and other objects of similar character and significance to the Indian Tribe as a whole.

(c) *Cultural affiliation* means that there is a relationship of shared group identity which can reasonably be traced historically or prehistorically between members of a present-day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(d) *Location* describes the property on which human remains or cultural items are discovered or excavated. As used in these regulations the term:

(1) *Federal lands* means any land other than Tribal lands that are controlled or owned by the United States Government, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.). United States "control" refers to those lands in which the United States has a legal interest sufficient to permit it to apply these regulations without abrogating the otherwise existing legal rights of a person.

(2) *Tribal lands* means all lands, excluding privately owned lands, which:

(i) Are within the exterior boundaries of any Indian reservation including, but not limited to, allotments held in trust or subject to a restriction on alienation by the United States;

(ii) Comprise dependent Indian communities as recognized pursuant to 18 U.S.C. 1151;

(iii) Are administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act of 1920 and Section 4 of the Hawaiian Statehood Admission Act (Pub.L. 86–3; 73 Stat. 6).

(3) *Aboriginal lands* means Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Claims Court as land aboriginally occupied by an Indian Tribe.

(e) *Procedures* are the processes that are required to implement these regulations. As used in these regulations, the term:

(1) *Summary* means the written description of collections that may contain unassociated funerary objects, sacred objects, and objects of cultural patrimony required by § 10.8 of these regulations.

(2) *Inventory* means the item-by-item description of human remains and associated funerary objects.

(3) *Intentional excavation* means the planned archeological removal of human remains or cultural items found under or on the surface of Federal or Tribal lands.

(4) *Inadvertent discovery* means the unanticipated encounter or detection of human remains or cultural items found

under or on the surface of Federal or Tribal lands pursuant to Section 3 (d) of the Act.

(5) *Possession* by a museum or Federal agency of human remains or cultural items means having physical custody of such objects with a sufficient legal interest to lawfully treat the objects as part of its collection for purposes of these regulations.

(6) *Control* means having a legal interest in human remains or cultural items sufficient to lawfully permit the museum or Federal agency to treat the objects as part of its collection for purposes of these regulations whether or not the remains and cultural items are in the physical custody of the museum or Federal agency.

Subpart B—Human Remains and Cultural Items From Federal or Tribal Lands

§ 10.3 Intentional excavations.

(a) *General.* This section implements Section 3 (c) of the Act regarding the ownership or control of human remains and cultural items that are intentionally excavated from Federal or Tribal lands after November 16, 1990.

(b) *Specific requirements.* These regulations permit the intentional excavation of human remains or cultural items from Federal or Tribal lands only if:

(1) The objects are excavated pursuant to applicable legal requirements, including, if otherwise required, a permit issued pursuant to the Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.);

(2) The objects are excavated after consultation with or, in the case of Tribal lands, consent of, the appropriate Indian Tribe;

(3) The disposition of the objects is consistent with their ownership as described below; and

(4) Proof of the consultation or consent is shown.

(c) *Procedures.* (1) Any person who proposes to undertake an activity on Federal or Indian lands that may result in the excavation of human remains or cultural items shall immediately notify in writing the responsible Federal agency official or Indian tribe official. The requirements of these regulations regarding the planned activity shall apply whether or not this required notice is or was duly provided.

(2) The Federal agency official shall take reasonable steps to determine whether a planned activity, of which he or she has received notice or otherwise is aware, may result in the excavation of human remains or cultural items from Federal lands. Prior to issuing any approvals or permits for activities otherwise required by law, the Federal agency official shall notify in writing the Indian Tribe or Tribes that are likely to be culturally affiliated with any human remains or cultural items that may be excavated. The Federal official shall also notify any present-day Indian Tribe which aboriginally occupied the area of the activity and any other Indian Tribes that the Federal official reasonably believes may have a relationship to the human remains and cultural items that are expected to be found. The notice shall be in writing and shall describe the planned activity, its general location, the basis upon which it was determined that human remains or cultural items may be excavated, and, the basis for determining likely cultural affiliation pursuant to § 10.14. The notice shall also propose a time and place for meetings or consultations to further consider the activity, the Federal agency's proposed treatment of any human remains or cultural items that may be excavated, and the proposed disposition of any excavated human remains or cultural items. Consultation shall be conducted pursuant to § 10.5.

(3) If the planned activity is also subject to review under section 106 of the National Historic Preservation Act (16 U.S.C. 470 *et seq.*), the Federal agency official should coordinate consultation and any subsequent agreement for compliance conducted under that Act with the requirements of § 10.3 (c)(2) and § 10.5. Compliance with these regulations does not relieve Federal officials of requirements to comply with section 106 of the National Historic Preservation Act (16 U.S.C. 470 *et seq.*).

(4) If an Indian Tribe receives notice of a planned activity or otherwise becomes aware of a planned activity that may result in the excavation of human remains or cultural items on Indian lands, the Indian Tribe should take appropriate steps to make certain that any human remains or cultural items excavated or discovered as a result of the planned activity are disposed of in accordance with their ownership as described in § 10.6.

§ 10.4 Inadvertent discoveries.

(a) *General.* This section implements section 3 (d) of the Act regarding the ownership or control of human remains and cultural items that are discovered inadvertently on Federal or Tribal lands after November 16, 1990.

(b) *Discovery.* Any person who knows of the discovery of human remains or cultural items on Federal or Tribal lands after November 16, 1990, must provide notification of the discovery, in writing, to the responsible Federal agency official with respect to Federal lands, and, with respect to Tribal lands, to the responsible Indian Tribe official. The requirements of these regulations regarding discoveries shall apply whether or not a discovery is duly reported.

(c) *Ceasing activity.* If the discovery occurred in connection with an on-going activity on Federal or Tribal lands, the person, in addition to providing the notice described above, shall stop the activity in the area of the discovery and make a reasonable effort to protect the human remains or cultural items discovered.

(d) *Federal lands.* Upon receipt of such a notification with respect to Federal lands, the responsible Federal agency official shall:

(1) Immediately certify receipt of the notification;

(2) Take immediate steps, if necessary, to secure and protect discovered human remains and cultural items, including, as appropriate, stabilization or covering;

(3) Notify within one (1) working day the known Indian Tribe or Tribes likely to be culturally affiliated with the discovered human remains or cultural items, and, if known, the present-day Indian Tribe which aboriginally occupied the area and any other Indian Tribe that is reasonably known to have a relationship to the human remains or cultural items. The notice shall include pertinent information as to kind of material, condition, and the circumstances of the discovery;

(4) Initiate consultation on the discovery pursuant to § 10.5.

(e) *Resumption of activity.* The activity that resulted in the inadvertent discovery may resume thirty (30) days after certification by the notified Federal agency or Indian Tribe of receipt of the notice of discovery if the resumption of the activity is otherwise lawful. The activity may also be resumed, if otherwise lawful, at any time that a written, binding agreement is executed between the necessary parties that adopts a recovery plan for the removal, treatment, and disposition of the human remains or cultural items in accordance with their ownership.

(f) *Indian tribes.* Indian Tribes that are notified or otherwise become aware of a discovery of human remains or cultural items on their Tribal lands should take appropriate steps to assure that the human remains or cultural items are protected and disposed of in accordance with their ownership as described below.

(g) *Federal agency officials.* Federal agency officials should coordinate their responsibilities under this section with their emergency discovery responsibilities under Section 106 of the National Historical Preservation Act (16 U.S.C. 470 (f) *et seq.*), 36 CFR 800.11 or section 3 (a) of the Archeological and Historic Preservation Act (16 U.S.C. 469 (a-c)). Compliance with these regulations does not relieve Federal officials of the requirement to comply with section 106 of the National Historical Preservation Act (16 U.S.C. 470 (f) *et seq.*), 36 CFR 800.11 or section 3 (a) of the Archeological and Historic Preservation Act (16 U.S.C. 469 (a-c)).

§ 10.5 Consultation.

Consultation as part of the discovery or excavation of human remains or cultural items on Federal lands shall be conducted in accordance with the following requirements.

(a) *Consulting parties.* Federal agency officials shall consult with Indian Tribe officials and traditional religious leaders and known lineal descendants:

(1) That are, or are likely to be, culturally affiliated with human remains and cultural items; and

(2) On whose aboriginal lands the planned activity will occur or where the discovery has been made.

(b) *Initiation of consultation.* Upon receiving notice of, or otherwise becoming aware of, an inadvertent discovery or planned activity that has resulted or may result in the excavation or discovery of human remains and cultural items on Federal lands, the responsible Federal agency official shall, as part of the procedures described in § 10.3 and § 10.4, take appropriate steps to establish the likely cultural affiliation of the objects pursuant to § 10.14. The Federal official shall notify in writing the Indian Tribe or Tribes that are likely to be culturally affiliated with them, and, if known, the lineal descendants of the deceased individual, as well as any present-day Indian Tribe which aboriginally occupied the area and other Indian Tribes that may have a relationship to the human remains and cultural items. The consultation shall seek to identify traditional religious leaders who should also be consulted and seek to identify, where applicable, lineal descendants and Indian Tribes related to the human remains and cultural items.

(c) *Provision of information.* During the consultation process, as appropriate, the Federal agency official shall provide the following information in writing to officials of Indian Tribes that are or are likely to be culturally affiliated with human remains and cultural items excavated or discovered on Federal lands:

(1) A list of all Indian Tribes that are being, or have been, consulted regarding the particular human remains and cultural items;

(2) An indication that additional documentation used to identify cultural affiliation will be supplied upon request.

(d) *Requests for information.* During the consultation process, Federal agency officials shall request, as appropriate, the following information from Indian Tribes that are, or are likely to be, culturally affiliated with excavated or discovered human remains and cultural items:

(1) Name and address of the Indian Tribe official to act as representative in consultations related to particular human remains and cultural items;

(2) Names and appropriate methods to contact lineal descendants who should be contacted to participate in the consultation process;

(3) Names and appropriate methods to contact any traditional religious leaders who should be consulted regarding the collections;

(4) Recommendations on how the consultation process should be conducted; and

(5) Kinds of cultural items that the Indian Tribe considers likely to be unassociated funerary objects, sacred objects, or objects of cultural patrimony.

(e) *Written plan of action.* The consultation should result in a written plan, approved and signed by the Federal agency official. Indian Tribe official(s) and other parties may sign as appropriate. At a minimum, the plan of action should document the following:

(1) The kinds of objects to be considered as cultural items as defined in § 10.2 (b);

(2) The specific information used to determine cultural affiliation pursuant to §10.14;

(3) The treatment, care, and handling of human remains and cultural items recovered;

(4) The archeological recording of the human remains and cultural items recovered;

(5) The kinds of analysis for each kind of object;

(6) Any steps to be followed to contact Indian Tribe officials at the time of excavation of specific human remains or cultural items;

(7) The kind of traditional treatment, if any, to be afforded the human remains or cultural items;

(8) The nature of reports to be prepared; and

(9) The disposition of human remains and cultural items in accordance with their ownership.

(f) *Programmatic agreements.* Whenever possible, Federal agencies should enter into programmatic agreements with Indian Tribes that are culturally affiliated with specific human remains or cultural items and have claimed, or are likely to claim, those human remains or cultural items excavated or discovered on Federal lands. These agreements should address all Federal agency land management activities that could result in the excavation or discovery of human remains or cultural items. Consultation should lead to the establishment of a process for effectively implementing the requirements of these regulations regarding standard consultation procedures, the establishment of cultural affiliation consistent with procedures in this section, and the treatment and disposition of human remains or cultural items. The agreements, or the correspondence related to the effort to reach agreements, shall constitute proof of consultation as required by these regulations.

(g) *Traditional religious leaders.* The Federal agency official shall be cognizant that Indian Tribe officials may need to confer with traditional religious leaders prior to making recommendations.

§ 10.6 Ownership.

(a) *Priority of ownership.* This section implements section 3 (a) of the Act, subject to the limitations of § 10.15, regarding the ownership or control of human remains and cultural items excavated or discovered on Federal or Tribal lands after November 16, 1990. Ownership or control of these human remains and cultural items is, with priority given in the order listed:

(1) In the case of human remains and associated funerary objects, in the lineal descendant of the deceased individual as determined pursuant to § 10.14 (b);

(2) In cases where a lineal descendant cannot be ascertained or no claim is made, and with respect to unassociated funerary objects, sacred objects, and objects of cultural patrimony:

(i) In the Indian Tribe on whose Tribal land the human remains or cultural items were discovered;

(ii) In the Indian Tribe that has the closest cultural affiliation with the human remains or cultural items as determined pursuant to § 10.14 (c); or

(iii) In circumstances in which the cultural affiliation of the human remains and cultural items cannot be ascertained and the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the

United States Court of Claims as the aboriginal land of an Indian Tribe:

(A) In the Indian Tribe aboriginally occupying the Federal land on which the objects were discovered, or

(B) If it can be shown by a preponderance of the evidence that a different Indian Tribe has a stronger cultural relationship with the human remains and cultural items, in the Indian Tribe that has the strongest demonstrated relationship.

(b) *Applicability of these regulations to the ownership of human remains and cultural items.* The ownership of human remains or cultural items and other provisions of the Act apply to all planned excavations and inadvertent discoveries made after November 16, 1990, including those made before the effective date of these regulations.

(c) *Final notice, claims and disposition with respect to Federal lands.* Upon determination of the lineal descendant or Indian Tribe that appears to own particular human remains or cultural items excavated or discovered on Federal lands, the responsible Federal agency official shall, subject to the notice required herein and the limitations of § 10.15, transfer ownership or control of the objects to the Indian Tribe or lineal descendants in accordance with appropriate procedures, which shall respect traditional customs and practices. Prior to any such disposition by a Federal agency official, the Federal agency official shall publish a general notice of the proposed disposition in a newspaper of general circulation in the area in which the human remains or cultural items were excavated or discovered. The notice shall provide information as to the nature and cultural affiliation, of the human remains and cultural items and shall solicit further claims to ownership. The notice shall be published at least two (2) times at least a week apart, and the transfer shall not take place until at least thirty (30) days after the publication of the second notice to allow time for any additional claimants to come forward. If additional claimants do come forward and the Federal agency official cannot clearly determine which claimant is the proper recipient, the Federal agency shall not transfer ownership or control of the objects until such time as the proper recipient is determined pursuant to these regulations. The Federal agency official shall send a copy of the notice and information on when and in what newspaper to the Departmental Consulting Archeologist.

§ 10.7 Disposition of unclaimed human remains and cultural items. [Reserved]

Subpart C—Human Remains or Cultural Items in Museums and Federal Collections

§ 10.8 Summaries.

(a) *General.* This section implements section 6 of the Act. Under section 6, each museum or Federal agency that has possession or control over collections which may contain unassociated funerary objects, sacred objects, or objects of cultural patrimony is to provide a summary of these collections based upon available information held by the museum or Federal agency. The purpose of the summary is to provide information about the collections to lineal descendants and culturally affiliated Indian Tribes that may wish to request repatriation of such objects. The summary serves in lieu of an object-by-object inventory of these collections, although, if an inventory is available, it may be substituted. Federal agencies are responsible for ensuring that these requirements are met for all collections from their lands or generated by their undertakings whether the collections are held by the Federal agency or by a non-Federal institution.

(b) *Contents of summaries.* For each collection or portion of a collection, the summary shall include: an estimate of the number of objects in the collection or portion of the collection; a description of the kinds of objects included; reference to the means, date(s), and location(s) in which the collection was acquired, where readily ascertainable; and information relevant to identifying lineal descendants, if available, and cultural affiliation.

(c) *Completion.* Summaries shall be completed not later than November 16, 1993.

(d) *Consultation.* (1) Consulting parties. Museum and Federal agency officials shall consult with:

(i) Lineal descendants, when known or claimed on the basis of the traditional kinship system, of individuals whose unassociated funerary objects or sacred objects are likely to be subject to the summary provisions of these regulations; and

(ii) Officials and traditional religious leaders identified by Indian Tribes:

(A) From whose Tribal lands unassociated funerary objects, sacred objects, or objects of cultural patrimony originated;

(B) From whose aboriginal lands unassociated funerary objects, sacred objects, or objects of cultural patrimony originated; and

(C) That are, or are likely to be, culturally affiliated with unassociated funerary objects, sacred objects, or objects of cultural patrimony.

(2) Initiation of consultation. Museum and Federal agency officials shall begin summary consultation no later than the completion of the summary process.

(3) Provision of information. During summary consultation, museums and Federal agency officials shall provide copies of the summary to lineal descendants, when known, and to officials and traditional religious leaders. Upon request, museum and Federal agency officials shall provide Indian Tribes with access to records, catalogues, relevant studies, or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of objects covered by the summary. This information may be requested at any time and shall be provided in a reasonable manner to be agreed upon by all parties. The Review Committee also shall be provided access to such materials.

(4) Requests for information. During the summary consultation, museum and Federal agency officials shall request, as appropriate, the following information from Indian Tribes that are, or are likely to be, culturally affiliated with their collections:

(i) Name and address of the Indian Tribe official to act as representative in consultations related to particular objects;

(ii) Names and appropriate methods to contact any lineal descendants, if known, of individuals whose unassociated funerary objects or sacred objects are included in the summary;

(iii) Names and appropriate methods to contact traditional religious leaders who should be consulted regarding the collections;

(iv) Recommendations on how the consultation process should be conducted; and

(v) Kinds of cultural items that the Indian Tribe considers to be sacred objects or objects of cultural patrimony.

(e) *Notification.* Repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony to lineal descendants or culturally affiliated Indian Tribes as determined pursuant to § 10.10 (a), shall not proceed prior to submission of an object-by-object list of the objects being requested and a notice of intent to repatriate to the Departmental Consulting Archeologist. The object-by-object description shall include, if available:

(1) Accession and catalogue entries for each object;

(2) Information related to the acquisition of each object, including the name of the person or organization from whom the object was obtained, if known;

(3) The date each object was acquired,

(4) The place each object was acquired, i.e., name or number of site, county, state, and Federal agency administrative unit, if applicable;

(5) The means of acquisition, i.e., gift, purchase, excavation, etc.;

(6) The antiquity of each object, if known;

(7) A description of each object, including dimensions, materials, and photographic documentation, if appropriate;

(8) A summary of the evidence used to determine the cultural affiliation of each object pursuant to § 10.14.

The notice of intent to repatriate shall summarize the object-by-object description in sufficient detail so as to enable other individuals or Indian Tribes to determine their interest in the claimed objects. It shall include information that identifies each particular set of claimed unassociated funerary objects, sacred objects, or objects of cultural patrimony and the circumstances surrounding its acquisition and describes the objects that are clearly identifiable as to Tribal origin. It shall also describe the objects that are not clearly identifiable as being culturally affiliated with a particular Indian Tribe, but which, given the totality of circumstances surrounding acquisition of the objects, are likely to be culturally affiliated with a particular Indian Tribe. The Departmental Consulting Archeologist shall publish the notice of intent to repatriate in the **Federal Register**.

§ 10.9 Inventories.

(a) *General.* This section implements section 5 of the Act. Under section 5, each museum or Federal agency that has possession or control over holdings or collections of human remains and associated funerary objects is to compile an inventory of such objects, and, to the fullest extent possible based on information possessed by the museum or Federal agency, identify the geographical and cultural affiliation of each item. The purpose of the inventory is to facilitate repatriation by providing clear descriptions of human remains and associated funerary objects and establishing the cultural affiliation between these objects and present-day Indian Tribes. Museums and Federal agencies are encouraged to undertake inventories on those portions of their collections for which information is readily available or about which Indian Tribes have expressed special interest. Early focus on these parts of collections will result in repatriations that may serve as models for other inventories. Federal agencies are responsible for ensuring that these requirements are met for all collections from their lands or generated by their undertakings whether the collections are held by the Federal agency or by a non-Federal institution.

(b) *Consultation.* (1) Consulting parties. Museum and Federal agency officials shall consult with:

(i) Lineal descendants, when known or claimed on the basis of the traditional kinship system, of individuals whose remains and associated funerary objects are likely to be subject to the inventory provisions of these regulations; and

(ii) Officials and traditional religious leaders identified by Indian Tribes:

(A) From whose Tribal lands human remains and associated funerary objects originated;

(B) From whose aboriginal lands human remains and associated funerary objects originated; and

(C) That are, or are likely to be, culturally affiliated with human remains and associated funerary objects.

(2) Initiation of consultation. Museum and Federal agency officials shall begin inventory consultation no later than the point in the inventory process at which the cultural affiliation of human remains and associated funerary objects is being investigated actively.

(3) Provision of information. During inventory consultation, museums and Federal agency officials shall provide the following information in writing to lineal descendants, when known, and to Indian Tribe officials and traditional religious leaders.

(i) A list of all Indian Tribes that are, or have been, consulted regarding the particular human remains and associated funerary objects;

(ii) A general description of the conduct of the inventory;

(iii) The projected time frame for conducting the inventory; and

(iv) An indication that additional documentation used to identify cultural affiliation will be supplied upon request.

(4) Requests for information. During the inventory consultation, museum and Federal agency officials shall request, as appropriate, the following information from Indian Tribes that are, or are likely to be, culturally affiliated with their collections:

(i) Name and address of the Indian Tribe official to act as representative in consultations related to particular human remains and associated funerary objects;

(ii) Names and appropriate methods to contact any lineal descendants of individuals whose remains and funerary objects are or are likely to be included in the inventory;

(iii) Names and appropriate methods to contact traditional religious leaders who should be consulted regarding the collections;

(iv) Recommendations on how the consultation process should be conducted; and

(v) Kinds of cultural objects that the Indian Tribe reasonably believes to have been made exclusively for burial purposes or to contain human remains of their ancestors.

(c) *Required information.* The following documentation shall be included, if available, for all inventories:

(1) Accession and catalogue entries, including the accession/catalogue entries of human remains with which funerary objects were associated;

(2) Information related to the acquisition of each object, including the name of the person or organization from whom the object was obtained, if known;

(3) The date each object was acquired,

(4) The place each object was acquired, i.e., name or number of site, county, state, and Federal agency administrative unit, if applicable;

(5) The means of acquisition, i.e., gift, purchase, excavation, etc.;

(6) The antiquity of the human remains and associated funerary objects, if known;

(7) A description of each set of human remains or associated funerary objects, including dimensions, materials, and photographic documentation, if appropriate;

(8) A summary of the evidence used to determine the cultural affiliation of the human remains or associated funerary objects pursuant to § 10.14 of these regulations.

(d) *Documents.* Two separate documents shall comprise the inventory:

(1) A listing of all human remains and associated funerary objects that are identified as being culturally affiliated with one or more present-day Indian Tribes. The list must indicate for each item or set of items whether cultural affiliation is clearly determined or likely; and

(2) A listing of all human remains and associated funerary objects for which no culturally affiliated present-day Indian Tribe can be determined.

(e) *Notification.* (1) If the inventory results in the identification or likely

identification of the cultural affiliation of any particular human remains or associated funerary objects, the museum or Federal agency, not later than six (6) months after completion of the inventory, shall send culturally affiliated Indian Tribes the inventory of culturally affiliated human remains and a notice of inventory completion that summarizes the results of the inventory.

(2) The notice of inventory completion shall summarize the contents of the inventory in sufficient detail so as to enable the recipients to determine their interest in the inventoried items. It shall include information that identifies each particular set of human remains or associated funerary objects and the circumstances surrounding its acquisition, describes the human remains or associated funerary objects that are clearly identifiable as to cultural affiliation, and describes the human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with an Indian Tribe, but which, given the totality of circumstances surrounding acquisition of the human remains or associated objects, are identified as likely to be culturally affiliated with a particular Indian Tribe.

(3) If the inventory results in a determination that the human remains are of an identifiable individual, the Museum of Federal agency official shall convey this information to the Indian Tribe of which the deceased was a member, and, if known, shall so notify any lineal descendant of the deceased individual.

(4) The notification of inventory completion and a copy of the inventory shall also be sent to the Departmental Consulting Archeologist. These submissions shall be sent in both printed hard copy and electronic formats. Information on the proper format for electronic submission and suggested alternatives for museums unable to meet these requirements are available from the Departmental Consulting Archeologist.

(5) Upon request by an Indian Tribe that has received or should have received notice of inventory results as described above, a museum or Federal agency shall supply additional available documentation to supplement the information provided with the notice. For these purposes, the term "documentation" means a summary of existing museum or Federal agency records including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding the acquisition and accession of human remains and associated funerary objects.

(6) In the event that the inventory results in a determination that the museum or Federal agency has possession of or control over human remains or associated funerary objects that cannot be identified as affiliated with a particular Indian Tribe, the museum or Federal agency shall provide the Department Consulting Archeologist notice of this result and a copy of the list of culturally unidentifiable human remains and associated funerary objects. The Departmental Consulting Archeologist shall make this information available to members of the Review Committee.

(7) The Departmental Consulting Archeologist shall publish notices of inventory completion received from Museums and Federal agencies in the **Federal Register**.

(f) *Completion.* Inventories shall be completed not later than November 16, 1995. Any museum that has made a good faith effort to complete its inventory, but which will be unable to complete the process by this deadline, may request an extension of the time requirements from the Secretary. An indication of good faith efforts shall include, but not necessarily be limited to, the initiation of active consultation and documentation regarding the collection and the development of a written plan to carry out the inventory process. Minimum components of an inventory plan are: A definition of the steps required; the position titles of the persons responsible for each step; the planned schedule of implementation of the plan; and a description of the efforts proposed to obtain the funding required to implement the plan.

§ 10.10 Repatriation.

(a) *Unassociated funerary objects, sacred objects, and objects of cultural patrimony.* (1) Criteria. If the following criteria are met for unassociated funerary objects, sacred objects, or objects of cultural patrimony, a museum or Federal agency will expeditiously repatriate the objects upon request pursuant to section 7 of the Act:

(i) The object meets the definitions established § 10.2 (b) (4), (5) or (6);

(ii) The cultural affiliation of the object is established pursuant to § 10.14 through the summary, consultation, and notification procedures.

(iii) The known lineal descendant or Indian Tribe presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum does not have a right of possession to the objects as defined below.

(iv) The agency or museum is unable to present evidence to the contrary proving that it does have a right of possession as defined below.

(v) None of the specific exceptions listed in § 10.10 (c) apply.

(2) Right of possession. For purposes of these regulations, "right of possession" means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object, or object of cultural patrimony from an Indian Tribe with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession to that object.

(3) Notification. A requested repatriation shall take place within ninety (90) days of receipt, provided that it may not occur until at least thirty (30) days after publication of the notice of intent to repatriate in the **Federal Register** as described in § 10.8.

(b) *Human remains and associated funerary objects.* (1) Criteria. If the following criteria are met for human remains and associated funerary objects, the museum or Federal agency will expeditiously repatriate the remains and objects.

(i) The remains or associated funerary object meets the definitions established in § 10.2 (b)(1) or (b)(3).

(ii) The cultural affiliation of the deceased individual to known lineal descendant or present day Indian Tribe has been reasonably traced by the standards set forth in § 10.14 through the inventory and consultation process.

(iii) None of the specific exceptions listed in § 10.10 (c) apply.

(2) Notification. A requested repatriation shall take place within ninety (90) days of receipt, provided that it may not occur until at least thirty (30) days after publication of the notice of inventory completion in the **Federal Register** as described in § 10.9.

(c) *Exceptions.* These requirements for repatriation shall not apply to:

(1) Circumstances where human remains or cultural items are indispensable to the completion of a specific scientific study commenced prior to receipt of a request for repatriation, the outcome of which is of major benefit to the United States. Human remains and cultural items in such circumstances shall be returned no later than ninety (90) days after completion of the study; or

(2) Circumstances where there are multiple requests for repatriation of human remains or cultural items and

the museum or Federal agency, after complying with these regulations, cannot clearly determine which requesting party is the proper recipient. In such circumstances, the museum or Federal agency shall retain the human remains and cultural items until such time as the requesting parties agree upon their recipients or the dispute is otherwise resolved pursuant to these regulations or as ordered by a court of competent jurisdiction; or

(3) Circumstances where the repatriation of human remains and cultural items in the possession or control of a museum would result in a taking of property within the meaning of the Fifth Amendment of the United States Constitution in which event the ownership or custody of the objects shall be as provided under otherwise applicable law. Nothing in these regulations shall prevent a museum or Federal agency, where otherwise so authorized, or a lineal descendant or Indian Tribe, from expressly relinquishing title to, right of possession of, or control over any human remains or cultural items.

(4) Circumstances where the repatriation is not consistent with other repatriation limitations identified in § 10.15 of these regulations.

(d) *Place and manner of repatriation.* The repatriation of human remains and cultural items shall be accomplished by the museum or Federal agency in consultation with the requesting lineal descendants or culturally affiliated Indian Tribe, as appropriate, to determine the place and manner of the repatriation.

(e) *Record of repatriation.* Museums and Federal agencies shall adopt internal procedures adequate to permanently document the content and recipients of all repatriations.

(f) *Unaffiliated human remains.* If the cultural affiliation of human remains cannot be established pursuant to these regulations, the remains shall be considered unaffiliated. Museum and Federal agency officials shall report the inventory information regarding such remains in their holdings to the Departmental Consulting Archeologist who will transmit this information to the Review Committee. The Review Committee is responsible for compiling an inventory of unaffiliated human remains in the possession or control of each museum and Federal agency, and, for recommending to the Secretary specific actions for disposition of such human remains.

§ 10.11 Disposition of Culturally Unidentifiable Human Remains. [Reserved]

§ 10.12 Civil Penalties. [Reserved]

§ 10.13 Future Applicability. [Reserved]

Subpart D—General

§ 10.14 Lineal Descent and Cultural Affiliation.

(a) *General.* This section identifies procedures for determining lineal descent and cultural affiliation between present-day individuals and Indian Tribes and human remains and cultural items in museum or Federal agency collections or discovered or excavated from Federal lands. They may also be used by Indian Tribes with respect to Tribal lands.

(b) *Criteria for determining lineal descent.* A lineal descendant is an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian Tribe to a known Native American individual whose remains, funerary objects, or sacred objects are being requested under these regulations. This standard requires that the earlier person be identified as an individual whose descendants can be traced.

(c) *Criteria for determining cultural affiliation.* "Cultural affiliation" means a relationship of shared group identity that may be reasonably traced historically or prehistorically between a present-day Indian Tribe and an identifiable earlier group. All of the following requirements must be met in order to determine cultural affiliation between a present-day Indian Tribe and the human remains and cultural items of an earlier group:

(1) Existence of an identifiable present-day Indian Tribe.

(2) Evidence of the existence of an identifiable earlier group. Evidence to support this requirement must:

(i) Establish the identity and cultural characteristics of the earlier group,

(ii) Document distinct patterns of material culture manufacture and distribution methods for the earlier group, or

(iii) Establish the existence of the earlier group as a biologically distinct population.

(3) Evidence of the existence of a shared group identity that can be reasonably traced between the present-day Indian Tribe and the earlier group. Evidence to support this requirement must establish that a present-day Indian Tribe has been identified from prehistoric or historic times to the present as descending from the earlier group.

(d) *Evidence.* Evidence of a kin or cultural affiliation between a present-day individual or Indian Tribe and human remains and cultural items shall be established by using the following types of evidence: Geographical, kinship, biological, archeological, anthropological, linguistic, folklore, oral tradition, historical, or other relevant information or expert opinion.

(e) *Standard of proof.* Lineal descent of a present-day individual from an earlier individual and cultural affiliation of a present-day Indian Tribe to human remains and cultural items shall be established by a preponderance of the evidence. Claimants do not have to establish cultural affiliation with scientific certainty.

§ 10.15 Repatriation Limitations and Remedies.

(a) *Failure to claim prior to repatriation.* Any person who fails to make a timely claim for disposition or repatriation of human remains and cultural items subject to subpart C of these regulations, or, with respect to Federal lands, subpart B of these regulations, prior to the repatriation or transfer of the items shall be deemed to have irrevocably waived any right to claim such human remains or cultural items pursuant to these regulations or the Act. For these purposes, a "timely claim" shall mean the filing of a written claim with a responsible Federal agency or museum official prior to the time the particular human remains or cultural items at issue are duly repatriated or disposed of to a claimant by a museum or Federal agency pursuant to these regulations. If there is more than one (1) claimant, the human remains and/or cultural items shall be held by the responsible museum or Federal agency or person having custody thereof pending resolution of the claim. Any person who has custody of such human remains or cultural items and does not claim entitlement to them shall place the objects in the custody of the responsible museum or Federal agency for retention until the question of ownership is resolved.

(b) *Failure to claim where no repatriation or disposition has occurred. [Reserved]*

(c) *Exhaustion of remedies.* No person shall be considered to have exhausted his or her administrative remedies with respect to the repatriation or disposition of human remains or cultural items subject to subpart B of these regulations, or, with respect to Federal lands, subpart C of these regulations, until such time as the person has filed a written claim for repatriation or disposition of the objects with the

responsible museum or Federal agency and the claim has been denied.

§ 10.16 Review committee.

(a) *General.* The Review Committee shall advise Congress and the Secretary on matters relating to the Act and these regulations, including, but not limited to, monitoring the performance of museums and Federal agencies in carrying out their responsibilities, facilitating and making recommendations on the resolution of disputes as described further in § 10.17, and compiling a record of culturally unidentifiable human remains that are in the possession or control of museums and Federal agencies and recommending actions for their disposition.

(b) *Recommendations.* Any recommendation, finding, report, or other action of the Review Committee is advisory only and shall not be binding on any person. Any records and findings made by the Review Committee may be admissible as evidence in actions brought by persons alleging a violation of the Act.

§ 10.17 Dispute resolution.

(a) *Formal and informal resolutions.* Any person who wishes to contest actions taken by museums, Federal agencies, or Indian Tribes with respect to the repatriation and disposition of human remains and cultural items is encouraged to do so through informal negotiations in order to achieve a fair resolution of the matter. The Review Committee may assist in this regard as described below. In addition, the United Stated District Courts have jurisdiction over any action brought that alleges a violation of the Act.

(b) *Review Committee role.* The Review Committee may facilitate the informal resolution of disputes relating to these regulations among interested parties that are not resolved by good faith negotiations. Review Committee actions may include convening meetings between parties to disputes, making advisory findings as to contested facts, and making recommendations to the disputing parties or to the Secretary as to the proper resolution of disputes consistent with these regulations and the Act.

Appendix A to Part 10—Sample Summary

The following is a generic sample and should be used as a guideline for preparation of summaries tailoring the information to the specific circumstances of each case.

Before November 17, 1993
Chairman or Other Authorized Official
Indian Tribe
Street
State
Dear Sir/Madame Chair:

I write to inform you of collections held by our museum which may contain unassociated funerary objects, sacred objects, or objects of cultural patrimony that are, or are likely to be, culturally affiliated with your Indian Tribe. This notification is required by Section 6 of the Native American Graves Protection and Repatriation Act.

Our ethnographic collection includes approximately 200 items specifically identified as being manufactured or used by members of your Indian Tribe. These items represent various categories of material culture, including sea and land hunting, fishing, tools, household equipment, clothing, travel and transportation, personal adornment, smoking, toys, and figurines. The collection includes thirteen objects identified in our records as "medicine bags."

Approximately half of these items were collected were collected by John Doe during his expedition to your reservation in 1903 and accessioned by the museum that same year (see Major Museum Publication, no. 65 (1965).

Another 50 of these items were collected by Jane Roe during her expeditions to your reservation between 1950–1960 and accessioned by the museum in 1970 (see Major Museum: no. 75 (1975). Accession information indicates that several of these items were collected from members of the Able and Baker families.

For the remaining approximately 50 items, which were obtained from various collectors between 1930 and 1980, additional collection information is not readily available.

In addition to the above mentioned items, the museum has approximately 50 ethnographic items obtained from the estate of a private collector and identified as being collected from the "northwest portion of the State."

Our archeological collection includes approximately 1,500 items recovered from ten archeological sites on your reservation and another 5,000 items from fifteen sites within the area recognized by the Indian Claims Commission as being part of your Indian Tribe's aboriginal territory.

Please feel free to contact Fred Poe at (012) 345–6789 regarding the identification and potential repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony in this collection that are, or are likely to be, culturally affiliated with your Indian Tribe. You are invited to review our records, catalogues, relevant studies or other pertinent data for the purpose of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of these items. We look forward to working together with you.

Sincerely,
Museum Official
Major Museum

Appendix B to Part 10—Sample Inventory [Reserved]

Appendix C to Part 10—Sample Notice of Inventory Completion

The following is an example of a Notice of Inventory Completion published in the **Federal Register.**

National Park Service
Notice of Completion of Inventory of Native American Human Remains and Associated Funerary Objects within the Campbell Collection, Joshua Tree National Monument, Twentynine Palms, CA

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3003(d), of the completion of the inventory of human remains and associated funerary objects within the Campbell Collection, a Federally curated collection at Joshua Tree National Monument, Twentynine Palms, California. Representatives of culturally affiliated Indian tribes are advised that the human remains and associated funerary objects in the Campbell Collection will be retained by the monument until July 20, 1992 after which they may be repatriated to the culturally affiliated groups.

The detailed inventory and assessment of the human remains and associated funerary objects within the Campbell Collection has been made by National Park Service professional curatorial staff, contracted specialists in physical anthropology and prehistoric archeology, and representatives of the following affected tribal organizations:

Agua Caliente Band of Cahuilla Indians
Twentynine Palms Band of Mission Indians
Torez Martinez Reservation
San Manual Band of Mission Indians
Cabazon Reservation
Anza Band of Cahuilla Indians
Saboba Reservation
Morongo Reservation
Coyote Reservation
Santa Rosa Reservation
Colorado River Indian Tribes Reservation
Fort Mojave Indian Reservation
Chemehuevi Reservation
Quechan Indian Nation of the Fort Yuma Reservation

Between July 1931 and July 1933, Elizabeth and William Campbell carried out legally authorized archeological studies on Federal public lands now within Joshua Tree National Monument. Among the archeological resources collected were human cremations and artifacts believed to be associated with funerary events practiced by prehistoric and historic Native Americans. Recent assessment studies indicate that eleven individuals are represented; approximately 12,225 Native American artifacts are believed to have been associated with the funerary events. These artifacts include historic glass trade beads, native shell beads, chipped and other stone implements, pottery vessels, clay smoking pipes and human effigies, and animal bone tools. One cremation appears to be 19th Century in date; others may be estimated as

being between 9th to 14th Century in date. The collection does not contain materials which meet the definition of sacred object or objects of cultural patrimony.

Artifactual evidence does not allow specific identification as to tribal origin. However, recent assessment studies on portions of the Campbell Collection indicate basic similarities in crematory practice, ceramics, stone tool manufacture, ornamentation, and bone or shell artifacts of known archeological traditions believed ancestral to contemporary Cahuilla, Serrano, and Colorado River tribal peoples. Ten of the cremations are likely affiliated to Cahuilla or Serrano cultural traditions. One cremation is determined possibly to be of either Colorado River area cultural affiliation, represented by contemporary Quechan, Mojave, Maricopa or Chemehuevi peoples, or of Diegueño cultural affiliation to the southwest of the monument.

Representatives of any Indian tribe believed to be culturally affiliated with the human remains and associated funerary objects of the Campbell collection that have not been contacted should talk with Superintendent David E. Moore, Joshua Tree National Monument, 74485 National Monument Drive, Twentynine Palms, CA, 92277, (619) 367-3676, before July 20, 1992.

Dated: June 9, 1992.

[Published: June 18, 1992]

Francis P. McManamon

Departmental Consulting Archeologist

Chief, Archeological Assistance Division

Appendix D to Part 10—Sample Memorandum of Understanding Repatriation [Reserved]

Appendix E to Part 10—Sample Memorandum of Understanding Intentional Excavation [Reserved]

Dated: January 13, 1993.

Mike Hayden,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 93-12823 Filed 5-26-93; 2:01 pm]

BILLING CODE 4310-70-F

federal register

Friday
May 28, 1993

Part IX

Office of the United States Trade Representative

Implementation of Sanctions With Respect to the European Community; Notice

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Sanctions With Respect to the European Community Pursuant to Title VII of the Omnibus Trade and Competitiveness Act of 1988

AGENCY: Office of the United States Trade Representative.

ACTION: Prohibition on awards of contracts by federal agencies for products and services from some of the Member States of the European Community (EC) as of the date of publication of this Federal Register notice.

SUMMARY: On February 1, 1993, the United States Trade Representative (USTR) announced that the Administration intended to prohibit awards of certain contracts by federal agencies for products and services from some or all of the EC's twelve member states. The sanctions result from the identification by the President on April 22, 1992 of the EC under title VII of the Omnibus Trade and Competitiveness Act of 1989 (19 U.S.C. 2515, as amended), as a country that discriminated against U.S. businesses in government procurement. On May 25, 1993, the U.S. and the EC signed an agreement partially removing the discriminatory practices. As a result of that agreement, the USTR determined to modify the sanctions to be commensurate with the remaining discrimination. Details of the specific sanctions are contained in "SUPPLEMENTARY INFORMATION" and in a Federal Register notice of today's date published by the Department of Defense, the General Services Administration and the National Aeronautics and Space Administration.

FOR FURTHER INFORMATION CONTACT: Mark Linscott, Office of GATT Affairs (202–395–3063), or Laura B. Sherman, Office of the General Counsel (202–395–3150), Office of the United States Trade Representative, 600 Seventeenth Street, NW., Washington, DC 20506.

SUPPLEMENTARY INFORMATION: On April 22, 1992, pursuant to section 305(g)(1)(a) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515(g)(1)(a)), the President identified the EC as a country that maintains in government procurement, a significant and persistent pattern or practice of discrimination against U.S. products or services that results in identifiable harm to U.S. businesses. The President specifically cited EC discrimination in the heavy electrical and telecommunications sector. In accordance with the provisions of title VII, the President modified imposition of sanctions so that they would take effect by January 1993, subject to EC implementation of the discriminatory practices (57 FR 15217).

On February 1, the United States Trade Representative (USTR) announced that the President had determined that the sanctions would take effect March 22, 1993 (58 FR 7163). Implementation of the sanctions was postponed until April 22, 1993 to allow for U.S. and EC negotiations (58 FR 16249; 58 FR 17299) and then further postponed after the U.S. and the EC reached an agreement on April 21, 1993 that waives EC discriminatory measures applied to procurement of heavy electrical equipment (58 FR 25695).

Since the EC was not prepared to remove its existing discrimination on telecommunications equipment, the USTR announced that the title VII sanctions announced in February would be imposed, but they would be reduced to be commensurate with the remaining discrimination. As modified, purchases by U.S. government agencies covered under the GATT Government Procurement Code and the Memorandum of Understanding on Government Procurement between the U.S. and the EC and purchases in support of U.S. national security interests, including all procurement by the Department of Defense, are excluded from this action, as are purchases of essential spare, repair and replacement parts not otherwise available from non-EC sources and contracts for goods or services procured and used outside the U.S. and its territories. Only prime contracts are affected.

The following contracts are prohibited: (1) All contracts for the purchase of services by the federally-owned electric power utilities listed in Annex 1; (2) all contracts for the purchase of the services listed in Annex 2 by Federal agencies; and (3) all contracts for the purchase of goods, services and construction below the thresholds set forth in Annex 3. The prohibition applies to the following member states of the EC: Belgium, Denmark, Federal Republic of Germany, France, Italy, Ireland, Luxembourg, Netherlands and the United Kingdom. It does not apply to goods, services or construction from Greece, Spain or Portugal.

The rule of origin applicable in determining whether a good is an EC good is that contained in 19 U.S.C. 2518(4)(B). An EC service is any service, including construction services, performed in the EC.

Pursuant to title VII, waiver of the sanctions by the head of a Federal agency is authorized where the waiver is necessary: (1) In the public interest; (2) to avoid the restriction of competition in a manner which would limit the procurement in question to, or would establish a preference for, the services, articles, materials, or supplies of a single manufacturer or supplier; or (3) because there would be or are an insufficient number of potential or actual bidders to assure procurement of services, articles, materials or supplies of requisite quality at competitive prices. (41 U.S.C. 10b–1(c)) The waiver authority may not be delegated.

Further details of the specific sanctions are contained in a Federal Register notice of today's date published by the Department of Defense, the General Services Administration and the National Aeronautics and Space Administration. These prohibitions will remain in effect until terminated by the President.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

Annex 1

The Tennessee Valley Authority.

The Power Marketing Administrations of the Department of Energy including: Bonneville Power Administration, Western Area Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Alaska Power Administration.

Annex 2

1. All transportation services, including Launching Services (all V codes, J019, J998, J999, K019),
2. Dredging (Y216, Z216),
3. Management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development centers (all M codes),
4. Development, production or co-production of program material for broadcasting, such as motion pictures (T006, T016),
5. Research and development (all A codes),
6. Airport concessions (S203),
7. Legal services (R418),
8. Hotel and restaurant services (S203),
9. Placement and supply of personnel services (V241, V251),
10. Investigation and security services (S206, S211, R423),
11. Education and training services (all U codes, R419),
12. Health and social services (all O codes, all G codes),
13. Recreational, cultural end sporting services (G003), and
14. Telecommunications services (encompassing only voice telephony, telex, radio telephony, paging and satellite services) (S1, D304, D305, D316, D317, D399).

Annex 3

Thresholds Applicable to Federal Agencies Listed in Annex 1

Goods contracts—$450,000.
Construction contracts—$6,500,000.

Thresholds Applicable to All Other Federal Agencies

Goods contracts—130,000 SDRs (currently $176,000).

Construction contracts—$6,500,000.

[FR Doc. 93–12852 Filed 5–27–93; 8:45 am]
BILLING CODE 3190–01–M

federal register

Friday
May 28, 1993

Part X

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 14 et al.

Federal Acquisition Regulation; Implementation of Memorandum of Understanding Between the United States and the European Economic Community; Interim Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 14, 15, 17, 25, and 52

[FAC 90–18; FAR Case 93–606]

Federal Acquisition Regulation; Implementation of Memorandum of Understanding Between the United States of America and the European Economic Community on Government Procurement and Sanctions Imposed on the European Community

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Department of Defense, General Services Administration, and National Aeronautics and Space Administration have agreed to an interim rule implementing the Memorandum of Understanding between the United States of America and the European Economic Community on Government Procurement (MOU) and implementing the sanctions imposed by the President on the European Community (EC) prohibiting the award of certain contracts for EC products, services, and construction.

DATES:

Effective Date: May 28, 1993.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before July 27, 1993 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4037, Washington, DC 20405. Please cite FAC 90–18, FAR case 93–606 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Edward McAndrew at (202) 501–1224 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–18, FAR case 93–606.

SUPPLEMENTARY INFORMATION:

A. Background

Pursuant to section 305(d)(1) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515(d)(1)), the President is required to identify any country that maintains, in Government procurement, a significant and persistent pattern or practice of discrimination against United States products or services that results in identifiable harm to United States (U.S.) businesses.

On April 22, 1992, pursuant to section 305(g)(1)(A) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515(g)(1)(A)), the President identified the EC as maintaining, in government procurement, a significant and persistent pattern or practice of discrimination against U.S. products or services that results in identifiable harm to U.S. businesses. Pursuant to section 305(g)(2) of the Trade Agreements Act (19 U.S.C. 2515(g)(2)), the President modified the imposition of sanctions so that they would take effect only upon the EC's implementation of the discriminatory provisions in its Utilities Directive.

On February 1, 1993, the United States Trade Representative (USTR) announced that the President had determined that the sanctions would take effect March 22, 1993 (58 FR 7163). Implementation of the sanctions was postponed until April 22, 1993, to allow for U.S. and EC negotiations (58 FR 16249; 58 FR 17299) and then further postponed after the U.S. and the EC reached an agreement on April 21, 1993, that waives EC discriminatory measures applied to procurement of heavy electrical equipment (58 FR 25695).

B. Implementation of the Memorandum of Understanding Between the United States of America and the European Economic Community on Government Procurement

The April agreement on government procurement resulted in the signing on May 25, 1993, of a Memorandum of Understanding between the United States and the European Economic Community. In response to reciprocal EC actions, the MOU, which was implemented by Executive Order 12849, exempted the application of the Buy American Act for certain supply contracts awarded by specific agencies not previously covered by the Trade Agreements Act; for service contracts involving the furnishing of supplies; and for construction contracts of $6,500,000 or more with respect to EC construction materials.

The provisions and clauses in the rule shall apply to solicitations outstanding on the effective date of the rule except for those solicitations whose date for initial receipt of bids or proposals has passed, and all solicitations issued after the effective date.

C. Applicability of Sanctions

Since the EC was not prepared to remove its existing discrimination on telecommunications equipment aspect of the MOU, the USTR announced that the Title VII sanctions announced in February would be imposed, but they would be reduced to be commensurate with the remaining discrimination. As modified, purchases by U.S. Government agencies covered under the GATT Government Procurement Code and the MOU and purchases in support of U.S. national security interests, including all procurement by the Department of Defense, are excluded from this action, as are purchases of essential spare, repair and replacement parts not otherwise available from non-EC sources and contracts for goods or services procured and used outside the U.S. and its territories. Only prime contracts are affected.

The provisions and contract clauses prescribed in this rule shall be included in solicitations issued on or after the effective date of this rule Agencies are advised that the sanctions apply to—

(a) Sanctioned EC end products with an estimated acquisition value of less than—

(1) $450,000 for the Power Marketing Administrations of the Department of Energy; or

(2) $176,000 for all other executive agencies.

(b) Sanctioned EC construction with an estimated acquisition value of less than $6,500,000 for all executive agencies;

(c) Sanctioned EC services as follows:

(1) All service contracts awarded by the Power Marketing Administrations of the Department of Energy.

(2) Service contracts with an estimated acquisition value of less than $176,000 for all other executive agencies.

(3) Any service contract, regardless of dollar value for the services listed at 25.1002(a)(3)(iii).

The sanctions do not apply to the following types of contracts: small purchases; total small business set-asides; in support of U.S. national security interests; for goods and services procured and used outside of the U.S.; for essential spare or repair parts only available from a sanctioned country.

Because the applicability of the sanctions may affect prospective offerors, agencies should consider a notice in the solicitation which highlights the sanction clauses.

D. Determination to Issue an Interim Rule

Acting on behalf of the President, the USTR has set forth certain sanctions prohibiting the award of contracts to firms who would supply the products, services, or construction of a sanctioned EC member state as defined in this interim rule. In addition, this interim rule implements the MOU. This interim rule has been prepared for issuance to the affected procuring activities. However, there is not sufficient time to obtain public comment before the effective date. Consequently, DOD, GSA, and NASA have determined that compelling reasons exist to promulgate an interim rule without prior opportunity for public comment. However, pursuant to Public Law 98–577 and Federal Acquisition Regulation 1.501, public comments received in response to this interim rule will be considered in formulating the final rule.

E. Regulatory Flexibility Act

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because it requires offerors to agree not to supply sanctioned EC products, services and construction. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy for the Small Business Administration. The IRFA concluded that no significant regulatory alternatives to this interim rule are available. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAC 90–18, FAR case 93–602), in correspondence.

F. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 14, 15, 17, 25, and 52

Government procurement.

Dated: May 26, 1993.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition Policy.

Dated: May 25, 1993.

Eleanor R. Spector,

Director, Defense Procurement, DOD.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy, GSA.

Dated: May 26, 1993.

Deidre A. Lee,

Associate Administrator for Procurement, NASA.

Therefore, 48 CFR Parts 14, 15, 17, 25, and 52 are amended as set forth below:

1. The authority citation for 48 CFR Parts 14, 15, 17, 25, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 14—SEALED BIDDING

14.201–6 [Amended]

2. At section 14.201–6, paragraphs (x) and (y) are amended by revising the cross-reference in the parenthetical to read "25.408(d)".

PART 15—CONTRACTING BY NEGOTIATION

15.407 [Amended]

3. At section 15.407, paragraphs (l) and (m) are amended by revising the cross-reference in the parenthetical to read "25.408(d)".

PART 17—SPECIAL CONTRACTING METHODS

17.203 [Amended]

3. Section 17.203(h) is amended by revising the reference "25.402(a)(4)" to read "25.402(A)(5)".

PART 25—FOREIGN ACQUISITION

4. Section 25.109 is amended by revising the heading and paragraph (d), and adding paragraphs (e), (f), and (g) to read as follows:

25.109 Solicitation provisions and contract clauses.

* * * * *

(d) Except as provided in paragraphs (f) and (g) of this section, the contracting officer shall insert the clause at 52.225–3, Buy American Act—Supplies, in solicitations and contracts for the acquisition of supplies, or for services involving the furnishing of supplies, for use within the United States.

(e) The contracting officer shall insert the provision at 52.225–16, Buy American Act—Supplies under European Community Agreement Certificate, in solicitations where the clause at 52.225–17, Buy American Act—Supplies under European Community Agreement, is used.

(f) The contracting officer shall insert the clause at 52.225–17, Buy American Act—Supplies under European Community Agreement, in solicitations and contracts for the acquisition of supplies, or for services involving the furnishing of supplies when the estimated acquisition value meets or exceeds $176,000 for the agencies listed at FAR 25.407, except for the Power Marketing Administrations' segment of the Department of Energy, where the estimated acquisition value is $450,000 or more.

(g) Do not use the clauses prescribed in paragraphs (d) and (f) of this section when—

(1) The solicitation is restricted to domestic end products under subpart 6.3; or

(2) Another exception to the Buy American Act applies (e.g., nonavailability or public interest).

5. Section 25.202 is amended by adding paragraph (c) to read as follows:

25.202 Policy.

* * * * *

(c) For construction contracts with an acquisition value of $6,500,000 or more, see 25.402(a)(4).

6. Section 25.205 is revised to read as follows:

25.205 Solicitation provision and contract clause.

(a) Except when use of the clause at 52.225–15 is prescribed, the contracting officer shall insert the clause at 52.225–5, Buy American Act—Construction Materials, in solicitations and contracts for construction.

(b) For construction contracts with an estimated acquisition value of $6,500,000 or more, to be awarded by agencies listed in 25.406 or 25.407, insert the clause at 52.225–15, Buy American Act—Construction Materials under European Community Agreement, in solicitations and contracts for construction.

Subpart 25.4—Trade Agreements

7. The title for Subpart 25.4 is revised to read as set forth above.

8. Section 25.400 is revised to read as follows:

25.400 Scope of subpart.

This subpart provides policies and procedures for acquisitions subject to the Agreement on Government Procurement and the Trade Agreements Act of 1979 (19 U.S.C. 2501–2582) and other trade agreements, including—

(a) Acquisitions from countries designated under the Caribbean Basin

Economic Recovery Act (19 U.S.C. 2701 *et seq.*);

(b) Acquisitions involving offers of Israeli end products under the U.S.-Israel Free Trade Area Agreement, as approved by Congress in the United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note);

(c) Acquisitions involving offers of Canadian end products under the U.S.-Canada Free-Trade Agreement, as approved by Congress in the U.S.-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note);

(d) The Agreement on Civil Aircraft (19 U.S.C. 2513); and

(e) The Memorandum of Understanding between the United States of America and the European Economic Community on Government Procurement.

9. Section 25.401 is amended by adding the following definitions in alphabetical order:

25.401 Definitions.

* * * * *

European Community (EC) construction material, as used in this subpart, means an article, material, or supply that (a) is wholly the growth, product, or manufacture of an EC country, or (b) in the case of a construction material which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in an EC country into a new and different construction material distinct from the materials from which it was transformed.

EC country, as used in this subpart, means Belgium, Denmark, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom.

EC end product, as used in this subpart, means an article that (a) is wholly the growth, product, or manufacture of an EC country or (b) in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in an EC country into a new and different article of commerce with a name, character or use distinct from which it was so transformed. The term includes services (except transportation services) incidental to its supply; *provided*, that the value of these incidental services does not exceed that of the product itself. It does not include service contracts as such.

10. Section 25.402 is amended by redesignating existing paragraphs (a)(4) and (a)(5) as (a)(5) and (a)(6), adding a new paragraph (a)(4), and amending paragraph (c) by adding a second sentence as follows:

25.402 Policy.

(a) * * *

(4) As required by the Memorandum of Understanding between the United States of America and the European Economic Community on Government Procurement as implemented by E.O. 12849, application of the Buy American Act is exempted for the following:

(i) EC construction materials under construction contracts with an estimated acquisition value of $6,500,000 or more purchased by the agencies listed in 25.406 or 25.407.

(ii) EC end products under supply contracts with an estimated acquisition value of $176,000 or more purchased by the agencies listed at 25.407, except for the Power Marketing Administrations segment of the Department of Energy where the estimated acquisition value is $450,000 or more.

* * * * *

(c) * * * This prohibition does not apply to subparagraphs (a)(2), (a)(3), or (a)(4) of this section.

* * * * *

11. Section 25.403 is amended by revising paragraphs (e), (h), and (l) to read as follows:

25.403 Exceptions.

* * * * *

(e) Construction contracts (but see 25.402(a)(4));

* * * * *

(h) Purchases by the U.S. Army Corps of Engineers, except as provided at 25.402(a)(4)(ii);

* * * * *

(l) Purchases for agencies not listed in 25.406 (except see 25.402(a)(4)); or

* * * * *

25.406 [Amended]

12. Section 25.406 is amended by removing the introductory text which reads "This subpart applies only to acquisitions for agencies listed below:".

25.407 [Redesignated as 25.408; new 25.407 added].

13. Section 25.407 is redesignated as 25.408 and a new 25.407 is added to read as follows:

25.407 Agencies covered by the Memorandum of Understanding Between the United States of America and the European Economic Community on Government Procurement.

In addition to the list in 25.406, the following agencies:

(a) Bureau of Reclamation, Department of the Interior.

(b) Department of Energy (not including national security procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the Atomic Energy Act, or oil purchases related to the Strategic Petroleum Reserve).

(c) Department of Transportation (the national security considerations currently applicable to the Department of Defense under the Agreement on Government Procurement is applicable to the Coast Guard).b

(d) U.S. Army Corps of Engineers, Department of Defense.

14. The table of contents for Part 25, is amended by adding Subpart 25.10, consisting of sections 25.1000 through 25.1003 to read as follows:

Subpart 25.10—Implementation of Sanctions Against Countries That Discriminate Against United States Products or Services in Government Procurement

Sec.

25.1000 Scope of subpart.
25.1001 Definitions.
25.1002 Trade sanctions.
25.1003 Solicitation provisions and contract clauses.

15. Subpart 25.10, consisting of sections 25.1000 through 25.1003, is added to read as follows:

Subpart 25.10—Implementation of Sanctions Against Countries That Discriminate Against United States Products or Services in Government Procurement

25.1000 Scope of subpart.

This subpart implements section 305(d)(1) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515(d)(1)), which requires the President to identify a country which discriminates against U.S. products or services in Government procurement and to impose sanctions on that country's products and services. This subpart does not apply to the Department of Defense.

25.1001 Definitions.

As used in this subpart—

Sanctioned European Community (EC) construction means construction to be performed in a sanctioned member state of the EC when the contract is awarded by a contracting activity located in the U.S. or its territories.

Sanctioned EC end product means an article that (a) is wholly the growth, product, or manufacture of a sanctioned member state of the EC or (b) in the case of an article which consists in whole or in part of materials from another

country or instrumentality, has been substantially transformed into a new and different article of commerce with a name, character or use distinct from that from which it was so transformed in a sanctioned member state of the EC. The term includes services (except transportation services) incidental to its supply; *provided*, That the value of these incidental services does not exceed that of the product itself. It does not include service contracts as such.

Sanctioned EC services means services to be performed in a sanctioned member state of the EC when the contract is awarded by a contracting activity located in the United States or its territories.

Sanctioned member state of the EC means Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom.

25.1002 Trade sanctions.

(a) Subject to the exceptions in paragraph (b) of this section, executive agencies shall not award contracts for—

(1) Sanctioned EC end products with an estimated acquisition value of less than—

(i) $450,000 for Power Marketing Administrations of the Department of Energy; or

(ii) $176,000 for other executive agencies.

(2) Sanctioned EC construction with an estimated acquisition value of less than $6,500,000.

(3) Sanctioned EC services as follows:

(i) All service contracts awarded by the Power Marketing Administrations of the Department of Energy.

(ii) Service contracts with an estimated acquisition value less than $176,000 for all other executive agencies.

(iii) Regardless of dollar value, contracts for—

(A) All transportation services, including Launching Services (all V codes, J019, J998, J999, K019);

(B) Dredging (Y216, Z216);

(C) Management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development centers (all M codes);

(D) Development, production or co-production of program material for broadcasting, such as motion pictures (T006, T016);

(E) Research and development (all A codes);

(F) Airport concessions (S203);

(G) Legal services (R418);

(H) Hotel and restaurant services (S203);

(I) Placement and supply of personnel services (V241, V251);

(J) Investigation and security services (S206, S211, R423);

(K) Education and training services (all U codes, R419);

(L) Health and social services (all O codes, all G codes);

(M) Recreational, cultural, and sporting services (G003); and

(N) Telecommunications services (encompassing only voice telephony, telex, radio telephony, paging, and satellite services) (S1, D304, D305, D316, D317, D399).

(b) The sanctions in paragraph (a) of this section do not apply to the following:

(1) Purchases awarded by simplified procedures in accordance with Part 13.

(2) Total small business set asides under 19.502–2.

(3) Contracts in support of the U.S. national security interests.

(4) Contracts for goods or services awarded outside the United States and its territories where the goods or services are to be used outside the United States.

(5) Contracts for essential spare, repair, or replacement parts not otherwise available from non-sanctioned countries.

(c) *Authority to exempt certain procurements.* (1) The head of an agency, without power of redelegation, may authorize the award of a contract or class of contracts for sanctioned EC end products, services, and construction, the purchase of which is otherwise prohibited under paragraph (a) of this section if the agency head determines that such action is necessary—

(i) In the public interest;

(ii) To avoid the restriction of competition in a manner which would limit the procurement in question to, or would establish a preference for, the services, articles, materials, or supplies of a single manufacturer or supplier; or

(iii) Because there would be or are an insufficient number of potential or actual bidders to assure the procurement of services, articles, materials or supplies of requisite quality at competitive prices.

(2) When a determination is made according to this paragraph (c), the head of the agency shall notify the Chairman of the Committee on Banking, Finance and Urban Affairs and the Chairman of the Committee on Governmental Affairs of the United States Senate; the Chairman of the Committee on Ways and Means and the Chairman of the Committee on Government Operations of the United States House of Representatives—

(i) Not less than 30 days prior to the date of award of a contract or the date of authorization of the award of a class of contracts; or

(ii) Not more than 90 days after the award of a contract or authorization where the agency's need for the service, article, material or supply is of such urgency that the United States would be seriously injured by a delay.

(3) A copy of the notification required in paragraph (c)(2) of this section shall be sent to the United States Trade Representative.

25.1003 Solicitation provisions and contract clauses.

Except as provided in 25.1002(b) and (c)—

(a) Insert the clause at 52.225–18, European Community Sanctions for End Products, in solicitations and contracts for supplies with an estimated acquisition value less than: (1) $450,000 for Power Marketing Administrations of the Department of Energy; and (2) $176,000 for all other executive agencies.

(b) Insert the clause at 52.225–19, European Community Sanction for Services, in solicitations and contracts (1) for all services purchased by the Power Marketing Administrations of the Department of Energy; (2) for services with an estimated value less than $176,000 purchased by all other executive agencies; and (3) all services listed in FAR 25.1002(a)(3)(iii).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.214–34, 52.214–35, 52.225–8, 52.225–9 [Amended].

16. Sections 52.214–34, 52.214–35, 52.225–8, 52.225–9 are amended in the introductory text by revising the reference to "25.407" to read "25.408", all paragraph designations remain unchanged.

17. Sections 52.225–15, 52.225–16, 52.225–17, 52.225–18, and 52–225–19 are added to read as follows:

52.225–15 Buy American Act—Construction Materials under European Community Agreement.

As prescribed in 25.205 (b), insert the following clause:

Buy American Act—Construction Materials Under European Community Agreement (May 1993)

(a) *Definitions.* As used in the clause—

Components means those articles, materials, and supplies incorporated directly into construction materials.

Construction material means an article, material, or supply brought to the construction site for incorporation into the building or work. Construction material also includes an item brought to the site pre-assembled from articles, materials, or

supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, which are discrete systems incorporated into a public building or work and which are produced as a complete system, shall be evaluated as a single and distinct construction material regardless of when or how the individual parts or components of such systems are delivered to the construction site.

Domestic construction material means (1) an unmanufactured construction material mined or produced in the United States, or (2) a construction material manufactured in the U.S., if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind as the construction materials determined to be unavailable pursuant to subparagraph 25.202(a)(3) of the Federal Acquisition Regulation (FAR) shall be treated as domestic.

European Community construction material means a construction material that (a) is wholly the growth, product, or manufacture of an EC country or (b) in the case of a construction material which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in an EC country into a new and different construction material distinct from the materials from which it was transformed.

EC Country means Belgium, Denmark, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom.

(b) The Buy American Act (41 U.S.C. 10a–10d) provides that the Government give preference to domestic material. In addition, the Memorandum of Understanding between the United States of America and the European Economic Community on Government Procurement provides that EC construction materials are exempted from application of the Buy American Act.

(c) The Contractor agrees that only domestic construction materials or EC construction materials will be used by the Contractor, subcontractors, materialmen and suppliers in the performance of this contract, except for other foreign construction materials, if any, listed in this contract. (The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954, as amended, and Subpart 25.1 of the Federal Acquisition Regulation and Executive Order No. 12849.)

(End of clause)

52.225–16 Buy American Act—Supplies Under European Community Agreement Certificate.

As prescribed in 25.109(e), insert the following provision:

Buy American Act—Supplies Under European Community Agreement Certificate (May 1993)

The Offeror certifies that each end product, except those listed below, is a domestic end product or a European Community (EC) end product (as defined in the clause entitled, Buy American Act—Supplies under European Community Agreement), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or an EC country (as defined in the clause entitled, Buy American Act—Supplies Under European Community Agreement).

Excluded End Products

_____

_____

_____

Country of Origin

_____

_____

_____

(List as necessary)

Offerors may obtain from the Contracting Officer lists of articles, materials, and supplies excepted from the Buy American Act.

(End of provision)

52.225–17 Buy American Act—Supplies Under European Community Agreement.

As prescribed in 25.109(f), insert the following clause:

Buy American Act—Supplies Under European Community Agreement (May 1993)

(a) *Definitions.* As used in this clause—

Components means those articles, materials, and supplies incorporated directly into the end products.

Domestic end product means (1) an unmanufactured end product mined or produced in the United States, or (2) an end product manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind as the products referred to in subparagraphs (c) (2) or (3) of this clause shall be treated as domestic. Scrap generated, collected, and prepared for processing in the United States is considered domestic. On acquisitions above $25,000 in value, components of Canadian origin are treated as domestic.

End products means those articles, materials, and supplies to be acquired for public use under this contract.

European Community country means Belgium, Denmark, Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom.

EC end product means an article that (a) is wholly the growth, product, or manufacture of an EC country, (b) in the case of an article which consists in whole or in part of materials from another country or instrumentality has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term includes services (except transportation services) incidental to its supply; provided that the value of those incidental services does not exceed that of the product itself. It does not include service contracts as such.

(b) The Buy American Act (41 U.S.C. 10a–10b) provides that the Government give preference to domestic end products. In addition, the Memorandum of Understanding between the United States of America and the European Economic Community on Government Procurement, provides that offers of EC end products will be evaluated without regard to the Buy American Act.

(c) The Contractor shall deliver only domestic end products or EC end products, except those—

(1) For use outside the United States;

(2) That the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality;

(3) For which the agency determines that domestic preference would be inconsistent with the public interest; or

(4) For which the agency determines the cost to be unreasonable (see section 25.105 of the Federal Acquisition Regulation).

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954, as amended, and Subpart 25.1 of the Federal Acquisition Regulation and Executive Order No. 12849.)

(End of clause)

52.225–18 European Community Sanctions for End Products.

As prescribed in 25.1003(a) insert the following clause:

European Community Sanction for End Products (May 1993)

(a) *Definitions.* As used in this clause—

Sanctioned European Community (EC) end product means an article that (a) is wholly the growth, product or manufacture of a sanctioned member state of the EC, or (b) in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed in a sanctioned EC country into a new and different article of commerce with a name, character or use distinct from that from which it was so transformed. The term includes services (except transportation services) incidental to its supply; provided, that the value of these incidental services does not exceed that of the product itself. It does not include service contracts as such.

Sanctioned member state of the EC is any of the following countries: Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom.

(b) *Agreement.* The Contractor agrees that no sanctioned EC end products will be delivered under this contract.

(End of clause)

52.225–19 European Community Sanction for Services.

As prescribed in 25.1003(b), insert the following clause:

European Community Sanction for Services (May 1993)

(a) *Definition.*

Sanctioned member state of the European Community (EC), as used in this clause, is any of the following countries: Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom.

(b) *Agreement.* The Contractor agrees that none of the performance under this contract will be in a sanctioned member state of the EC.

(End of clause)

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S. 214/P.L. 103–32

To authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict. (May 25, 1993; 107 Stat. 90; 3 pages)

S. 801/P.L. 103–33

To authorize the conduct and development of NAEP assessments for fiscal year 1994. (May 25, 1993; 107 Stat. 93; 2 pages)

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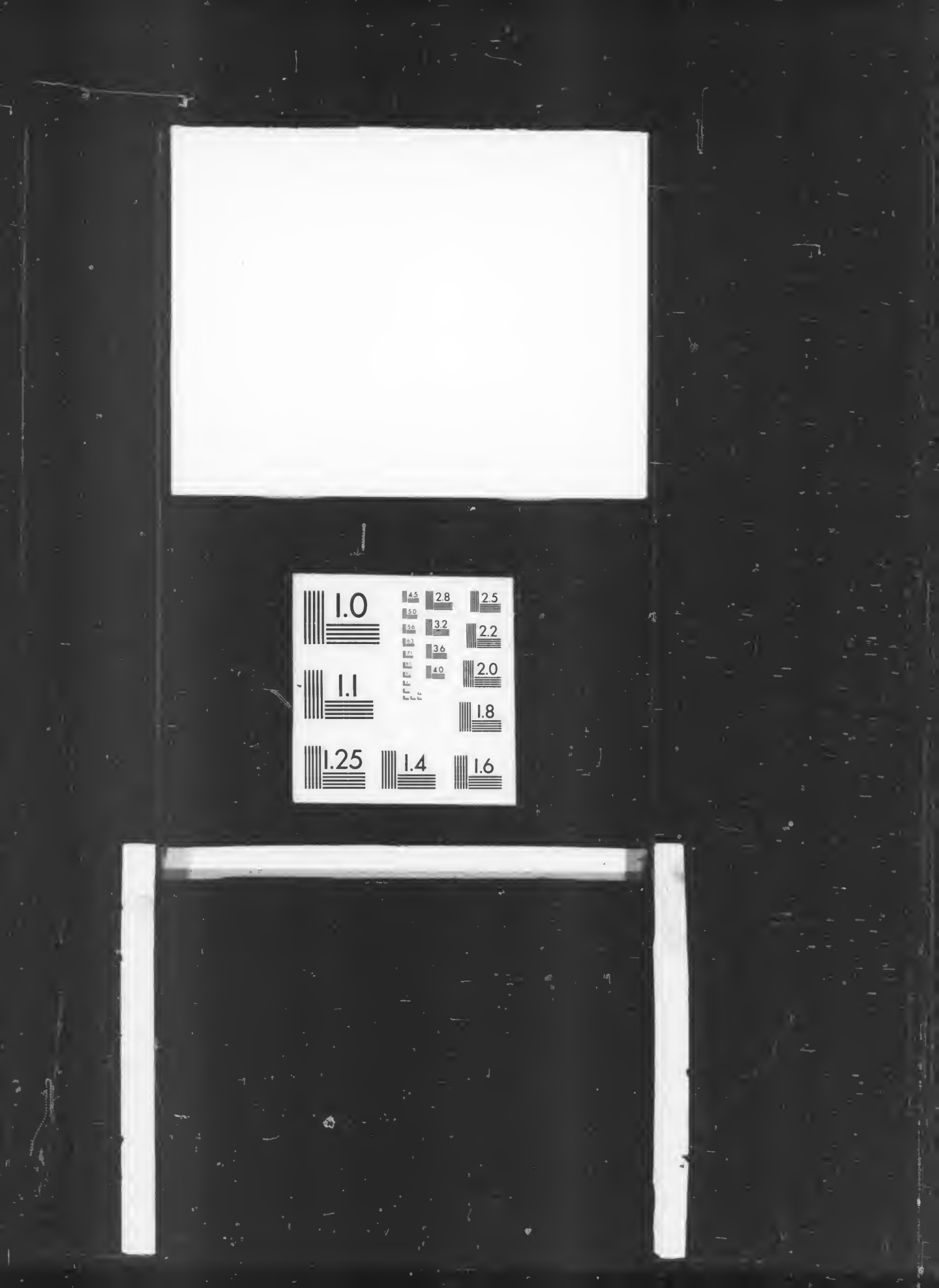
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